



The Retail Food Establishment Regulations for Enforcement of the Virginia Food Laws are used by VDACS to regulate retail food operations. This regulation will be referred to as the code throughout this document.

***Disclaimer:*** VDACS is not able to develop or assist in the development of a HACCP plan or variance proposal beyond what is given in this guidance, it will only be reviewed for compliance with our code. The exception being that sample HACCP Plans for select operations have been created for your use but will be provided upon request. It is suggested that you work with a consultant or process authority to develop your HACCP plan if you are unable to do so independently.

The requirements applicable to your operation will be **one** of the following:

1. Requesting a variance for a specialized processing method **and** development of a HACCP plan
2. Development of a HACCP plan for certain processing methods
3. Requesting a variance for operations that deviate from the code

## **1. Written Proposed Variance**

When requesting a variance from our department, you are asking for permission to conduct a specialized food process or for some other change to your operation that varies from the code. Varying from the code may present a danger to public health, and an approved “variance” is required. Specialized Processing Methods can include: smoking, curing, sprouting, fermentation, drying, operating a raw molluscan shellfish life-support tank, using food additives to render a food not potentially hazardous, using a reduced oxygen package, and custom processing of animals, among others. Each variance request for a specialized processing method must be accompanied by a HACCP plan, which is described below. Variances for changes other than specialized food processing methods do not require a HACCP plan. Once the variance has been approved or denied, you will be notified in writing of this decision. **You must obtain a variance prior to conducting a specialized process or for any method of operating that varies from the regulations.**

As stated in the code, 2VAC5-585-3541. *Documentation of proposed variance and justification*, the following must be submitted to this Department for consideration in granting a food establishment a variance from the regulation.

1. A statement of the proposed variance of the regulation requirement citing relevant regulation section numbers; AND
2. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant regulation sections will be alternatively addressed by the proposal.

The variance request can be composed in a letter. When drafting the proposal include the following:

- State how the variance proposal deviates from what is required in the code, citing relevant code sections by number, e.g., 2VAC5-585-830 Date marking
- Explain how you, as the operator, will assure that all components of a granted variance will be carried out during operations at your food establishment
- State how the proposal does not diminish the protection of public health
- Describe how the proposal is based on scientific or technological principles

*Find a sample variance request at the end of this document (1A. Sample Variance Request Letter). You may choose to use this as a template or create your own.*

## 2. HACCP Plan

*What is HACCP and why is it important?*

The term HACCP is an acronym for Hazard Analysis Critical Control Point. HACCP is a management system in which food safety is addressed through the analysis and control of biological, chemical, and physical hazards from raw material receipt, product handling, manufacturing, storage, distribution and consumption of the finished product by the public. If properly designed and implemented, a HACCP plan can prevent the occurrence of potential food safety problems.

Required for consideration is a written HACCP plan with all of the following components:

- a. Each **critical control point (CCP)**  
This will be each step in your process that, without control, will produce an unsafe product. Not every step in a process will be a CCP. Use document 2A. *Decision Tree* when deciding what steps in your process are CCPs.
- b. The **significant hazards** that are to be controlled  
Conducting a hazard analysis will help in identifying the hazards in your process. Hazards can be biological, chemical or physical. Biological hazards can be pathogen growth and/or toxin formation, yeast, parasites and/or viruses and may include *Clostridium botulinum*, *Bacillus cereus*, *Staphylococcus aureus*, *Listeria monocytogenes*, Hepatitis A, Norovirus, etc. Chemical hazards can include food additives used in excess like nitrates or sulfites or cleaning compounds that are unintentionally introduced. Physical hazards can be anything from glass to metal shards from the working environment.
- c. The **critical limits (CL)** for each CCP  
This is the limit that, if not met, could produce an unsafe product. An example of this is refrigerated control. The CL for all foods held cold is 41°F. If this CL is exceeded (temperature rises above 41°F), then the food products are maintained in an unsafe temperature zone and could therefore support the rapid growth of bacteria. Other examples could be minimum water activity reached, final internal cooking temperature, equilibrium pH, water phase salt value, etc.
- d. The **monitoring** actions for each CCP  
Monitoring addresses four parts: What, How, Frequency and Who. Ask yourself the following questions when filling each section: “What is being monitored to control the CL”; “How is the CL being monitored”; “At what frequency is the CL being monitored”; and “Who is monitoring the CL”?
- e. **Corrective actions (CA)** to be taken if the critical limit is not met. This includes two parts:
  - Taking control of the product—ensuring the negatively affected product does not reach the customer, e.g., discarding, re-processing or evaluating for safety
  - Taking control of the process – correct the problem that caused the CL deviation, e.g., making adjustments to the process, like repairs to a malfunctioning refrigerator, replacing broken pH meter
- f. **Record** system that documents monitoring and control of each CCP

Logs or records reflect the effectiveness of the HACCP plan by documentation of the CL. Examples would be a log showing the minimum cooking temperature was met; the refrigeration unit is holding 41°F or less; the pH of the product is appropriate, etc.

- g. The method and frequency for **verification** of each CCP being controlled  
Describe the verification procedures that will ensure that the HACCP plan is adequate to address the hazard and that it is consistently being followed. Items like thermometer calibration, in-process or end-product testing, and review of monitoring records each week are some examples of verification.

*A HACCP Plan template is included at the end of this document (2B. HACCP Plan Form)*

The following are additional required components of HACCP:

1. A description of the food product in consideration for variance
2. A flow diagram for the process used that identifies each step in the process and which are CCPs
3. Ingredients, materials, and equipment used in the preparation of that food
4. Formulations or recipes that address the food safety concerns involved
5. Employee training plan of standard operating procedures
6. Copies of blank record forms that are necessary to implement the plan
7. Additional scientific data or other information, as required by the department, supporting the determination that food safety is not compromised by the proposal.

*1A. Sample Variance Request Letter*

Dear Mrs. Miles,

I am requesting a variance from 2VAC5-585-820 Potentially hazardous food; hot and cold holding, of the Virginia Retail Establishment Regulations, that requires foods be held at temperatures below 41°F and above 135°F.

The process I am requesting a variance for is the acidification of sushi rice, to be held without temperature control. Vinegar will be added to cooked sushi rice to reduce the pH to 4.1 or below. This process renders the cooked rice non-potentially hazardous, thus allowing it to be safely stored at room temperature. If done improperly, pathogens may thrive, of which, *Bacillus cereus* is of utmost concern.

This process will be performed by employee trained in all aspects of food safety. The employees will operate under the HACCP plan created specifically for this process, SOPs and supplier guarantees. Please find the employee training manual, sample records, HACCP plan, and other required information attached to this letter.

Thank you for your consideration.

Sincerely,

Mrs. Good

Food Safety Manager, ABC Sushi Mfg.



*2B. HACCP Plan Form*

Firm Name and Address:				Method of Distribution and Storage:					
Product Description:				Intended Use by Consumer:					
(1) Critical Control Point	(2) Significant Hazards	(3) Critical Limits for each Preventive Measure	Monitoring				(8) Corrective Actions	(9) Records	(10) Verification
			(4) What	(5) How	(6) Frequency	(7) Who			

*2B. HACCP Plan Form (continued)*

(1) Critical Control Point	(2) Significant Hazards	(3) Critical Limits for each Preventive Measure	Monitoring				(8) Corrective Actions	(9) Records	(10) Verification
			(4) What	(5) How	(6) Frequency	(7) Who			