VARIANCE GUIDANCE DOCUMENT

WHAT IS A VARIANCE?

A Variance is defined in Title 25- A of the District of Columbia Municipal Regulations (DCMR), also known as the Food Code Regulations, as a written document the Department of Health issues which authorizes a modification or waiver of one (1) or more requirements of the Food Code Regulations if, in the Department's opinion, a health hazard or nuisance will not result from the modification or waiver.

WHEN IS A VARIANCE REQUIRED?

The Department may grant a variance if all of the following conditions are met (§ 4102.2):

- The variance was submitted with all requirements as listed in § 4103 of the Food Code Regulations;
- The variance will have no adverse effect on public health, safety, or the environment;
- The alternative measures to be taken, if any, are equivalent to or superior to those prescribed by the Food Code Regulations; and
- Strict compliance with the provisions of the Food Code Regulations would impose an undue burden on the applicant if the variance were not granted.

CONTENTS OF A VARIANCE:

- A variance request must be submitted in writing using the variance application and be accompanied by the appropriate fee (§4103.1)
- A request for a variance must contain the following information (§ 4103.2):
    - The specified provision(s) (codes) of the Food Code Regulations from which the variance is requested;
    - The reasons why the requirements of the provision(s) cannot be met;
    - Alternative measures that will be taken to ensure a comparable degree of protection to public health, safety, and the environment if a variance is granted;
    - Information on whether a Hazard Analysis Critical Control Points (HACCP) Plan is involved with the request, and information regarding the plan*;
    - The length of time for which the variance is requested; and
    - A statement that the party applying for the variance will agree to comply with the terms of any variance, if one is granted.

__Please note__, A HACCP Plan may be required in order for a variance request to be reviewed. The following pages contain information on the requirements of HACCP Plans.

WHAT IS HACCP?

A **Hazard Analysis Critical Control Point (HACCP) plan** is a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods. HACCP is a systematic approach to the identification, evaluation, and control of food safety hazards based on the following seven principles:

- Principle 1: Conduct a hazard analysis
  - A hazard analysis is the process of collecting and evaluating information on hazards associated with the food under consideration to decide which are significant and must be addressed in the HACCP plan.

- Principle 2: Determine critical control points (CCPs)
  - A CCP is a step at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce it to an acceptable level.

- Principle 3: Establish critical limits
  - A critical limit is the maximum and/or minimum value to which a biological, chemical or physical parameter must be controlled at a CCP to prevent, eliminate or reduce to an acceptable level the occurrence of a food safety hazard.

- Principle 4: Establish monitoring procedures
  - Monitoring is to conduct a planned sequence of observations or measurements to assess whether a CCP is under control and to produce an accurate record for future use in verification. The what, who and how.

- Principle 5: Establish corrective action
  - Corrective actions are procedures followed when a deviation occurs. A deviation is the failure to meet a critical limit.

- Principle 6: Establish verification procedures
  - Verification is those activities, other than monitoring, that determine the validity of the HACCP plan and that the system is operating according to the plan.

- Principle 7: Establish record-keeping and documentation procedures
  - Record-keeping system document the monitoring of the critical control points. Records shall contain the actual values and observations obtained during monitoring.

See attachments B and C for examples.

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WHEN IS A HACCP PLAN REQUIRED AS PART OF A VARIANCE?

A HACCP Plan is required when (§ 4202):
- A variance is being sought to serve raw or partially cooked foods (Food Code Regulations for exceptions).
- A variance is required for specialized processing.
- A variance is required for operating and maintaining molluscan shellfish tanks.
- A variance is required for reduced oxygen packaging.
- The Department determines that a food preparation or processing method requires a variance based on a plan submitted, an inspectional finding or a variance request.

CONTENTS OF A HACCP PLAN:

For a food establishment that is required to have a HACCP Plan, the plan and specifications must indicate (§ 4205.1):
- A categorization of the types of potentially hazardous foods (time/temperature control for safety foods) that are specified in the menu including, but not limited to, soups and sauces, salads, and bulk, solid foods such as meat roasts or other foods that are specified by the Department.
- A flow diagram by specific food or category type identifying critical control points and providing information on the following:
  - Ingredients, materials, and equipment used in the preparation of that food.
  - Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.
- A food employee and supervisory training plan that addresses food safety concerns involved.
- A statement of standard operating procedures for the plan under consideration, including clearly identifying:
  - Each critical control point.
  - The critical limits for each critical control point.
  - The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge.
  - 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.
  - Actions to be taken by the person in charge if the critical limits for each critical control point are not met.
  - Records to be maintained by the person in charge to demonstrate that the HACCP Plan is properly operated and managed.
- Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.

See attachments A and B for examples.

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VARIANCE CONDITIONS:
- If the Department grants a variance or a HACCP Plan is otherwise required the licensee must (§4104.2):
  - Comply with the HACCP Plan and procedures submitted and approved as the basis for the variance and
  - Maintain, and provide to the Department of Health upon request, records that demonstrate the following are routinely used:
    - Procedures for monitoring critical control points.
    - The actual monitoring of the critical control points.
    - Verifications of the effectiveness of an operation or process.
    - Necessary corrective actions if there is failure at a critical control point.

HOW DO I APPLY FOR A VARIANCE?
- An applicant must submit the following information for review:
  - A variance application
  - A HACCP plan (if applicable)
  - The variance application review fee

- Applicants can submit information in several ways:
  - **In Person** – You may submit your application for a variance with all required documents and review fee payment (Credit/Debit, Cash, or Check/Money Order made payable to *DC Treasurer*) at DC Health located here:

    899 North Capitol Street NE,
    1st Floor Processing Center,
    Washington, DC 20002
    The Processing Center is open Monday-Friday, 8:15am-4:30pm, except holidays.
  - **Mail** - You may submit your application for a variance with all required documents and payment in the form of check or money order (Made out to *DC Treasurer*) here:

    DC Health – Reviews
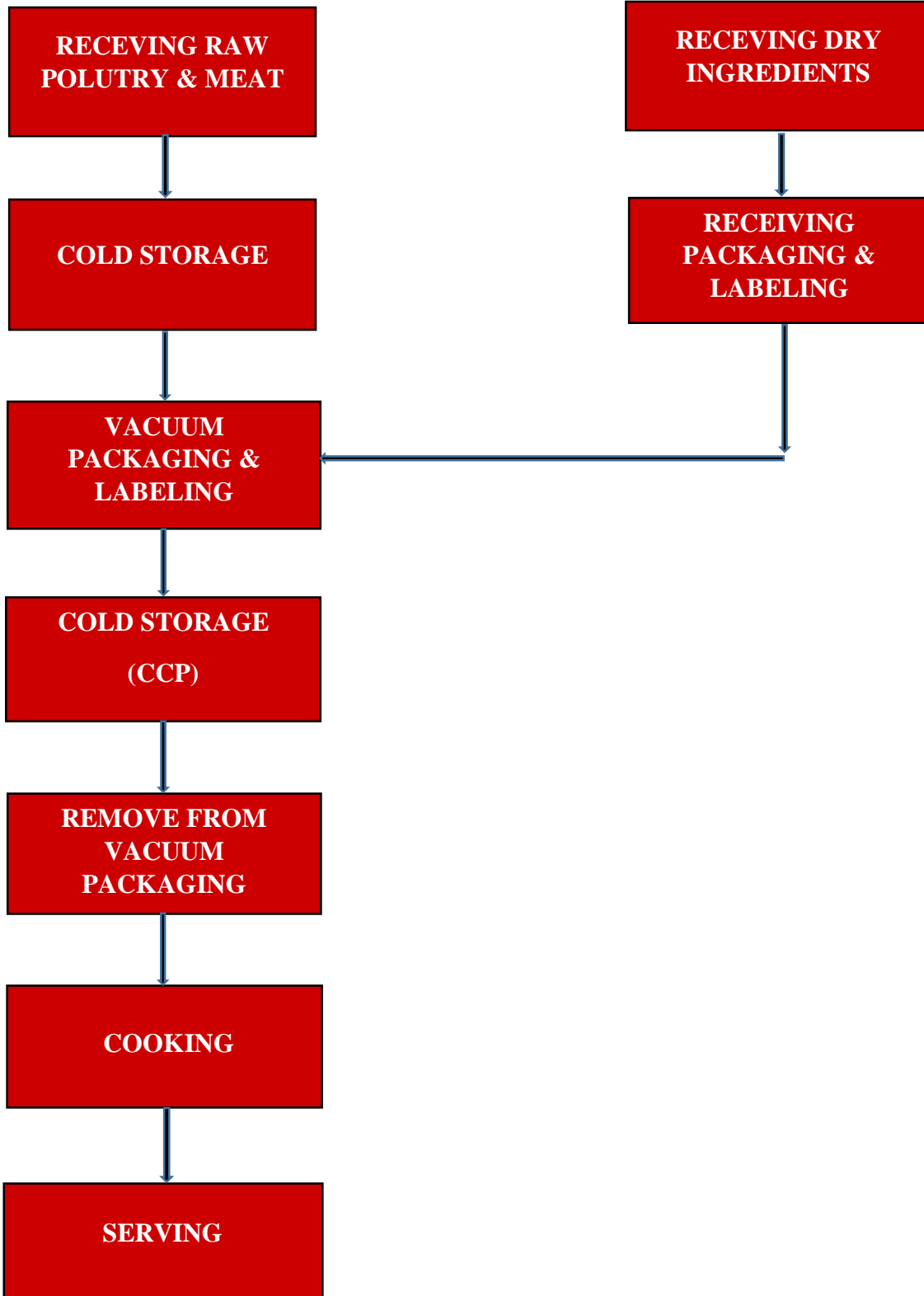   **P.O. Box 37489**
    Washington, DC 20013
    Do not mail cash. Please be advised, mailing in an application may take an additional two weeks for processing
  - **E-mail** – Applications can be accepted via e-mail by e-mailing HACCP.Plans@dc.gov Payment, however must be made in person at DC Health or via mail using the address above.

Find more information here:
https://dchealth.dc.gov/service/food-safety-and-hygiene-inspection-services-division

Please Note: Complete variance application submissions will be reviewed within 30 days. An incomplete submission may delay our review process.

Attachment A: FLOW DIAGRAM

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RECEIVING RAW                          RECEIVING DRY
POLUTRY & MEAT                          INGREDIENTS
      |                                      |
      v                                      v
  COLD STORAGE                          RECEIVING
                                        PACKAGING &
      |                                  LABELING
      |                                      |
      v                                      |
   VACUUM  <--------------------------------+
 PACKAGING &
  LABELING
      |
      v
 COLD STORAGE
    (CCP)
      |
      v
 REMOVE FROM
   VACUUM
  PACKAGING
      |
      v
   COOKING
      |
      v
   SERVING
```

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Rev. 7.29.19   Page **5** of **7**

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Attachment B: HAZARD ANALYSIS WORKSHEET

Process Step	Potential Hazard(s) (C) Chemical (P) Physical (B) Biological	Justification of Decision	Hazard to be address in plan Y/N?	Control Measure(s)	Is this process step a critical control point (CCP)?
Receiving Raw Poultry & Meat	(B) Pathogens Salmonella E. Coli 0157: H7 Campylobacter jejune Clostridium Botulinum	Pathogens may be present on raw meat and poultry. Proper storage & handling at subsequent steps can reduce pathogen growth.	Y	Meat and poultry temperatures will be measure upon receipt from approved source.	No
Receiving Dry Ingredients, Packaging & Labeling					
Cold Storage					
Vacuum Packaging & Labeling					
Cold Storage					
Remove from Vacuum Packaging					
Cooking					
Serving					

Attachment C: CRITICAL CONRTOL POINT(S)

CCP	HAZARDS	CRITICAL LIMITS	MONITORING	CORRECTIVE ACTION	VERIFICATION	RECORDS
Cold Storage	Biological: Salmonella E. Coli 0157: H7 Campylobacter jejune Clostridium Botulinum	41°F below for 14 calendar days	**What:** Temperature and labeling of ROP foods **Who:** Trained Employee **How:** Thermocouple and visually observing thermometers inside of refrigeration units **Frequency:** Twice a day	Identify & eliminate cause of deviation Discard	Temperature and Date/Labeling Logs will be reviewed weekly by manager on duty	Temperature Logs Date/ Labeling Logs