



**TOWN OF EAST LONGMEADOW**  
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***Board of Health***

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**Steps for Requesting a Variance under the 2013 FDA Food Code Merged  
with 105 CMR 590**

**Are you using any specialized processing methods? (3-502)**

**Specialized process under Section 3-502.11:**

- Curing food
- Using food additives or adding components such as vinegar
  - As a method of food preservation rather than flavor enhancement (such as sushi or pickling)
  - To render a food so that it is not a time/temperature control (TCS) of safety food
- Packaging food using reduced oxygen packaging
- Operating a molluscan shellfish life support system display tank
- Custom processing animals that are for personal use as food and not for sale or service in a food establishment
- Sprouting seeds or beans
- Making fresh squeezed juice
- Preparing food by another method that is determined by the regulatory authority

**Did you answer yes to any of the above? If so, a variance is required and the person requesting the variance shall include the following per Section (8-301.11):**

- A statement of the proposed variance citing the relevant code section numbers
- An analysis of that rationale for how the potential public health hazards and nuisances addressed by the relevant code sections will be alternatively addressed by the proposal
- A HACCP plan that includes that information specified in section 8-201.14 as it relates to the variance being requested.

**What has to be in the HACCP Plan?**

**Contents of a HACCP Plan under Section (8-201.14):**

- General information such as the name of the permit applicant or permit holder, the food establishment address, and contact information.
- A categorization of types of TCS foods that are to be controlled under the HACCP plan
- A flow diagram or chart for each specific food or category type that identifies:
  1. Each step in the process
  2. The hazards and controls for each step in the flow diagram or chart
  3. Steps that are critical control points
  4. The ingredients, materials, and equipment used in the preparation of that food
  5. Formulations or recipes that delineate methods and procedural control measures that

address the food safety concerns involved.

- A critical control point summary for each specific food category type that clearly identifies:
  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 that the food employee is following standard operating procedures and monitoring critical control points
  5. Action to be taken by the person in charge or a food employee 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
- Supporting document such as:
  1. Food employee and supervisory training that addresses the food safety issues of concern
  2. Copies of blank record forms that are necessary to implement the HACCP plan
  3. Additional scientific data or other information, as required by regulatory authority, supporting the determination that food safety is not compromised by the proposal.
- Any other information required by the regulatory authority.

\*This form is meant to be used as a guide and may not include everything required for each specialized process listed above. Please refer to the 2013 FDA Food Code Merged with 105 CMR 590 for further details and information.

\*Many of the words in this document are further defined under the definitions section of the Food Code.