

Frank I. Harvey
Larkin, Hoffman, Daly & Lindgren, Ltd.
1500 Norwest Financial Center
7900 Xerxes Avenue South
Bloomington, Minnesota 55431-1194

Dear Mr. Harvey:

This is in response to your letter of March 21, 1995, on behalf of Ultra Pac, Inc., regarding the use of post-consumer crystallized polyethylene terephthalate (C-PET) cake pans to fabricate new cake pans. The C-PET cake pans to be recycled will only be collected from commercial bakeries; thus, source control will be strictly maintained.

We have completed our review of the information you submitted and offer the following comments. We are not aware of any precedents permitting the use of recycled C-PET at baking temperatures. Nevertheless, because of the strict source control, the recycled C-PET is unlikely to be contaminated with toxic household chemicals or pesticides. Therefore, we conclude that the proposed use of recycled C-PET, obtained from cake pans collected from commercial bakeries, to fabricate new cake pans would not require an amendment to the food additive regulations. Any processing aids and/or adjuvants used in the manufacture of recycled C-PET must meet the appropriate regulations for virgin PET.

Although we have concluded that your client's intended use of recycled C-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 contact with food. Thus, the decisions set forth in this letter may need to be modified due to future deliberations on this matter.

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We trust that this letter is responsive to your inquiry. If you have any further questions regarding this matter, please do not hesitate to contact us.

Sincerely yours,

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