



# REQUEST FOR VARIANCE

State Form 51184 (R / 5-13)  
Food Protection Program

RECEIVED

MAR 09 2016

INDIANA STATE DEPARTMENT OF HEALTH  
Telephone: 317/234-8569 FAX: 317/233-9200

## FOOD PROTECTION PROGRAM INDIANA STATE DEPT OF HEALTH

<b>1. Individual Submitting Request:</b>		Date: <u>2 / 12 / 16</u>	
Name: Michael Smith		Telephone: (832) 367-5102 Fax: ( )	
Mailing Address: <u>6121 Hollis St, Suite 500</u>		Email: <u>msmith@freal.com</u>	
<small>Number and Street</small>			
Emeryville	CA	94608	
<small>P.O. Box</small>	<small>City</small>	<small>State</small>	<small>ZIP Code</small>
<b>2. Person/Organization Seeking Variance:</b>			
Name: <u>freal foods</u>		Email: _____	
Mailing Address: <u>6121 Hollis St, Suite 500</u>			
<small>Number and Street</small>			
Emeryville	CA	94608	
<small>P.O. Box</small>	<small>City</small>	<small>State</small>	<small>ZIP Code</small>
<b>3. Food Establishment(s) for Which Variance is Sought</b>			
Include the following information for each food establishment: <i>(List here or attach additional pages if necessary.)</i>			
• Physical Location <i>(If different than mailing address):</i> _____			
• Mailing Address: _____ <small>(Number, Street, City, State, and ZIP Code)</small>			
• Telephone Number: ( ) _____ Fax Number: ( ) _____			
• Person at each retail food establishment most responsible for supervising: _____			
<b>4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:</b>			
<i>(Attach additional pages if necessary.)</i>			
We are seeking a variance from rule 410 IAC 7-24-296 Section C: Except as specified in subsection (d), if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four (4) hours.			
This proposal from the food code will allow for 24 hour cleaning instead of the food code requirement of 4 hours. freal Foods, the manufacturer of the blenders, has performed 3rd party laboratory microbiology testing as well as testing and listing the blender with NSF to support this request. The following support documents have been attached for review:			
Attachment 1: FRLB4 Location List			
Attachment 2: Installation and Operation Manual			
Attachment 3: NSF Test Results			
Attachment 4: NSF Listing <span style="float: right;">+</span>			
<b>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: <i>(Attach additional pages, if necessary.)</i></b>			
freal Foods has extensively tested and validated the safety of the blender over a 24 hour period. This includes validation includes our NSF/ ANSI 8 Listing and Test Report as well as our 3rd Party Laboratory challenge studies. These documents are attached.			

**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 proposal differs in that the FRLB4 is designed for 24 hour cleaning.

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

To the knowledge of freal Foods, there is no like equipment currently available in the marketplace. The freal blender was specifically designed for a 24 hour cleaning requirement and has been validated to remain safe throughout 24 hour period, in between deep cleaning cycles.

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

freal Foods has extensively tested and validated the safety of the blender over a 24 hour period. This validated includes our NSF/ ANSI 8 Listing and Test Report as well as our 3rd Party Laboratory challenge studies.

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

The FRLB4 has been validated as a 6-log reduction by outside laboratories.

E) How the implementation of the variance would be practical:

The application of the 4 hour cleaning frequency would cause a burden on equipment owners as the blender was not designed for 4 hour cleanings frequency. Cleaning at the 4-hour frequency would impact the longevity the freal

**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:**

freal food's maintains a location list of all FRLB4 blenders within the state of Indiana. The blenders are designed as a clean-in-place system and the cleaning system and frequency have been built into the normal functions of this equipment.

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

All locations seeking this variance are identified on the FRLB4 Indiana Location List.

**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: Michael Smith, Quality Manager