

JUN 6 1990

Ms. Marjorie E. Powell  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 7566  
Washington, D.C. 20044

Dear Ms. Powell:

This is in response to your letter of March 9, 1990, requesting written confirmation that recyclable plastic grocery bags are not subject to FDA's food additive regulations.

During my testimony, given July 18, 1989, at Senate Hearing 101-399 on the "Degradable Commodity Plastics Procurement and Standards Act of 1989," I concluded that the agency would not be involved with the use of degradable shopping bags unless there is a significant food-contact possibility with the use of these bags. I do not believe that I stated in that hearing that shopping bags are not subject to FDA regulations.

We note the analogy in your letter regarding the use of degradable polymers, discussed at the hearing, and the use of recyclable polymers in grocery bags. We would agree that grocery bags made from these polymers may contact food, and, when they do, food contact would be for short periods of time and usually at ambient temperatures. In addition, we are aware that most foods are already wrapped in approved food-contact packaging before being placed into these type of grocery bags. Because of this, we expect that there would be little likelihood that recyclable or degradable polymers used in grocery bags would significantly come into contact with food and/or become components of food. Therefore, while it is not true that FDA does not regard grocery bags as food additives, it is true that, given currently available information, we would consider the use of polymers to make grocery bags as a food additive situation that does not require regulation. Future information could, of course, lead to a different conclusion.

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Because there are environmental concerns and uncertainties associated with the use of degradable polymers, we are sending a copy of this letter to Bruce Weddle, Acting, Director, Municipal Solid Waste Program, Environmental Protection Agency.

Sincerely yours,

L. Robert Lake  
Director  
Office of Compliance

cc: