

SEP 25 1995

Ms. Priscilla B. Stanley  
Manager, FDA/USDA Liaison  
Union Carbide Corporation  
P.O. Box 670  
Bound Brook, New Jersey 08805

Dear Ms. Stanley:

This is in response to your letter of August 11, 1995, requesting our concurrence for the use of a two or three layer bottle intended for use in contact with dry food having no free surface fat. Your letter states that the middle layer or outside layer of these containers would be made from post-consumer recycled high density polyethylene (HDPE) obtained from milk, water, and juice bottles, while the inner food-contact layer would be made from virgin HDPE. Your letter further states that the recycled HDPE is regularly tested for pollutants. food would be separated from the recycled HDPE by a . thick layer of virgin HDPE, and the bottles will be used only to store food at room temperature and below.

Based upon the condition limitations described above and other data, we conclude that there is little likelihood that substances will migrate in more than insignificant amounts from the recycled HDPE layer to dry food that is free from surface fat. Therefore, your intended use of post-consumer recycled HDPE, as the non-food-contact layer in bottles used as described above, will not require an amendment to the food additive regulations. The use of any sanitizers, processing aids, and adjuvants used in the manufacture of the post-consumer recycled HDPE must meet the appropriate regulations for virgin HDPE.

Although we have concluded that your intended use of recycled HDPE 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.

I hope the above information has been helpful. If you have any further questions, please do not hesitate to contact us.

Sincerely your,



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