



REQUEST FOR VARIANCE

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

INDIANA STATE DEPARTMENT OF HEALTH
Telephone: 317/234-8569 FAX: 317/234-8900

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**FOOD PROTECTION PROGRAM
INDIANA STATE DEPT. OF HEALTH**

1. Individual Submitting Request: Date: 6/17/2015

Name: Danny Salgado Telephone: (317 215-4164) Fax: ()

Mailing Address: 299 W. Main St. Email: Danny@reverygreenwood.com
Number and Street
Greenwood IN 46142.
City State ZIP Code
P.O. Box City State ZIP Code

2. Person/Organization Seeking Variance:

Name: Revery Email: Mhenrichs@reverygreenwood.com

Mailing Address: 299 W. Main St.
Number and Street
Greenwood IN 46142.
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: _____
(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.)

Revery Restaurants respectfully request a variance to 410 IAC 7-24-195 reduced Oxygen packing criteria. Our proposal request that Revery be allowed to submit HACCP Plans and SOP materials that reflect current operating practices are aligned with the 2007 supplement to the 2005 FDA food code section 3-502.12(D) are met. These provisions are reproduced below:
3-501.12 Reduced oxygen packing criteria.
(D) Accept as specified (C) of this section, a Food Establishment may package food using a cook-chill, Sous Vide process Without obtaining a variance if:
(1) The Food Establishment implements a HACCP Plan that contains the information as specified under 8-201.14 (D).
(2) The food is:
(a) Prepared and consumed on the premises, or prepared and consumed off the premises, but within the same business entity with no distribution or sale of the bagged product to another business entity or the consumer.
(b) Cooked to heat all parts of the food to a temperature and for a time as specified under 3-401.11
(c) Protected from contaminants after cooking as specified under part 3-4.
(d) Placed in a package or bag with an oxygen barrier and sealed before cooking, or placed in a package or bag and sealed immediately after cooking, and before reaching a temperature below 57 degrees C. (135 F).
(e) Pooled to 5 degrees C. 41 degrees F. in the sealed package or bagged as specified under 3-501.14, and subsequently:
(i) Cooled to 1 degree C. 41 degrees F. within 48 hours of reaching 5 degrees C. 41 degrees F. and held at a temperature until consumed or discarded within 30 days after date of preparation.
(ii) Cooled to 1 degree C. 34 degrees F. within 48 hours of reaching 5 degrees C. 41 F., removed from the refrigeration equipment that maintains a 1 degree C. 34 degree F. food temperature and then held at 5 degree C. 41 degrees F. for no more than 72 hours, at which time the food must be consumed or discarded.
(iii) Cooled to 3 degrees C. 30 F. or less for within 24 hours of racing 5 degrees C. 41 degrees F. and held there for no more than 72 hours from packaging, at which time the food must be consumed or discarded, or
(iv) Held frozen with no self life restriction while frozen until consumed or used.

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.)*

The Sous Vide process in place at Revery was designed to safely and rapidly cool foods to prevent the rapid growth of food borne illness causing bacteria. The process was never designed to extend shelf life or to allow for retail sales of the foods processed in this manner.
The cooling curves included in this proposal demonstrate how rapidly the food cools which greatly reduces the potential growth of organisms of concern, including e. botulinum. Storage temperatures of 30 degrees F. and a 3 day shelf life also limit the potential for growth and toxin formation. Since all foods cooked by Sous Vide are thoroughly reheated prior to service, listeria concerns are eliminated.
Please review the attached HACCP plan and supporting documentation. The processes outlined in the HACCP plan are more stringent than the requirements of the current Indiana Food code.

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:

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

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

Revery has developed food safety processes and HACCP Plans for performing Sous Vide cooling protein. That are based on the 2005 FDA Model Food Code and the 2007 Supplement to the Food Code Section 3-502.12. Current ROP cooling practices in Revery Restaurants easily meet the required cooling time and temperature requiremnts. The 2007 supplement requires a 72 hour maximum holding time for cooled ROP foods. Revery has always had this stadard in place since initiating Sous vide cooling

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

By meeting the standards set forth by the 2005 FDA Model Code suplement Revery would be in compliance with the most up to date food safety standards set by the FDA and the Conference for Food Protection.

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

How the proposal is based on new scientific or technological principle(s), by meeting the standards set forth by the 205 FDA model Code of supplement Revery would be in compliance with the most up to date food safety standards set by the FDA and the Conference for Food Protection.

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

Revery has a well established and documented training program and HACCP monitoring and documentation system in place for Sous Vide.

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 processes for safely cooling and holding foods are well established in Revery. The procedures for monitoring and documenting the safety of the food are also well established.

Revery is committed to only serving the safest and highest quality of foods to our customers. Revery is also committed to being a partner with the regulatory community in preventing food borne illness.

The HACCP processes are evaluated daily by restaurant management, they will also perform quartery food and safety audits.

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

Indiana State Department of Health
Local Indiana County Health Departments

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: Danny Selgado