



Michael R. Pence
Governor

William C. VanNess II, MD
State Health Commissioner

CERTIFIED MAIL

December 19, 2013

Andrea Bursey, Quality Manager
Hissho Sushi
11949 Steele Creek Road
Charlotte, NC 28273

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 Andrea Bursey, Quality Manager, Hissho Sushi.

On November 22, 2013, this office received a request for Hissho Sushi to vary section 187 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements," relating to the production of sushi rice as a non-potentially hazardous food (non-TCS: non-Time/Temperature Controlled for Safety Food) from a potentially hazardous food (TCS: Time/Temperature Controlled for Safety Food) by a process of acidification.

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

- The following locations in Indiana:

Kroger, #091
528 South College Avenue, Bloomington

Kroger # 900
4025 South Old State Road 37, Bloomington

Kroger #928
1175 South College Mall Road, Bloomington

Kroger #804
5810 East 71st Street, Indianapolis

O'Malia's Market #209
320 North New Jersey Street, Indianapolis

Meijer #154
8375 E. 96th Street, Indianapolis

Meijer #230
17000 Mercantile Blvd, Noblesville

Baesler's Market
2900 Poplar Street, Terre Haute

Kroger/Payless Supermarket #824
1032 Sagamore Parkway West, West Lafayette

- Cooked sushi rice shall be prepared according to the process described in the material accompanying the variance application, including a resulting pH of 4.1 or less as a CCP.
- All employees must be trained on the SSOP's, pH verification procedures, the sushi rice HACCP plan as stated in the "Hissho Sushi, Sanitation Standard Operating



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To promote and provide
essential public health services.

- Procedure/HACCP” document and the accompanying materials received by this office on November 22, 2013.
- The Department shall be notified of any substantive changes in the product manufacturing process that may affect the accuracy of challenge studies or HACCP plan criteria;
- 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 HACCP plan is being properly followed;
- A copy of this approval letter and the HACCP plan must be kept onsite in the establishment at all times and readily available for review by local or state health department personnel;
- A Certified Food Handler is provided at all times during sushi preparation for this location to properly oversee all food safety requirements; and
- 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 Indiana State Department of Health. The establishment must request and receive approval from the ISDH Food Protection Program least thirty (30) days prior to adding new Indiana locations to this variance.
- Hissho Sushi shall comply in all aspects of the 410 IAC 7-24, as determined by the ISDH and/or local health department, except as stated above. Any change to the management, structure of the operations, or procedures could invalidate this variance Order
- This variance Order is limited to Hissho Sushi or company designee, and the current scope of the existing operations. 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.
- Hissho Sushi agrees to allow copying and/or transmittal of submitted proprietary and/or copyrighted material for regulatory purposes.
- Any provisions not adhered to may result in the revocation of this order.

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:

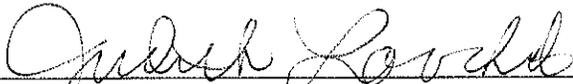
- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.

Your request for review or stay of effectiveness must be filed in writing with the State Health Commissioner, 2 North Meridian Street, Indianapolis, Indiana 46204, on or before January 7, 2014. If no request for review or stay of effectiveness is filed by January 7, 2014, this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA THIS 19TH DAY OF DECEMBER 2013.

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.

WILLIAM C. VAN NESS II, M.D.
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
Hamilton County Health Department
Marion County Health Department
Monroe County Health Department
Tippecanoe County Health Department
Vigo County Health Department