



REQUEST FOR VARIANCE

State Form 51184 (R / 5-13)

Food Protection Program

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INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/234-8569

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FOOD PROTECTION PROGRAM
INDIANA STATE DEPT. OF HEALTH

1. Individual Submitting Request: Date: 12 / 03 / 2014

Name: Bob Brody Telephone: (317) 421-8266 Fax: ()

Mailing Address: 4300 N Michigan Rd. Email: bob.brody@indy-grand.com
Number and Street

Shelbyville IN 46176
P.O. Box City State ZIP Code

2. Person/Organization Seeking Variance:

Name: Indiana Grand Racing & Casino Email: _____

Mailing Address: 4300 N Michigan Rd.
Number and Street

Shelbyville IN 46176
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):* SEE ABOVE
- Mailing Address: _____
(Number, Street, City, State, and ZIP Code)
- 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.)

Section 410 IAC 7-24-187 specifies that holding temperatures for potentially hazardous food be held at 135 F for warm food and 41 F for cold food. Instead of holding our sushi rice at the mentioned temperatures, we store it at room temperature. The sushi rice is prepared with a process that uses acidification to alter the pH level of the sushi rice to below 4.6 and is stored at room temperature for no more than 24 hours after acidification takes place.

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.)*

Our sushi rice is made by a trained sushi chef that uses a calibrated pH meter to measure each batch of sushi rice to ensure its pH level is between 3.5 pH and 4.6 pH acidity. The sushi rice is checked every 2-3 hours to ensure the appropriate pH levels are maintained. Any batch of sushi rice that exceeds 4.6 pH will be appropriately disposed of.

Our sushi rice is made fresh daily and uses the following ingredients:
 white rice, apple vinegar, rice vinegar, mirin, sugar

The calibrated pH meter ensures that the proper pH balance is maintained at all times.

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:
Altering the pH balance in sushi rice is a common practice. Maintaining the proper pH balance ensures a safe, non-hazardous food item
- B) How the proposal is unique and not addressed in existing rules or law:
A variance is required due to the fact that the sushi rice is being stored at room temperature. When kept at or below the proper pH level (4.6) the rice becomes non-potentially hazardous and is safe to remain at room temperature while in an appropriate container.
- C) How the proposal does not diminish the protection of public health:
With the pH level at, or below, 4.6 pH it becomes a non-hazardous food item.
- D) How the proposal is based on new scientific or technological principle(s):
Scientific studies have proven that bacteria does not grow while the pH level is 4.6 pH or below. Sushi rice will always be kept at a pH level of 4.6 pH or below at all times.
- E) How the implementation of the variance would be practical:
pH readings will be conducted every 2-3 hours by the sushi chef to ensure proper pH levels are maintained.

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:

The sushi chef will report to Bob Brody (Executive Chef) or Greg Pence (Assistant Executive Chef) in regards to the daily pH levels of the sushi rice. The sushi chef will use a calibrated pH meter to ensure that proper levels are maintained. The pH levels will be checked every 2-3 hours.

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

Indiana Grand Racing & Casino, Shelby County Health Department, Indiana State Health Department.

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

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10. Signature of Individual Making Request:

Printed Name, Title: Bob Brody - Executive Chef