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TO: SPI Food, Drug and Cosmetic Packaging
Materials Committee

Highlights

The Food and Drug Administration has proposed regulations that may require the replacement of transformers and condensers in plants that manufacture plastics food packaging materials.

Ladies and Gentlemen:

On Friday, May 9, 1980, the Food Safety and Quality Service (FSQS), the Food and Drug Administration (FDA), and the Environmental Protection Agency (EPA) published proposed rules in the Federal Register relating to polychlorinated biphenyls (PCB) products. The EPA proposal is directed towards pesticide manufacturing problems and is not directly relevant to our general interests. The FSQS and FDA proposals are of direct concern, and we are enclosing a copy of pages 30980-30988 of the Federal Register that sets forth the complete text of the proposed rules. We are sending you this information at this time at Mr. Heckman's request (he will be away from the office until May 19) for your preliminary review. In the near future we shall circulate a draft of comments on these proposals, especially as they affect plastics food packaging manufacturing operations.

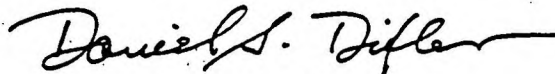
As you will note, the major thrust of the regulations is that transformers and condensers in plants that manufacture food, feed, and food-packaging materials containing PCB's (except for condensers weighing less than three pounds) must either be removed or retro-fitted to replace the PCB-containing

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dielectric by a safe replacement. To the extent that accidents have occurred in food and feed manufacturing plants leading to PCB contamination, this retro-fitting requirement may be justified. To apply this to plants that manufacture plastics food packaging materials where no problems have ever been found (and where none may be likely to occur) appears to be another example of regulatory over-kill. Another question requiring careful delineation is the definition of a plant that manufactures food packaging materials. Many plants manufacture intermediates, some of which may ultimately be used in plastics packaging materials. Others manufacture plastics for general purposes, and among these purposes may be the use for food packaging. The question as to whether such plants can be properly classified as food packaging materials manufacturing plants, therefore, needs resolution.

As indicated above, we plan to be in touch with you soon on this matter. In the meantime, if any of you have questions or recommendations, please do not hesitate to contact us.

Cordially yours,



Daniel S. Dixler