2014 -SUPPORTING STATEMENT
Guidelines for Designating Biobased 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 and the Agricultural Act of 2014, [7 U.S.C. 8102] 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 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, 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 contracted AMEC Environment & Infrastructure, Inc. (AMEC) to provide technical support to the BioPreferred program. AMEC, 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 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.

AMEC, under the OPPM contract to provide technical support to the BioPreferred program, will 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. 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.

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. 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. OPPM estimates that as many as 75 percent (165 of the projected 220) of the respondents each year will be small businesses. Under the current authorization to collect information, OPPM is assisting in funding the cost of testing products for biobased content. OPPM anticipates continuing to fund the testing required to support designation of product categories for preferred procurement for at least the next three 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 product categories 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 but, rather, will only request 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.**

  OPPM does not believe that any of the information voluntarily submitted by manufacturers to the BioPreferred Program is considered confidential by respondents.

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 79 FR 66351, Friday, November 7, 2014). 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 had 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:

- Biobased Products Coalition

  Tom Hance
  Gordley Associates,
  600 Pennsylvania Ave., SE, Suite 320
  Washington, DC 20003

- American Forest & Paper Association

  Jeff Bradley
  1111 Nineteenth St. NW, Suite 800
  Washington, DC 20036

- Biotechnology Industry Organization (BIO)

  Dr. Rina Singh
  1201 Maryland Ave SW, Suite 900
  Washington, DC 20024

- American Chemistry Council

  Emily Tipaldo
  700 Second St. NE
  Washington, DC 20002

- American Cleaning Institute

  Kathleen Stanton
  1331 L Street NW, Suite 650
  Washington, DC 20005

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.

OPPM does not believe that any of the information voluntarily submitted by manufacturers to the BioPreferred Program is considered confidential by respondents.

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 2014, OPPM has, under this current OMB approval, finalized the designation of 97 product categories that have been added to subpart B of 7 CFR part 3201. As shown in Table 1, OPPM estimates that there are approximately 132 additional product categories for which it intends to collect information to support their designation for preferred procurement during the next three fiscal years.

TABLE 1. ESTIMATE OF NEW PRODUCT CATEGORIES TO BE DESIGNATED

Types of Product Categories Designated	Estimated Total Over Next 3 Years	Average per Year Over Next 3 Years
"Typical" Biobased Products	24	8
Intermediate Ingredients	24	8
Finished Products Made from Designated Intermediate Ingredients	72	24
Complex Assemblies	12	4
Total New Product Categories Designated	**0**	**0**

OPPM's estimates of the hour burden for the collection of information to support the designation of product categories are summarized in Table 2, 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 660 respondents (132 product categories times 5 manufacturers per product category) to the information collection during this period. OPPM estimates that each of the 660 participating manufacturers will require 40 hours to provide the information and test material related to designation.

OPPM estimates that, during FY 2015, work will begin on gathering information on 44 of the estimated 132 product categories. Based on the estimates in the previous paragraph, OPPM projects a total time commitment from manufacturers of 8,800 hours in FY 2015 (44 product categories times 5 manufacturers equals 220 manufacturers, and 220 manufacturers times 40 hours equals 8,800 hours) for purposes of designating product categories. Thus, the total manufacturers' time burden for FY 2015 would be 8,800 hours. For FY 2016 and FY 2017, OPPM estimates that work will begin on designating an additional 44 product categories in each of the fiscal years. Using the same assumptions for estimating a manufacturer's time commitment that was used for FY 2015, the total manufacturer's time burden would be 8,800 hours in each of the fiscal years. Thus, over the next three fiscal years, the average annual manufacturers' time burden is 8,800 hours per year (8,800 + 8,800 + 8,800 = 26,400 total hrs, and 26,400 hrs/3 years = 8,800 hrs per year).

Table 2 presents a summary of the estimate of the hour burden.

TABLE 2. ESTIMATE OF HOUR BURDEN

Year	**Description of Information Collection Activity**	**Number of Respondents**	**Number of Responses per Respondent**	**Total Annual Responses**	**Hours per Response**	**Total Hours**
1	Provide biobased product data, samples for testing, and information for posting to Web site	220	1	220	40	** Expression is faulty **
2	Provide biobased product data, samples for testing, and information for posting to Web site	220	1	220	40	** Expression is faulty **
3	Provide biobased product data, samples for testing, and information for posting to Web site	220	1	220	40	** Expression is faulty **
Total for 3-yr period		0	1	0	40	0

Average Annual Values		**** Expression is faulty ****	**1**	**** Expression is faulty ****	**40**	**** Expression is faulty ****

- **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 is estimated by OPPM to total:

1) For FY 2015, $471,240.
2) For FY 2016, $471,240.
3) For FY 2017, $471,240.

These cost estimates are based on use of the estimated hour burden to manufacturers for each of the years, FY 2015, FY 2016, FY 2017, multiplied by $53.55 per hour. This hourly rate ($53.55) is based on US Bureau of Labor Statistics data that show $24.34 per hour as the average hourly employee earnings in 2013 in the manufacturing industry. The $24.34 hourly rate was increased by an overhead markup rate of 120 percent to yield a total cost of $53.55 per hour. The hourly rate is considered reasonable under the expectation that at least half the burden hours would likely be provided by employees earning less than this hourly rate and up to half the employees would be earning more. Table 3 presents a summary of the estimated cost of the labor hour burden.

TABLE 3. ANNUALIZED COST OF LABOR HOUR BURDEN

Year	Description of Information Collection Activity	Total Annual Responses	Hours per Response	Total Hours	Labor Rate, $/Hr.	Total Annual Labor Hours Cost
1	Provide biobased product data, samples for testing, and information for posting to Web site	220	40	** Expression is faulty **	53.55	$** Expression is faulty **
2	Provide biobased product data, samples for testing, and information for posting to Web site	220	40	** Expression is faulty **	53.55	$** Expression is faulty **
3	Provide biobased product data, samples for testing, and information for posting to Web site	220	40	** Expression is faulty **	53.55	$** Expression is faulty **
Total for		0	40	0	53.55	$**

3-yr period						Expression is faulty **
Average Annual Values		**** Expression is faulty ****	**40**	**** Expression is faulty ****	**53.55**	$** Expression is faulty **

Table 4 presents an overall summary of the burden estimate inputs and the estimated average annualized cost to respondents, using the estimates from Tables 1, 2, and 3.

TABLE 4. SUMMARY OF BURDEN ESTIMATE INPUTS

	Year 1	Year 2	Year 3
Number of respondents (manufacturers and vendors of biobased products)	**220**	**220**	**220**
Number of responses (applications) per respondents	1	1	1
Number of responses (applications)	**220**	**220**	**220**
Hours for all manufacturers and vendors to supply information supporting product category designation (40 hours per response)	8,800	8,800	8,800
Total annual hour burden	**8,800**	**8,800**	**8,800**
3-year average hour burden	**8,800**		
Labor cost per hour	$53.55		
Average annual labor cost	**$** Expression is faulty ****		

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.

OPPM estimates the annualized cost to the Federal government of operating the BioPreferred Program (including an associated model procurement program) will range from $3.5 to $4 million annually. This estimate is based on the costs of program operation, maintenance of the electronic information system, testing of biobased products, and operation of a model procurement program, all of which are mandated in section 9002 of FSRIA. This estimate of cost to the Federal government

also includes costs to operate the voluntary labeling program, an important consumer-awareness portion of the BioPreferred Program.

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

OPPM estimates that the hour burden over the next three years will be the slightly higher than was estimated and approved for the past three years. This submission reflects a three-year increase of 3,000 burden hours compared to the last submission. On an annual average basis, the increase in estimated burden hours is 1,000 hours per year (from a previous total of 7,800 hours per year to a new total of 8,800 hours per year). While the number of product categories expected to be designated over the next 3 years is considerably higher than in previous periods, the amount of information being collected per category has decreased significantly. Because section 9002, as amended, mandates automatic designation of finished products that are made from designated intermediate ingredients, the process of collecting information for finished products will be much less burdensome than for previously designated product categories. For example, gathering information to support the designation of one intermediate ingredient category may result in the automatic designation of an additional ten finished product categories that are made from the intermediate ingredient. Also, the data collection burden for each product manufacturer has been significantly reduced because the requirement to collect life cycle cost data has been eliminated. For these reasons, the average estimated burden per response has decreased from 104 hours to 40 hours at the same time the number of responses has grown from 75 per year to 220 per year. The overall impact of these changes to the Program have resulted in an estimated total hour burden for the next three years that is 3,000 hours higher than the previous estimate (26,400 hours versus 23,400 hours).

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.