

# 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 [datcpdfsretail@wisconsin.gov](mailto:datcpdfsretail@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 items 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 [datcpdfsretail@wisconsin.gov](mailto:datcpdfsretail@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 below indicate if either a variance or HACCP plan is required

Variance Required	HACCP Plan Required	Special Process TCS: Food requiring time and temperature control for safety
✓	✓	Smoking food as a method of preservation (not if smoking only for flavor).
✓	✓	Curing foods, such as corned beef, bacon, hams, summer sausage, etc. Addition of some combination of salt, sugar, nitrite and/or nitrate is added for preservation.
✓	✓	Making shelf-stable, non-TCS meats, such as pepperoni and salami (cured, fermented, and usually dried).
✓	✓	Adding ingredients such as vinegar as a method of preservation rather than flavor.
✓	✓	Adding ingredients to render a food so that it is not TCS (for example, acidified rice).
✓	✓	Reduced oxygen packaging (ROP) items that do not meet Wisconsin Food Code 3-502.12 requirements. Examples include requesting an extended hold time for raw meats, raw vegetables, and smoked or cured meats.
✓	✓	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.
✓	✓	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.
✓	✓	Not providing a consumer advisory statement when serving raw or not fully-cooked animal foods in a ready to eat form. Examples include raw or soft-cooked eggs, raw fish, raw molluscan shellfish, and undercooked meat (other than whole muscle intact beef).
✓	✓	Fermenting food (for example, kombucha, yogurt, or kimchi).
✓	✓	Preparing food by a method that is determined to require a variance and HACCP plan.
✓		Custom processing of animals for personal use, not for sale or service in a food establishment.
✓		The slaughter or evisceration (taking out internal parts) of any animal or fish, other than molluscan shellfish.
✓		ROP of fish using plastic packaging film with greater than 10,000 cc/m <sup>2</sup> /day oxygen transfer rate.
	✓	ROP where two barriers exist (see Wisconsin Food Code 3-502.12), 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 <b>30</b> days.* <i>*A HACCP plan is <u>not required</u> for ROP if the product is labeled with production date and time, held at 41 degrees F or less, AND is removed from packaging within 48 hours after initial packaging (3-502.12(F)).</i>
	✓	Canned, high acid products, such as pickled vegetable, fermented foods*, tomato products, acidified fruits, and naturally acid fruits. <i>*You must have a separate HACCP plan for the fermentation process.</i>
	✓	ROP fish that is frozen before, during, and after packaging.
	✓	ROP cheese that meets the standards of identity for hard, semisoft, or pasteurized process cheese [according to Wisconsin Food Code 3-502.12 (E)].
	✓	Cook-chill or sous vide [according to Wisconsin Food Code 3-502.12 (D)].
	✓	Pooling eggs if serving a highly susceptible population, such as individuals with compromised immune systems, pregnant women, elderly, and young children. Pooling of eggs refers to breaking large quantities of eggs together and holding them for a period of time before or after cooking.

