



TOMÁS J. ARAGÓN, MD, DrPH  
Director and State Public Health Officer

State of California—Health and Human Services Agency  
**California Department of Public Health**



GAVIN NEWSOM  
Governor

**ALTERNATE SANITIZER VARIANCE APPLICATION  
for OXIDUS AQUEOUS OZONE DISINFECTION SYSTEM**

**Background Information**

Sanitation of food-contact surfaces plays a significant role in the prevention of foodborne illnesses by significantly reducing the number of pathogens that may contaminate food. Retail food operations are required to comply with the California Retail Food Code (CRFC), Sections 114099.6, 114109, 114117, 114119, and 114121 for the sanitation methods for food-contact surfaces. Sanitizers are a growing industry with many new products on the market. One of the new products is Oxidus by Kona Aqueous Ozone Disinfection System. This company has demonstrated, through challenge studies, the efficacy of the solution produced by its equipment; however, it does not meet the requirements of Title 40 of the Code of Federal Regulations 180.940 as required by Section 114099.6(b)(4) of the CRFC. The California Department of Public Health, CDPH, has determined that the solution of ozone produced by Oxidus equipment meets the intent of the law by demonstrating scientific validity as an effective sanitizer. Before a retail food facility can use the Oxidus equipment, the food facility must obtain an approved variance from CDPH.

This is a new system, and it is important to understand the following:

- Implementation of the system will not begin until variance letter is received.
- Prior to use each food handler will be trained on the use of the equipment.
- New employees will be trained prior to use. Training log suggested.
- The manufactures instructions will be strictly followed.
- Testing strips will be available and in use at all time within the food facility.
- The ozone solution will be mixed in cold water only, with a 10 second pre-flush.
- The ozone solution is effective for 25 minutes. Time tracking is suggested.
- Debris will be removed from surface, then swiped three times with ozone.
- A regular maintenance schedule for the equipment and its parts will be followed.

The one page application follows.





**ALTERNATE SANITIZER VARIANCE APPLICATION  
 for OXIDUS AQUEOUS OZONE DISINFECTION SYSTEM**

**FACILITY INFORMATION**

FACILITY NAME:	FACILITY ADDRESS:	
OWNER OR DESIGNEE:	EMAIL ADDRESS:	PHONE NUMBER:
COUNTY:	HEALTH PERMIT NUMBER:	DATE:

**This variance application is exclusively for the Oxidus Aqueous Ozone Disinfection System. The cost of this application is \$35, to cover staff time associated with review and processing of the application:**

Please refer questions to [FDBRetail@cdph.ca.gov](mailto:FDBRetail@cdph.ca.gov)

**Check are payable to** California Department of Public Health

**Submit application and required documentation to:** Department of Public Health – Food and Drug Branch  
 Cashier Retail Food Program, MS 7602  
 P. O. Box 997435  
 Sacramento, CA 95899-7435

I, \_\_\_\_\_ have read and understand the background information attached to this application for a variance at, \_\_\_\_\_ located at \_\_\_\_\_.  
 Furthermore, I understand that until a variance letter is issued, I will not use the product. Requesting a variance does not guarantee CDPH will issue one.

\_\_\_\_\_  
 PRINT NAME – OWNER or DESIGNEE

\_\_\_\_\_  
 SIGNITURE – OWNER OR DESIGNEE

Department Use Only

DATE RECEIVED:	PAYMENT TYPE:	AMOUNT:	TRACKING NUMBER: