

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Public Health Service

Food and Drug Administration
College Park, MD

1114 '02 PW-4 P117

OCT 22 2002

Roger Lane Carrick
The Carrick Law Group
Attorneys for Petitioner
American Environmental Safety Institute
350 South Grand Avenue, Suite 2930
Los Angeles, California 90071

Re: Docket No. 02P-0211/CP 1

Dear Mr. Carrick:

This letter is in response to your citizen petition, dated May 7, 2002, requesting the Food and Drug Administration to amend Title 21 of the Code of Federal Regulations Part 163, "Cacao Products: Standards of Identity," to establish maximum permitted levels of the toxic metals lead and cadmium in wholesale and retail chocolate products.

In accordance with 21 CFR 10.30(e)(2), this letter is to advise you that we have not been able to reach a decision on your petition within the first 180 days of its receipt. We are currently at the height of rulemaking in response to the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Because of this and other Agency priorities and the limited availability of resources, we have not been able to respond to your petition. We hope to be able to complete the review of your petition and respond to your request in the near future.

Should you have additional questions, do not hesitate to contact us.

Sincerely yours,

Christine L. Taylor, Ph.D.
Director
Office of Nutritional Products, Labeling
and Dietary Supplements
Center for Food Safety
and Applied Nutrition

02P-0211**LET 1**