

JUL 25 1996

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

Dear Mr. Misko:

This responds to your submission of September 28, 1995, on behalf of Plastipak Packaging, Inc. regarding the use of post-consumer recycled polyethylene terephthalate (PET) in the manufacturing of multi-laminate containers. Your letter states that the multi-laminate containers will include a food-contact layer of . thick virgin PET that complies with 21 CFR 177.1630, and one or more non-food-contact layers of post-consumer recycled (PCR) PET. Your letter also states that the containers are intended for use in contact with all types of food under Condition of Use C (hot filled or pasteurized above 150°F) or less severe conditions, as described in Table 2 of 21 CFR 176.170(c).

You have provided extraction data for surrogate contaminants (representing volatile polar, volatile non polar, nonvolatile polar, heavy metal, and non-volatile non-polar) intentionally added to post-consumer PET material. The PET was then cleaned and formed into test containers with a 1 mil virgin PET food-contact layer.

Based on the review of this data and other information in our files, we conclude that the migration of any potential contaminants or components to food from the proposed use of PCR-PET would be at insignificant levels (less than 0.5 parts per billion) in the diet. Therefore, the intended use of Plastipak Packaging, Inc.'s PCR-PET, as the non-food-contact layer(s) in multi-laminated containers would be acceptable. This finding is based on the requirement that (1) the PCR-PET will be separated from food by a layer of virgin PET at least 1-mil thick, (2) the virgin PET complies with 21 CFR 177.1630 and all other applicable food additive regulations, and (3) the containers are intended for Condition of Use C (Hot filled or pasteurized above 150°F) or less severe conditions.

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Although we have concluded that Plastipak Packaging Inc.'s intended use of their PCR-PET is acceptable, 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,



Sandra L. Varner  
Acting Chief  
Indirect Additives Branch, HFS-216  
Division of Petition Control  
Center for Food Safety  
and Applied Nutrition