



Michael R. Pence  
Governor

Jerome M. Adams, MD, MPH  
State Health Commissioner

CERTIFIED MAIL #7009-2820-0003-8638-0000

September 20, 2016

Rose Ryan, Owner  
Voodoo Truck, LLC dba Voodoo Public House  
112 South Broadway  
Peru, IN 46970

RE: Variance Request # 962016

Order to Approve a Variance

You are hereby notified that based on the recommendation of the Indiana State Department of Health (ISDH) Food Protection Program, and as authorized by Indiana Code (IC) 16-19-3-4.3 and IC 16-42-5-5.2, the State Health Commissioner hereby orders that a variance be approved to Rose G. Ryan, Owner of The Voodoo Truck, LLC, d/b/a/ Voodoo Public House.

On June 30, 2016, this office received a request from you representing The Voodoo Truck, LLC, d/b/a/ Voodoo Public House to vary section 187 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements," relating to the acidification of sushi rice. A letter requesting additional information was sent to you on July 12, 2016 and there were two email exchanges of information resulting in agreement of the following terms.

This **VARIANCE APPROVAL** is based on the following criteria:

- The production facility is located at:

The Voodoo Truck, LLC, d/b/a/ Voodoo Public House  
112 South Broadway  
Peru, IN 46970

- Cooked white sushi rice shall be prepared according to the process described in the variance application as supplemented by subsequent email exchanges, including a resulting pH of 4.2 or less as a critical control point (CCP), monitored every 1-2 hours. The acidified rice shall be held at room temperature for no more than 10 hours.
- All sushi rice preparation employees must be trained on the SSOP's, and pH verification/recording procedures stated in the materials received on June 30, 2016, July 20, 2016, and July 21, 2016 as attached to this document.



2 North Meridian Street • Indianapolis, IN 46204  
317.233.1325 tdd 317.233.5577  
[www.statehealth.in.gov](http://www.statehealth.in.gov)

To promote and provide  
essential public health services.

- All pH measurements shall be performed using a calibrated pH meter and shall not be performed using pH indicating strips.
- The company chef and/or the person-in-charge inspector will have managerial oversight of the production facility and will act to verify that the procedures herein established are being performed and that records demonstrating the occurrence of this function are completed.
- The acidified rice will not be transported or sold to other Miami County Retail food establishments, nor will it be sold in counties in addition to Miami County; however, this does not prevent the sale of the final assembled sushi products to other retail establishments under refrigeration and otherwise according to the requirements in 410 IAC 7-24.
- The ISDH Food Protection Program shall be notified of any substantive changes in the production process that may affect the conditions and criteria in this variance.
- The controls for meeting the conditions of this approval shall be assessed by ISDH and/or the affected local health department periodically. In addition, ISDH and/or the affected local health department may collect independent samples, analyzed for pH based on the submitted recipe and/or procedure.
- The facility person-in-charge shall allow random surveillance sampling by the regulatory authority of the sushi rice for testing at any time to verify that the procedure in the variance application is being followed.
- Log sheets recording pH measurements of sushi rice shall be retained (may be paper or electronic files) for a period of at least two years from the date of production and shall be made available to the regulatory authority during inspections or upon request.
- A copy of this approval letter and the submitted application must be kept onsite in the above named preparation establishment at all times and readily available for review by state and/or local health department personnel.
- A Certified Food Handler, as specified in 410 IAC 7-22, shall be provided at all times during sushi preparation for this location to properly oversee all food safety requirements.
- This variance does not extend to locations not listed above. There shall be no other food establishments in Indiana conducting this process by this company unless explicitly approved by the ISDH Food Protection Program. The company must request and receive approval from ISDH Food Protection Program at least thirty (30) days prior to adding new Indiana locations to this variance.
- This Variance Order is limited to The Voodoo Truck, LLC, d/b/a/ Voodoo Public House and the current scope of the existing operations as indicated in submitted materials. This Variance Order is not transferable to a new owner.
- This Variance Order is limited to being in compliance with all other applicable state and local regulations.
- Any provisions not adhered to may result in the revocation of this order.
- Some of the submitted materials may be considered confidential or proprietary for The Voodoo Truck, LLC, d/b/a/ Voodoo Public House. It is a condition of this approval that The Voodoo

Truck, LLC, d/b/a/ Voodoo Public House agrees to allow copying and transmittal of submitted materials to Indiana food regulatory authorities for regulatory purposes.

**If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Ind. Code §40-21.5-3-7(a), you must petition for such review in writing. The petition must state facts demonstrating that:**

- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.

**Your request for review or stay of effectiveness must be filed in writing and addressed to:**

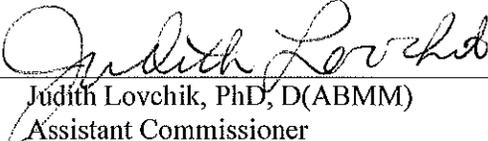
**Indiana State Department of Health  
Attn: Court Administrator  
Office of Legal Affairs  
2 North Meridian Street, Section 3H  
Indianapolis, Indiana 46204**

**on or before October 20, 2016. If no request for review or stay of effectiveness is filed by October 20, 2016, this decision shall become final.**

DATED AT INDIANAPOLIS, INDIANA THIS 20<sup>th</sup> DAY OF SEPTEMBER 2016.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY APPROVE A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

JEROME M. ADAMS, MD, MPH  
STATE HEALTH COMMISSIONER

By:   
Judith Lovchik, PhD, D(ABMM)  
Assistant Commissioner  
Public Health Protection and Laboratory Services Commission

cc: ISDH Executive Board  
ISDH Food Protection Staff  
ISDH Office of Legal Affairs  
Miami County Health Department



## Cumulative emails and responses related to VooDoo Truck VR as of 7-21-16

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Yes. That is agreeable to change the upper pH from 4.6 to 4.2.

Hazard Analysis: Because rice is a TCS food, we must insure that we properly acidify the rice to be able to work with it while it is in the danger zone.

Critical Control Point: Working with rice while the rice is in the danger temperature zone.

Critical Limits: Rice must be between 3.3 and 4.2 pH acidity.

Monitoring: We must check the pH of the rice at least every hour.

Corrective Actions: If rice is not properly acidified, we will either dispose of the rice or add vinegar to change its pH.

Record Keeping: We will log the pH at the time of measurement.

Verification Procedures: We will verify the pH with pH-indicator strips.

Daniel Douglass will be the one to check and monitor the rice pH levels. He is our certified ServSafe food handler. We have attached the time sheet that Daniel uses to track all the information recorded.

Thanks Dan!  
Emily

On Thu, Jul 21, 2016 at 7:30 AM, Miller, Dan <[Dmiller@isdh.in.gov](mailto:Dmiller@isdh.in.gov)> wrote:

Emily/Rose Ryan,

Regarding your ISDH variance request, recent studies indicate, and FDA agrees, that *Bacillus cereus* can grow in cooked grain held at room temperature for more than 4 hours at a pH above 4.2. Since the critical limits for your sushi rice are pH 3.3 and 4.6, would your company be willing to agree to set the upper pH limit at 4.2? If this is agreeable, could you revise your HACCP Plan to reflect this critical limit?

Could there also be provided blank copies of the forms (electronic or paper) on which the pH data will be recorded, including who will monitor the records for verification of the HACCP Plan?

Thank you for your response.

dm

**DAN MILLER**  
*Regions ...2,2,1...*

*Food Protection Program  
Indiana State Department of Health  
[317.234.8569](tel:317.234.8569) office  
[317.439.9662](tel:317.439.9662) mobile  
[317.233.9200](tel:317.233.9200) fax  
[dmiller@isdh.in.gov](mailto:dmiller@isdh.in.gov)  
[www.StateHealth.in.gov](http://www.StateHealth.in.gov)*

**From:** Daniel Douglass [mailto:[thevoodootruck@gmail.com](mailto:thevoodootruck@gmail.com)]  
**Sent:** Wednesday, July 20, 2016 11:47 AM  
**To:** Miller, Dan  
**Subject:** Request for more information from Voodoo Public House.

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In box 5, on the application for Request for Variance State Form 51184, we did not provide enough information, here is our new and improved answer.

The chef is equipped and trained to use the calibrated pH meter to measure each batch of sushi rice that is prepared to ensure proper acidification to be between 3.3 pH to 4.6 pH acidity. The sushi rice is checked every 1-2 hours to ensure that the pH level stays appropriate to ensure non-hazardous food conditions to comply with the HACCP plans. The rice is made fresh three times daily and is disposed of if it fails to maintain a 4.6 pH level or below. The chef will only use the recipe as stated below.

The sushi rice includes the following ingredients:

medium grain white rice, rice vinegar (4% acidity), and sugar.

It will be held at room temperature for no more than 10 hours. Calibrated pH meter ensures that a proper pH balance is maintained below 4.6 and is monitored every 1-2 hours.

The acidified rice will not be transported or sold to other Miami County retail food establishments, nor will it be sold in counties in addition to Miami County.

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Hazard Analysis: Because rice is a TCS food, we must insure that we properly acidify the rice to be able to work with it while it is in the danger zone.

Critical Control Point: Working with rice while the rice is in the danger temperature zone.

Critical Limits: Rice must be between 3.3 and 4.6 pH acidity.

Monitoring: We must check the pH of the rice at least every hour.

Corrective Actions: If rice is not properly acidified, we will either dispose of the rice or add vinegar to change its pH.

Record Keeping: We will log the pH at the time of measurement.

Verification Procedures: We will verify the pH with pH-indicator strips.

Please let me know if there is anything else you need.

Thanks,

Emily