



May 28, 2020

Mitzi Ng Clark
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Re: Prenotification Consultation PNC 2493

Dear Ms. Clark:

This letter is in response to your submission, PNC 2493, received April 15, 2020, requesting on behalf of Fresh Pak Corporation (Fresh Pak) an Agency's letter of no objection (LNO), confirming the capability of Fresh Pak's secondary recycling process to produce recycled high-density polyethylene (R-HDPE) or recycled low-density polyethylene (R-LDPE) material that is suitable for use at levels of up to 100% recycled content in the manufacture of grocery bags, and secondary and tertiary packaging films (nonfood contact) for transport of packaged food under Conditions of Use (COU) E through G, as described in Table 2.¹

You provided description of the proposed recycling process, which is a typical physical recycling process, involving washing, drying, and extrusion/film production. The feedstock is comprised of HDPE or LDPE material that is collected from specified sources, certifying the material is food grade complying with 21 CFR 177.1520 (Olefin polymers). The feedstock is inspected, and will be rejected if it does not meet the quality specifications.

Based on review of the proposed process and the intended use for the finished R-HDPE and R-LDPE material, we determined that the grocery bags made from R-HDPE or R-LDPE material may contact food, but the food contact would be for short periods of time and usually at ambient temperatures. Most foods are already wrapped in approved food-contact packaging before being placed into the type of grocery bags. Because of this, we expect that there would be little likelihood that recycled plastics used in grocery bags would significantly come into contact with food and/or become components of food. Therefore, we concluded that the proposed recycling process as described in the subject submission may be used to produce R-HDPE or R-LDPE for use in the manufacture of grocery bags, and secondary and tertiary packaging films (nonfood contact) for transport of packaged food under COU E-G, provided that the R-HDPE or R-LDPE comply with 21 CFR 177.1520 (Olefin polymers) and other applicable authorizations applied to adjuvants present in the recycled material.

¹ Table 2 (Conditions of Use) is available at <https://www.fda.gov/food/packaging-food-contact-substances-fcs/food-types-conditions-use-food-contact-substances>

The finished recycled material should also comply with 21 CFR 174.5 - General provisions applicable to indirect food additives. For example, in accordance with section 402(a)(3) of the Federal Food, Drug and Cosmetic Act, use of the recycled material should not impart odor or taste to food rendering it unfit for human consumption.

If you have any further questions concerning this matter, please do not hesitate to contact us.

Sincerely,

Vanee Komolprasert, Ph.D., P.E.
Consumer Safety Officer
Division of Food Contact Substances
Office of Food Additive Safety
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and Applied Nutrition