

AUG 29 1995

Mr. George Misko  
Keller and Heckman  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001

Dear Mr. Misko:

This is in further response to your letters of April 28, July 8, and November 8, 1994, regarding use by your client of recycled polyethylene terephthalate (PET), comprised of approximately 0.6 percent PET derived from non-food containers, as the core layer in multi-layer food-contact articles.

You have provided us with detailed information regarding source control, sortation, and wash procedures employed by your client. Your July 8, 1994, letter indicated that approximately 0.6 percent of the post-consumer recycled PET would be derived from containers used for non-food products such as mouthwash, shampoo, window cleaners, and dishwashing detergent with the remainder being derived from food containers. The recycled PET would be separated from the food by a . thick layer of virgin PET and would be used for the following food-contact applications: 1) airline catering trays that will contact food for short periods of time under refrigerated and ambient temperatures, 2) containers for packaging poultry parts for storage under refrigerated temperatures for up to two weeks and frozen temperatures for periods less than 3 months, 3) salad trays intended to contact food at refrigerated temperatures for only a few days, 4) containers for holding fresh fruits and vegetables for up to two weeks, 5) containers for dry cereals containing no free surface fat or oil, and 6) containers for instant and regular coffee and tea.

Based upon our review of the information you have provided and other data, we find that there will be little likelihood that substances from the recycled PET layer will migrate at significant levels from the packaging into food under your proposed conditions of use. Therefore, your client's intended use of post-consumer recycled PET, comprised of approximately 0.6 percent PET from non-food containers and used as the non-food-

contact layer in laminated articles where it will be separated from food by a layer of virgin PET at least 1-mil thick, will not require an amendment to the food additive regulations. This finding is based on the requirement that the amount of post-consumer PET from non-food articles does not exceed 0.6 percent of the recycled post-consumer material and the intended use of the recycled post-consumer material is limited to those applications described above. The virgin PET must comply with all applicable regulations. Also, any sanitizers, processing aids and adjuvants used in the manufacture of the post-consumer recycled PET must meet the appropriate regulations for virgin PET.

Although we have concluded that your client's intended use of recycled 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.

If we can be of any further help, please do not hesitate to contact us.

Sincerely yours,



Corbin I. Miles, Ph.D.  
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and Applied Nutrition