



Michael R. Pence
Governor

William C. VanNess II, MD
State Health Commissioner

CERTIFIED MAIL

October 9, 2013

Cheryl Bauer
University of Notre Dame
217 South Dining Hall
P. O. Box 1129
Notre Dame, IN 46556

RE: Variance Request # 572013

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 Cheryl Bauer, University of Notre Dame.

On July 3, 2013, this office received a request for the University of Notre Dame to vary section 195 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements," relating to the production of a reduced oxygen packaged (ROP) food without two growth barriers to *C. botulinum* and *L. monocytogenes*.

Order

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

- The following locations:

University of Notre Dame Campus, Saint Joseph County, Indiana, including:
the Food Service Support Facility,
the North Dining Hall, and
the South Dining Hall.

- The procedural materials submitted on 7/3/2013 and as later modified in response to an ISDH letter requesting more information, dated September 18, 2013. The University of Notre Dame response to this request is dated September 26, 2013 (received in the ISDH Food Protection Office on 10/4/13). This includes:

Limiting foods that are reduced oxygen packaged in this manner to those 37 items listed on page #4, which is located prior to the recipes in the document.



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To promote and provide
essential public health services.

Use of the provided HACCP plan as specified.

Employee training is conducted as stated in the document.

Cooking, packaging, cooling, storing, reheating of ROP food items through to service or disposition by the methods listed in each respective SOP.

ROP food items are not sold, distributed, or otherwise provided to anyone not under direct business control of the University of Notre Dame.

HACCP records are created, monitored and retained for at least 360 days as specified in the document.

Additional products may be added upon request. Modifications may be made to this variance upon request and approval.

- All other provisions provided in law shall be complied with at all times.
- The ISDH and/or local health department regulatory personnel may evaluate compliance with this order in the future at any or all of the listed locations. A copy of this order and application information must be maintained at each location.
- 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:

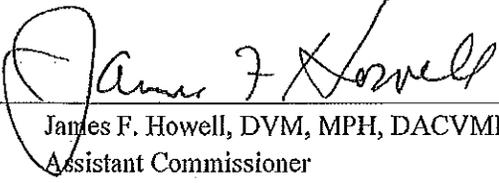
- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.

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 October 29, 2013. If no request for review or stay of effectiveness is filed by October 29, 2013, this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA THIS 9th DAY OF OCTOBER 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: 
James F. Howell, DVM, MPH, DACVMP
Assistant Commissioner
Public Health and Preparedness Commission

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