

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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Food and Drug Administration

21 CFR Parts 175 and 176

[Docket No. 99F-0925]

**Indirect Food Additives: Adhesives and Components of Coatings and Paper and Paperboard Components**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

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**SUMMARY:** The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2,2-dibromo-3-nitrilopropionamide as a preservative for adhesives and coatings used in the manufacture of paper and paperboard intended for contact with food. This action responds to a petition filed by The Dow Chemical Co.

**DATES:** This rule is effective [*insert date of publication in the Federal Register*]; submit written objections and requests for a hearing by [*insert date 30 days after date of publication in the Federal Register*].

**ADDRESSES:** Submit written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS-205), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3086.

**SUPPLEMENTARY INFORMATION:** In a notice published in the **Federal Register** of April 22, 1999 (64 FR 19790), FDA announced that a food additive petition (FAP 9B4641) had been filed by The Dow Chemical Co., Midland, MI 48674. The petition proposed to amend the food additive

regulations in § 175.105 *Adhesives* (21 CFR 175.105) and § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) to provide for the safe use of 2,2-dibromo-3-nitrilopropionamide as a preservative for adhesives and coatings in the manufacture of paper and paperboard intended for contact with food.

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed uses of the additive are safe, (2) the additive will achieve its intended technical effect, and therefore, (3) the regulations in §§ 175.105 and 176.170 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the environmental effects of this final rule as announced in the notice of filing for FAP 9B4641 (64 FR 19790). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time file with the Dockets Management Branch (address above) written objections by [*insert date 30 days after date of publication in the Federal Register*]. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection

shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents are to be submitted and are to be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

### **List of Subjects**

#### *21 CFR 175*

Adhesives, Food additives, Food packaging.

#### *21 CFR 176*

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR parts 175 and 176 are amended as follows:

### **PART 175—INDIRECT FOOD ADDITIVES: ADHESIVES AND COMPONENTS OF COATINGS**

1. The authority citation for 21 CFR part 175 continues to read as follows:

**Authority:** 21 U.S.C. 321, 342, 348, 379e.

2. Section 175.105 is amended in the table in paragraph (c)(5) by alphabetically adding an entry under the headings “Substances” and “Limitations” to read as follows:

**§ 175.105 Adhesives.**

\* \* \* \* \*

(c) \* \* \*

(5) \* \* \*

Substances	Limitations
2,2-Dibromo-3-nitropropionamide (CAS Reg. No. 10222-01-2).	For use as a preservative only.

**PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS**

1. The authority citation for 21 CFR part 176 continues to read as follows:

**Authority:** 21 U.S.C. 321, 342, 346, 348, 379e.

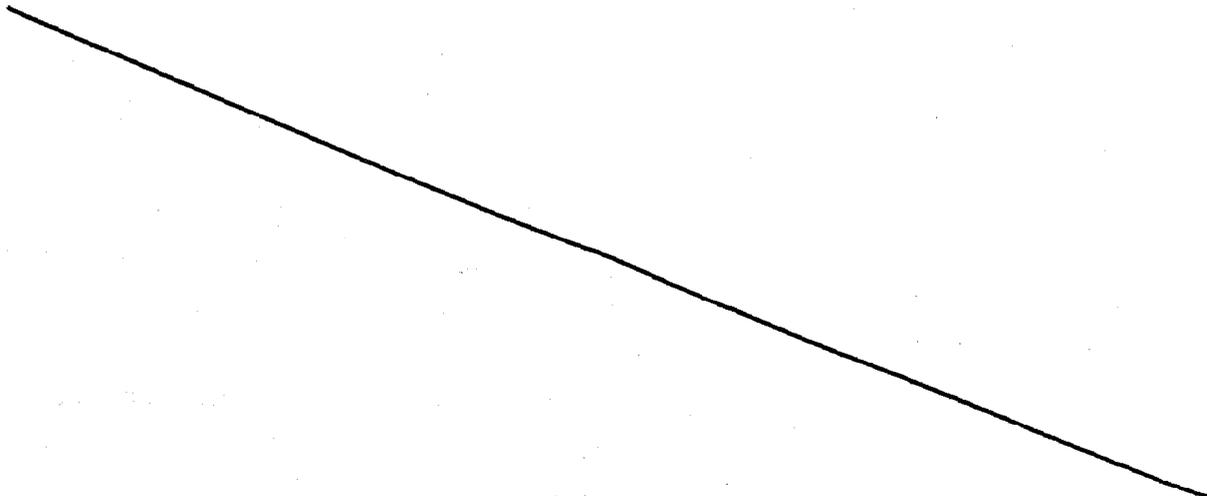
2. Section 176.170 is amended in the table in paragraph (a)(5) by alphabetically adding an entry under the headings "List of Substances" and "Limitations" to read as follows:

**§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.**

\* \* \* \* \*

(a) \* \* \*

(5) \* \* \*

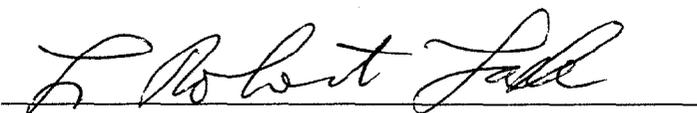


List of Substances	Limitations
2,2-Dibromo-3-nitropropionamide (CAS Reg. No.10222-01-2).	For use as a preservative at a level not to exceed 100 parts per million in coating formulations and in component slurries and emulsions, used in the production of paper and paperboard and coatings for paper and paperboard.

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Dated: 3/28/00

March 28, 2000



L. Robert Lake  
 Director of Regulations and Policy  
 Center for Food Safety and Applied Nutrition

[FR Doc. 00-???? Filed ??-??-00; 8:45 am]

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