

### *I. Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, and the implementing Office of Management and Budget (OMB) regulations in 5 CFR part 1320, USDA has submitted the information collections contained in this proposed rule to the OMB for review under section 3507(d) of the Act. Comments addressing the proposed information collections should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Agriculture, Margaret Malanoski, 725 17th Street, NW., Room 10202, Washington, DC 20503.

*Title:* Guidelines for Designating Biobased Products for Federal Procurement

*Abstract:* USDA will collect information from biobased product manufacturers and vendors on a voluntary basis to support a website maintained by USDA for the use of those parties, as well as the use of Federal agencies and the public. Information to be requested will include identification of products offered for preferred procurement within a designated item, contact information for the manufacturer or vendor, and demographic information about the manufacturer or vendor that will assist Federal agencies in reporting on the performance of the preferred procurement program. In addition, information will be sought regarding availability of products within an item considered for designation; relative prices of the products; performance of the products against industry standards such as ASTM, ISO, Federal or military specifications, or other standards; and environmental and public health benefits using NIST's BEES analytical tool.

This information may be included on the website or a hotlink may be established to manufacturers' or vendors' websites to access the information. The information sought for this voluntary website is envisioned to be non-proprietary. Should proprietary information be provided, the website will be password protected making that accessible only to USDA, Federal agencies, and to the manufacturer or vendor that provided the information.

*Estimate of respondent burden:* Public reporting burden for the collection of information is estimated to average 50 hours per product. Reporting is voluntary on the part of manufacturers/vendors of biobased products.

*Respondents:* Biobased product manufacturers and vendors.

*Estimated annual number of respondents:* 200.

*Estimated number of responses per respondent:* 1.

*Estimated total annual burden hours on respondents:* 10,000.

USDA invites written comments on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Minimizing the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

### **List of Subjects in 7 CFR Part 2902**

Biobased products, Procurement.

For the reasons stated in the preamble, the Department of Agriculture proposes to amend 7 CFR chapter XXIX as follows:

### **CHAPTER XXIX—OFFICE OF ENERGY POLICY AND NEW USES, DEPARTMENT OF AGRICULTURE**

1. The chapter heading of chapter XXIX is revised to read as set forth above.

2. A new part 2902 is added to chapter XXIX to read as follows:

### **PART 2902—GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL PROCUREMENT**

#### **Subpart A—General**

Sec.

2902.1 Purpose and scope.

2902.2 Applicability.

2902.3 USDA guidance on item availability and procurement.

2902.4 Definitions.

2902.5 Preferred procurement program.

2902.6 Funding for testing.

#### **Subpart B—Biobased Product Eligibility for Federal Preference**

2902.10 Communicating information on qualifying biobased products.

2902.11 Characteristics required for obtaining designated item status.

2902.12 Items and minimum biobased content.

**Authority:** 7 U.S.C. 8102.

### **Subpart A—General**

#### **§ 2902.1 Purpose and scope.**

(a) The purpose of the guidelines in this part is to assist Federal agencies in complying with the requirements of section 9002 of FSRIA, 7 U.S.C. 8102, as they apply to the procurement of the items designated in subpart B of this part.

(b) The guidelines in this part designate items that are or can be produced with biobased products and whose procurement by Federal agencies will carry out the objectives of section 9002 of FSRIA.

#### **§ 2902.2 Applicability.**

(a) The guidelines in this part apply to all procurement actions by Federal agencies involving items designated by USDA in this part, where the Federal agency purchases \$10,000 or more worth of one of these items during the course of a fiscal year, or where the quantity of such items or of functionally equivalent items purchased during the preceding fiscal year was \$10,000 or more. The \$10,000 threshold applies to procuring agencies as a whole rather than to agency subgroups such as regional offices or subagencies of a larger department or agency.

(b) The guidelines in this part do not apply to:

(1) Any procurement by any Federal agency that is subject to regulations of the Administrator of the Environmental Protection Agency under section 6002 of the Solid Waste Disposal Act (40 CFR part 247), to the extent that the requirements of this part are inconsistent with such regulations; or

(2) The procurement of motor vehicle fuels or electricity.

(c) FSRIA section 9002(c)(1) requires Federal agencies to procure designated items composed of the highest percentage of biobased products practicable, consistent with maintaining a satisfactory level of competition, considering such guidelines. Federal agencies may decide not to procure such items if they are not reasonably priced or readily available or do not meet specified or reasonable performance standards.

#### **§ 2902.3 USDA guidance on item availability and procurement.**

An informational USDA website implementing section 9002 can be found at: <http://www.biobased.oce.usda.gov>. USDA will maintain a voluntary web-based information site for manufacturers and vendors of designated items produced with biobased products and Federal agencies. Through this website, USDA