

The Request for Variance has been modified and is being resubmitted now. (It was previously submitted on 4/8/13.)

Thank you,

Michelle Chiang

Asakusa Japanese Restaurant



Request For Variance

State Form 51184 (12-02)
Food Protection Program

INDIANA STATE DEPARTMENT OF HEALTH
Telephone: 317/233-7360 FAX: 317/233-7334

1. Individual Submitting Request:		Date: <u>04 / 12 / 2013</u>	
Name: <u>Michelle Chiang</u>		Telephone: <u>(260) 418-1201</u>	Fax: <u>()</u>
Mailing Address: <u>11616 Pennet Run</u>		Email: _____	
<small>Number & Street</small>			
<u>Fort Wayne</u>		<u>IN</u>	<u>46845</u>
<small>P.O. Box</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>
<hr/>			
2. Person/Organization Seeking Variance:			
Name: <u>Asakusa Japanese Restaurant</u>		Email: _____	
Mailing Address: <u>6401 W Jefferson Blvd.</u>			
<small>Number & Street</small>			
<u>Fort Wayne</u>		<u>IN</u>	<u>46804</u>
<small>P.O. Box</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>
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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): <u>see above</u>			
• Mailing Address: _____			
<small>(Number, Street, City, State, & Zip Code)</small>			
• Telephone Number: <u>()</u>		Fax Number: <u>()</u>	
• Person at each retail food establishment most responsible for supervising: <u>Michelle Chiang</u>			
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4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:			
<small>(Attach additional pages if necessary)</small>			
In section 410 IAC 7-24-187, it specifies that the holding temperatures for potentially hazardous food to be held at 135 F for holding warm food and to be 41 F for holding cold food. Instead of holding the sushi rice at the above stated temperatures, we prepare our sushi rice with a special process and use acidification to alter the pH to be between 3.3 pH to 4.6 pH and hold the sushi rice up to 4 hours at room temperature from the time that the acidification took place in order to prepare the rice as non-hazardous food item.			
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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.)			
The sushi chef is equipped and trained to use the calibrated pH meter to measure each batch of sushi rice that is prepared to ensure proper acidification to be between 3.3 pH and 4.6pH acidity. The sushi rice is checked every 1-2 hours to ensure that the pH level stays appropriate to verify that our sushi rice maintains non-hazardous food conditions to comply with the HACCP Plans. The rice is made fresh three to four times daily and is disposed of if it fails to maintain a 4.6 pH level or below. Additionally, it is only held for up to 4 hours at room temperature before being disposed of. The sushi chef will only use the recipe as stated below.			
The sushi rice includes the following ingredients: white rice, vinegar, sugar, and salt.			
Held at room temperature for no more than 4 hours.			
Calibrated pH meter ensures that a proper pH balance is maintained below 4.6 and is monitored every 1-2 hours.			

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:

In Japanese restaurants, altering the pH balance of sushi rice is very common. Having a proper pH level of the sushi rice ensure a safe, non-hazardous food item.

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

The Indiana code (section 410 IAC7-24-187) requires a variance before the method can be used. When the pH of the sushi rice is altered to be below 4.6pH, the rice becomes a non-potentially hazardous food and is safe to remain at room temperature in the appropriate sushi rice containers.

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

The pH level of the of the sushi rice is adjusted to be between 3.3pH to 4.6pH and is therefore a non-hazardous food item.

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

The proposal is scientifically proven that bacteria growth is inhibited when the pH balance is below 4.6, making the food non-hazardous. We will always keep our rice below 4.6 pH for no more than 4 hours

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

A pH reading will be taken upon every batch of rice that is made and the pH level will be monitored every 1-2 hours by the sushi chef to guarantee that our sushi rice is properly maintaining the appropriate acidification level.

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:

The sushi chef will report to Michelle Chiang regarding the pH level of the sushi rice multiple times per day and will use the calibrated pH meter to ensure that a proper balance is maintained. The pH balance of the sushi rice will be checked every 1-2 hours to make sure tha the HACCP plan is met to comply to the ISDH standards.

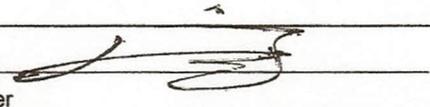
8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary)

Asakusa Japanese Restaurant, Allen County Health Department, and the Indiana State Department of Health

9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies.

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10. Signature of Individual Making Request:



Printed Name, Title: Michelle Chiang, Owner

section 142(e) of this rule; and

(3) steak is cooked on both the top and bottom to a surface temperature of one hundred forty-five (145) degrees Fahrenheit or above and a cooked color change is achieved on all external surfaces.

(d) A raw animal food, such as:

- (1) raw egg;
- (2) raw fish;
- (3) raw-marinated fish;
- (4) raw molluscan shellfish; or
- (5) steak tartare;

or a partially cooked food, such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in subsection (c), may be served or offered for sale in a ready-to-eat form if the retail food establishment serves a population that is not a highly susceptible population and the consumer is informed as specified under section 196 of this rule that to ensure its safety, the food should be cooked as specified under subsection (a) or (b).

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item.

410 IAC 7-24-183 Microwave cooking

Sec. 183. (a) Raw animal foods cooked in a microwave oven shall be:

(1) rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

(2) covered to retain surface moisture;

(3) heated to a temperature of at least one hundred sixty-five (165) degrees Fahrenheit in all parts of the food; and

(4) allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.

(b) For purposes of this section, a violation of subsection (a) is a critical item.

410 IAC 7-24-184 Microwave ovens

Sec. 184. (a) Microwave ovens shall meet the safety standards specified in 21 CFR 1030.10.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item.

410 IAC 7-24-185 Preparation for immediate service

Sec. 185. (a) Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item.

HOLDING TEMPERATURES

Sections 186 through 187

410 IAC 7-24-186 Cooking for hot holding

Sec. 186. (a) Fruits, vegetables, and any potentially hazardous foods not covered under sections 182 and 183 of this rule that are cooked for hot holding shall be cooked to an internal temperature of one hundred thirty-five (135) degrees Fahrenheit.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item.

410 IAC 7-24-187 Potentially hazardous food; hot and cold holding

Sec. 187. (a) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 193 of this rule, potentially hazardous food shall be maintained as follows:

(1) At one hundred thirty-five (135) degrees Fahrenheit or above, except that roasts cooked to a temperature and for a time specified under section 182(b) of this rule or reheated as specified in section 188(e) of this rule may be held at a temperature of one hundred thirty (130) degrees Fahrenheit.

- (2) At a temperature specified in the following:
- (A) At forty-one (41) degrees Fahrenheit or less.
 - (B) At forty-five (45) degrees Fahrenheit or between forty-five (45) degrees Fahrenheit and forty-one (41) degrees Fahrenheit in existing refrigeration equipment that is not capable of maintaining the food at forty-one (41) degrees Fahrenheit or less if:
 - (i) the equipment is in place and in use in the retail food establishment; and
 - (ii) by April 29, 2010, the equipment is upgraded or replaced to maintain food at a temperature of forty-one (41) degrees Fahrenheit or less.
- (b) For purposes of this section, a violation of subsection (a) is a critical item.

REHEATING OF FOOD

Section 188

410 IAC 7-24-188 Reheating for hot holding

Sec. 188. (a) Except as specified under subsections (b), (c), and (e), potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit for fifteen (15) seconds.

(b) Except as specified under subsection (c), potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit and the food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.

(c) Ready-to-eat food taken from:

- (1) a commercially processed, hermetically sealed container; or
 - (2) an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant;
- shall be heated to a temperature of at least one hundred thirty-five (135) degrees Fahrenheit for hot holding.

(d) Reheating for hot holding shall be done rapidly, and the time the food is between the temperature specified under section 187(a)(2) of this rule and one hundred sixty-five (165) degrees Fahrenheit may not exceed two (2) hours.

(e) Remaining unsliced portions of roasts of beef that are cooked as specified under section 182(b) of this rule may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under section 182(b) of this rule.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a critical item.

COOLING FOOD

Sections 189 through 190

410 IAC 7-24-189 Potentially hazardous food; cooling

Sec. 189. (a) Cooked potentially hazardous food shall be cooled as follows:

(1) Within two (2) hours, from one hundred thirty-five (135) degrees Fahrenheit to seventy (70) degrees Fahrenheit.

(2) Within four (4) hours, from seventy (70) degrees Fahrenheit to forty-one (41) degrees Fahrenheit or less, or to forty-five (45) degrees Fahrenheit as specified under section 187(a)(2) of this rule.

(3) The entire cooling process must be completed within six (6) continuous hours.

(b) Potentially hazardous food shall be cooled within four (4) hours to forty-one (41) degrees Fahrenheit or less, or to forty-five (45) degrees Fahrenheit as specified under section 187(a)(2) of this rule if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

(c) Except as specified in subsection (d), a potentially hazardous food received in compliance with laws allowing a temperature above forty-one (41) degrees Fahrenheit during shipment from the supplier as specified in section 166(b) of this rule, shall be cooled within four (4) hours to forty-one (41) degrees Fahrenheit or less, or forty-five (45) degrees Fahrenheit or less as specified under section 187(a)(2) of this rule.

(d) Shell eggs need not comply with subsection (c) if the eggs are placed immediately upon their receipt in refrigerated equipment that is capable of maintaining food at forty-one (41) degrees Fahrenheit or less, or forty-five (45) degrees Fahrenheit or less as specified under section 187(a)(2) of this rule.