



# REQUEST FOR VARIANCE

State Form 51184 (R / 5-13)

Food Protection Program

INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/234-8569

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### 1. Individual Submitting Request:

Date: 06 / 13 / 2016

Name: Carrie Ballinger - RTM Consultants, Inc. Telephone: (317) 329-7700 Fax: ( )

Mailing Address: 6640 Parkdale Place, Suite J Email: ballinger@rtmconsultants.com

Indianapolis IN 46254  
Number and Street City State ZIP Code  
P.O. Box City State ZIP Code

### 2. Person/Organization Seeking Variance:

Name: Mike Messmann - Messmanns Meats Email: messmannsmeats@comcast.net

Mailing Address: 16603 Lima Rd

Huntertown IN 46748  
Number and Street City State ZIP Code  
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):* \_\_\_\_\_
- Mailing Address: 16615 Lima Rd, Huntertown, IN 46748  
(Number, Street, City, State, and ZIP Code)
- Telephone Number: (260) 466-9521 Fax Number: ( )
- Person at each retail food establishment most responsible for supervising: Michael J. Messmann

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

*(Attach additional pages if necessary.)*

A variance is required, as specified in 410 IAC 7-24-195, Section 195(a), because the reduced oxygen packaging requirement stated in 410 IAC 7-24-195, Section 195(b)(2) is not met for some food products undergoing reduced oxygen packaging. All other sections and subsections under 410 IAC 7-24-195 will be met with compliance.

Summer sausage and snack sticks, which are fully cooked (smoked) prior to packaging, will not meet pH or Aw levels required to comply with Section 195(b)(2). Section 195(b)(2) requires a pH of 4.6 or less or an Aw level of 0.91 or less. The actual pH levels of the product were measured at 5.6. When the required parameters are met, it completely changes the texture and taste of the product that customers have grown accustomed to.

### 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.)*

See attached HACCP, SSOPs and GMPs to be followed. The hazard will be addressed in the cooking/cooling/freezing processes. Deer is processed under strictly sanitary conditions. Immediately after skinning and washing, the deer carcass is stored in a cooler at 41 degrees F or lower. When removed from the cooler for cutting/grinding process, time is limited in the danger zone before cooking. Meat is encased and placed in the smokehouse until it has reached an internal temperature of 155 degrees F (final temperature will rise to 158 degrees F or higher - see also attached research information regarding carry over cooking/resting). Once fully cooked, product is quenched to 120 degrees F in 5 minutes and then immediately placed into the cooler where it is cooled to 41 degrees F or less within 6 hours. Product is monitored down to 41 degrees F or lower prior to packaging. Once packaged and labeled, product is placed immediately into the freezer until customer pickup.

**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:  
The proposal does not differ from common practice in the wild game processing industry. Lowering the pH level of deer meat to below 4.6 significantly alters the taste and texture of the final product, so other methods of hazard control must be utilized (time/temperature monitoring, freezing after packaging, and appropriate labeling).
- B) How the proposal is unique and not addressed in existing rules or law:  
The existing rules do not address freezing immediately after packaging as a barrier to Clostridium botulinum. Products are fully cooked and quickly cooled to below 41 degrees F prior to ROP, then immediately frozen after ROP until customer pickup. Packages are labeled with instructions for customers to "keep frozen until ready to eat".
- C) How the proposal does not diminish the protection of public health:  
With a combination of CCPs, execution of SSOPs, informed and well trained staff, accountability of staff, and strict monitoring for adherence to food safety protocols and Food Code regulation, the protection of public health will not be diminished.
- D) How the proposal is based on new scientific or technological principle(s):  
The proposal is based upon common industry standards and recommendations in the 2009 FDA Model Food Code.
- E) How the implementation of the variance would be practical:  
Requiring pH or Aw levels to be met severely impacts the texture and flavors of the product. Implementation of the variance would be practical as the hazard is mitigated by the cooking/cooling/freezing process.

**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 variance is for a single plant facility, which is under direct supervision of the owner. It will be the responsibility of the owner and/or his designee (employees) to adhere to the HACCP/SOP/GMP plans, which are also on file with the Allen County Board of Health. These plans and procedures incorporate extensive monitoring, ongoing and timely documentation, corrective actions, verification, and record keeping which will all be evaluated by the owner. SOPs are provided for continuous employee training under direct supervision of the owner. The HACCP/SOP/GMP plans and continuous employee training for close monitoring and verification will ensure that all provisions of the granted variance will be enacted at this facility.

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

Allen County Board of Health, Employees and Customers of Messmanns Meats

**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: Carrie A. Ballinger, Associate