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## Memorandum

**Date:** August 2, 2021

**To:** Jessica H Urbelis, Ph.D., Division of Food Contact Substances (HFS-275)

**Through:** Mariellen Pfeil, Lead Biologist, Environmental Team, Office of Food Additive Safety (HFS-255)

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

**Subject:** Finding of No Significant Impact (FONSI) for Food Contact Substance Notification (FCN) 2160 for 2-propenoic acid, polymer with sodium phosphinate (1:1), neutralized with calcium and sodium (CAS Reg. No. 2144395-83-3).

**Notifier:** BASF

Attached is the FONSI for FCN 2160 which explains how the Food and Drug Administration (FDA) has met the requirements under the National Environmental Policy Act (NEPA) for this FCN. FCN 2160 is for the use of 2-propenoic acid, polymer with sodium phosphinate (1:1), neutralized with calcium and sodium as an aid for dispersing and grinding mineral fillers in the wet-end during the manufacture of food-contact paper and paperboard, except for use in contact with infant formula and human milk. The FCS will be used at levels not to exceed 0.5 percent by weight in the filler. The FCS is for use in contact with all food types except low and high alcohol foods under Conditions of Use C through G, as described in Tables 1 and 2.

After this FCN becomes effective, copies of this FONSI and the notifier's environmental assessment (EA), dated July 14, 2021, 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) 2160:** submitted by BASF, for the safe use of 2-propenoic acid, polymer with sodium phosphinate (1:1), neutralized with calcium and sodium as an aid for dispersing and grinding mineral fillers in the wet-end during the manufacture of food-contact paper and paperboard, except for use in contact with infant formula and human milk. The FCS will be used at levels not to exceed 0.5 percent by weight in the filler. The FCS is for use in contact with all food types except low and high alcohol foods under Conditions of Use C through G, as described in Tables 1 and 2.

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 (EIS) will not be prepared. This finding is based on information submitted by the notifier in an environmental assessment (EA) dated July 14, 2021. 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.

Items manufactured with the FCS are expected to be recycled, land disposed or combusted proportionately with disposal patterns described in U.S. Environmental Protection Agency's (EPA) report "Advancing Sustainable Materials Management: 2018 Tables and Figures, Assessing Trends in Material Generation, and Management in the United States; December 2020." Discarded items will go to landfills or municipal solid waste (MSW) combustion facilities complying with 40 CFR Parts 258 and 60, respectively. Paper and paperboard already contain dispersing aid materials, including the FCS (i.e., FCN 1956), and this notified use would substitute these other authorized uses. Therefore, significant impacts to recycling are not anticipated. 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.

Total annual emissions of greenhouse gases (GHG) resulting from disposal of items containing the FCS, 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 articles will consume energy and resources in amounts comparable to the manufacture and use of materials already in use.

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 significant environmental impact.

Consequently, we find that use of the FCS for use as an aid for dispersing and grinding mineral fillers in the wet-end during the manufacture of food-contact paper and paperboard as described in FCN 2160, will not cause significant adverse impacts on the human environment. Therefore, an EIS will not be prepared.

Prepared by \_\_\_\_\_ Date: digitally signed 08-02-2021

Leah D. Proffitt

Biologist, Environmental Team

Office of Food Additive Safety

Center for Food Safety and Applied Nutrition

Food and Drug Administration

Approved by \_\_\_\_\_ Date: digitally signed 08-02-2021

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