



July 29, 2020

Thomas Band
Global Product Manager
The Chemours Company
1007 Market Street
Wilmington, DE 19899

Dear Mr. Band:

The purpose of this letter is to acknowledge the receipt of the voluntary commitment made by The Chemours Company FC, LLC, (hereinafter “Chemours”) for the following two food contact substances (FCSs): “2-Propenoic acid, 2-methyl-, polymer with 2-(diethylamino)ethyl 2-methyl-2-propenoate, 2-propenoic acid and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl 2-methyl-2-propenoate, acetate (CAS Reg. No. 1071022-26-8),” which are the subject of effective food contact notifications (FCNs) 885 and 1027; and “Hexane, 1,6-diisocyanato-, homopolymer, 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluoro-1-octanol-blocked (CAS Reg. No. 357624-15-8),” which is the subject of FCN 940. This commitment, as stated in the correspondence^{1,2} of August 15, 2019, confirms that Chemours ceased introduction into interstate commerce or delivery for introduction into interstate commerce of these FCSs for any use in food contact applications, which are subject to the jurisdiction of the FDA as of June 1, 2019, and that Chemours will not thereafter introduce into interstate commerce or deliver for introduction these FCSs for any use in food-contact applications subject to the jurisdiction of the FDA.

Under Section 409(h)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), “the term ‘food contact substance’ means the substance that is the subject of a notification... and does not include a similar or identical substance manufactured or prepared by a person other than the manufacturer identified in the notification.” The original notifier for FCNs 885 and 940 was DuPont Chemical Solutions Enterprise, and for FCN 1027 was DuPont Chemicals and Fluoroproducts. In June of 2015, FDA received correspondence stating that E.I. duPont de Nemours and Company, Inc. had separated its Performance Chemicals segment and transferred these businesses to a newly created legal entity, The Chemours Company FC, LLC,³ and, as such, FDA considers Chemours to be the manufacturer/supplier for FCNs 885, 940, and 1027. Therefore, in accordance with the FD&C Act 409(h)(2)(C), these effective FCNs apply only to the FCSs that are the subject of FCNs 885, 940, and 1027, and that are manufactured or prepared by Chemours.

In the company’s commitment letter, Chemours stated that, based upon its experience with the usage of such products by companies further down the supply chain, the large majority of existing stocks of the neat FCSs, paper and paperboard coated with these FCSs, and food packaged in paper coated with these

¹ Letter from Thomas Band (The Chemours Company) to Paul Honigfort (FDA), July 18, 2019, re: FCN 940.

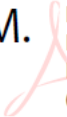
² Letter from Thomas Band (The Chemours Company) to Paul Honigfort (FDA), July 18, 2019, re: FCN 885 and 1027.

³ Letter from George Misko (Legal Representative of The Chemours Company FC, LLC) to Edward Machuga (FDA), June 17, 2015.

FCSs will be exhausted within one year of the cessation of initial introduction into interstate commerce (*i.e.*, June 1, 2020). As such, it is expected that little to no additional consumer exposure to these FCSs will occur as of the date of the current correspondence.

Sincerely,

Dennis M.
Keefe -S



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Dennis M. Keefe, Ph.D.
Director
Office of Food Additive Safety
Center for Food Safety
and Applied Nutrition