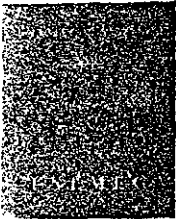


TNEMEC COMPANY INCORPORATED

123 WEST 23RD AVENUE, NORTH KANSAS CITY, MO 64116-3094 TEL: 816 474-3400 FAX: 816 842-3904

January 23, 1998



Andy Pollestro
Triple P Painting, Inc.
107 Fairview Avenue
Syracuse, NY 13203

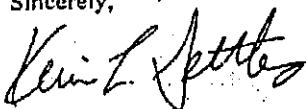
Re: Coolers at Nottingham
High School, Syracuse, NY

Dear Mr. Pollestro,

As you know, the USDA no longer has procedures for pre-approval of incidental food contact coatings to be used in official Meat and Poultry facilities. However, based on their most recent FSIS Directive 11,000.4, Revision 1 announcement, Tnemec Company must certify that a coating fully satisfies the intended purpose and will meet facility performance requirements. This includes compound formulation which does not contain heavy metals, carcinogens, mutagens, teratogens or other materials that are classified as hazardous substances; unless it is demonstrated that the compounds toxicity will not be significantly changed.

Series 66 H-B Epoxoline, Series 151-1051 Elasto-Grip Fast Cure, and Series 158 Bio-Lastic meets the above criteria and can effectively be used as an incidental food contact coatings in federally inspected facilities. If there are any questions or if further is needed, please let me know.

Sincerely,



Kevin L. Settles
Environmental and
Regulatory Affairs

cc: Carl Bye



Safety and Health

Bulletin

No. 75
December, 1995

USDA Approved Coatings

I. Background

For many years, the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) administered a program to certify coatings for use in federally inspected meat and poultry plants. In August 1994, the FSIS issued a directive which ended that program and substituted a procedure under which coatings manufacturers would self-certify coatings for use in regulated facilities.¹ In attempting to address the FSIS's directive, the paint industry encountered interpretative numerous problems late last year. NPCA then began negotiations with the agency in an attempt to correct those problems. As a result of these negotiations, the FSIS agreed to revoke the flawed directive. FSIS also agreed to extend all existing product certifications, which had been due to expire in August, 1995 under the terms of the 1994 directive.² This action ensured that paint and coatings manufacturers could continue to sell previously approved products for this market until the Agency withdrew and/or revised the directive.

As a result of continued NPCA efforts to address the certification issues, the FSIS has recently issued a new directive which effectively ends the requirement that coatings be certified for use in meat and poultry processing facilities, either by the USDA or by the coatings manufacturers.

II. Summary of the Directive

The new FSIS directive overrides the August 1994 directive and puts in its place a new regulatory structure which effectively eliminates the requirement for certification of coatings which are used in USDA-regulated facilities.³ Under the terms of this revised directive (which went into effect upon publication),

¹ FSIS Directive 11,000.4 (August 12, 1994).

² Letter from Robert L. Buchanan, FSIS Deputy Administrator, Science and Technology, to Stephen Sides, CIH (June 30, 1995).

³ FSIS Directive 11,000.4 (Rev. 1), November 24, 1995

prior approval letters, letters of certification or complete listings of chemical composition are no longer required before the paint or coating may be used in an "official establishment."

However, all paints and coatings applied in the facility, must be listed, using the generic terms "paint" and "coating" on either the facility's room finish schedule or specifications. The Inspector in Charge will submit this information (along with the establishment blueprints) to the Facilities, Equipment and Sanitation Division at the time of blueprint review. Essentially, paint manufacturers may now provide their customers with products which the parties believe best satisfy the intended purpose of the paint.

Paint manufacturers who, in the future, receive customer requests for "USDA-certified or approved coatings," particularly for uses which have not previously been regulated by USDA (e.g., food preparation areas), should make customers aware that there are no longer procedures by which USDA will approve or certify such coatings.

For More Information

Contact Steve Sides or Allen Irish at NPCA (202) 462-6272.

Attachment: FSIS Directive 11,000.4 (Rev. 1), November 24, 1995.

Generally, an "official establishment" is a federally-inspected meal or poultry packing facility.