

Understanding the BioPreferredSM Program *for Businesses with Biobased Products*

What is the BioPreferred program?

The BioPreferredSM Program was established by the Farm Security and Rural Investment Act of 2002 (FSRIA or "2002 Farm Bill"). The BioPreferred program aims to increase the purchase and use of renewable, environmentally friendly biobased products while providing "green" jobs and new markets for farmers, manufacturers, and vendors.

The BioPreferred program includes two major components:

1. A preferred procurement program for biobased products applicable to Federal agencies and their contractors; and,
2. A voluntary labeling program for the marketing of biobased products to the general consumer. The U.S. Department of Agriculture (USDA) is the lead Federal agency in the implementation of the BioPreferred program.

The two components are described in further detail in this document.

What is the basis of the BioPreferred program?

The BioPreferredSM Program was established by the [Farm Security and Rural Investment Act of 2002](#) (FSRIA or 2002 Farm Bill) and extended through provisions of the [Food, Conservation, and Energy Act of 2008](#) (FCEA or 2008 Farm Bill).

In addition to the Federal legislation, [Presidential Executive Order 13514](#), *Federal Leadership in Environmental, Energy, and Economic Performance*, dated October 5, 2009, further mandates the purchasing of biobased products. Executive Order 13514 requires that 95% of new government contracts and contract modifications require the use of biobased products.

How is "biobased" defined?

As defined by FSRIA, "biobased products" are products determined by the U.S. Secretary of Agriculture to be commercial or industrial goods (other than food or feed) composed in whole or in significant part of biological products, forestry materials, or renewable domestic agricultural materials, including plant, animal, or marine materials. Biobased products may also include biobased intermediate ingredients or feedstock.

For a biobased product to be considered "BioPreferred", two conditions must be met:

1. The product category that incorporates the biobased product must have been identified by USDA for the Federal procurement preference; and,
2. A product within an identified category must meet the minimum biobased content standard as established for the category.

These two conditions are discussed in further detail in this document.

What is the "Designation Process" for biobased products?

On a continual basis, USDA selects and prioritizes categories of biobased products for identification as "preferred" products for Federal purchasing. Several categories of biobased products are bundled into a "round." These "rounds" become a draft Federal regulation and are published with a public comment period. After public comments are considered, a final regulation to identify these "preferred" biobased product categories is published in the Federal Register.

One year after the final regulation is published, the Department of Defense, Federal agencies, and Federal contractors must give preference to biobased products when making product purchases within identified product categories.

Products in Rounds 1 through 5 are finalized and are eligible for preferred Federal purchasing. There are 42 BioPreferred products categories, representing more than 14,500 individual products from more than 2,000 companies.

Round 6 has recently completed the rulemaking process. Federal agencies have 1 year to comply with the preference procurement preference.

USDA is continuously researching additional categories of products to identify them for preferred Federal purchasing. The product categories in rounds 7 through 12 have been tentatively established. Individual products within the proposed category undergo testing to determine the minimum biobased content requirements.

Why would I want to claim the BioPreferred designation for my product?

When you are able to claim that your product qualifies under the BioPreferred Federal Procurement Preference, you have an advantage over non-biobased, competitive products in the Federal marketplace. The Federal and Federal contractor market represents billions of purchases annually, and Federal agencies and Federal contractors are required to give preference to biobased products within identified categories. There are limited exceptions to the requirements.

If you make a business decision to take advantage of this preference, and you are willing to systematically determine who in the Federal sector needs your product, you may open new markets for your products. It takes work. Doing business with the Federal government, if you are not already doing so, requires many steps and there is a steep learning curve. [How to Do Business with the Federal Government](#) should serve as a starting place in exploring how to work with the Federal government.

When may my biobased product claim the BioPreferred Federal procurement preference?

If a biobased product fits within a category of products that has been identified for a Federal procurement preference, the business with that product may claim the Federal procurement preference if they are willing to certify to a Federal agency:

- that the biobased content in the product is consistent with the definition in the statute (*products determined by the U.S. Secretary of Agriculture to be commercial or industrial goods (other than food or feed) composed in whole or in significant part of biological products, forestry materials, or renewable domestic agricultural materials, including plant, animal, or marine materials. Biobased products may also include biobased intermediate ingredients or feedstock*);
- if asked by a potential purchaser, that there has been third party testing of the biobased content of the product; and,
- that the product meets the minimum biobased content standards for the particular designation category.

Biobased content is determined by testing to [ASTM Method D6866](#). This method uses radiocarbon dating to measure the amount of new carbon present in a product as a percentage of the total organic carbon. This is accomplished by comparing the ratio of Carbon 12 to Carbon 14. The water content of a product is not included as part of biobased content as it contains no carbon.

Note: It is not required to have third party testing of a product for it to be included in the BioPreferred catalog. The BioPreferred program requires only that the company self-certify that the biobased content of the product meets the minimum biobased content requirements.

What if there is no BioPreferred category for my biobased product?

The USDA is currently in the process of collecting biobased product information to create additional "rounds" where biobased product categories are identified for a Federal procurement preference.

Individual products within a proposed category are evaluated against their non-biobased counterparts for cost effectiveness, accessibility, and performance. In addition to these primary concerns, the USDA also considers the following questions:

- What is the interest level in various categories of biobased products?
- How many companies produce biobased products within the category?
- What is the Federal demand for the products within the category?
- How will demand for biobased products impact the demand for biobased feedstock?
- How does manufacturing within this category affect rural economic development?

USDA is interested in receiving information about biobased products that are not currently in identified categories.

In order to share information with the USDA, a business must [register](#) their business and individual product information. Product information submitted to the BioPreferred program is entered into a secure database and kept in confidence. Product and company information may be listed in the [Biobased Products Catalog](#) on the BioPreferred website once the product category has been identified for a Federal procurement preference. The company then confirms its desire to have the product listed in the BioPreferred catalog and its ability to meet the minimum content standards.

What if I believe my biobased product qualifies as "BioPreferred"?

The [BioPreferred catalog](#) is used by Federal and Federal contractor personnel who are seeking to purchase biobased products. The content of this catalog is currently limited to products in those categories that have been designated for preferred procurement status.

Manufacturers/vendors can voluntarily post contact and product information when their products are within categories that have been identified for the Federal preferred procurement. A company must self-certify that the product meets the "minimum biobased content standards" for that product category.

For businesses with products that can be considered under the Federal procurement preference, the BioPreferred program has developed a resource entitled [Selling Biobased Products to the Federal Government](#). This Guide provides a checklist for preparing to do business with the Federal government.

Please note that placing a product in the BioPreferred catalog does not ensure "sales" to the Federal government. A well-planned marketing campaign is needed. The *Selling Biobased Products to the Federal Government* tool provides suggestions on how to focus your marketing efforts.

What about the BioPreferred label?

The [proposed rule](#) for the BioPreferred voluntary labeling program was published on July 31, 2009. The BioPreferred label guidelines is completing the final stages of the Federal "rulemaking" process. Within the next few months, in-depth information about the label and the process for qualifying for the label will be available.

When fully executed, manufacturers, vendors, trade associations, and other entities will be able to display the BioPreferred label on qualifying products. The goal of the label is to expand the marketability of biobased products to the general consumer. The presence of the label will indicate the product meets USDA's minimum biobased content standards, and the manufacturer or vendor has provided relevant information on the product.

What if I would like to speak with someone?

If you have general questions, you may email the BioPreferred program at www.biopreferred.gov.

If your questions are more technical in nature you may:

Send an email to: USDABioInfo@isstate.edu

Or you may call: 1-877-251-6522.