



# REQUEST FOR VARIANCE

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

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JAN 14 2016

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: 1/8/16

Name: NATHAN AUKERMAN

Telephone: (859) 209-1166 EXT. 175 Fax: ( )

Mailing Address: 866 MALABU DRIVE SUITE 250  
Number and Street  
LEXINGTON KY

Email: naukerman@greercompanies.com  
40502  
ZIP Code

P.O. Box

City

State

ZIP Code

### 2. Person/Organization Seeking Variance:

Name: GREER COMPANIES

Email:

Mailing Address: 866 MALABU DRIVE SUITE 250  
Number and Street

LEXINGTON

KY

40502

P.O. Box

City

State

ZIP Code

### 3. Food Establishment(s) for Which Variance is Sought

Include the following information for each food establishment: (List here or attach additional pages if necessary.)

- Physical Location (if different than mailing address): CHEDDAR'S - LAFAYETTE
- Mailing Address: 91 N. 36TH STREET LAFAYETTE, IN 47905  
(Number, Street, City, State, and ZIP Code)
- Telephone Number: (765) 746-6811 Fax Number: ( )
- Person at each retail food establishment most responsible for supervising: Jim Beauchamp, GM

### 4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:

(Attach addit.

#### 2.1 ROP IN US FDA MODEL FOOD CODE 2013

The US FDA model Food Code for 2013 has been significantly updated with regards to ROP and specifically for cook chill and sous vide. Cheddar's requests a waiver or variance as needed to operate according to the standards in section 3-502.12 in the 2013 Food Code model. CHEDDAR'S specifically requests approval to:

1. Cook chill or sous vide and refrigerate foods for up to 7 days at or below 41°F as permitted in the 2013 Food Code 3-502.12 (D)(2)(e)(ii)
2. Cold bag vegetables with inclusions. Store these items as if they were vacuum packaged at ≤ 41°F for ≤ 7 days. Since this is not exactly the vacuum package process it is considered a variance request.
3. ROP package ALL foods using any method provided that the package is labeled, held 48 hours at or below 41°F and removed from its packaging in that time per 3-502.12 (F).

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.)

#### 2.3 HACCP IMPLEMENTATION AND RENEWAL

CHEDDAR'S has an extensive global food safety support system including a robust HACCP based process system with foundational and operational prerequisite programs. Individual operators who are permitted to perform ROP must first gain approval of the CHEDDAR'S Safety Services group after demonstrating conformance to the HACCP standard (this document) and demonstrating the ability to implement the system. All recordkeeping is done electronically via the CHEDDAR'S CHEFs (Computerized HACCP enhanced food safety) system or manual via paper. Verification audits are performed by Safety Services Program

6. List how the proposal demonstrates the following (if applicable to the request):

\* PROBABLY  
NOT  
NEEDED

- A) How the proposal differs from what is common and usual in similar industry situations:
- B) How the proposal is unique and not addressed in existing rules or law:
- C) How the proposal does not diminish the protection of public health:
- D) How the proposal is based on new scientific or technological principle(s):
- E) How the implementation of the variance would be practical:

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:

SEE ATTACHED ON 'POF HAACP DOCUMENTATION REQUIREMENTS'

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

LAFAYETTE, IN HEALTH INSPECTOR

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:

Printed Name, Title: NATHAN LIVERMAN, DISTRICT MANAGER

# ROP HACCP Documentation Requirements

professionals, Field professionals, and third party inspectors. It is also anticipated that the state regulators will inspect this system for implementation as well.

## 3 ROP HACCP DOCUMENTATION REQUIREMENTS

The following documents are required for each operating unit performing ROP (vacuum packaging, cook chill or sous vide). A copy of the documentation is to be readily available to the Person-in-charge. Each operating unit is responsible for notifying the local regulator that they are performing ROP according to this HACCP program.

1. **General Operator Information**  
*This is not explicitly required by the Food Code and may be replaced by a Regulators Application Form if they have one.*
2. **Categorization and listing of all TCS foods used in ROP** (Temperature Control for Safety) including their ingredients. Categorization is either (a) Cook-chill or (b) sous vide. An ingredient list should be included for each recipe. *It is important to indicate when fish or seafood items are ingredients. Fish and seafood are considered especially hazardous in ROP due to potential for cold-loving Clostridium botulinum. **IMPORTANT:** All non TCS foods are excluded from ROP HACCP and its documentation. Keep records of non-TCS food analysis results and when packaging them using ROP it is recommended that you label them as "non-TCS" or include the acidity (pH) on the label.*
3. **Flow Diagram with CCPs (provided).**
4. **Equipment List (specific to the operation)**
5. **Hazards Chart (provided).** The US FDA model Food Code specifies that *Clostridium botulinum* and *Listeria monocytogenes* are the potential hazards for all ROP processes. However, the included chart is more comprehensive.
6. **CCP Summary(provided)**
7. **Cook chill and sous vide menu items (specified to the operation)**

**Required Prerequisite Programs.** *Per US FDA model Food Code.*

1. No Bare Hand Contact with RTE Foods
2. Segregation of Work areas
3. Cleaning and Sanitizing ROP Equipment and Wares
4. Employee ROP Training

**Operational Prerequisite Programs.** *These are prerequisite programs that are control measures identified during the operator's hazard analysis based on their processes.*

1. TCS (PHF) determination and exclusions from ROP HACCP
2. Forty eight hour (48h) ROP HACCP exclusion