# Memorandum

**Date:** August 21, 2019

**To:** Vivian Gilliam, Division of Food Contact Substances (HFS-275)
**Through:** Sarah C. Winfield, Acting Team Lead, Office of Food Additive Safety (HFS-255)

**From**: Biologist, Environmental Team, Division of Science and Technology (HFS-255)

**Subject:** Finding of No Significant Impact for food-contact notification (FCN) 1998 for triphenyl phosphite, polymer with 1,4-cyclohexanedimethanol and polypropylene glycol, $C_{10-16}$ alkyl esters. (CAS Reg. No. 1821217-71-3).

**Notifier:** Dover Chemical Corporation

Attached is the Finding of No Significant Impact (FONSI) for FCN 1998 for triphenyl phosphite, polymer with 1,4-cyclohexanedimethanol and polypropylene glycol, $C_{10-16}$ alkyl esters. (CAS Reg. No. 1821217-71-3).

After this notification becomes effective, copies of this FONSI and the notifier's environmental assessment (EA), dated July 1, 2019, may be made available to the public. We will post digital transcriptions of the FONSI and the EA on the agency's public website.

Please let us know if there is any change in the identity or use of the food-contact substance.

Leah D. Proffitt

Attachment: Finding of No Significant Impact

# FINDING OF NO SIGNIFICANT IMPACT

**Food Contact Substance (FCS) Notification (FCN) 1998:** FCN 1998, submitted by Dover Chemical Corporation, for the use of triphenyl phosphite, polymer with 1,4-cyclohexanedimethanol and polypropylene glycol, $C_{10-16}$ alkyl esters(CAS Reg. No. 1821217-71-3) as an antioxidant and/or thermal stabilizer in polymeric food-contact articles, for use at levels not to exceed: (1) 0.2% by weight in linear low-density polyethylene (LLDPE) in contact with all types of food under Conditions of Use A through H; [1] (2) 1% by weight in adhesives and pressure-sensitive adhesives; (3) 1% in can-end cements, and (4) 1% in repeated-use food-contact applications. The FCS may be used in conjunction with triisopropanolamine (CAS Reg. No. 122-20-3) at a maximum use level of 1.5% by weight of the FCS. The FCS is not for use in contact with infant formula and human milk. Such uses were not included as part of the intended use of the substance in the FCN.

The Office of Food Additive Safety has determined that allowing this notification to become effective will not significantly affect the quality of the human environment and, therefore, an environmental impact statement will not be prepared. This finding is based on information submitted by the notifier in an environmental assessment (EA) dated July 1, 2019. The EA was prepared in accordance with 21 CFR 25.40. The EA is incorporated by reference in this Finding of No Significant Impact and is briefly summarized below.

The FCS is intended to provide thermal stabilizing ability to LLDPE films and articles and repeat-use food-contact articles, and may be used at levels not to exceed:

1. 0.2% by weight in linear low-density polyethylene (LLDPE) in contact with all types of food under Conditions of Use A through H;
2. 1% by weight in adhesives and pressure-sensitive adhesives;
3. 1% in can-end cements, and
4. 1% in repeated-use food-contact applications.

Items containing the FCS are expected to be land disposed or combusted proportionately with disposal patterns described in U.S. Environmental Protection Agency's (EPA) report "Advancing Sustainable Materials Management: Facts and Figures 2015." LLDPE is already routinely recycled. Since the FCS improves the quality of the food packaging, we do not anticipate any negative impacts to recycling. Similarly, can end cements are widely used and do not affect metal recycling. Discarded items will go to landfills or municipal solid waste (MSW) combustion facilities complying with 40 CFR Parts 258 and 60, respectively. The FCS will not significantly alter the emissions from properly operating MSW combustion facilities, and incineration of the FCS will not cause these facilities to threaten a violation of applicable emissions laws and regulations at 40 CFR Part 60 and/or relevant state and local laws. Market volume information provided in a confidential attachment to the EA demonstrates that the FCS will comprise a very small portion of MSW, compared to overall MSW generated in 2015.

According to information in a confidential attachment to the EA the total annual emissions of greenhouse gases (GHG), are expected to be below the 25,000 mT GHG reporting threshold described in 40 CFR 98.2. Therefore, no significant impacts are expected from incineration of the FCS at MSW combustion facilities.

Use of the FCS is not expected to result in a net increase in the use of energy and resources, because it is expected to replace, to a certain extent, other substances already in use. Manufacture of the FCS and its fabrication in food-contact

[1] https://www.fda.gov/food/ingredientspackaginglabeling/packagingfcs/foodtypesconditionsofuse/default.htm , accessed 8/19/19

articles will consume energy and resources in amounts comparable to the manufacture and use of materials currently used.

No significant environmental impacts are expected from use and disposal of the FCS; therefore, mitigation measures have not been identified. The alternative of not allowing the FCN to become effective would be the continued use of the materials that the subject FCS would otherwise replace; such action would have no environmental impact.

Consequently, we find that use of the FCS as as a polymeric component of food-contact articles as described in FCN 1998, will not cause significant adverse impacts on the human environment. Therefore, an environmental impact statement will not be prepared.

Prepared by _____Date: digitally signed 08-21-2019
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Approved by _____Date: digitally signed 08-21-2019
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