



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

DEC 15 1993

Food and Drug Administration
Washington DC 20204

Mr. Ralph A. Simmons
Keller and Heckman
1001 G Street, N.W.
Suite 500 West
Washington, DC 20001

Dear Mr. Simmons:

This responds to your submission of August 10, 1993, requesting FDA's opinion on whether a thick layer of virgin polyethylene terephthalate (PET) complying with 21 CFR 177.1630 is a suitable barrier for preventing migration of possible contaminants from post-consumer PET in a tri-laminated package.

Based on our review of your submission and other data in our files, we conclude that the intended use of post-consumer recycled PET as the nonfood-contact layer in laminates does not require an amendment to the food additive regulations, when the post-consumer PET is: (1) collected from soft drink bottles that originally complied with 21 CFR 177.1630; (2) separated from food by at least a 1.0-mil thick layer of virgin PET; and (3) used for short-term storage of food at room temperature or below.

Although we have concluded that your 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 you have any further questions related to this letter, please do not hesitate to contact us.

Sincerely yours,

EC
Eugene C. Coleman
Director
Division of Petition Control
Center for Food Safety
and Applied Nutrition