



Michael R. Pence
Governor

Jerome M. Adams, MD, MPH
State Health Commissioner

CERTIFIED MAIL #7002-2410-0000-1700-6310

June 8, 2015

Bob Brody, Executive Chef
Indiana Grand Racing & Casino
4300 N. Michigan Road
Shelbyville, IN 46176

RE: Variance Request # 822015

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 Bob Brody, Executive Chef, Indiana Grand Racing & Casino.

On January 12, 2015, this office received a request from you representing Indiana Grand Racing & Casino 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:

Indiana Grand Racing & Casino
4300 N. Michigan Road
Shelbyville, IN 46176

- Cooked white sushi rice shall be prepared according to the process described in the variance application, including a resulting pH of 4.6 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 submitted on January 12, 2015 and as a result of the ISDH letter dated March 30, 2015.
- Sushi rice pH measurements shall be obtained for each batch and routinely throughout the use-period for each batch using a calibrated pH meter and recorded on the attached chart.



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To promote and provide
essential public health services.

- 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.
- 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 on the variance application is being followed.
- Daily pH log sheets, on which will be recorded sushi rice information, shall be retained (either as paper or electronically) 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 each 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.
- Indiana Grand Racing & Casino 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 Indiana Grand Racing & Casino 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 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 Indiana Grand Racing & Casino. It is a condition of this approval that Indiana Grand Racing & Casino 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:

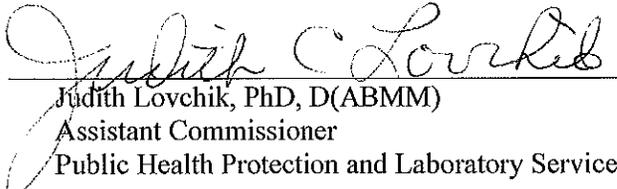
**Indiana State Department of Health
Attn: Court Administrator
Office of Legal Affairs
2 North Meridian Street, Section 3H
Indianapolis, Indiana 46204**

on or before July 8, 2015. If no request for review or stay of effectiveness is filed by July 8, 2015, this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA THIS 8th DAY OF JUNE 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
Shelby County Health Department