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When is a Variance or HACCP Plan Required?

Variations and HACCP plans are required for some types of specialized food processes or specialized food processing methods such as smoking and curing of food and reduced oxygen packaging of food. Requests for variations and HACCP plans are both required to be submitted for a specialized food processing methods. For other processes or deviations from Houston Food Ordinance, only a variance or a HACCP Plan is required. This page will help you decide if you need to submit both a request for a variance and a HACCP plan to the department for approval--or if an approved variance or an approved HACCP plan will suffice.

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 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 is a HACCP Plan?

A HACCP plan is a written document that delineates the formal procedures for following the Hazard Analysis Critical Control principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

HACCP-based food safety systems are designed to help you evaluate and monitor the flow of food from receiving to serving. To develop a HACCP plan, follow these seven steps:

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.

Contents of HACCP PLAN for methods that require a variance Or a formal HACCP Plan

- 1) A categorization of the types of time/temperature control for safety foods 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.

HACCP Planning Information in the 2013 FDA Food Code

Annex 4: Contains HACCP guidelines

<https://www.fda.gov/downloads/Food/GuidanceRegulation/UCM188554.pdf>

FDA has also developed this publication to assist with HACCP plans:

Managing Food Safety: A Manual for the Voluntary Use of HACCP Principles for Operators of Food Service and Retail Establishments

<https://www.fda.gov/downloads/Food/FoodSafety/RetailFoodProtection/ManagingFoodSafetyHACCPPrinciples/Operators/UCM077957.pdf>

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.

Specialized Food Processing 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 time/temperature control for safety.
- 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, except where Clostridium botulinum and Listeria monocytogenes is a concern and a single 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.



Sushi rice

Specialized Food Processing Methods that require a HACCP plan but no variance and are:

- Reduced oxygen packaging, except where Clostridium botulinum and Listeria monocytogenes is a concern and more than one barrier exists.

To aid you in developing a variance and a HACCP Plan, please refer to the following:



Related Links:

- [Request for Variance/Exemption Form](#)
- [Request for Variance/Waiver Instruction Sheet](#)
- [Supporting Houston Food Ordinance Requirements for Variances and Waivers](#)
- For Retail Processing Information
 - [Beef Jerky](#)
 - [Cured & Hot Smoked Sausage](#)
 - [Cured & Smoked Ham](#)
 - [Fermented and Dried Sausage](#)
 - [Fresh-cut Produce](#)
 - [Fresh Juice](#)
 - [Reduced Oxygen Packaged \(ROP\) of Raw, Frozen Seafood](#)
 - [Smoked Seafood](#)
 - [Sushi](#)
- **Planning Information in the 2017 FDA Food Code**
Annex 6: Contains food processing criteria p. 623
<https://www.fda.gov/downloads/food/guidanceregulation/retailfoodprotection/foodcode/ucm374510.pdf>

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.) as outlined in section 20-21.1 (b)(4)(b)[2](c) of the Houston Food Ordinance.



- Preparation of juice packaged in a food establishment must follow the HACCP guidelines in the Houston Food Ordinance as found in section 20-21.1(b) (10) (b).



- Preparation of non-packaged juice in a food establishment that serves a highly susceptible population must follow HACCP guidelines in the Houston Food Ordinance as described in section 20-21.1(b) (10) (c).



- Reduced oxygen packaging (where Clostridium botulinum and Listeria Monocytogenes is a concern and one or more barriers exist) as describe in section 20-21.4 (1) (2).



Cook-chill packaging



Sous Vide packaging

A Variance but not necessarily a formal HACCP Plan is needed:

- If in the opinion of the health officer a health hazard or nuisance will not result from the variance, the health officer may grant a variance by modifying or waiving any of the requirements of Article II of the Houston Food Ordinance. If a variance is granted the department will retain the documentation specified in the ordinance. The following documents must be submitted for approval:
 - Request for Variance/Exemption Form
 - Request for Variance/Waiver Instruction Sheet
 - Supporting Houston Food Ordinance Requirements for Variances and Waivers

Processes requiring only a written procedure and approval by the Department



- Using time only as a public health control for time/temperature control for safety food. Food establishments serving a highly susceptible population **cannot** use time only as a public health control for raw eggs as stated in (e) below. The written procedures must be provided to the sanitarian during the inspection. These written procedures must include the following:
- Except as specified under sub-item e of this item, time only, rather than time in conjunction with temperature, may be used as the public health control for a working supply of time/temperature control for safety food before cooking, or for ready-to-eat time/temperature control for safety food that is displayed or held for service for immediate consumption, if:
 - a) The food is marked or otherwise unmistakably identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;
 - b) The food shall be cooked and served, served if ready-to-eat, or discard within four hours from the point in time when the food is removed from temperature control;
 - c) The food in unmarked containers or packages or in marked containers for which the time elapsed exceeds a four-hour limit must be discarded; and
 - d) Written procedures are maintained in the food establishment to assure compliance with sub items a, b and c above and with section 20.21.3(b)(2) of the Houston Food Ordinance for food that is prepared, cooked and refrigerated before time is used as a public health control hereunder. The procedures shall be made available for inspection and copying by the health officer. The procedures shall be in English and shall also be available in translations to any other language used in lieu of English by the food employees.
 - e) A food establishment that serves a highly susceptible population may not use time only, as specified in this section, as the public health control for raw eggs.
- Bare hand contact with ready-to-eat foods is allowed only in food establishments not serving a highly susceptible population. Proper documentation must be provided to the sanitarian during the inspection.



Variations and HACCP Plans may be emailed to CHS@houstontx.gov or received in our Permit Office at 8000 N. Stadium Dr., 77054.