

The Food Packaging Industry Coalition

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March 30, 2006

Honorable Henry Bonilla, Chairman
Subcommittee on Agriculture, Rural Development and Food and Drug Administration
House Committee on Appropriations
2362-A Rayburn House Office Building
Washington, DC 20515

VIA FACSIMILE

Dear Chairman Bonilla:

On behalf of the undersigned members of the Food Packaging Industry Coalition, we request that you restore \$6 million in funding in the Fiscal Year 2007 Agriculture Appropriations bill for the Food and Drug Administration's (FDA) Food Contact Notification (FCN) program. The administration's Fiscal Year 2007 budget proposes not funding this important program. The members of the Food Packaging Industry Coalition strongly feel it is important to restore the \$6 million in funding to the FCN program and that these funds be added to the FDA's base appropriation and not reallocated from elsewhere in the agency's budget. The loss of this program would stifle new technologies that provide safer food packaging and hinder a company's ability to bring these new, innovative packaging materials to consumers.

Since its implementation six years ago, the FCN program has been a widely acclaimed and successful government program that has promoted the development of new food-contact materials. Some of these products include traditional packaging materials such as frozen food trays, plastic bottles, packaging for fresh cut fruits and vegetables and coatings for metal cans that contain a variety of food products. They also include materials used in paper and paperboard food packaging, as well as materials used in food processing, such as conveyor belts.

An FCN becomes effective within 120 days of filing, unless FDA considers the submission incomplete or objects to the notification. If the FCN program is eliminated, new food-contact substances and new uses of food-contact substances will need to be cleared through the food additive petition process. Before the FCN program, FDA took typically between two and five years – longer in some cases – to finalize the rulemaking needed to complete a petition process to clear these materials. Returning to this outmoded and unnecessarily lengthy review process will cause many companies not to introduce the kinds of new packaging that have brought to consumers a wider choice of produce, meats, and seafood, as well as many healthy and nutritious ready-to-eat options for today's busy lifestyles.

By all measures, the program has been a huge success. Over 500 notifications have become effective since the program's inception, and these new clearances were largely obtained in a matter of months. In addition, the FCN Program has become a model program for the regulation of packaging material. The success of the program has been praised by FDA and other regulatory bodies around the world and is an example of the federal government and the business community working together to ensure the safety of food in this country.

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It is imperative for FDA to receive the necessary \$6 million in funding to continue operation of the FCN program in the coming fiscal year. If adequate funds are not provided to continue the FCN program, the program would lapse, and FDA would return to the former inefficient system of considering food contact substances in food additive petitions. The flow of innovative food contact substances into the market would be slowed, regardless of their public health or environmental benefits. Our industries would appreciate the efforts of the House Agriculture Appropriations Subcommittee to ensure that the FCN program will continue to operate by restoring the \$6 million needed to fund the FCN program in Fiscal Year 2007.

Sincerely,

The Food Packaging Industry Coalition

Adhesive & Sealant Council, Inc.

Alcoa, Inc.

American Forest & Paper Association

Arkema, Inc.

Basell USA, Inc.

Bayer MaterialScience LLC

Can Manufacturers Institute

Chemtura

Dart Container Corporation

Ecolab, Inc.

Emulsion Polymers Council

Flexible Packaging Association

Food Products Association

Food Service & Packaging Institute, Inc.

Johnson Polymer LLC

Lubrizol

Milliken & Company

National Paint & Coatings Association

RadTech International North America

Royce Associates

Sealed Air Corporation

Silgan Closures LLC

Silicones Environmental, Health and Safety Council of North America

The Society of the Plastics Industry, Inc. (SPI)

SPI Food, Drug, and Cosmetic Packaging Materials Committee

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cc: Honorable Jerry Lewis, Chairman, House Appropriations Committee
Honorable David Obey, Ranking Minority Member, House Appropriations Committee