



Michael R. Pence  
Governor

Jerome M. Adams, MD, MPH  
State Health Commissioner

CERTIFIED MAIL #7009-2820-0003-8637-9998

September 20, 2016

Angela Kim, Operation Officer  
Sushi Maru Express, Inc.  
65 Challenger Road, Suite 202  
Ridgefield Park, NJ 07660

RE: Variance Request # 992016

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 Angela Kim, Operation Officer, Sushi Maru Express Incorporated.

On July 18, 2016, this office received a request from you representing Sushi Maru Express Inc. to vary section 187 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements," relating to the acidification of sushi rice.

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

- The production facility is located at:

Meijer Store  
5325 East Southport Road  
Indianapolis, IN 46237

- 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 4.0 or less as a critical control point (CCP). The acidified rice shall be held at room temperature for no more than 4 hours in accordance with the stated company procedure, attached.
- All sushi rice preparation employees must be trained on the SSOP's, and pH verification/recording procedures stated in the materials attached to this document.
- All pH measurements shall be performed using a calibrated pH meter and shall not be performed using pH indicating strips.



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.

- The company sushi 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 Marion County Retail food establishments, nor will it be sold in counties in addition to Marion 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 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. Records may be retained as paper or electronic files.
- 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 Sushi Maru Express, Inc. 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 are considered confidential or proprietary for Sushi Maru Express, Incorporated. It is a condition of this approval that Sushi Maru Express, Inc. 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:**

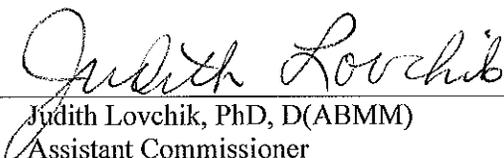
**Indiana State Department of Health  
Attn: Court Administrator  
Office of Legal Affairs  
2 North Meridian Street, Section 3H  
Indianapolis, Indiana 46204**

**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  
Marion County Health Department

RECEIVED



**REQUEST FOR VARIANCE** JUL 18 2016  
 State Form 51104 (R/5-13)  
 Food Protection Program

**INDIANA STATE DEPARTMENT OF HEALTH**  
 Telephone: 317-234-8569 FAX: 317-234-4800

FOOD PROTECTION PROGRAM  
 INDIANA STATE DEPT OF HEALTH

<b>1. Individual Submitting Request</b>		Date: 7/12/2016	
Name: Angela Kim	Telephone: (201) 654-0422	Fax: (201) 345-3484	
Mailing Address: 65 Challenger Rd Suite 202 Ridgewald Park	Email: a.kim@sushimaruexpress.com		
City: NJ	State: NJ	Zip: 07063	Zip: 07063
<b>2. Person/Organization Seeking Variance:</b>			
Name: Sushi Maru Express Inc	Email: a.kim@sushimaruexpress.com		
Mailing Address: 66 Challenger Rd suite 202 Ridgewald Park			
City: NJ	State: NJ	Zip: 07063	Zip: 07063
<b>3. Food Establishment(s) for Which Variance is Sought</b> Include the following information for each food establishment: (Attach separate additional pages if necessary.)			
* Physical Location (Address, City, State, Zip): 5325 E Southport Rd Indianapolis, IN 46237 (inside of Meijer store)			
* Mailing Address: 65 Challenger Rd suite 202 Ridgewald Park, NJ 07063 (Address, State, City, State, and ZIP Code)			
* Telephone Number: (201) 654-0422 Fax Number: (201) 345-3484			
* Person(s) at each retail food establishment most responsible for supervising: Lola Chan			
<b>4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:</b> (Attach additional pages if necessary.) Section 187 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements", relating to the acidification of sushi rice; all hazardous food must be cold held below 41F. Sushi Maru Express is requesting to render a once potentially hazardous product non potentially hazardous by process of acidifying rice at pH level 4.3 and below			
<b>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.)</b> Every batch of sushi rice cooked is measured by calibrated digital pH meter to ensure acidity level is below 4pH. Critical analysis and studies show acidified sushi rice with pH4 or less and holding at room temperature is safe and the acidity control the growth of bacteria up to 4 hours. Rice which is not used within 4 hours is discarded and the chef would make a new batch of rice and apply same process of acidification.  ** Please refer to attached "Sushi Rice HACCP"			

<p><b>6. List how the proposal demonstrates the following (if applicable to the request):</b></p> <p>A) How the proposal differs from what is common and usual in similar industry situations: It is common industry practice to use sushi rice in room temperature.</p> <p>B) How the proposal is unique and not addressed in existing rules or laws: Existing law requires holding or storage of potentially hazardous food kept 41°F and 135°F and variance for any method of sterilizing process. By holding sushi rice at below 4pH, it becomes safe to be stored at room temperature.</p> <p>C) How the proposal does not diminish the protection of public health: Complying with HACCP plan, sushi rice at pH levels 4 or below is safe to be stored at room temperature for up to 4 hours and does not diminish the protection of public health.</p> <p>D) How the proposal is based on new scientific or technological principle(s): Avoiding danger zone, 4.60- 7.50, sushi rice kept below 4pH discourages growth of pathogens</p> <p>E) How the implementation of the variance would be practical: The quality of the rice would be greatly enhanced, improving sushi product in whole. Logging of every batch and discarding unused rice after 4 hours will ensure the taste and safety of consumers</p>	
<p><b>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:</b> Sushi Manu Inc. provides detail training program based on HACCP for chefs on how to handle rice properly. They are trained to log pH level of each batch of rice. The log records the date, time and pH values, and records are monitored and verified.</p>	
<p><b>8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities (attach additional pages if necessary.)</b> Marion County Health Department Indiana State Health Department Major store</p>	
<p><b>9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies.</b></p>	<p><b>For Office Use Only</b></p>
<p><b>10. Signature of Individual Making Request:</b> Printed Name, Title: <u>Angela Kim / Operation Officer</u></p>	

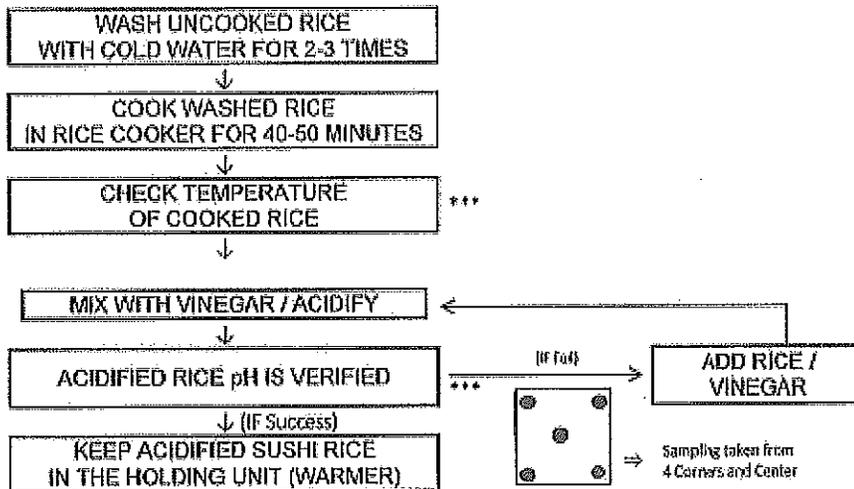
Part 1 – Cooked Foods CCPs



CCP's - Receiving - Storing - Preparing - Cooling - Holding - Serving

FLOW CHART – DECISION TREE

NAME	SUSHI MARU EXPRESS
ADDRESS	65 CHALLENGER ROAD, SUITE 202 RIDGEFIELD PARK, NJ 07080
TEL / FAX	888 – 646 – 2494 / 201 – 345 – 3484



\*\*\* ⇒ Critical Control Point (CCP)

	WHITE RICE	BROWN RICE
RICE	6 LB	6 LB
VINEGAR	32 OZ	4 OZ

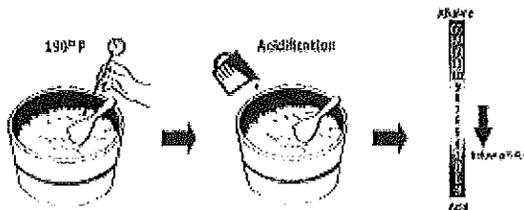
## SOP: Rice Acidification Process

65 Challenger Dr. Suite 202  
 Ridgefield Park, NJ 07651  
 T: (201) 631-7194  
 F: (201) 345-3114

**SUSHI NARA**

### PIPSAFE HANDLING: SUSHI RICE

Sushi rice needs to be seasoned and acidified to achieve distinct sushi rice flavor and, sushi chefs are trained to season sushi rice at 130°F for best flavor. As the seasoning is being added, the rice needs to be hand turned so that vapors from moisture is forced away from the rice.



Once seasoned, the rice temperature decreases to approximately 113°F and is kept in a bin of covered sushi rice bins. Cooling time is recorded on the cover of the bins.

**Acidification of rice** - Although it's sole purpose is to achieve that distinct sushi rice flavor, does inhibit the growth of food poisoning bacteria. We maintain pH less than or equal to 4.1 and it is tested each time the rice is prepared.

**Expired batch of sushi rice** - One batch of sushi rice is completely used for sushi products, normally within four hours, which is well within the code requirement. Our chefs are trained to completely use the sushi rice batch within the four-hour window. Any leftover Sushi rice is then quickly discarded. This process repeats itself for the next batch.

**Making sushi** - When making any sushi roll, the rice is evenly spread out onto a sheet of (dried seaweed paper) with a thickness of approximately 5 inch. During this process, the rice quickly cools to the room temperature. It takes less than a minute to make a roll. Therefore, when the sushi roll is complete, the roll is at a room temperature. The sushi product is then packed and immediately placed in a refrigerated display where it will further cool to below 41°F.



FIRM'S NAME	SUSHI MARU EXPRESS	PRODUCT DESCRIPTION	ACIDIFIED SUSHI RICE
FIRM'S ADDRESS	55 CHALLENGER ROAD, SUITE 202 RIDGEFIELD PARK, NJ 07660	METHOD OF DISTRIBUTION METHOD OF STORAGE	HOLDING UNIT (WARMER)
		INTENDED USE AND CONSUMER	READY TO EAT WITHOUT FURTHER PROCESSING

(1) CRITICAL CONTROL POINT (CCP)	(2) SIGNIFICANT HAZARD(S)	(3) CRITICAL LIMITS FOR EACH PREVENTIVE MEASURE	(4) WHAT	(5) MONITORING			(7) WHO	(8) CORRECTIVE ACTION(S)	(9) RECORDS	(10) VERIFICATION
				HOW	FREQUENCY	HOW				
Temperature of Cooked Rice	Pathogenic BACILLUS CEREUS	Temperature of Cooked Rice at or above 155°F	All Cooked Rice	Check Temperature of Cooked Rice	Each Batch	Employee In Charge (Sushi Chef (in-Store))	Destroy and Cook New Batch	Temperature and pH of Sushi Rice Quality Control	Weekly Review of Monitoring Record and Corrective	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
pH Level of Acidified Sushi Rice		pH Level of Acidified Sushi Rice to be Between 3.6 - 4.0		Check pH Level of Acidified Sushi Rice			Add More Sushi Vinegar	Sheet	Action and Verification Records Every Week Fax to the Office (In Store) Calibration of Thermometer and pH Tester

