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Request For Variance

State Form 51184 (12/02)

Food Protection Program

APR 08 2011

INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/233-7360

FAX: 317/233-7334

FOOD PROTECTION PROGRAM
INDIANA STATE DEPT. OF HEALTH

1. Individual Submitting Request:

Date: 4 / 1 / 2011

Name: Wendy's International Telephone: (614) 764-3309 Fax: ()

Mailing Address: 4288 W. Dublin/Granville Rd Email: frank_leary@wendys.com

Dublin, Ohio 43017
P.O. Box City State Zip Code

2. Person/Organization Seeking Variance:

Name: Frank Leary Email: frank_leary@wendys.com

Mailing Address: Same as above
Number & Street

Same as above
P.O. Box City State Zip Code

3. Food Establishment(s) for Which Variance is Sought

Include the following information for each food establishment: (List here or attach additional pages if necessary)

- Physical Location (If different than mailing address): Entire state
Mailing Address: All locations
Telephone Number: () Fax Number: ()
Person at each retail food establishment most responsible for supervising:

4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:

(Attach additional pages if necessary)

We would like to use time as public health control for our sliced cheese

5. Explain how the potential public health hazards and/or nuisances will be alternatively addressed by the proposal. Include supporting studies, Hazard Analysis Critical Control Point (HACCP) Plan(s), standard sanitation operating procedures, and/or any other evidence: (Attach additional pages, if necessary.)

We have a microbiological challenge study that supports our position and the rational for the change

6. List how the proposal demonstrates the following (if applicable to the request):

A) How the proposal differs from what is common and usual in similar industry situations:

This is a commonly used practice within the QSR

B) How the proposal is unique and not addressed in existing rules or law:

We would like to hold the sliced cheese at room temperature for a period of 7 hours

C) How the proposal does not diminish the protection of public health:

From a microbiological standpoint, the warmer the product is held, the more natural salt is released in the product which results in an overall reduction in growth

D) How the proposal is based on new scientific or technological principle(s):

Independent challenge study conducted by Silliker Lab

E) How the implementation of the variance would be practical:
Our volume of product will keep the average hold time below 4 hours

7. Explain how the person/organization seeking the variance will assure that all provisions of a granted variance will be enacted at each food establishment for which a variance has been granted:

Extensive training protocol will be followed at each restaurant

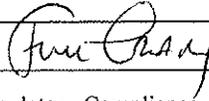
8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary)

Every Wendy's restaurant within the state of Indiana

9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies.

For Office Use Only

10. Signature of Individual Making Request:



Printed Name, Title: Frank Leary, Director of Regulatory Compliance