

**2011 -SUPPORTING STATEMENT**  
**Guidelines for Designating Bio-based Products**  
**for Federal Procurement**  
**OMB 0503-0011**

**A. Justification**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section 9002 of the Farm Security and Rural Investment Act (FSRIA) of 2002, as amended by the Food, Conservation, and Energy Act (FCEA) of 2008, provides for a preferred procurement program under which Federal agencies are required to purchase biobased products, with certain exceptions. Product categories (which are generic groupings of products) are designated by rulemaking for preferred procurement. To qualify product categories for procurement under this program, the statute requires that the Secretary of Agriculture consider information on the availability of biobased products, the economic and technological feasibility of using such products, and the life cycle costs of using such products. Consideration of this information is a statutory requirement in rulemaking to designate product categories for preferred procurement. In addition, the Secretary is required to provide information on designated product categories to Federal agencies about the availability, relative price, performance, and environmental and public health benefits of such product categories, and where appropriate shall recommend the level of biobased material to be contained in the procured product. This information must also be provided in rulemaking to designate product categories for preferred procurement. The Office of Procurement and Property Management (OPPM) is gathering this information on a sufficient number of individual products within a product category to enable OPPM to extrapolate the findings to the product category level. That information is then provided in the rule to designate product categories, as required by the statute. OPPM seeks voluntary cooperation from manufacturers and vendors of products within a product category being considered for designation for preferred procurement in order to obtain the statutorily required information.

OPPM has a cooperative agreement in place with the Center for Industrial Research and Service (CIRAS) at Iowa State University. CIRAS, under OMB Control Number 0503-0011, will continue to contact manufacturers and vendors of biobased products to gather product information, samples for biobased content testing, and certain manufacturing information to support an analysis of environmental and health effects and life cycle costs of a sufficient number of biobased products that fall within a product category to enable OPPM to extrapolate the product information to a product category level to support the designation for preferred procurement under this preferred procurement program. Testing of products and development of analyses on individual products to support designation of product categories for preferred procurement by rulemaking is ongoing. Cooperation in this program by manufacturers and vendors of biobased products is voluntary.

**2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

OPPM has used, and will continue to use, the Center for Industrial Research and Service (CIRAS) at Iowa State University, with whom it has a cooperative agreement, to interact with manufacturers and vendors to gather such information and material for testing, as may be required to meet the statutory requirements for designation of product categories for preferred procurement by Federal agencies. The information collected will continue to be gathered using a variety of methods, including face to face visits with a manufacturer or vendor, submission by manufacturers and vendors of information electronically to OPPM, and survey instruments filled out by manufacturers and vendors and submitted to OPPM. In the case of testing for biobased content, samples of products will be collected from manufacturers and vendors for use in conducting the appropriate test. Cooperation with OPPM in gathering such information is voluntary on the part of the manufacturers and vendors. The information on a sufficient number of specific products to enable OPPM to extrapolate product specific information to the product category will continue to be collected from voluntarily cooperating manufacturers and vendors of biobased products. This information is essential to meeting the statutory requirements for designating product categories for preferred procurement by Federal agencies. The designation of product categories by regulation is how the program provided for under section 9002 becomes operational, and manufacturers and vendors of biobased products that fit under a product category designated by regulation are able to gain the benefits of preferred procurement of those products by Federal agencies.

When testing biobased products for biobased content, ASTM Radioisotope Standard Method (Standard number D 6866) is being used. An analysis is being conducted to measure the environmental and health effects of using a product and its life cycle costs, using an analytic procedure developed jointly by the National Institute of Standards and Technology (NIST) and the Environmental Protection Agency (EPA) called BEES (which stands for “**B**uilding for **E**nvironmental and **E**conomic **S**ustainability”). Currently, OPPM is paying for the cost of such testing and will continue to do so to the extent that funds are made available by the Congress to support such testing necessary for designation of product categories.

When product categories are designated by regulation, the information and test results of the sample of products, with results extrapolated to the product category level, are being posted by OPPM, at the product category level, on an electronic information system that is available to the public, to manufacturers and vendors, and to Federal agencies to enable those involved in the program to learn which product categories have been designated by regulation.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

The responses by manufacturers and vendors to requests for data and product samples to support testing by OPPM for designation purposes for a given product category affect only a limited number (probably under ten) of manufacturers and vendors, and will be handled electronically to the extent possible. Every effort will be made to streamline the processes with which OPPM interacts with manufacturers and vendors to reduce the cost and time burden on the voluntary respondents. Nonetheless, to gather samples of biobased materials and manufacturing information for testing for health and environmental effects and life cycle costs necessarily involves interaction by means other than electronically. CIRAS has a contractual relationship with the contractor doing BEES Analyses for the National Institute of Standards and Technology (NIST) under which the contractor provides assistance to manufacturing firms or vendors in filling out the BEES questionnaire.

In addition, manufacturers and vendors will be invited to voluntarily provide information on products that fall within designated product categories to USDA, which USDA will then post on USDA's BioPreferred website, <http://www.biopreferred.gov>, where this information will serve as a major source of information on available biobased products qualified for preferred procurement by Federal agencies. At some time in the future, it is anticipated that these postings will be handled entirely electronically with manufacturers using prompts provided by OPPM to electronically post their information on the website.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.**

It is very unlikely that any of the data or sample requests to manufacturers and vendors represents duplication of requests by other government agencies. Where the test data required by the regulations are already in the hands of manufacturers and vendors, every effort will be made to use that information. The uniqueness of the preferred procurement program makes it highly unlikely that requests for the same data have already been made by government or the private sector. Moreover, because this program is voluntary, it is reasonable to expect that those manufacturers and vendors that choose to cooperate in it and provide information have determined that the business benefits to them outweigh any data burdens.

**5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

OPPM, in its efforts to gather statutorily required information from a representative group of products that fall within a product category and extrapolate that information to the data characteristics of the product category, will gather information and test materials provided by both large and small business entities that produce the products in question. Under the current authorization to collect information, OPPM is assisting in funding the cost of testing products for biobased content and for environmental and health effects and life cycle costs. OPPM anticipates continuing to fund the testing required to support designation of product categories for preferred procurement for at least the next two years, subject to availability of appropriated funding to support this activity.

**6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

OPPM will only collect the necessary amount of information and testing of individual products to satisfy the statutory requirements for designating by rulemaking for preferred procurement. To do information collection less frequently than necessary for purposes of designating product categories for preferred procurement by rulemaking would mean OPPM would intentionally delay the designation of product categories for preferred procurement and would as a result deny manufacturers and vendors of products within those product categories the economic benefits of preferred procurement by Federal agencies.

**7. Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to the agency more often than quarterly;**  
Respondents will not be required to report to OPPM on a quarterly basis or more often than that.
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**  
OPPM will not require written responses, beyond completing the BEES Questionnaire, and only requests voluntary cooperation from manufacturers and vendors. In the case of voluntary cooperation, the manufacturer and vendor may choose to respond to information requests within 30 days, but are not required to do so.
- **requiring respondents to submit more than an original and two copies of any document;**  
OPPM will not require more than an original and two copies of any document submitted to it by cooperating manufacturers and vendors. Every effort will be made to collect such information electronically, using the OPPM electronic information system.
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**  
OPPM does not require retention of data for product category designation purposes by voluntary respondents beyond a three year interval, unless that is already required by normal business practice of the respondent firm.
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**  
OPPM does not anticipate conducting statistical surveys under this authorization.
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**  
OPPM does not anticipate conducting statistical surveys or requiring use of statistical data classifications under this authorization.
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data**

**security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

OPPM will not do so under this authorization.

- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

In the process of performing a BEES analysis on a limited number of individual products within a product category, those manufacturers and vendors who have chosen to cooperate with OPPM by providing information will be asked to provide that information to a private contractor that is bound by its contract with the National Institute of Standards and Technology (NIST) to protect the confidentiality of any proprietary information that the manufacturer or vendor might choose to provide the private contractor. OPPM will not have access to such information nor will it have it in its possession at any time. The contractor will continue to provide USDA only the analytic results of the BEES analysis to be used to support designation of product categories, which does not contain any proprietary information.

**8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments.**

USDA published a notice requesting comment on the extension of the previously approved information collection for the Guidelines (see 76 FR 53113, Thursday, August 25, 2011). The public comment period for the notice lasted 60 days and no comments were received.

**Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting form, and on the data elements to be recorded, disclosed, or reported.**

During the process of developing the regulations implementing the BioPreferred Program, USDA has undertaken extensive discussions with the Environmental Protection Agency, the White House Office of the Environmental Executive, USDA's Agricultural Marketing Service, the Defense Logistics Agency, the General Services Administration, Congressional Staff of agricultural committees in both the U.S. Senate and House, and NIST to seek their views on these issues. In addition, USDA has undertaken discussions with trade associations with interests in biobased products. The trade associations included:

- Renewable Fuels Association,  
Bob Dinneen, President and CEO  
One Massachusetts Avenue, Suite 820  
Washington, DC 2001  
Phone: 202-289-3835

- United Soybean Board  
Mike Erker, New Uses Program Manager,  
16640 Chesterfield Grove Road, Suite 130  
Chesterfield, MO 63005  
Phone: 314-579-1581
- National Corn Growers  
Rene Shunk, Director of Business Development/Corn Processing Research  
1000 Executive Parkway, Suite 105  
St. Louis, MO 63141  
Phone: 314-275-9915
- Biobased Manufacturers Association  
Kim Kristoff, Founder and Chairman  
Phone: 602-265-8586  
Dan Manternach, Managing Director  
Phone: 314-372-3519  
Doane Agricultural Services  
11701 Borman Drive, Suite 300  
St. Louis, MO 63146

USDA also continues to interact extensively with Dr. Ramani Narayan (of Michigan State University's Department of Engineering and Materials Science) and other technical experts in the field of biobased product development. Dr. Narayan has served on the Board of Directors of ASTM International and is currently serving as Chairman of ASTM subcommittee D20.96 on Environmentally degradable plastics and biobased products, as USA Technical Expert on ISO (International Standards Organization) TC 61 on plastics and convener for plastics terminology committee, and as the Chairman of the Technical Committee of the Biodegradable and Biobased Products Institute.

In addition, USDA routinely solicits public comments (in the Federal Register proposal notices) on specific issues that arise during the development of the designation rules. For example, USDA frequently asks for public input on the recommended minimum biobased content of product categories being designated and on the performance capabilities of biobased products within the product categories.

**9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

There is no intent to provide any payment or gift to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.**

The National Institute of Standards and Technology (NIST) in its contract with the private sector contractor(s) that conduct(s) the BEES Analysis has included language regarding restrictions against disclosure (dated March 2000) of information submitted to the contractor(s) by manufacturers or vendors for the purpose of conducting the BEES analysis on their products.

The contract between NIST and the private contractor(s) states: “a. The contractor agrees, in the performance of this contract, to keep the information furnished by the Government and designated by the Contracting Officer or Contracting Officer’s Technical Representative in the strictest confidence. The Contractor also agrees not to publish or otherwise divulge such information in whole or in part, in any manner or form, nor to authorize or permit others to do so, taking such reasonable measures as are necessary to restrict access to such information while in the Contractor’s possession, to those employees needing such information to perform the work provided herein, -i.e., on a “need to know” basis. The Contractor agrees to immediately notify the Contracting Officer in writing in the event that the Contractor determines or has reason to suspect a breach of this requirement.”

In addition, “b. The Contractor agrees that it will not disclose any information described in subsection a to any persons or individual unless prior written approval is obtained from the Contracting Officer. The Contractor agrees to insert the substance of this clause in any consultant agreement or subcontract hereunder.”

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

No such questions will be asked.

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

Through FY 2011, USDA has, under this current OMB approval collected information to support the designation of approximately 110 product categories. USDA estimates that there are approximately 45 additional product categories for which it intends to collect information to support their designation for preferred procurement during the next three fiscal years. OPPM’s estimates of the hour burden for the collection of information to support the designation of product categories are summarized in Table 1, and discussed in the following paragraphs.

During the next three fiscal years, OPPM estimates that, on average, 5 manufacturers per product category will participate in the development of information associated with the designation of product categories for preferred procurement. Thus, OPPM estimates that there will be 225 respondents (45 product categories times 5 manufacturers per product category) to the information collection during this period.

OPPM estimates that each of the 225 participating manufacturers will require 80 hours to provide the information and test material related to designation. Further, OPPM estimates that there will be 30 products per product category for an average of 6 products per manufacturer. OPPM estimates that each manufacturer will require 4 hours per product, or a total of 24 hours each, to provide information to OPPM for subsequent posting by OPPM to the BioPreferred Web site. Thus, each manufacturer is expected to require 104 hours (80 hours plus 24 hours) to respond to OPPM's request for materials to support the designation process.

OPPM estimates that, during FY 2012, work will begin on gathering information on 15 of the estimated 45 product categories. Based on the estimates in the previous paragraph, OPPM projects a total time commitment from manufacturers of 6,000 hours in FY 2012 (15 product categories times 5 manufacturers equals 75 manufacturers, and 75 manufacturers times 80 hours equals 6,000 hours) for purposes of designating product categories. For the estimated 450 products (15 product categories times 30 products per product category), OPPM projects a burden of 1,800 hours of manufacturers' time (75 manufacturers times 24 hours each) in FY 2012 for providing information to OPPM for posting to the BioPreferred Web site. Thus, the total manufacturers' time burden for FY 2012 would be 7,800 hours. For FY 2013 and FY 2014, OPPM estimates that work will begin on designating an additional 15 product categories in each of the fiscal years. Using the same assumptions for estimating a manufacturer's time commitment that was used for FY 2012, the total manufacturer's time burden would be 7,800 hours in each of the fiscal years. Thus, over the next three fiscal years, the average annual manufacturers' time burden is 7,800 hours per year ( $7,800 + 7,800 + 7,800 = 23,400$  total hrs, and  $23,400 \text{ hrs} / 3 \text{ years} = 7,800 \text{ hrs per year}$ ).

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

The annualized cost to respondents for the hour burdens for collections of information and for posting of qualifying product information by manufacturers on the web site [www.biopreferred.gov](http://www.biopreferred.gov) is estimated by OPPM to total:

- 1) For FY 2012, \$421,590.
- 2) For FY 2013, \$421,590.
- 3) For FY 2014, \$421,590.

These cost estimates are based on use of the estimated hour burden to manufacturers for each of the years, FY 2012, FY 2013, FY 2014, multiplied by \$54.05 per hour. This hourly rate is priced at the step 6, GS 14 (pay area = rest of U.S.) salary of \$112,424 per annum (with 2,080 hours worked per annum). The salary level is deemed reasonable under the expectation that at least half the burden hours would likely be provided by private sector employees earning less than this hourly rate and up to half the private sector employees would be earning more.



**TABLE 1. Estimate of Hour Burden of the Collection of Information**

<b>Fiscal Year</b>	<b>Description of Information Collection Activity</b>	<b>Number of Respondents</b>	<b>Number of Responses per Respondent</b>	<b>Total Annual Responses</b>	<b>Hours per Response</b>	<b>Total Hours</b>	<b>Labor Rate, \$/Hr.</b>	<b>Total Annual Labor Hours Cost</b>
2012	Provide biobased product data, samples for testing, and information for posting to Web site	75	1	75	104	** Expression is faulty **	54.05	** Expression is faulty **
2013	Provide biobased product data, samples for testing, and information for posting to Web site	75	1	75	104	** Expression is faulty **	54.05	** Expression is faulty **
2014	Provide biobased product data, samples for testing, and information for posting to Web site	75	1	75	104	** Expression is faulty **	54.05	** Expression is faulty **
Total for 3-yr period		0		0		0		0
<b>Average Annual Values (Rounded)</b>		<b>** Expression is faulty **</b>		<b>** Expression is faulty **</b>		<b>** Expression is faulty **</b>		<b>** Expression is faulty **</b>

**13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.**

There are no capital/start up or operation/maintenance costs associated with the program.

**14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

USDA estimates the annualized cost to the Federal government of developing the data needed for designating biobased product categories, of funding the necessary testing of biobased products to support that designation effort, and of maintaining the electronic information system on which manufacturers and vendors are invited to voluntarily post product information for products that fall within designated product categories to be \$1.0 to \$1.5 million per year.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.**

USDA estimates that the hour burden over the next three years will be significantly less than that of the previous three years. This submission reflects a decrease of 63 responses and a decrease of 6,587 burden hours since the last submission. The designation of product categories for Federal procurement preference under the BioPreferred Program has been ongoing for several years and much progress has been made in identifying and collecting information from the manufacturers of biobased products. USDA has already collected information for about 110 biobased product categories and only about 45 product categories are expected to be designated over the next 3 years. Because the collection of information from each participating manufacturer is a one-time occurrence, the number of manufacturers from whom USDA is requesting information will continue to decrease as the Program matures and most biobased product categories have been designated.

**16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.**

No collections of information are planned to be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

USDA is not seeking approval to not display the expiration date for OMB approval of the information collection.

**18. Explain each exception to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act.”**

There are no exceptions to the certification statement identified in Item 19 “Certification for Paperwork Reduction Act.”

**19. How is this Information collection Related to the Customer Service Center?**

This information collection is not related to the Customer Service Center, but is a statutory requirement of section 9002 of FSRIA, as amended by the FCEA, that established the Federal biobased Products Preferred Procurement Program.

**B. Collections of Information Employing Statistical Methods**

The collection of information under this program will not employ statistical methods.