

JUN 30 1993

Mr. Jerome H. Heckman  
Keller and Heckman  
1001 G Street, NW  
Suite 500 West  
Washington, DC 20001

Dear Mr. Heckman:

This is in response to your letter of March 16, 1993, in which you requested our evaluation of the use by your client, Novacor Chemical, Inc., of post-consumer polystyrene recovered from controlled sources for the production of food-contact plates, cutlery, trays, cups, containers, and lids.

The information you have provided describes the collection, sorting, washing, and processing procedures for post-consumer polystyrene. In particular, you state that the recycled polystyrene would be collected from two sources: 1) used polystyrene bulk containers for transporting fish, and 2) food-contact articles collected from institutional food-serving establishments. You have indicated that the polystyrene would be recovered immediately and washed directly after use. The collected polystyrene will be isolated and will not come into contact with other recovered plastic materials during the recycling process. The recycled polystyrene would be blended with virgin polystyrene complying with 21 CFR 177.1640 Polystyrene and rubber-modified polystyrene and used to manufacture trays, plates, cutlery, cups, containers, and lids for use by fast-food and similar restaurants.

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 polystyrene. Therefore, your use of post-consumer recycled polystyrene, collected as described above and used to manufacture plates, cutlery, trays, cups, containers, and lids intended for use by fast-food and similar restaurants will not require amendments to the food additive regulations.

While the agency encourages the use of tight source control in the collection of products for recycling into food-contact articles, it remains the responsibility of the manufacturer to ensure that the final plastic article is free of possible chemical and microbiological contaminants. Furthermore, if any adjuvants are used in the blending of virgin and recycled resin to form the food-contact articles, those adjuvants and their levels must be

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appropriately regulated for the proposed use. The use of unregulated adjuvants or the use of regulated adjuvants at levels higher than are currently authorized would require further review by FDA.

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 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