

**FORMAL RECOMMENDATION BY THE
NATIONAL ORGANIC STANDARDS BOARD (NOSB)
TO THE NATIONAL ORGANIC PROGRAM (NOP)**

Date: November 19, 2008

Subject: Calcium, Seaweed-derived for addition to § 205.605

NOSB Chair: Rigoberto Delgado

Recommendation

The NOSB hereby recommends to the NOP the following:

Rulemaking Action: _____
Guidance Statement: _____
Other: X

Summary Statement of the Recommendation (including Recount of Vote):

The Board recommends that Calcium, seaweed derived as petitioned does not need to be considered for addition to the National List since use of this material is currently allowed through the existing listing of Nutrient Minerals on the National List §205.605(b)

NOSB Vote: Motion: Julie Weisman Second: Steve Demuri

Board vote: Yes - 14 No- 0 Abstain- 0 Absent – 1 Recuse- 0

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

See attached

Response by the NOP:

**National Organic Standards Board
Formal Recommendation for § 205.605
Calcium, Seaweed-derived**

November 19, 2008

I. List: (where in FR rule example 205.606)

National Organic Program Subpart G: The National List of Allowed and Prohibited Substances. §205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”

a. *Nonsynthetics allowed*

II. Committee Summary:

A petition for the addition of seaweed derived calcium to the National List of Allowed Substances was received for review by the Handling Committee of the NOSB in the spring of 2007.

Calcium, seaweed derived, is produced from mineralized seaweed found, in the case of the material being petitioned, off the Irish Coast. The mineralized seaweed is washed and milled. The result is a substance that is intended to be used as an ingredient in foods. The composition of the substance is primarily, over 95%, mineral with the main constituents being calcium carbonate and magnesium carbonate.

The Handling Committee believes that Calcium, seaweed derived, is a Nutrient Mineral in accordance with 21 CFR 104.20. This was confirmed by the petitioner at the request of the NOP.

The National List §205.605(b) includes Nutrient Vitamins and Minerals, in accordance with 21 CFR 104.20. Therefore, we are recommending that Calcium, seaweed derived, not be added to the National List §205.605(a) since use of this material is currently allowed through the existing listing of Nutrient Minerals.

There was no objection made through public comment, including from the petitioner, to the Handling Committee’s recommendation that a separate listing is not needed for Calcium, Seaweed-derived.

Questions came up among Board members about the inconsistency of the allowance of this material, which the Board considered to be ‘non-synthetic,’ under a category listed under § 205.605 (b) Synthetics allowed. In addition, there was some discussion that preference should be given to a non-synthetic form of a material, when one becomes available. A separate listing on 605a would be a step to set the stage for removal from 605b.

It was agreed that the structure of the National List is problematic,.It is a topic which is being taken up separately by the Board, and is not the subject of this recommendation. In addition, the Program reminded the Board, that FDA regulates the use of “Nutrient Minerals” and FDA regulations are very clear that no preferential consideration may be given to the non-synthetic over the synthetic version of a material. This applies only to “Nutrient Minerals,” and not to the National List, in general.

III. Board Recommendations

The Board recommends that Calcium, seaweed derived as petitioned does not need to be considered for addition to the National List since use of this material is currently allowed through the existing listing of Nutrient Minerals on the National List §205.605(b)