

**27. Compliance with variance, specialized process, reduced oxygen packaging criteria or HACCP plan**

**IN/OUT**

This item should be marked IN or OUT of compliance based on direct observations of food preparation and storage, a discussion with the PIC to determine if there are specialized food processes [i.e. smoking food, curing food, reduced oxygen packaging, using food additives to render a food so that it is not PHF (TCS food), cook chill, sous vide] and the record review of standard operating procedures and HACCP documentation. This item should be marked IN compliance when observations of food operations and review of available records indicate compliance is being met with regards to specialized food processes.

This item should be marked OUT if the inspection reveals specialized food processes that are not approved by the regulatory authority are performed. The specialized process must stop immediately and no food involved in that process may be sold or served. The PIC may voluntarily dispose of the product(s). If voluntary disposal is not obtained, the Environmental Health Specialist (EHS) should contact the Local Health Director (LHD) for guidance on Notice of Embargo. If the LHD is not available, contact the Environmental Health Regional Specialist (EHRS). This item should be marked OUT with ZERO points deducted for the first occurrence of the violation and the process is stopped during the inspection. Mark CDI and document the disposition of the product(s). The PIC should be advised that a specialized process requires prior approval from the regulatory authority. This item should be marked OUT with HALF points deducted and an Intent to Suspend the permit should be issued if the specialized process is being conducted and was documented on the previous inspection. The PIC should be advised to stop the process immediately. Disposition of the product(s) should be voluntary disposal or Notice of Embargo issued by the LHD or the EHRS. If the PIC continues the specialized process without regulatory approval, a Notice of Immediate Permit Suspension should be issued. The Notice of Immediate Permit Suspension would be lifted and the food establishment would be allowed to resume operation after the regulatory authority has verified the specialized process has stopped and all product(s) associated with that process have been disposed.

This item should be marked OUT of compliance if a food establishment has been granted a variance and/or HACCP plan approval for a specialized process but an inspection or verification visit reveals the permit holder is not in compliance with Section 8-103.12. The specialized process should be stopped in order to assess severity and cause of non-compliance. If product is available, the EHS should contact their LHD or EHRS for guidance concerning the disposition of the product(s). This item should be marked OUT with ZERO points deducted for the first occurrence of the violation. The permit holder should be advised that non-compliance may result in revocation of the variance and/or HACCP plan approval. If a food establishment continues to be non-compliant with their variance and/or HACCP plan, the EHS should mark this item OUT with HALF points deducted and pursue revocation of the variance and/or HACCP plan approval. If a variance or HACCP plan approval is revoked and the permit holder wants to resume the specialized process, the permit holder will be required to submit a Request for Variance or HACCP plan application and the necessary documents to the appropriate committee. If future violations concerning the same specialized process occur, this item should be marked OUT with FULL deductions, an Immediate Permit Suspension should be issued, and the EHS should pursue revocation of the variance and/or HACCP plan approval.

**N.A.**

This item may be marked N.A. if the establishment is not required by the regulatory authority to have a variance or HACCP plan, juice is not packaged or reduced oxygen packaging is not done on the premises.

**N.O.**

**Do Not Mark** this item N.O.

**Applicable Code Sections:**

3-404.11 Treating Juice P, Pf  
3-502.11 Variance Requirement Pf  
3-502.12 Reduced Oxygen Packaging, Criteria P, Pf  
4-204.110(B) Molluscan Shellfish Tanks P, Pf  
8-103.12 Conformance with Approved Procedures P, Pf  
8-201.13 When a HACCP Plan is Required  
8-201.14 Contents of a HACCP Plan Pf  
15A NCAC 18A .2661(d.) (27) and (30)

**30. Variance obtained for specialized processing methods**

When a Food Establishment wants to deviate from a requirement in the code, utilizes Specialized Processing Methods as specified in § 3-502.11 such as Smoking Food for Preservation, curing food etc. a variance must first be obtained from the regulatory authority. A HACCP plan may also be required as listed in ¶ 8-201.13(A) as part of the variance request.

**N.A.** This item may be marked N.A. if the establishment is not engaged in a specialized processing method, other operation requiring a variance and a HACCP plan or a process or processing method determined by the regulatory authority to require a variance and a HACCP plan.

**Applicable Code Section:**

8-103.11 Documentation of Proposed Variance and Justification Pf

NOTE: If Item #30 is OUT, Item #27 is OUT. Item #30 refers **only** to **variance approval**. The EHS must determine which approval is required for the specialized food process. Depending on the type of approval required, the guidance in the revised marking instructions should be followed for point deductions and/or permit action.