

# Determining Whether You Need a Variance or HACCP Plan for a Special Process

Retail food establishments using certain special processes for food must have either a variance, hazard analysis critical control point (HACCP) plan, or both. This aligns with food safety requirements to provide a safe and wholesome product to the consumer.

## What is a special process?

Specialized food processing operations that use technologies or equipment typically seen at the commercial manufacturing level but are conducted at retail.

## For which special processes do I need a variance or HACCP plan?

Refer to page 2 to determine which special processes require a variance, HACCP plan, or both.

## What is a variance?

A written document issued by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) that authorizes a modification or waiver of one or more requirements of the food code.

## How do I request a variance?

Contact your retail inspector or DATCP's retail foods specialists at [datcpdfrsretail@wisconsin.gov](mailto:datcpdfrsretail@wisconsin.gov).

## What is a HACCP plan?

A written document that describes the formal procedures for following the HACCP principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

## How do I get a HACCP plan?

Retail operators are responsible for writing their own HACCP plan. HACCP training can help operators ensure their plan is complete. HACCP training information is available on DATCP's website at [https://datcp.wi.gov/Pages/Programs\\_Services/FSB\\_usinessTraining.aspx](https://datcp.wi.gov/Pages/Programs_Services/FSB_usinessTraining.aspx).

There are also businesses that can provide HACCP consultant services to write your plan for you.



## What should a HACCP plan include?

A complete plan includes:

- License and establishment contact information.
- A list of the foods controlled under the HACCP plan.
- A flow diagram for each food item to include the process steps, hazards, hazard controls, steps that are critical control points, ingredients, equipment and recipes.
- Critical control points and critical limits.
- Method and frequency for monitoring critical limits and to verify standard operating procedures are being followed.
- Corrective actions.
- Supporting documents, such as employee training standard operating procedures, blank record forms, and any other information required by the DATCP.

## Where do I submit my HACCP plan and/or variance?

The variance must be signed by the operator and inspector; HACCP plans must be reviewed by your inspector. Completed and signed variances/HACCP plans may be sent to [datcpdfrsretail@wisconsin.gov](mailto:datcpdfrsretail@wisconsin.gov).

## More information

The following resources may be useful for your retail food establishment:

- **Wisconsin Food Code fact sheets**  
[https://datcp.wi.gov/Pages/Programs\\_Services/FoodLabelingGeneral.aspx](https://datcp.wi.gov/Pages/Programs_Services/FoodLabelingGeneral.aspx)
- **Wisconsin Food Code**  
[http://docs.legis.wisconsin.gov/code/admin\\_code/atcp/055/75](http://docs.legis.wisconsin.gov/code/admin_code/atcp/055/75)



## The special processes listed below indicate if a variance or HACCP plan is required

*(Below are examples; this is not an exhaustive list.)*

Variance Required	HACCP Plan Required	Special Process Food requiring time and temperature control for safety
✓	✓	Smoking food as a method of preservation (not if smoking only for flavor). 3-502.11(A)
✓	✓	Curing foods, such as corned beef, bacon, ham, summer sausage, etc. 3-502.11(B)
✓	✓	Making shelf-stable, non-TCS meats, such as pepperoni and salami (cured, fermented, and usually dried). 3-502.11(B)
✓	✓	Adding ingredients to render a food so that it is not TCS (for example, acidified rice). 3-502.11(C)
✓	✓	Reduced oxygen packaging (ROP) items that do not meet WI Food Code 3-502.12 requirements.
✓	✓	Operating a molluscan shellfish life-support system display tank used to store or display shellfish that are offered for human consumption. Molluscan shellfish include oysters, clams, mussels, or scallops. 3-502.11(E)
✓	✓	Sprouting seeds or beans. Sprouts are grown in water and the seed stays attached and is consumed. (Microgreens are not considered a sprouting seed or bean because they are cut at the soil level). 3-502.11(H)
✓	✓	Fermenting foods, for example: kombucha, yogurt or kimchi. 3-502.11(G)
✓		Custom processing of animals for personal use, not for sale or service in a food establishment. 3-502.11(F)
✓		The slaughter or evisceration (taking out internal parts) of any animal or fish, other than molluscan shellfish. 3-502.11(I)
✓		ROP of fish using plastic packaging film with greater than 10,000 cc/m <sup>2</sup> /day oxygen transfer rate. 3-502.11(D)
	✓	ROP where two barriers exist (WI Food Code 3-502.12) One barrier must be refrigeration the other may include methods such as low water activity, low pH, USDA-cured, temperature control, date marking or hold time. Examples include raw meat or raw vegetables held for no more than 30 days.
	✓	ROP fish that is frozen before, during, and after packaging. 3-502.12 (C)
	✓	ROP cheese that meets the standards of identity for hard, semisoft, or pasteurized process Cheese. 3-502.12 (E)
	✓	Cook-chill or sous vide. 3-502.12 (D)

For additional information, email the retail food mailbox at [datcpdfrsretail@wisconsin.gov](mailto:datcpdfrsretail@wisconsin.gov) or view the WI Food Code, [Wisconsin Legislature: Chapter ATP 75 Appendix](#).



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Page 2 of 2  
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