

MAR - 1 1993

Mr. Wilfred A. Sumner II
Scientific Certification Systems
1611 Telegraph Avenue
Suite 1111
Oakland, California 94612-2113

Dear Mr. Sumner:

This responds to your submissions of November 21, 1991, December 3, 1991, January 8, 1992, June 12, 1992, August 28, 1992, and October 19, 1992, and several telephone conversations regarding the use by DOLCO Packaging Corp. of post-consumer polystyrene in meat trays.

The information you have provided describes the collection, sorting, washing, processing and extruding procedures for post-consumer polystyrene. In particular, you state that the recycled polystyrene would be produced from used polystyrene food-contact articles collected from schools and restaurants in special containers. The recycled polystyrene would be blended with equal amounts of virgin polystyrene and used to make trays for holding refrigerated meat.

Based upon our review of the information you have provided, we find that because of strict source control, your recycled polystyrene is unlikely to be contaminated with toxic substances. Therefore, your intended use of post-consumer recycled polystyrene would not require an amendment to the food additive regulations as long as: 1) the recycled polystyrene is obtained from cafeterias and restaurants and processed in the manner you describe, and 2) the virgin polystyrene used for blending complies with 21 CFR 177.1640. If any adjuvants are used in the blending of virgin and recycled resin to form the recycled containers, these adjuvants and their use levels must be appropriately regulated for the proposed use. The use of unregulated adjuvants, or the use of regulated adjuvants at levels higher than currently authorized, would not be permitted.

Although we have concluded that your intended use of recycled polystyrene 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

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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