

**Proposed Rules:
Designation of Biobased Items for Federal Procurement**

71 FR 47566; 71 FR 47590;

Two proposed rules were published in the Federal Register on 17 August 2006 implementing portions of the [Federal Biobased Products Preferred Procurement Program \(FB4P\)](#), which provides for the preferred procurement of biobased products by procuring agencies. The term “procuring agency” includes both Federal agencies and “any person contracting with any Federal agency with respect to work performed under that contract.” Federal contractors, as well as Federal agencies, are subject to the biobased procurement preference requirements.

In these two Federal Register notices, USDA is proposing to amend the Guidelines for Designating Biobased Products for Federal Procurement (7 CFR part 2902) to add 10 items that would be afforded Federal procurement preference. These items are listed in the table below under their corresponding FR Notice. Included in these amendments are minimum biobased contents for each of the items. There will be a one year transition period to implement these requirements after the final rule is published.

FR Page 47590	FR Page 47566
2-Cycle engine oils	Adhesive and mastic remover
Lip care products	Insulating foam for wall construction
Biodegradable films	Hand cleaners and sanitizers
Stationary equipment hydraulic fluids	Composite panels
Biodegradable cutlery	Fluid-filled transformers
Glass cleaners	Biodegradable containers
Greases	Fertilizers
Dust suppressants	Metalworking fluids
Carpets	Sorbents
Carpet and upholstery cleaners	Graffiti and grease removers

Each of the rules includes proposed exemptions for NASA for use of these products on space vehicles and launch support equipment. According to USDA [71 FR 47571],

“USDA is proposing an exemption for all designated items when used in spacecraft systems and launch support equipment, because failure of such items could lead to catastrophic consequences. Many, if not all, items that USDA is or is planning to designate for preferred procurement are or will be used in space applications. Frequently, such applications used these items in ways that are different from their more “conventional” use on Earth. It is difficult, if not impossible, to forecast what situations may occur when these items are used in space and how they will perform. Therefore, USDA believes it is reasonable to limit the preferred procurement program to items used in more conventional applications and is proposing to exempt all designated items used in space applications from the FB4P.”

These requirements apply to contractors and to operations associated with manufacturing parts for use on space vehicles, but parts that are actual components of space vehicles are exempt from the requirements. For example, if a part is being manufactured for use on a space vehicle, the metalworking fluid the contractor uses to produce the part should be biobased (provided it meets the specifications for metalworking), but the part itself is exempt from these requirements.