

DEC 29 1998

Mr. Phil Laughlin
Regional Sales Manager
Dolco Packaging Corp.
Midwest Division
2110 Patterson Street
P.O. Box 469
Decatur, IN 46733-0469

Dear Mr. Laughlin:

This responds to your letter dated December 11, 1997, and a letter dated April 25, 1997, submitted on your behalf from Plastic Recycling, Inc., requesting that new sources of recycled polystyrene be permitted to be used in your recycled polystyrene (PS) feed materials for which you received an exemption from a food additive listing regulation in 1993. Our letter dated July 1, 1993, addressed the use of your collection process and feed materials for post-consumer PS for food-contact use.

Your submissions stated that the new sources of PS comply with U.S. Food, Drug, and Cosmetic Act as amended under the Food Additive Regulation in 21 CFR 177.1640 and contain no additional adjuvants. You also stated that one new source of PS is pre-consumer material that is routed directly from original OPS (oriented polystyrene) sheet producing facilities and pelletized, or it is sorted at the manufacturing location. Further, the other new source is wrapped in packages that have been retrieved from retail stores, separated, and shipped to a re-processor. While these items have entered the retail market, they have not entered into the solid waste stream in any way.

Based upon our review of the information you have provided, we find that because of strict source control, there is little likelihood of unacceptable contaminant levels in your recycled PS. Therefore, we conclude that the use of these new sources of pre-consumer recycled PS to manufacture fruit and vegetable containers, food-service clamshells, and meat and poultry trays need not be the subject of a food additive listing regulation as long as: (1) the recycled PS is obtained from the pre-consumer sources described in the submissions stated in this letter; and (2)

Page 2 - Mr. Laughlin

the recycled PS was fabricated entirely from food-contact resins and adjuvants that comply with FDA's regulations.

Our conclusion applies only to pre-consumer PS collected as described in your submissions listed in this letter. If your recycling process or source material is modified, new data would need to be evaluated.

Although we have concluded that the intended use of your recycled pre-consumer PS that has been collected in the manner described in your submissions is acceptable, you should be aware that we are currently developing a formal regulation 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,



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