

**(Effective until March 1, 2022.)**

**WAC 246-215-03535 Specialized processing methods—Variance requirement (2009 FDA Food Code 3-502.11).** A FOOD ESTABLISHMENT shall obtain a VARIANCE from the REGULATORY AUTHORITY as specified under WAC 246-215-08110 and 246-215-08115 before:

- (1) Smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement;
- (2) Curing FOOD;
- (3) Using FOOD ADDITIVES or adding components such as vinegar:
  - (a) As a method of FOOD preservation rather than as a method of flavor enhancement; or
  - (b) To render a FOOD so that it is not POTENTIALLY HAZARDOUS FOOD;
- (4) 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 WAC 246-215-03540;
- (5) Operating a MOLLUSCAN SHELLFISH life-support system display tank used to store or display shellfish that are offered for human consumption;
- (6) Custom processing animals that are for personal use as FOOD and not for sale or service in a FOOD ESTABLISHMENT;
- (7) Preparing FOOD by another method that is determined by the REGULATORY AUTHORITY to require a VARIANCE; or
- (8) Sprouting seeds or beans.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 13-03-109, § 246-215-03535, filed 1/17/13, effective 5/1/13.]

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- (1) Smoking FOOD as a method of FOOD preservation rather than as a method of flavor enhancement;
- (2) Curing FOOD;
- (3) Using FOOD ADDITIVES or adding components such as vinegar:
  - (a) As a method of FOOD preservation rather than as a method of flavor enhancement; or
  - (b) To render a FOOD so that it is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD;
- (4) Packaging TIME/TEMPERATURE CONTROL FOR SAFETY 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 WAC 246-215-03540;
- (5) Operating a MOLLUSCAN SHELLFISH life-support system display tank used to store or display shellfish that are offered for human consumption;
- (6) Custom processing animals that are for personal use as FOOD and not for sale or service in a FOOD ESTABLISHMENT;
- (7) Preparing FOOD by another method that is determined by the REGULATORY AUTHORITY to require a VARIANCE; or
- (8) Sprouting seeds or beans.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 21-01-122, §  
246-215-03535, filed 12/15/20, effective 3/1/22; WSR 13-03-109, §  
246-215-03535, filed 1/17/13, effective 5/1/13.]