



Michael R. Pence
Governor

Jerome M. Adams, MD, MPH
State Health Commissioner

CERTIFIED MAIL #7009-2820-0003-8637-9479

October 9, 2015

Dr. Larry Payton, Director of QA
Sushic GE, LLC
1249 Blalock Road, Suite D
Houston, TX 77055

RE: Variance Request # 892015

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 Dr. Larry Payton, Director of QA, Sushic GE, LLC.

On September 1, 2015, this office received a request from you representing Sushic GE, LLC to vary section 187 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements," relating to the acidification of sushi rice.

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

- The production facility is located at:

Giant Eagle Grocery Co.
11505 Illinois Street
Carmel, IN 46032

- Cooked white sushi rice shall be prepared according to the process described in the variance application, including a resulting pH of 4.2 or less as a critical control point (CCP).
- All sushi rice preparation employees must be trained on the SSOP's, and pH verification/recording procedures stated in the materials received on September 1, 2015, and as attached to this document. A company inspector will have managerial oversight of the production facility and will act to verify that the procedures herein established are being performed. Records demonstrating the occurrence of this function will be retained at, or be available from, the production site for up to two years.
- The ISDH Food Protection Program shall be notified of any substantive changes in the production process that may affect the conditions and criteria in this variance.



2 North Meridian Street • Indianapolis, IN 46204
317.233.1325 tdd 317.233.5577
www.statehealth.in.gov

To promote and provide
essential public health services.

- 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 procedure in the variance application is being followed.
- Log sheets recording pH measurements of sushi rice shall be retained (as either paper or electronic files) for a period of at least two years from the date of production and shall be made available to the regulatory authority during inspections.
- A copy of this approval letter and the submitted application must be kept onsite in the above named preparation establishment at all times and readily available for review by state and/or local health department personnel.
- A Certified Food Handler, as specified in 410 IAC 7-22, shall be provided at all times during sushi preparation for this location to properly oversee all food safety requirements.
- 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 ISDH Food Protection Program. The company must request and receive approval from ISDH Food Protection Program at least thirty (30) days prior to adding new Indiana locations to this variance.
- Sushic GE, LLC 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 or structure of the operation could invalidate this Variance Order.
- This Variance Order is limited to Sushic GE, LLC and the current scope of the existing operations as indicated in submitted materials. This Variance Order is not transferable to a new owner.
- This Variance Order is conditioned upon continuance of corporate inspections which will verify HACCP compliance and generate signed records indicating the occurrence of such reviews during monthly inspections.
- This Variance Order is limited to being in compliance with all other applicable state and local regulations.
- Any provisions not adhered to may result in the revocation of this order.
- Some of the submitted materials may be considered confidential or proprietary for Sushic GE, LLC. It is a condition of this approval that Sushic GE, LLC agrees to allow copying and transmittal of submitted materials to Indiana food regulatory authorities for regulatory purposes.

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 and addressed to:

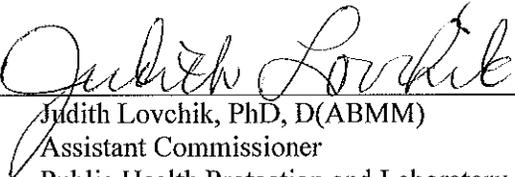
**Indiana State Department of Health
Attn: Court Administrator
Office of Legal Affairs
2 North Meridian Street, Section 3H
Indianapolis, Indiana 46204**

on or before November 9, 2015. If no request for review or stay of effectiveness is filed by November 9, 2015, this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA THIS 9th DAY OF OCTOBER 2015.

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.

JEROME M. ADAMS, MD, MPH
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

**REQUEST FOR VARIANCE**State Form 51184 (R / 5-13)
Food Protection Program**INDIANA STATE DEPARTMENT OF HEALTH**
Telephone: 317/234-8569 FAX: 317/233-9200

1. Individual Submitting Request:		Date: <u>8/31/15</u>
Name: <u>Larry Payton</u>	Telephone: <u>(281) 515-3132</u>	Fax: <u>(713) 722-0749</u>
Mailing Address: <u>1249 Blalock Rd Suite D</u>	Email: <u>payton.larry@sushicllc.com</u>	
<small>Number and Street</small>	<u>Houston</u>	<u>Tx</u>
<small>P.O. Box</small>	<small>City</small>	<small>State</small>
		<u>77055</u>
		<small>ZIP Code</small>
2. Person/Organization Seeking Variance:		
Name: <u>Sushic SE, LLC</u>	Email: <u>payton.larry@sushicllc.com</u>	
Mailing Address: <u>1249 Blalock Rd Suite D</u>		
<small>Number and Street</small>	<u>Houston</u>	<u>Tx</u>
<small>P.O. Box</small>	<small>City</small>	<small>State</small>
		<u>77055</u>
		<small>ZIP Code</small>
3. Food Establishment(s) for Which Variance is Sought		
<small>Include the following information for each food establishment: (List here or attach additional pages if necessary.)</small>		
• Physical Location <small>(if different than mailing address)</small> : <u>11505 Illinois Street (Market District)</u>		
• Mailing Address: <u>Carmel, IN 46032</u>		
	<small>(Number, Street, City, State, and ZIP Code)</small>	
• Telephone Number: ()	Fax Number: ()	
• Person at each retail food establishment most responsible for supervising: <u>Brian Kim</u>		
4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:		
<small>(Attach additional pages if necessary.)</small>		
<u>410 IAC 7-24-186 + 187</u>		
<u>Sushi rice will be deemed non-phf with proper acidification below 4.3 pH.</u>		
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.)		
<u>please see attached</u>		

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:

common sushi practice

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

acidification of rice

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

does not diminish the protection of public health

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

Approved + proven acidification reduces pathogenic growth conditions

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

Allows sushi rice to meet quality expectations

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:

We provide detailed training & on-going verification measures monthly to ensure compliance. In addition HACCP records are maintained to provide evidence of compliance levels daily.

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

Indiana State
Hamilton County HD
Giant Eagle Grocery Co.

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: Larry Payton, Director of QA



Sushi Rice Variance Request

Date: August 31, 2015

Re: Sushi Rice variance request

Dear Regulatory Authority,

Sushic GE, LLC sushi operations located inside Giant Eagle grocery stores throughout the country and are requesting special food processing variance. Preparation of the acidified sushi rice is being used as the core ingredient of most sushi menu items.

Hazard: The possible multiplication of the *Bacillus cereus* and *Clostridium perfringens* in the rice.

Proposal: Lower the pH level of the rice to control the possible hazard in sushi rice while the rice is held at a room temperature for up to 24 hours.

Thank you for your co-operation.

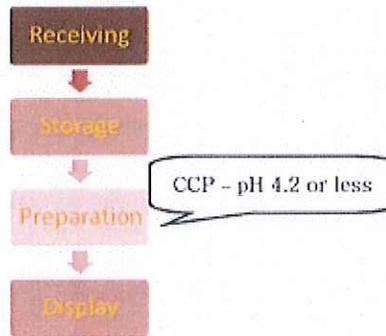
Sincerely,

Larry Payton
Director of Quality Assurance
Sushic GE, LLC



Sushi Rice Variance Request

Flow diagram – Sushi Rice



Ingredients and materials used in the preparation

White Sushi Rice

Uncooked rice (1); Water (1.3); Sushi vinegar (1) TG 100

Sushi Vinegar

TG - 100

DESCRIPTION OF THE RICE PROCESS

1. Cook rice completely, check for proper internal cooking temperature ($\geq 200^{\circ}\text{F}$). Must document on the TGC log book.
2. Pour sushi vinegar over the surface of the cooked rice, and mix the rice swiftly with a spatula (do not mash the rice).
3. Check the pH of the rice mixture. pH must be between 4.0-4.2 (expected pH: approx. 4.1). Must document on TGC log book.
4. Do not refrigerate the rice. Instead, keep it covered with a clean tight fitting container lid until it is ready to be used.
5. Discard any leftover rice at the end of the day or within 24 hours.

***Typically sushi operations use 3-8 batches per day



Sushi Rice Variance Request

Training plan

Sushic GE Standard Operating procedures are fully implemented in all sushi operations. Food employees are trained prior to food handling at the retail level. Supervisors monitor and train on a monthly basis to ensure compliance.

Rice Recipe Ratio

White Sushi Rice Recipe

Uncooked rice (1): Water (1.3)

Uncooked rice (4): TG 100 (1)

Sushi Vinegar Seasoning Recipe

TG 100 (6): Sugar (4): Salt (1): TGC (1)

Sample recipe for cooking 4 cups of uncooked rice

Recipe Name:		Sushi Rice (White)		
Ingredients	Specifications	Weight %	Weight	
Rice (short grain)	4 cups	37 %	844 g	
Water	5.2 cups	51 %	1158 g	
TG 100	1 cup	12 %	270 g	
TOTAL WEIGHT		100%	2272 g	



Sushi Rice Variance Request

Sushi Rice Temperature and pH Log (TGC log #105) Guidelines

- Thermometer must be calibrated prior to each shift
- All temperatures must be documented.
- pH checks must be documented accurately.
- **Do not write over mistakes.** If you make a mistake, draw one line through incorrect information, re-write correctly, and initial cross out.
- Record real-time information only. **Do not fill out paper before you perform the calibration.**

Cooking Guidelines

Product must be cooked to a temperature greater than 200°F.

Rice pH verification Guidelines

Conduct the pH verification within 30 minutes after the acidification of the cooked rice and as often as required to obtain the targeted 4.0 pH to 4.2 pH.

Rice Slurry

- The rice slurry should be made with 1 part rice to 2 parts distilled water.
- Cool rice slurry to room temperature.
- Stir with a clean spoon and check with a fresh pH strip.
- Re-test as often as possible until pH is within targeted range.
- Record the pH reading.

Corrective Actions

- Confirm that the pH meter is calibrated.
- Verify that the rice slurry contains the correct proportion of rice to water (1:2).
- Retest the rice. If still not within the adequate range, discard.

Rice that is not within the acceptable pH range will be discarded

Incomplete or incorrect paperwork will result in discarding of product

