

4626.1700 VARIANCE CONDITIONS; HACCP; NOTIFICATION OF DECISION. 8-103.12

A. In granting a variance, the regulatory authority may attach conditions that the regulatory authority determines are needed to protect the public health, safety, or the environment.

B. If a HACCP plan is required to verify that the variance provides protection to the public health, safety, and environment that is equivalent to or superior to those prescribed in rule or law, the licensee shall:

(1) comply with the HACCP plan and procedures submitted and approved as the basis for the variance;^{p1} and

(2) maintain and provide to the regulatory authority, on request, the records specified in part 4626.1735, items D and E, subitem (3), that demonstrate that the following are routinely employed:

(a) procedures for monitoring critical control points;^{p2}

(b) monitoring of the critical control points;^{p2}

(c) verification of the effectiveness of an operation or process;^{p2} and

(d) necessary corrective actions if there is failure at a critical control point.^{p2}

C. The regulatory authority shall notify the person in writing of the regulatory authority's decision to grant or deny the variance.

(1) If a variance is granted, the notification must specify the period of time for which the variance must be effective and the alternative measures or conditions, if any, the applicant shall meet.

(2) If a variance is denied, the regulatory authority shall specify the reasons for the denial.

D. Variances granted are not transferable.

Statutory Authority: *MS s 31.101; 31.11; 144.05; 144.07; 144.08; 144.12; 157.011*

History: *23 SR 519; 43 SR 295*

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