

MAR 13 1996

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

Dear Mr. Misko:

This is in response to your submissions of March 31, and April 20, 1995, on behalf of Wellman, Inc., concerning the use of polyethylene terephthalate (PET) sheet made from pellets containing recycled post-consumer material for use in the manufacture of food-contact articles. The recycled PET articles are intended to be used in contact with aqueous and dry foods under Condition of Use C (hot filled or pasteurized above 150°F) or less severe conditions, and fatty foods under Condition of Use D (hot filled or pasteurized below 150°F) or less severe conditions. You stated that the recycled post-consumer PET pellets will be formed from soda and juice bottles and other food-contact containers collected through a bottle deposit system.

The information you have provided describes, in detail, the Wellman physical, or "secondary," recycling procedure (sorting, grinding, washing, drying, and extrusion) for converting post-consumer PET food containers into new PET food-contact articles. In addition, you have provided gas chromatographic, high-performance liquid chromatographic, and spectroscopic data demonstrating that surrogate contaminants (representing volatile non-polar, volatile polar, non-volatile non-polar, non-volatile polar, and heavy metal compounds) intentionally added to post-consumer PET feed material would be reduced to levels that will result in a dietary concentration of less than 0.5 parts per billion (ppb), under the conditions of use stated in your submissions.

Based on our review of this information, we conclude that the levels of exposure to possible contaminants in the recycled PET resulting from the proposed recycling process would be below the threshold of regulation (0.5 ppb dietary exposure). Therefore, we also conclude that Wellman's recycling process described in your March 31, 1995 submissions, will produce recycled PET that is suitably pure, and that is therefore

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acceptable, for use in contact with aqueous and acidic foods under Condition of Use C and less severe conditions, and fatty and alcoholic foods under Condition of use D and less severe conditions, provided that the recycled PET complies with 21 CFR 177.1630 and other applicable regulations.

Our conclusion applies only to PET treated as described in your submissions. The commercial process should be equivalent to that process. If the commercial process is not equivalent, new data may need to be evaluated.

Although we have concluded that your intended use of recycled PET is acceptable, you should be aware that we are currently developing a formal policy on the use of post-consumer recycled plastics in contact with food. Thus, the decisions set forth in this letter may need to be modified due to future deliberations on this matter.

If you have any further questions related to this letter, please do not hesitate to contact us.

Sincerely yours,



Sandra L. Varner
Acting Chief,
Indirect Additives Branch
Division of Petition Control
Center for Food Safety
and Applied Nutrition