

AUG 3 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 letter of May 12, 1994, requesting our review of the use by your client, Creative Forming, Inc., of recycled PET in packaging fresh fruits and vegetables at ambient and refrigerated temperatures for short durations. You state that the post-consumer PET will be recycled at [redacted] will recycle exclusively soda and juice bottles collected through bottle deposit systems. [redacted] approximately [redacted] of the recycled PET will be from soda or juice bottles recovered through bottle deposit systems, while the other [redacted] will be from curbside collection of PET containers. You further state that the recycled PET produced at the [redacted] will consist of approximately [redacted] PET from food-contact bottles and [redacted] from containers that were used to hold substances other than food. 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.

However, in the absence of specific chemical identification of possible non-regulated components which may have been used in the manufacture of non-food-contact PET containers, including the absence of information concerning the carcinogenic status of these unknown components, we conclude that PET containers that were previously used as non-food containers should not be used as a source of PET resin for use in the manufacture of recycled PET containers intended for food-contact use.

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

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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,



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