

# When is a Variance or HACCP Plan Required?

## Wisconsin Food Code Fact Sheet #21

---

### **Processes requiring a variance from the State and a formal HACCP plan:**

- Smoking food as a method of preservation but not if smoking only for flavor enhancement (using smoking solely for preservation is rarely, if ever, done)
- Curing foods such as hams, sausages, etc.
- Using food additives or adding components such as vinegar as a method of food preservation or to render a food so that it is not potentially hazardous (see ATCP 75 section 1-201.10 (B) (2) for definition of additives)
- Reduced Oxygen Packaging (where C. Bot is a concern and only one barrier exists see Section 3-502.11)
- Using more than one container of shellfish at a time (co-mingling) (see section 3-203.12 (B) (2) (b))
- Serving or offering for sale raw or lightly cooked animal foods in a ready-to-eat form (raw eggs, raw marinated fish, raw molluscan shell fish, steak tartar, lightly cooked fish, soft cooked eggs, undercooked meat other than “whole muscle intact beef) and not wanting to use a consumer advisory (see section 3-401.11 (D) (3))
- Molluscan shellfish display tanks that are used to store/display shellfish that are offered for human consumption (see section 4-204.110(B))
- Brewing alcoholic beverages (this is not in the FDA 2001 Food Code, and therefore when the Wisconsin code is opened this may be removed)
- Preparing, serving or transporting food by another method that is determined by the DEPARTMENT to require a variance or HACCP plan

### **Processes requiring a variance from the State but no HACCP plan:**

- Custom processing of animals or fish for personal use in a licensed food establishment (see Section 3-502.11)
- Any other requests that vary from the rules of the code where it is determined that a variance is sufficient without a HACCP Plan

### **Processes requiring a formal HACCP plan and not a variance from the State:**

- Pooling of eggs in a food establishment that serves a highly susceptible population (retirement home, nursing home, hospital, day car, etc.) (see section 3-801.11 (E) (3))
- Reduced oxygen packaging (where C. bot is a concern and more than one barrier exists) (see section 3-502.12)

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

- Using time only as a public health control for potentially hazardous food (see section 3-501.19 (A) (4))
- Use of a two compartment sink for some limited processes (see section 4-301.12 (D))