



National Aeronautics and
Space Administration
Principal Center for Regulatory Risk Analysis and Communication

REGULATORY ALERT

Designation of Biobased Items for Federal Procurement

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Date [Citation]: 10 February 2010 [[75 FR 6795](#)]

Regulatory Agency: U.S. Department of Agriculture

Rulemaking Type: Proposed Rule

Title: Designation of Biobased Items for Federal Procurement

Summary:

On 10 February 2010, the U.S. Department of Agriculture (USDA) issued a proposed rule to designate the sixth round of biobased items for federal procurement. The action is part of USDA's effort to implement the [Federal BioPreferred Program](#), which promotes the preferred procurement of biobased products by federal agencies. As defined by the Farm Security and Rural Investment Act of 2002, "biobased products" are products designated by the USDA 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.

The nine products designated in the proposed rule include the following:

Product	Minimum Biobased Content
Disposable tableware	72%
Expanded polystyrene foam recycling products	90%
Heat transfer fluids	89%
Ink removers and cleaners	79%
Mulch and compost materials	95%
Multipurpose lubricants	88%
Office paper	95%
Topical pain relief products	91%
Turbine drip oils	87%

Comments on the proposed rule are due by 12 April 2010.

Potential Impacts to NASA:

USDA has provided "blanket" exemptions at [7 CFR 2902.3\(e\)](#) for the purchase and use of biobased products in products or systems designed or procured for combat or combat-related missions and for spacecraft systems and launch support equipment. These exemptions apply to all items designated for the procurement preference.

NASA, as well its contractors, are subject to the biobased procurement preference requirements for non-exempted activities, including those associated with manufacturing parts for use on space vehicles. However, parts that are actual components of space vehicles and launch support equipment are exempt from the requirements under the blanket exemption. For example, if a component is being manufactured for use on a space vehicle, the hydraulic fluid in the contractor's production equipment used to produce the component should be biobased (provided that a biobased product meets the relevant specifications), but hydraulic fluid used in the component itself is exempt from these requirements. The biobased procurement preference requirements apply if the price of the designated item exceeds \$10,000 or the aggregate amount exceeds \$10,000, including the amount for functionally equivalent items for the preceding fiscal year.

Additional Information: <http://www.biobased.oce.usda.gov/> and <http://www.biopreferred.gov/ProposedAndFinalItemDesignations.aspx>