

Food Code Fact Sheet #3

What you should know about the new Code

http://www.oregon.gov/ODA/FSD/reg_fc_index.shtml

FOOD CODE, OAR 603-25-0030, CHAPTER 3-502.11

A FOOD ESTABLISHMENT shall obtain a VARIANCE from the REGULATORY AUTHORITY as specified in § 8 103.10 and under § 8 103.11 before: Pf

(A) Smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement; Pf

(B) Curing FOOD; Pf

(C) Using FOOD ADDITIVES or adding components such as vinegar; Pf

(1) As a method of FOOD preservation rather than as a method of flavor enhancement, Pf or

(2) To render a FOOD so that it is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL OF SAFETY FOOD); Pf

(D) Packaging FOOD using a REDUCED OXYGEN PACKAGING method except where the growth of and toxin formation by *Clostridium botulinum* and the growth of *Listeria monocytogenes* are controlled as specified under § 3 502.12; (see the Food Code for the complete rule) Pf

(H) Sprouting seeds or beans.

PUBLIC HEALTH REASONS:

Specific food processes that require a variance have historically resulted in more foodborne illness than standard processes. These types of operations may require the person in charge and food employees to use specialized equipment and demonstrate specific competencies. The variance requirement is designed to ensure that the proposed method of operation is carried out safely.

Variations

Food establishments are constantly evolving and experimenting with different styles of cooking and preparing food for their customers.

This may include food preparation techniques that do not comply with the Food Code.

Because of the hazards associated with certain foods and processes, retail food establishments must apply for a variance before starting any specialized processing as described in the Food Code, OAR 603-25-0030, Chapter 3-502.11.

These processes present a significant health risk if the facility is not following specific operational procedures for each batch of product.

Some examples are:

- Curing with nitrates
- Smoking food for preservation
- Vacuum-packaging cooked foods
- Acidifying foods
- Sprouting seeds or beans on site

Variations may not be approved for facilities that do not meet minimum Food Code requirements. They are for facilities that

can show that the rules present an undue burden to their operation and that their proposed alternative will provide public health protection equal to or greater than the measures provided for in the current rules.



Dry fermented sausages are one type of meat curing that would require a variance.

All variance applications must be approved before the procedure is put into practice.