



# CITY OF HOUSTON

Health and Human Services Department  
8000 North Stadium Drive, Second Floor, Houston, TX 77054  
Bureau of Consumer Health Services  
Phone: 832-393-5100  
Fax: (713)-558-2412

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## When is a Variance or HACCP Plan Required?

Variances and HACCP plans are required for some types of food or food processing methods. Variances and HACCP plans are required to be submitted together for specialized food processing methods. In other instances, only a variance or a HACCP Plan is required. This handout will help you decide if you need to submit both a request for a variance and a HACCP plan. It will also provide circumstances when only a variance or a HACCP plan is needed.

### What is a Variance?

A variance is a written document issued by the regulatory authority that authorizes a modification or waiver of one or more requirements of the Houston Food Ordinance [link to ordinance](#) if in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

### What is HACCP?

Hazard analysis critical control point is a seven step process a food producer or establishment operator can use to develop a food process based, food safety plan. The HACCP process identifies critical control points and aids in the development of food process safety control measures.

### What are the seven steps in HACCP?

1. Conduct a food safety hazard analysis.
2. Identify critical control points (CCP's).
3. Establish critical limits for preventative measures.
4. Establish monitoring procedures for control points
5. Establish corrective actions.
6. Establish effective record keeping systems.
7. Establish procedures for verification that HACCP is working.

**HACCP Planning Information in the 2005 FDA Food Code**

**Annex 5: Contains HACCP guidelines** <http://www.cfsan.fda.gov/~dms/fc05-toc.html>

**Annex 6: Contains food processing** <http://www.cfsan.fda.gov/~dms/fc05-toc.html>

**Managing Food Safety: A Manual for the Voluntary Use of HACCP Principles for Operators of Food Service and Retail Establishments**  
<http://www.cfsan.fda.gov/~dms/hret2toc.html>

When a manager of food service establishments uses the specialized processing methods, he/she is required to apply for a variance and submit a HACCP plan with the application for the variance. [Link to Request for Variance/Exemption and Instruction Sheet.](#) [Link to Supporting Houston Food Ordinance Requirements for Variances and Waivers.](#)

**Methods that require a variance and a HACCP plan are:**

- Smoking of food as a method of preservation--but not if smoking is for flavor enhancement.
- Curing of food such as ham, sausages, etc.
- Using food additives to preserve food such as vinegar to render sushi rice so that it is not potentially hazardous.
- Operating molluscan shellfish tanks that store/display shellfish that are offered for human consumption.
- Removing the tags from shellstock.
- Undercooking of food other than "whole muscle intact beef" and not wanting to use a consumer advisory.
- Custom Processing of animals for personal use in a food establishment.
- Sprouting of seeds or beans
- Reduced oxygen packaging (including cook-chill bagging), where Clostridium botulinum is a concern and only one barrier, i.e., refrigeration exists.
- Preparing, serving or transporting food by another method that is determined by the department to require a variance or HACCP plan.

**Processes that require a formal HACCP plan but not a variance:**

- Pooling of eggs in a food establishment that serves a highly susceptible population (nursing home, hospital, day care.)
- Preparation of non-packaged juice in a food establishment that serves a highly susceptible population.

- Reduced oxygen packaging (where Clostridium botulinum is a concern and more than one barrier exists).

### **Processes requiring only a written procedure and/or approval by the Department**

- Using time only as a public health control for potentially hazardous food. Food establishments serving a highly susceptible population **can not** use time only as a public health control.

### **Contents of HACCP PLAN for methods that require a variance or a formal HACCP Plan**

- (1) a categorization of the types of potentially hazardous foods based on cooking temperatures that are covered by the plan.
- (2) a flow diagram by specific food or category type identifying critical control point and providing information on the following:
  - (a) ingredients, materials, and equipment used in the preparation of a food; and
  - (b) formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
- (3) a statement of standard operating procedures for the plan under consideration including clearly identifying:
  - (a) each critical control point;
  - (b) the critical limits for each critical control point;
  - (c) the method and frequency for monitoring and controlling each critical control point by the food employee designated by the person-in-charge;
  - (d) the method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points;
  - (e) action to be taken by the person in charge if the critical limits for each critical control point are not met; and
  - (f) records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and
- (4) additional scientific data or other information if requested.