

DEC 5 1994

**Mr. George Misko
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, DC 20001**

Dear Mr. Misko:

This is in response to your letters of May 12, 1994, and November 4, 1994, requesting our review of the use of recycled PET in packaging fresh fruits and vegetables at ambient and refrigerated temperatures for short durations. You have made this request for your client Wellman, Inc., which will be recycling the resin. Wellman will sell the recycled resin to other companies such as

for conversion into packaging. You state that the post-consumer PET will be exclusively from soda and juice bottles collected through bottle deposit systems. You have described the sorting and washing procedures used in the physical recycling of these bottles.

Based upon our review of the information you have provided and other data, we conclude that there will be little likelihood that substances from recycled PET that had previously been used for food contact will migrate at significant levels from the containers and remain on the fresh fruits and vegetable at the time of consumption. Therefore, your client's intended use of recycled food-contact PET to manufacture containers for fresh fruits and vegetables will not require an amendment to the food additive regulations as long as use is limited to room temperature or below.

Although we have concluded that your intended use of recycled food-contact PET does not require an amendment to the food additive regulations, you should be aware that we are currently developing a formal policy on the use of post-consumer recycled plastics in

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contact with food. Thus, the decisions set forth in this letter may need to be modified due to future deliberations on this matter.

If we can be of any further help, please do not hesitate to contact us.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'E.C. Coleman', written in a cursive style.

**Eugene C. Coleman
Director
Division of Petition Control
Center for Food Safety
and Applied Nutrition**

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