

VARIANCE REQUEST PROCESS

POLICY-16

The rules outlined in the [Washington State Retail Food Code](#) (“Food Code”)(Chapter 246-215 Washington Administrative Code) apply to retail food service establishments in Kitsap County. In some instances, a variance from the Food Code is either required or desired. A variance is a waiver that the Health District must approve which allows a food service establishment to deviate from a requirement in the Food Code. A variance is a one-time review. Variances can be revoked due to violations of the approvals outlined by the Health District or for any other reason the Health District deems fit. *Applications expire one year after submission.*

PROCEDURE

1. Submit a [Food Code Variance Application Form](#) and appropriate fees; refer to the [Environmental Health Fee Schedule](#) for a list of current fees.
2. The assigned inspector will perform the review of the application within 14 days of submission. In certain circumstances, a [HACCP Plan Application](#) may also need to be submitted you are applying to implement a special process. Refer to the HACCP Plan Application to determine if it must be submitted.
3. Once the review is complete, the inspector will issue a Health Officer Decision. The application will be approved, pending, or denied. If the inspector needs more information to complete the review, the decision may be delayed.
 - a. **Approved:** The application is approved as submitted. Any changes made to the variance after the approval is issued requires Health District review and approval; submit changes via the [Food Service Establishment Plan Review Revision Request Form](#). Revisions may result in postponement of the application review.
 - b. **Pending:** The submitted application cannot be approved as-is. The conditions that need to be addressed to obtain approval are listed on the Health Officer Decision; submit changes via the [Food Service Establishment Plan Review Revision Request Form](#). Revisions may result in postponement of the application review.
 - c. **Denied:** The application is not approved. The reason(s) will be listed on the Health Officer Decision.

VARIANCE REVIEW CRITERIA

A variance may be granted if all the following conditions are met:

- Except when a variance is required by the Washington State Retail Food Code, the application of the rule would pose an undue hardship on the person for whom the variance is requested;
- The variance from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person;
- The provisions of a rule subject to a petition for a variance are not specifically mandated by statute or another provision of law;
- Substantially offers equal protection of public health, safety, and welfare by a means other than that prescribed in the particular rule for which the variance is requested; and
- The food establishment’s inspection history is satisfactory as it pertains to practices relevant to the variance request.



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FOOD CODE VARIANCE

Food Service Establishment Application

Submittal Date	Memo Number	Review Fee

Please see the [Environmental Health Fee Schedule](#) for current fees.

FOOD SERVICE ESTABLISHMENT INFORMATION		
Food establishment name		
Customer Identification Number (e.g. KC0000, BR0000)		
Establishment street address (Mobile units/caterers use kitchen information)		
City	State	Zip code

APPLICANT INFORMATION		
First and last name	Contact phone	
Mailing street address	<input type="checkbox"/> Same as establishment address	
City	State	Zip code
Email address		

FOOD CODE VARIANCE REQUEST
<p>I hereby request the approval of a variance from the requirements of the Washington State Retail Food Code, Section (include section number and title): _____</p> <p>_____</p> <p>Reason(s) for seeking a variance from this code requirement: _____</p> <p>_____</p> <p>Methods to assure public health protection if this variance request is approved: _____</p> <p>_____</p> <p>_____</p>

CERTIFICATION AND ACKNOWLEDGMENT		
<p>By signing this document, I certify that the information provided is true and accurate to the best of my knowledge. I understand that:</p>		
<p><input type="checkbox"/> The Washington State Retail Food Code (Chapter 246-215 WAC), Section 08110 through 08120 allows the Kitsap Public Health District to waive or modify provisions of the code if in the opinion of the health district a health hazard or nuisance will not result from the variance.</p>		
<p><input type="checkbox"/> If approved, the Variance Approval Letter must be maintained at the food establishment.</p>		
Owner/ Applicant name printed	Owner/ Applicant signature	Date

HEALTH DISTRICT REVIEW		
EVALUATION CRITERIA	Yes	No
HACCP Plan required by Food Code Sections 03535, 04244, or 03400(4)(d)?	<input type="checkbox"/>	<input type="checkbox"/>
Applicant has provided justification for variance request?	<input type="checkbox"/>	<input type="checkbox"/>
Applicant has addressed public health risks that may result from approval of this variance request?	<input type="checkbox"/>	<input type="checkbox"/>

HEALTH DISTRICT DECISION		
Request reviewed by: _____		
Supervisor review (required): _____		
Recommendation:	Approved <input type="checkbox"/>	Denied <input type="checkbox"/>
		Date: _____