

Request for Variance - Instructions

From Requirements of the Idaho Food Code

General Information

Food establishment operators who request a variance must address each applicable section of the code that is referred to in the Idaho Food Code in the section in chapter 8, *Variances*. A Hazard Analysis Critical Control Point (HACCP) plan and/or a Standard Operating procedure (SOP) will be required with the variance proposal.

Procedure

The variance proposal form provided in this policy must be completed and submitted for review.

If the variance proposal form is incomplete or requires additional information, the process for review will be delayed. A variance proposal must document the control of the potential hazard in detail.

A standard operating procedure must be written for food service workers to follow and is to be included with the request for variance proposal.

After all the information is submitted, the Central District Health Department authority will review the request and respond back to the applicant within three business days.

The applicant will receive a final written notification that denies or grants the variance.

Note:

A variance may be rescinded by the health department should the applicant not comply with the approved alternate procedure for which the variance was granted. When a variance is rescinded the applicant must correct the deficiency according to the applicable section in the Idaho Food Code. The compliance time frame will be dictated per the Idaho Food Code Requirements.

Idaho Food Code Variance Process Information

Idaho Food Code § 8-103.10 *Modifications and Waivers*

The regulatory authority may grant a variance by modifying or waiving the requirements of this Code if in the opinion of the regulatory authority a health hazard or nuisance will not result from the variance. If a variance is granted, the regulatory authority shall retain the information specified under § 8-103.11 in its records for the food establishment.

Idaho food Code § 8-103.11 Documentation of Proposed Variance and Justification

The information provided by the applicant for a variance from approved code shall include the following:

- A. A statement of the proposed variance of the code requirement citing relevant Code section numbers.
- B. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Code sections will be alternatively addressed by the proposal.
- C. A HACCP plan if required as specified under § 8-201.13(A) which includes the information specified under § 8-201.14 as it is relevant to the variance requested.

Idaho Food Code § 8-103.12 Conformance with Approved Procedures

If the regulatory authority grants a variance as specified in § 8-103.10, or a HACCP plan is otherwise required as specified under § 8-201.13, the permit holder shall:

- A. Comply with the HACCP plans and procedures which are submitted as specified under § 8-210.14 and approved as a basis for the modification or waiver.

Ada & Boise County

707 N. Armstrong Pl. Boise, ID 83704
208-375-5211

Elmore County

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208-614-7194

- B. Maintain and provide to the regulatory authority, upon request, records specified under § 8-201.14(D) and (E) which demonstrate that the following are routinely employed; Procedures for monitoring critical control points:
 - i. Monitoring of the critical control points.
 - ii. Verification of the effectiveness of the operation or process.
 - iii. Necessary corrective actions if there is a failure at a critical control point.

Idaho Food Code § 8-201.14 Contents of a HACCP plan

For a food establishment that is required under § 8-201.13 to have a HACCP plan, the plan and specifications shall indicate:

- A. A categorization of the types of potentially hazardous foods which are specified in the menu such as soups and sauces, salads, and bulk solid foods such as meat roasts, or other foods that are specified by the regulatory authority.
- B. A flow diagram by specific food and category type identifying critical control points and providing information on the following:
 - 1. Ingredients, materials and equipment used in the preparation of that food.
 - 2. Formulation or recipes which delineate methods and procedural control measures which address the food safety concerns involved.
- C. Food employee and supervisory training plan which addresses the food safety issues of concern.
- D. A statement of standard operating procedures for the plan under construction including clearly identifying:
 - 1. Each critical control point.
 - 2. The critical limits for each critical control point.
 - 3. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge.
 - 4. The method and frequency for the person in charge to routinely verify the food employee is following standard operating procedures and monitoring critical control points.
 - 5. Action to be taken by the person in charge if the critical limits for each critical control point are not met.
 - 6. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed.
- E. Additional scientific data or other information, as required by the regulatory authority, supporting the determination that food safety is not compromised by the proposal.

The following form is for the applicant to make the request.

[Request-for-Variance-Proposal.pdf](#)
<http://tinyurl.com/ReqVariance>

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