

DEC 18 1997

Mr. Wilfred A. Sumner, II
Senior Chemist
Scientific Certification Systems
The Ordway Building
One Kaiser Plaza
Suite 901
Oakland, California 94612

Dear Mr. Sumner:

This responds to your submissions dated December 13, 1993, May 6, June 15, and September 14, 1994, and March 1, and March 4, 1996, regarding the food-contact use of produce sacks or bags, sandwich clamshells, milk jugs, water jugs, berry baskets, and produce trays manufactured from percent virgin high density polyethylene (HDPE) and percent recycled post-consumer HDPE. You stated that the recycled post-consumer HDPE would be collected from milk jugs. In your March 1, 1996, letter you modified your request to limit review of the use of your recycled HDPE for only produce bags, berry baskets, and produce trays.

We have reviewed your recycling scheme and the analytical data contained in your submissions and other data in our files. We conclude that your recycled post-consumer HDPE is suitably pure for use in produce bags.

The other proposed uses of your recycled post-consumer HDPE were evaluated under our Threshold of Regulation Policy. From the data contained in your submissions and other data available in our files, we find that only the berry baskets and the produce trays, manufactured from recycled post-consumer HDPE milk jugs using the recycling scheme presented in your submissions, would not introduce contaminants into the diet at a level greater than 0.5 ppb. Therefore, we conclude that the use of berry baskets and produce trays manufactured from percent virgin HDPE and percent recycled post-consumer HDPE milk jugs processed by your recycling scheme would not require an amendment to the food additive regulations, provided that the virgin HDPE complies with 21 CFR 177.1520 and all other applicable regulations.

Our conclusion applies only to recycled HDPE produced as described in the stated submissions. The commercial process should be equivalent to that process. If the commercial process is not equivalent, new data will need to be evaluated.

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Although we have concluded that your intended use of recycled HDPE 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 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.C.', written in a cursive style.

Eugene C. Coleman
Director
Division of Petition Control, HFS-215
Center for Food Safety
and Applied Nutrition