

JUL 17 1995

Mr. Wilfred A. Sumner, II
Senior Chemist
Scientific Certification Systems
The Ordway Building
One Kaiser Plaza
Suite 901
Oakland, California 94612

Dear Mr. Sumner:

This responds to your letter of June 30, 1994, on behalf of ELM Packaging Company, concerning ELM's use of post-consumer polystyrene collected and processed by the

Your letter states that the post-consumer polystyrene (PS) will be used in the manufacturing of bi-laminated PS food service containers consisting of a food-contact layer of virgin PS and a non-food-contact layer of PS containing percent post-consumer PS. Information you provided also indicates that the containers are intended to hold hot and cold foods.

The information you have provided describes the collection, sorting, washing, processing and extruding procedures for post-consumer PS. In particular, your letter states that the recycled PS would be produced from post-consumer PS food-contact articles collected from school and industrial cafeterias, as well as, other "food feeding" locations, and delivered to processing facilities separate from other materials that could cause contamination. The recycled PS will be blended to form percent of the non-food-contact layer.

Based on our review of the data provided, we find that the use of PS containing percent post-consumer recycled PS as the non-food-contact layer of bi-laminated food-contact articles, does not require amendment of the food additive regulations where the food-contact layer is virgin PS complying with 21 CFR 177.1640. This finding is based upon the requirements that the post-consumer PS (1) originally complied with 21 CFR 177.1640, (2) is separated from the food by a layer of virgin PS film at least 1.0 mil thick, (3) is obtained from cafeterias and other "food feeding" locations using the source controls described in your June 30, 1994 letter, and (4) is used for "fast food" service applications (i.e., those involving refrigerated or room temperatures or, if higher

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temperatures are involved such as for hot fatty food then food contact is limited to very short times). Additionally, the use of any sanitizers, processing aids, and adjuvants used in the manufacture of the post-consumer recycled PS must meet the appropriate regulations for virgin PS.

Although we have concluded that your intended use of recycled PS 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 I can assist you further, please let me know.

Sincerely yours,

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