



REQUEST FOR VARIANCE

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

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INDIANA STATE DEPARTMENT OF HEALTH
Telephone: 317/234-8569 FAX: 317/233-9200

FOOD PROTECTION PROGRAM
INDIANA STATE DEPT. OF HEALTH

1. Individual Submitting Request:		Date: <u>07 / 21 / 2014</u>	
Name: <u>Eric D. Martin</u>		Telephone: <u>(502) 515-7382</u> Fax: <u>()</u>	
Mailing Address: <u>6040 Dutchmans Ln</u>		Email: <u>ericm@texasroadhouse.com</u>	
<small>Number and Street</small>			
<u>Louisville</u>		<u>KY</u>	<u>40205</u>
<small>P.O. Box</small>	<small>City</small>	<small>State</small>	<small>ZIP Code</small>
2. Person/Organization Seeking Variance:			
Name: <u>Texas Roadhouse Holdings, Inc.</u>		Email: <u>ericm@texasroadhouse.com</u>	
Mailing Address: <u>6040 Dutchmans Ln</u>			
<small>Number and Street</small>			
<u>Louisville</u>		<u>KY</u>	<u>40205</u>
<small>P.O. Box</small>	<small>City</small>	<small>State</small>	<small>ZIP Code</small>
3. Food Establishment(s) for Which Variance is Sought			
Include the following information for each food establishment: <i>(List here or attach additional pages if necessary.)</i>			
• Physical Location <i>(If different than mailing address):</i> <u>See Attached List</u>			
• Mailing Address: _____ <small>(Number, Street, City, State, and ZIP Code)</small>			
• Telephone Number: <u>()</u> Fax Number: <u>()</u>			
• 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:			
<i>(Attach additional pages if necessary.)</i>			
Section 195			
Request for variance based on scientific information on growth of C. botulinum and L. monocytogenes which has been updated and present in the 2013 FDA Food Code for a Cook/Chill operation. This varies from the current Sec 195 and allows for food products to be bagged at 135°F or above, sealed, cooled according to code, and stored for up to 7-days at 41°F or below.			
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: <i>(Attach additional pages, if necessary.)</i>			
See attached HACCP Plan			

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:

The use of a cook/chill common in many food establishments.

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

This proposal is based on updated information and changes that are present in the 2013 FDA Food Code

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

The use of a cook/chill system helps to eliminate issues will bulk product cooling and potential cross contamination.

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

The new change in the 2013 FDA Food Code is based on the studies from the FDA on the growth C. botulinum and L. monocytogenes

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

Will help us with cooling, storage and rotation of product. Also will increase food quality of product for a longer period of time - up to 7 days.

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:

Please see training and documentation sections of HACCP plan

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

See attached list

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:

Eric D. Martin R.S.

Printed Name, Title:

Eric D. Martin, Director of Food Safety



Support Center
6040 Dutchmans Lane
Louisville, KY 40205

Dear Regulator/Health Authority:

The following are current products that will be used in the Cook/Chill process:

Texas Roadhouse

- Green Beans
- Chili wo/beans
- Chili w/beans
- Au Jus
- Simple Brown Sauce
- Simple Mushroom Sauce

Respectfully submitted,

Eric D. Martin, R.S.
Director of Food Safety
Texas Roadhouse

