

**Formal Recommendation by the
National Organic Standards Board (NOSB)
to the National Organic Program (NOP)**

Date: April 29, 2011

Subject: Attapulgite

Chair: Tracy Miedema

The NOSB hereby recommends to the NOP the following:

Rulemaking Action X
Guidance Statement
Other

Statement of the Recommendation (Including Recount of Vote):

To add **Attapulgite – allowed as a processing aid in the handling of plant and animal oils** to section 205.605(a) of the National List with the following annotation, “allowed as a processing aid in the handling of plant and animal oils”

Rationale Supporting Recommendation (including consistency with OFPA and NOP):

This material was petitioned to the NOSB for use as a processing aid in the production of organic plant and vegetable oils, as a natural substance used to bring oils to a marketable condition through removal of impurities such as undesirable odors, colors, and trace metals, etc. The Handling Committee voted 6 yes, 0 no, and 1 absent for the listing of this material, with the annotation “allowed as a processing aid in the handling of plant and animal oils”, to the National List, thereby recommending that it be listed. The full board voted that attapulgite be classified as non-synthetic and approved listing it with the annotation above at its April 2011 meeting.

As described in the attached Handling Committee recommendation, this material satisfied all applicable evaluation criteria for consistency with organic handling practices. There was no public comment opposing it's listing in response to publication of the Handling Committee's recommendation prior to the full board meeting.

NOSB Vote

Moved: Steve DeMuri		Second: Mac Stone		
Yes: 12	No: 1	Abstain: 1	Absent: 0	Recusal: 0

NOSB COMMITTEE RECOMMENDATION

Form NOPLIST1. Committee Transmittal to NOSB

For NOSB Meeting: Spring 2011—Seattle, Washington

Substance: Attapulgit

Committee: Crops Livestock Handling Petition is for: Addition of Attapulgit on the National List § 205.605(a)

A. Evaluation Criteria (Applicability noted for each category; Documentation attached) **Criteria Satisfied? (see B below)**

- | | |
|--|--|
| 1. Impact on Humans and Environment | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 2. Essential & Availability Criteria | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 3. Compatibility & Consistency | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 4. Commercial Supply is Fragile or Potentially Unavailable as Organic (only for 606) | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

B. Substance Fails Criteria Category: _____ **Comments:**

C. Proposed Annotation (if any): Attapulgit--allowed as a processing aid in the handling of plant and animal oils.

Basis for annotation: Unrestricted use would include industrial applications not appropriate to food processing.

D. Recommended Committee Action & Vote, including classification recommendation (State Actual Motion):

To consider non-chemically processed attapulgit a non-synthetic substance.

Classification of the material: Synthetic _____ Non-synthetic Absent: _____ Abstain _____

Motion by: John Foster Seconded: Joe Dickson Yes: 6 No: 0 Absent: 1 Abstain: 0 Recuse: 0

Recommended Committee Action & Vote : Add attapulgit to the National List, 7 CFR § 205.605(a) with annotation as noted: Attapulgit--allowed as a processing aid in the handling of plant and animal oils.

Motion by: John Foster Seconded: Joe Dickson Yes: 5 No: 1 Absent: 1 Abstain: 0 Recuse: 0

Crops		Agricultural		Allowed ¹	<input checked="" type="checkbox"/>
Livestock		Non-Synthetic	<input checked="" type="checkbox"/>	Prohibited ²	
Handling	<input checked="" type="checkbox"/>	Synthetic		Rejected ³	
No restriction		Commercially Un-Available as Organic ¹		Deferred ⁴	

1) Substance voted to be added as “allowed” on National List to § 205.605(a) with Annotation: Allowed as a processing aid in the handling of plant and animal oils.

2) Substance to be added as “prohibited” on National List to § 205. _____ with Annotation (if any) _____

3) Substance was rejected by vote for amending National List to § 205. ____ Describe why material was rejected: _____

4) Substance was recommended to be deferred because _____

If follow-up needed, who will follow up _____

E. Approved by Committee Chair to transmit to NOSB:

Steve DeMuri
Committee Chair

Date: April 29, 2011

EVALUATION CRITERIA FOR SUBSTANCES ADDED TO THE NATIONAL LIST

Category 1. Adverse impacts on humans or the environment?

Substance: Attapulgit

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Are there adverse effects on environment from manufacture, use, or disposal? [§205.600 b.2]	x			Those effects on environment typically encountered with open pit mining activities, and environmental protection practices are in place to remediate or mitigate earth moving and removal. (Pet page 5, TR line 142+, 232+) Mining of attapulgit does not include any chemical adjuvants or catalysts (Pet page 5, TR line 142+, 232+)
2. Is there environmental contamination during manufacture, use, misuse, or disposal? [§6518 m.3]		x		See above.
3. Is the substance harmful to the environment and biodiversity? [§6517c(1)(A)(i);6517(c)(2)(A)i]		x		Temporary dust hazard during mining. (TR line 232+)
4. Does the substance contain List 1, 2, or 3 inerts? [§6517 c (1) (B)(ii); 205.601(m)2]		x		Attapulgit is not a formulated product and has nothing added to it when used as a food processing aid.
5. Is there potential for detrimental chemical interaction with other materials used? [§6518 m.1]		x		Neither petition nor TR note any.
6. Are there adverse biological and chemical interactions in agro-ecosystem? [§6518 m.5]		x		Neither petition nor TR note any.
7. Are there detrimental physiological effects on soil organisms, crops, or livestock? [§6518 m.5]			x	Petitioned as a handling material.
8. Is there a toxic or other adverse action of the material or its breakdown products? [§6518 m.2]		x		Neither petition nor TR note any.
9. Is there undesirable persistence or concentration of the material or breakdown products in environment? [§6518 m.2]		x		Neither petition nor TR note any.
10. Is there any harmful effect on human health? [§6517 c (1)(A) (i) ; 6517 c(2)(A)I; §6518 m.4]	x			If handled without the mandated personal protection equipment (PPE) then inhalation hazards are noted (TR line 276+)
11. Is there an adverse effect on human health as defined by applicable Federal regulations? [205.600 b.3]	x			See above.
12. Is the substance GRAS when used according to FDA's good manufacturing practices? [§205.600 b.5]				Included in FDA's EAFUS, and considered GRAS under EPA (TR line 340+)
13. Does the substance contain residues of heavy metals or other contaminants in excess of FDA tolerances? [§205.600 b.5]		x		No information found via TR for attapulgit, but for Fuller's Earth from China, some trace heavy metals have been found. (TR line 349+)

¹ If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 2. Is the Substance Essential for Organic Production?

Substance: Attapulgit

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance formulated or manufactured by a chemical process? [6502 (21)]		x		Formed through geologic processes, mined, then physically pulverized, screened, and packaged. (Pet page 5, TR line 142+, 232+)
2. Is the substance formulated or manufactured by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral, sources? [6502 (21)]		x		See above.
3. Is the substance created by naturally occurring biological processes? [6502 (21)]		x		Formed through geologic processes, mined, then physically pulverized, screened, and packaged. (Pet page 5, TR line 142+, 232+)
4. Is there a natural source of the substance? [§205.600 b.1]			x	This is the natural form of the substance
5. Is there an organic substitute? [§205.600 b.1]		x		TR line 214+
6. Is the substance essential for handling of organically produced agricultural products? [§205.600 b.6]	x			In order to bring the oils to marketable condition, some clarifying processing aid is needed.
7. Is there a wholly natural substitute product? [§6517 c (1)(A)(ii)]			x	This is a wholly natural product.
8. Is the substance used in handling, not synthetic, but not organically produced? [§6517 c (1)(B)(iii)]	x			Formed through geologic processes, mined, then physically pulverized, screened, and packaged. (Pet page 5, TR line 142+, 232+)
9. Is there any alternative substances? [§6518 m.6]		x		TR line 214+
10. Is there another practice that would make the substance unnecessary? [§6518 m.6]		x		

¹ If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 3. Is the substance compatible with organic production practices? Substance: Attapulgit

Question	Yes	No	N/A ¹	Documentation (TAP; petition; regulatory agency; other)
1. Is the substance compatible with organic handling? [§205.600 b.2]	x			This is a natural substance used to bring oils to a marketable condition through removal of impurities such as undesirable odors, colors, trace metals, etc.
2. Is the substance consistent with organic farming and handling, and biodiversity? [§6517 c (1)(A)(iii); 6517 c (2)(A)(ii)]	x			See above.
3. Is the substance compatible with a system of sustainable agriculture? [§6518 m.7]			x	
4. Is the nutritional quality of the food maintained with the substance? [§205.600 b.3]	x			TR line 312+
5. Is the primary use as a preservative? [§205.600 b.4]		x		TR line 319+
6. Is the primary use to recreate or improve flavors, colors, textures, or nutritive values lost in processing (except when required by law, e.g., vitamin D in milk)? [205.600 b.4]		x		TR 330+
7. Is the substance used in production, and does it contain an active synthetic ingredient in the following categories:		x		
a. Copper and sulfur compounds;			x	
b. Toxins derived from bacteria;			x	
c. Pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals?			x	
d. Livestock parasiticides and medicines?			x	
e. Production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleaners?			x	

¹ If the substance under review is for crops or livestock production, all of the questions from 205.600 (b) are N/A—not applicable.

Category 4. Is the commercial supply of an agricultural substance as organic, fragile or potentially unavailable? [§6610, 6518, 6519, 205.2, 205.105 (d), 205.600 (c) 205.2, 205.105 (d), 205.600 (c)]

Substance: Attapulgit

Question	Yes	No	N/A	Comments on Information Provided (sufficient, plausible, reasonable, thorough, complete, unknown)
1. <u>Is the comparative description provided</u> as to why the non-organic form of the material /substance is necessary for use in organic handling?			x	
2. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate form to fulfill an essential function in a system of organic handling?			x	
3. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate quality to fulfill an essential function in a system of organic handling?			x	
4. Does the current and historical industry information, research, or evidence provided explain how or why the material /substance cannot be obtained organically in the appropriate quantity to fulfill an essential function in a system of organic handling?			x	
5. Does the industry information provided on material / substance non-availability as organic, include (but not limited to) the following:			x	
a. Regions of production (including factors such as climate and number of regions);			x	
b. Number of suppliers and amount produced;				
c. Current and historical supplies related to weather events such as hurricanes, floods, and droughts that may temporarily halt production or destroy crops or supplies;			x	
d. Trade-related issues such as evidence of hoarding, war, trade barriers, or civil unrest that may temporarily restrict supplies; or			x	
e. Are there other issues which may present a challenge to a consistent supply?			x	