



Human Foods Program

March 19, 2025

Martha E. Marrapese
Wiley Rein LLP
mmarrapese@wiley.law

RE: Prenotification Consultation (PNC) 003197

Dear Ms. Marrapese:

This letter is in response to your submission, received on January 13, 2025, with an amendment received on February 26, 2025, on behalf of Plastic Recycling, Inc., requesting a no objection letter (NOL) confirming the capability of the secondary recycling process to produce recycled polypropylene (rPP) that is suitable for food-contact applications. The rPP will be used at levels up to 100% recycled content for the manufacture of the following articles with reference to Tables 1 and 2 (see Enclosure 1):

1. Articles (e.g., single layer trays, containers, crates, and clamshells) intended to contact Food Type VIII, including fruits, vegetables, and shell eggs under Conditions of Use (COU) E through G;
2. Single-service articles (e.g., disposable tableware, cutlery, trays, caps, and lids for food service) intended to contact all food types under COU E through G; and
3. Non-food contact layer of a multilayer food package intended to be used with all food types under COU E-G.

We have reviewed the proposed recycling process and the provided supporting information, and we have determined that Plastic Recycling Inc.'s control of the feedstock and recycling process as described in PNC 3197 is expected to produce rPP of a suitable purity for the intended use specified above, provided that the feedstock comes from food contact articles and complies with 21 CFR 177.1520 and all other applicable authorizations.

The rPP material should comply with all applicable authorizations, including 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,

Joshua Moskowitz, Ph.D.
Regulatory Review Scientist
Division of Food Contact Substances
Office of Pre-Market Additive Safety

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Office of Food Chemical Safety, Dietary Supplements, and
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Enclosure 1

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Definitions of Food Types and Conditions of Use for Food Contact Substances

These tables were created for easy reference for notifications relating to a food contact substance.

Table 1--Types of Raw and Processed Foods

- I. Nonacid, aqueous products; may contain salt or sugar or both (pH above 5.0).
- II. Acid, aqueous products; may contain salt or sugar or both, and including oil-in-water emulsions of low- or high-fat content.
- III. Aqueous, acid or nonacid products containing free oil or fat; may contain salt, and including water-in-oil emulsions of low- or high-fat content.
- IV. Dairy products and modifications:
 - A. Water-in-oil emulsions, high- or low-fat.
 - B. Oil-in-water emulsions, high- or low-fat.
- V. Low-moisture fats and oil.
- VI. Beverages:
 - A. Containing up to 8 percent of alcohol.
 - B. Nonalcoholic.
 - C. Containing more than 8 percent alcohol.
- VII. Bakery products other than those included under Types VIII or IX of this table:
 - A. Moist bakery products with surface containing free fat or oil.
 - B. Moist bakery products with surface containing no free fat or oil.
- VIII. Dry solids with the surface containing no free fat or oil (no end test required).
- IX. Dry solids with the surface containing free fat or oil.

Table 2--Condition of use

- A. High temperature heat-sterilized (*e.g.*, over 212 deg. F).
- B. Boiling water sterilized.
- C. Hot filled or pasteurized above 150 deg. F.
- D. Hot filled or pasteurized below 150 deg. F.
- E. Room temperature filled and stored (no thermal treatment in the container).
- F. Refrigerated storage (no thermal treatment in the container).
- G. Frozen storage (no thermal treatment in the container).
- H. Frozen or refrigerated storage: Ready-prepared foods intended to be reheated in container at time of use:
 - 1. Aqueous or oil-in-water emulsion of high- or low-fat.
 - 2. Aqueous, high- or low-free oil or fat.
- I. Irradiation.
- J. Cooking at temperatures exceeding 250 deg. F.