

**REQUEST FOR VARIANCE**State Form 51104 (R / 5-13)  
Food Protection Program

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OCT 18 2013

INDIANA STATE DEPARTMENT OF HEALTH  
Telephone: 317/234-8569 FAX: 317/233-9200FOOD PROTECTION PROGRAM  
INDIANA STATE DEPT. OF HEALTH

|   |   |
|---|---|
| <b>1. Individual Submitting Request:</b>  | Date: <u>10 / 16 / 2013</u>                                 |
| Name: <u>George Donaldson</u>   | Telephone: <u>(765) 482-3334</u> Fax: <u>(765) 482-7994</u> |
| Mailing Address: <u>600 S. State Road 39 South</u>  | Email: <u>george@donaldsonschocolates.com</u>               |
| <small>Number and Street</small>  |   |
| <u>Lebanon</u>  | <u>IN</u>   |
| <small>P.O. Box City</small>  | <small>State</small>  |
|   | <u>46052</u>  |
|   | <small>ZIP Code</small>                                     |
| <b>2. Person/Organization Seeking Variance:</b>   |   |
| Name: <u>Donaldson's Finer Chocolates</u>   | Email: <u>george@donaldsonschocolates.com</u>               |
| Mailing Address: <u>600 S. State Road 39 South</u>  |   |
| <small>Number and Street</small>  |   |
| <u>Lebanon</u>  | <u>IN</u>   |
| <small>P.O. Box City</small>  | <small>State</small>  |
|   | <u>46052</u>  |
|   | <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: <u>600 S. State Road 39 South, Lebanon, IN 46052</u>   |   |
| <small>(Number, Street, City, State, and ZIP Code)</small>  |   |
| • Telephone Number: <u>(765) 482-3334</u> Fax Number: <u>(765) 482-7994</u>   |   |
| • Person at each retail food establishment most responsible for supervising: <u>George Donaldson</u>  |   |
| <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 would like to request a variance from rule 410 IAC 7-24-171 section 171b, which would allow our chocolate hand dippers to prepare chocolates and candies with bare hands. These dippers have been trained per Serve Safe food handling procedures by one of our employee's who has received such training. They wash with an antibacterial soap. Hand washing procedures: wash hands and arms by vigorously scrubbing in 100 degree water for 20 seconds cleaning between fingers and nails and drying with a clean paper towel. |   |
| We understand Chocolate and candy are not defined as a potentially hazardous food per 410 IAC 7-24-66 and can be classified as non-potentially hazardous food.  |   |
| <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>  |   |
| These will be done to eliminate potential contamination hazards:  |   |
| 1. Comply with hand washing rule 410 IAC 7-24-128 prior to hand dipping chocolates or candies.  |   |
| 2. Procedures as noted in Item #4 above.  |   |

**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:**

Small chocolatiers hand coat with fine grade natural chocolate that requires the skilled dipper to feel the temperature and texture of chocolate. They also make a decorative swirl on the finished chocolate piece. It would not be possible to do such with a glove on the dippers hand. It would also trap heat and moisture which would then impact

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

We understand Chocolatier's are not addressed in the rules or law as a separate profession. Skilled hand dipping is essential to the quality artisan product Chocolatier's produce. This is a time honored confectionery industry practice that needs to be protected.

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

Three reasons: 1. Hand washing procedures(noted in item 4 & 5). 2. Chocolate forms a coating on the dippers hand. The dipped products therefore do not directly touch the dippers hand. 3. The area used for dipping does not have exposure to food products that could contaminate the chocolate product.

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

Not sure of any new principles in the age old tradition of hand dipping.

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

Those of us that remain small chocolate artisans are here to preserve the unique tradition and quality of a hand dipped product. We have a 48 year history serving our customers with hand dipped product. This is a practical way

**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:**

By following the procedures noted in Section 4 & 5 of this request. Each employee will be required to read and sign a form that states they understand the health and sanitizing standards required to work with food products.

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

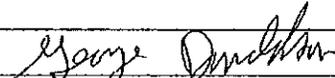
Boone County Health Department

**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:

  
GEORGE DONALDSON - OWNER