2024 SUPPORTING STATEMENT
USDA BIOBASED MARKETS PROGRAM
FEDERAL PROCUREMENT AND VOLUNTARY LABELING
OMB 0570-NEW

A. JUSTIFICATION

1. Circumstances that make this collection of information necessary.

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 provides for a preferred procurement program under which Federal agencies are required to purchase biobased products (7 CFR part 3201), with certain exceptions, and also requires the Secretary of Agriculture to implement a voluntary labeling program (7 CFR part 3202) that would enable qualifying biobased products to be certified with a U.S. Department of Agriculture (USDA) Certified Biobased Product label (Label). These two initiatives together make up the BioPreferred Program, which is currently implemented by the Rural Business Cooperative Service (RBCS or the Agency), an agency of Rural Development (RD) mission area within the USDA. The Agriculture Improvement Act of 2018 (7 U.S.C. 8102) (2018 Farm Bill) reauthorizes the BioPreferred Program and instructs RBCS to create a single approval process through which biobased products may be determined eligible to receive a procurement preference and to be certified to use the Label. RBCS published a proposed rule with comment, 89 FR 4770, on January 24, 2024 to a adopt changes from the 2018 Farm Bill and merge 7 CFR 3201 and 3202 into one streamlined regulation, 7 CFR part 4270. The 60-day comment period closed on March 25, 2024. A workplan for a final rule has been submitted for the 2024 Fall Agenda. The final rule provides the summary and responses to the comments received as part of the proposed rule with comment process. The final rule will not include revisions based on the comments received during the proposed rule comment period, for which the Agency has provided justification. The final rule will include two (2) technical amendments.

RBCS BioPreferred program staff and its contractors have been collecting product information under OMB Control Number 0570-0073 to support the preferred Federal procurement program (7 CFR part 3201) and under OMB Control Number 0570-0071 to support the voluntary labeling program (7 CFR part 3202). There are currently renewal packages in ROCIS for these two (2) OMB Control Numbers. Since there will be one streamline regulation, 7 CFR part 4270, these two (2) OMB Control Numbers will be discontinued. A new OMB Control Number will be issued for the streamlined regulation, 7 CFR part 4270. Under the new OMB Control Number RBCS will continue to collect product names, descriptions, availability, performance, environmental and health benefits, and biobased content measurements. RBCS uses this information to identify product categories for preferred Federal procurement, determine eligibility for products to qualify for preferred Federal procurement, and certify products to use the Label. Cooperation in this program by manufacturers and vendors of biobased products is voluntary.

2. Indicate how, by whom, 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.

Prospective Participating Organizations seeking USDA approval to use the USDA Certified Biobased Product Label and to become qualified for preferred Federal procurement for an eligible Biobased Product must submit an application for each Biobased Product[1] or product family[2]. The application process is electronic and submitted through the BioPreferred program website. If the Participating Organization is successful in completing the application process the Agency will issue a Notice of Certification that is valid for 5 years as long as there are no updates. Overall process for receiving a Notice of Certification is as follows:

1. Applicants must submit an application for each stand-alone product or product family.
2. Agency evaluates applications. Applicants with incomplete applications are notified via email to be provided opportunity to address deficiencies.
3. Agency provides prequalification notice.
4. Applicants that are conditionally approved, should move forward with Biobased Content Testing as outlined in § 4270.7.
5. Once Biobased Content Testing is complete, the Agency will evaluate the results and determine if the product meets the criteria outlined in § 4270.4(b). Applicants whose applications are disapproved will be notified in writing by the Agency of each criterion not met.
6. Applicants with approved applications are issued a Notice of Certification.
7. Once the Applicant receives the Notice of Certification then they may begin using the USDA Certified Biobased Product Label on the Certified Biobased Product and may advertise that the product is a Certified Biobased Product.
8. Applicable product information from application is posted publicly on the BioPreferred program website.

Application:

The contents of an acceptable application are specified at § 4270.9(a).

(a) Contact information (§ 4270.9(a)(1)(i)). With each application, the applicant (manufacturer or vendor) must provide its company name and mailing address. In addition, the application requires including the name of the application's preparer, as well as the preparer's mailing address (if different from that of the manufacturer or vendor), email address, and telephone number. Information such as the applicant's name, email address, and phone number are stored in the program's database and are inaccessible to the public.

This information is necessary to communicate with the applicant regarding any issues with the application, notifying the applicant as to whether the application is deficient, and notifying the applicant whether the application has been approved for the third-party testing and final certification stage of the process.

Through the application process, applicants are given the opportunity to provide additional information about the company including a division name, if applicable; whether the applicant's company is a manufacturer, vendor, or both; the company's website; the estimated number of employees; the years the company was founded and began producing biobased products; a North American Industry Classification System (NAICS) code; and any Equal Employment Opportunity

[1] *Stand-alone biobased product*. A biobased product that is marketed or sold under a single product name.
[2] *Biobased product family*. A group of biobased products that share the same formulation and biobased content (within 3%) yet are marketed differently depending on factors such as brand names or uses.

and Civil Rights (EEOCR) information. This information is not required, and applicants can choose to move forward in the application without providing this information.

(b) Brand name(s) (§ 4270.9(a)(1)(ii)). As products may be marketed under different brand names, the application requests that all brand names for the product be identified. Thus, the application requires the applicant to identify the stand-alone product or product family for which certification is sought by providing the brand name(s) for the stand-alone product or products within a product family. The applicant is also offered the opportunity to provide additional information about each unique product, including product scents, sizes, manufacturer number, model number, Universal Product Code (UPC), and National Stock Number (NSN). Applicants are provided the opportunity to elect to share the information provided during the application process with other Federal agencies. While not required, this assists manufacturers who intend to sell products to the Federal government by sharing information about biobased products that are available for purchase with other agencies and e-commerce sites used by Federal purchasers. Some of these agencies require an NSN in order to add a product to their catalog; therefore, manufacturers who wish to opt in to sharing their product information with other agencies are asked to provide an NSN for each product.

(c) Intended uses of the product (§ 4270.9(a)(1)(iii)). The application requires the applicant to identify the intended uses of the product because it is sometimes challenging to determine what a product's intended use is from the product name alone. RBCS needs this information to confirm if the product meets or exceeds the requirements of a product category(ies) that are eligible for Federal Preferred Procurement Program and whether the applicant has accurately identified the appropriate product category(ies) for its product. Knowledge of which product categories that the product best fits is required to identify the applicable minimum biobased content for the product.

Applicants are also offered the opportunity to provide supplemental product information such as unique features of the product, a link to a product webpage, whether the product has any third-party certifications or meets any performance standards, whether the product is on a GSA schedule, and whether the product contains any intentionally added per- and polyfluoroalkyl substances (PFAS). This supplemental information is not required, and applicants can choose to move forward in the application without providing this information.

(d) Biobased source(s) of the raw materials used in the product (§ 4270.9(a)(1)(iv)). The application process requires the applicant to identify the biobased source(s) of the raw materials used in the product. This is due, in part, to the correction factors used by ASTM D6866 (the test method used to measure biobased content) to account for the differing exposure to atmospheric carbon-14 during the biobased raw material's growth. Without the request information, the product's biobased content cannot be accurately measured. This information is stored in the Program's database and is inaccessible to the public. Applicants may choose not to disclose the biobased raw material with the understanding that failure to do so may result in less accurate test results.

(e) Information to document that one or more Innovative Criteria has been met (§ 4270.9(a)(1)(v)). To be eligible for certification, applicants must demonstrate that their product uses innovative approaches in the growing, harvesting, sourcing, procuring, processing, manufacturing, or application of the biobased product, as described by the Innovative Criteria found at § 4270.4(c)(1)

through (4). Thus, applicants must provide information to document that one or more Innovative Criteria during the application process.

(f) Product category (§ 4270.9(a)(1(vi)) and estimated biobased content (§ 4270.9(a)(1(vii)). The application requires the applicant to identify whether the product

(1) meets the description and meets or exceeds the biobased content requirements for a designated product category,

(2) is a finished product that does not meet the description of a designated product category, or

(3) is an intermediate ingredient or feedstock that does not meet the description of a designated product category. If the product meets or exceeds the requirements for a designated product category, the application requires the applicant to specify all relevant product category(ies).

To qualify for the third-party testing and final certification stage of the application process, it is necessary that a product's estimated biobased content meets or exceeds the applicable minimum biobased content for that type of product. The applicable minimum biobased content is dependent upon which of the three aforementioned groups of products the product for which certification is being sought best fits. Therefore, this information is necessary to determine the applicable minimum biobased content that should be used to evaluate the product for final certification.

Additionally, the application requests the applicant to provide an Environmental Protection Agency (EPA) registration number and signal word for products that fall under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). If the product is not registered with EPA, the applicant is asked to confirm that the product is exempt from registration under FIFRA. This information is requested to confirm that applicable products comply with EPA requirements.

(g) Web link directly to the applicant's website (§ 4270.9(a)(1)(viii)). During the application process, applicants are provided the opportunity to provide a web link to their company or product website. RBCS uses web links provided by the applicant to confirm the information in the application, which allows RBCS to make more informed decisions about the appropriate product category(ies) the product will fall under. Providing a web link is not required, and applicants can choose to move forward in the application without providing this information.

(h) Commitments (§ 4270.9(a)(2)). The applicant must certify that the product for which use of the label is sought is a biobased product, as defined in 7 CFR 4270.2, which is necessary to ensure that the product is an eligible product for the BioPreferred Program.

The applicant must also sign a statement in the application that commits the applicant as follows: The applicant commits to submitting to RBCS the information specified in the application, which RBCS will post to the BioPreferred Program website, and to providing RBCS with up-to-date information for posting on this website.

These actions are necessary to help ensure that consumers purchasing a product with the label have access to sufficient information to make reasoned purchasing decisions. Further, the information that is posted on the BioPreferred Program website and made available to eligible requestors is important

to help isolate certified biobased products from non-certified biobased products, a key purpose of the BioPreferred Program.

Biobased Content and Testing:

(a) Biobased Content Testing (§ 4270.9(b)(2)(ii)). For the applications that are conditionally approved to move forward, Biobased Content Testing must be completed as described in § 4270.7.

(b) Displaying Biobased Content Percentage (§ 4270.9(c)(2)). After receiving the Notice of Certification, the Participating Organization may request to display a Biobased Content percentage that is lower than the content measured by the ASTM D6866 test results but is greater than or equal to the applicable category minimums. The applicant should provide these types of request in writing via email to the Agency and must be approved by the Agency.

(c) Retesting (§ 4270.9(d)). The Notice of Certification provides the effective date. Except as specified in § 4270.9(d)(1)(iii) and (iv) and (d)(2) through (4) the Notice of Certification will remain effective for 5 years. The applicant is required to retest the product in accordance with the procedure specified in § 4270.7

Maintaining Records and Notice of Certification:

Once a Notice of Certification is issued by the Agency the applicant may begin using the USDA Certified Biobased Product Label on the Certified Biobased Product and may advertise that the product is a Certified Biobased Product. The applicant is responsible for keeping the Agency records updated.

(a) Updating Records (§ 4270.9(c)(1)). Applicants must provide RBCS with updated information if at any time during the application process or after a product has been certified, any of the information provided in the initial application changes. It is important that manufacturers and vendors keep the information provided to RBCS for public posting on the BioPreferred Program website up to date so that those who would purchase such products have the correct information when making purchasing decisions. The frequency of updating the BioPreferred Program website depends on how frequently an applicant makes changes to its product(s). Additionally, the applicant should ensure that his/her contact information is current so that RBCS may easily communicate with him/her should any questions arise regarding the certified product(s).

(b) Reformulated products (§ 4270.9(d)(2)). Circumstances may arise in which a manufacturer or vendor may make changes to a certified product during the term of an existing certification. If any of these changes are significant enough, the existing certification will no longer be valid for the product under the revised conditions and the manufacturer or vendor, as applicable, and its designated representatives would be required to discontinue affixing the label to the product and would be prohibited from initiating any further advertising of the product using the label. The circumstances under which this would occur are if the product formulation is revised such that the biobased content of the product is lower than the percentage that is reported in the most recent application, or if the product formulation is revised such that the biobased content of the product is greater than the percentage that is reported in the most recent application and the manufacturer wishes to report the higher percentage on the label.

When such circumstances arise, RBCS considers a product under such revised conditions to be a reformulated product and the manufacturer or vendor, as applicable, must submit an amended application for certification using the procedures specified in §4270.9.

Amended applications are requested under the above identified circumstances because it is important to the integrity of the BioPreferred that the label be used only on those products that meet or exceed their applicable minimum biobased content requirements.

The frequency under which a manufacturer or vendor would seek re-certification under the circumstances described above depends upon the frequency with which such changes occur.

(c) Reporting and Recordkeeping (§ 4270.14). Manufacturers and vendors reporting and recordkeeping requirements are outlined in § 4270.14.

Appeals:
Participating Organizations whose product certification has been revoked may appeal to USDA following the appeal process outlined in § 4270.12.

(a) Filing an appeal (§ 4270.12(a)). Appeals should be filed in accordance with § 4270.12(a). All appeals should include a copy of the adverse decision and a statement of the appellant's reasons for believing that the decision was not made in accordance with the applicable program regulations, policies, or procedures, or otherwise was not proper.

(b) Appeals of decisions made on appeals (§ 4270.12(c)). Appeals of any of the BioPreferred program's decisions may be made to RBCS, Administrator in writing.

Oversight and Monitoring:
RBCS conducts oversight and monitoring (§ 4270.15) of Participating Organizations, Designated Representatives, and Other Entities involved with the BioPreferred Program to ensure compliance. Participating Organizations are required to cooperate fully with all Agency audit efforts for the enforcement of the BioPreferred Program requirements. This oversight includes, but is not limited to, the following:

(a) Facility Visit (§ 4270.15(a)). Conducting facility visits to Participating Organizations that have Certified Biobased Products and their Designated Representatives.

(b) Agency Biobased Content Testing (§ 4270.15(b)). The Agency will conduct Biobased Content Testing of Certified Biobased Products as described in § 4270.12(b)(1) to ensure compliance. Any information requested by the Agency during this process the Participating Organization should comply.

(c) Inspection of Records (§ 4270.15(c)). Participating Organizations must allow Federal representatives access to the records required under § 4270.14 for inspection and copying during normal business hours.

(d) Audits (§ 4270.15(d)). The Agency will conduct an annual desk audit on an ongoing basis to verify that the product and company information supplied by the Participating Organizations remain valid. Through the BioPreferred program website Participating Organizations will be asked to confirm that they still manufacture the product, that the formulation remains the same, and that the information described under § 4270.9(a)(1) remains valid. Participants may also be asked for additional supplemental information.

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.

The application process is designed to be completed electronically through the BioPreferred Program website. Doing so streamlines the process and avoids the preparation and transmittal of paper forms.

To obtain certification, manufacturers and vendors of biobased products are required to provide certain product and manufacturer or vendor information for RBCS to post publicly to the BioPreferred Program website. This provides Federal agencies an electronic means to identify available biobased products for preferred Federal purchasing. Every effort is being made to further streamline the processes with which RBCS interacts with manufacturers and vendors to reduce the cost and time burden on the participants in the BioPreferred Program.

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 represent duplication of requests by other government agencies. The uniqueness of the BioPreferred Program makes it highly unlikely that requests for the same data have already been made by government or the private sector.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The BioPreferred Program is a voluntary program in which all manufacturers and vendors, including small businesses that have biobased products, may participate. Based on data voluntarily provided by manufacturers and vendors participating in the BioPreferred Program, 94 percent reported to have 500 or fewer employees, and only 6 percent reported to have greater than 500 employees. Thus, based on this sample and using a maximum of 500 employees as the criterion for defining a small business, RBCS estimates that about 94 percent of the companies that could choose to participate in the BioPreferred Program are classified as small businesses.

One potential burden related to participation in the BioPreferred Program is that which is associated with the graphic redesign of a product's packaging (§ 4270.11). Manufacturers and vendors that have received certification to use the Label will need to redesign the graphics on their product's packaging for each certified product to incorporate the "USDA Certified Biobased Product" label. If manufacturers and vendors redesign the graphics on their product's packaging outside of the planned

schedule, then the cost to incorporate the "USDA Certified Biobased Product" label could be attributable to the BioPreferred Program. However, there are few, if any, incremental costs associated with incorporating the Label if done as a part of the manufacturer's or vendor's planned schedule for graphic redesign of its packaging or for the initial design of a newly certified product. Because the BioPreferred Program is voluntary, manufacturers and vendors have the opportunity to schedule incorporation of the Label into their next scheduled product packaging redesign and avoid this cost.

Another burden is associated with biobased content testing. While biobased content testing is necessary to participate in the BioPreferred Program, its cost is relatively low (about $400) when compared to the overall cost of new product development. In addition, RBCS allows manufacturers to perform only one test in situations where a single product formulation is marketed under multiple brand names.

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.

RBCS collects the minimum information and test results for individual products necessary to determine the eligibility of the products for certification to display the Label. An initial application is necessary to make this determination. Failure to collect this information would result in many ineligible products using the Label, thereby rendering the BioPreferred Program useless. Additionally, the information collected by RBCS is used to satisfy the statutory requirement for designating product categories for preferred Federal procurement. The information collected in the initial application is the same information used to designate product categories, minimizing the burden on manufacturers and vendors. To do information collection less frequently than necessary for purposes of designating product categories for preferred procurement by rulemaking would mean RBCS 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.

Failure to require manufacturers and vendors to provide up-to-date information on each certified product for RBCS to publicly post on the BioPreferred Program website could result in purchasers making poor purchase decisions and in inefficiencies in making purchasing decisions (e.g., trying to purchase a product that has been renamed).

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

a. Requiring respondent to report information more than quarterly.

Two situations occur under which a manufacturer or vendor is required to supply information to RBCS.

One is where a change is made to a product's formulation that results in a change in the biobased content of the product to such an extent that submittal of a new application is required. However, it is highly unlikely that such changes would occur quarterly.

The second is the requirement to provide RBCS with up-to-date product information. Again, this action is only required when information changes and, though likely to occur more frequently than formulation changes, is highly unlikely to occur more often than quarterly.

RBCS does not anticipate either of the above circumstances to result in reporting of information on any one product more often than quarterly and anticipates a much longer time frame for each product.

b. Requiring written response in less than 30 days.

No routine written responses are required in fewer than 30 days after receipt of the request. However, there are special situations related to the violation of BioPreferred Program rules in which a manufacturer or vendor is expected to supply a response within 30 days. These are: (1) if a notice of violation of BioPreferred Program rules is issued (§ 4270.12(c)(2)), and (2) if a notice of suspension and revocation of certification is issued (§ 4270.12(c)(3)).

c. Requiring more than an original and two copies.

RBCS 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 RBCS electronic information system.

d. Requiring respondent to retain records for more than 3 years.

Manufacturers and vendors are required to keep certain records to support the information presented in their applications (§ 4270.14(b)(1) through (3)). The BioPreferred Program requires that these records are kept for 3 years after their creation or as long as necessary to support the most recently approved application for the certified product, whichever is greater (§ 4720.14(c)).

Information provided by manufacturers and vendors for posting on the BioPreferred Program website is the kind of information that a company would normally have to provide customers in the normal course of business, for as long as would be typically required in the normal course of business and as such does not represent a new and unreasonable burden on manufacturers and vendors.

e. 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.

RBCS does not anticipate conducting statistical surveys under this authorization.

f. Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

RBCS does not anticipate conducting statistical surveys or requiring use of statistical data classifications under this authorization

g. Requiring 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.

Product and manufacturer and vendor information posted on the BioPreferred Program website is publicly available to view, but only RBCS is able to change the posted information.

h. 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.

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

8. If applicable, identify the date and page number of publication in the Federal Register of the agency's notice soliciting comments on the information collection. Summarize public comments received and describe actions taken by the agency in response to these comments. 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, reporting, format (if any), and on data elements to be recorded, disclosed, or reported.

A new OMB Control Number is being requested for the streamlined regulation, 7 CFR part 4270. A 60 day notice was published in the *Federal Register* as part of the proposed rule with comment on January 24, 2024 (89 FR 4770). The 60-day comment period closed March 25, 2024. RBCS did not receive any comments relative to this collection of information package.

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.

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

The Agency published a Privacy Act of 1974; System of Records in the *Federal Register* on September 6, 2024 (89 FR 72820).

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.

No such questions will be asked.

12. Provide estimates of the hour burden of the collection of information.

Table 12.1, Summary of Number of Respondents, is a summary of respondents from the recent submitted OMB information collection package renewals for OMB Control Numbers 0570-0073 (7 CFR part 3201) and 0570-0071 (7 CFR part 3202). This package is merging the burden from these two packages, which the total number of respondents is 520 (300 + 220).

Table 12.1 – Summary of Number of Respondents

	Number of Respondents
0570-0071 (7 CFR part 3202) – Voluntary Labeling Program	300
0570-0073 (7 CFR part 3201) – Designating Biobased Products*	220

*This summary and Table 12.2 explain how the 220 number of respondents from 0570-0073 was determined for designating biobased product. Through 2023, RBCS has under OMB Control Number 0570-0073, finalized the designation of 139 product categories. As shown in 12.2, RBCS estimates that there are approximately 44 additional product categories for which it intends to collect information to support their designation for preferred procurement for each fiscal year. RBCS estimates an average of 5 manufacturers (respondents) per product category; therefore 220 (44 x 5) number respondents.

Table 12.2 – Estimate of New Product Categories to be Designated

Types of Product Categories Designated	Estimated 1 Year Total	% of Respondents Line Item is Applicable To (Include in Burden Hours Workbook)
Typical Biobased Products	12	27%
Intermediate Ingredients	3	7%
Finished Products Made from Designated Intermediate Ingredients	25	57%
Complex Assemblies	4	9%
Total New Product Categories Designated	**44**	**100%**

Table 12.3, Total Cost of Burden, shown below summarizes the estimated average annual burden associated with the BioPreferred Program. The attached Burden Hours workbook provides an Information Collection Burden Hours worksheet that details the estimates.

Table 12.3 - Total Cost of Burden

Burden Item	Estimated Yearly Average Burden

Number of Respondents	520
Total Annual Responses	3,017
Total Hours Per Year (Burden Hours)	19,783
Cost Per Hour	$57.80
Total Annual Cost	$1,143,473
Average Hours Per Response	6.5572
Number of Responses per Respondent	5.8019
Total Estimated Burden for each individual application	$379.01

As discussed elsewhere, because the BioPreferred program is voluntary, the burden to the applicant to participate in the program is also voluntary. It should also be noted that RBCS has made significant strides in reducing the burden placed on applicants since the program began. These burden reductions have resulted from simplifying and streamlining the application process so that one application often covers multiple similar products.

The hourly rate of $57.80 is based on U.S. Bureau of Labor Statistics data (List of SOC Occupations (bls.gov)) that show that $66.23 and $22.90 is the mean hourly wage in May 2023 for the management and production occupations. The mean hourly wages were increased by 29.7 percent, the average benefits rate in the private industry, to yield a rate of $57.80 per hour, which 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.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

Manufacturers and vendors are required to incur a one-time initial cost associated with testing their products for biobased content. Table 13.1 below presents a summary of the following:

- Estimated Annualized Testing Costs.
- Estimated Respondent Labor Costs.
- Estimated Average Annualized Cost to Respondents.

The attached Burden Hours workbook provides a Burden Respondent worksheet that details the estimates.

Table 13.1 Summary of Total Annual Cost Burden to Respondents

Estimated # of Products or Product Families for Testing	520
Estimated # of Tests per Products or Product Families	1
Total # of Tests	**1,040**
Annualized Testing Cost	**$400**
Estimated # of Hours per Test	2
Total Annual Burden Hours – Respondents	**2,080**
Total Annualized Labor Costs	**$120,226**
Total Annualized Cost to Respondents	**$212,361**

14. <u>Provide estimates of annualized cost to the Federal government</u>.

The estimated Annualized Cost to the Federal Government is $936,596, which is summarized in Table 14.1 below. The attached Burden Hours workbook provides an Annualized Cost to the Federal Government worksheet that details the following:

- Four (4) Review Steps
- Staff Positions for each Review Step.
- Calculated Wages Rates for each Staff Position.
- Number of hours required for each Staff Position.
- Total Cost for each Staff Position, Review Step and to the Federal Government.

Table 14.1: Total Cost to the Federal Government

Review Step	Cost of Each	Number of Responses	Total Cost
Application (including Biobased Content and Testing)	$708.23	1,040	$736,558
Maintaining Records and Notice of Certification	$143.01	295	$42,188
Appeals	$669.30	52	$34,803
Oversight & Monitoring	$208.55	590	$123,047
Total Cost to Federal Government	**$1,729.09**		**$936,596**

Review Steps. Brief explanation of the four review steps below:

- *Application (including Biobased Content and Testing)* – Agency review and response of applications submitted. This also includes approval or disapproval of applications.
- *Maintaining Records and Notice of Certification* – Agency review and response of any updates to the applicant or application information and any reformulation of products.
- *Appeals* – Agency review and response to appeals submitted.
- *Oversight & Monitoring* – Agency facility visits, biobased content testing, record inspections, and review of annual audits.

Staff Positions, GS Salary, and Total Salary Rate Calculated. Table 14.2 below provides the staff positions used for the Review Steps along with each Staff Positions General Schedule (GS) Grade, Step and Salary. The GS Salary was obtained by using Tables 2024-DCB (Pay & Leave : Salaries & Wages - OPM.gov) and 2024-EX (Pay & Leave : Salaries & Wages - OPM.gov) from the U.S. Office of Personnel Management (OPM), Policy, Pay & Leave, Salaries & Wages.

Table 14.2: Staff Positions and GS Salary

Staff Position	GS Grade	GS Step	GS Salary
Procurement Analyst	14	5	$157,982
Assistant Deputy Administrator	15	5	$185,824
Administrator			$204,000

The Agency calculated the Hourly Rate by dividing the GS Salary by 52 weeks a year and then dividing that result by 40 hours per week. The benefits for each position was calculated by using the civilian position full fringe benefit cost factor of 36.25% from the Office of Management and Budget (OMB) Memorandum for the Heads of Executive Departments and Agencies (M-08-13) dated March 11, 2008 (Memorandum for the Heads of Executive Departments and Agencies (whitehouse.gov)).

The Agency has two contractors that assist with the review process for the BioPreferred Program, for which the estimated total contract cost is $1,642,000. The total estimated contract is broken down for each contractor as shown in Table 14.3.

Table 14.3: Total Estimated Consultant Contracts

Contractor	Agency Estimated Total Contract Amount
1	$583,000
2	$1,059,000
Total	**$1,642,000**

Table 14.4 below provides the breakdown for each contract by Contractor and Review Step for the BioPreferred Program. The percentages do not total 100% because the contracts are part of a larger contract. The amounts from Table 14.4 for each step were used to determine the cost subtotals for each Contractor listed on the Annualized Cost to the Federal Government worksheet in the Burden Hours Workbook.

Table 14.4: Voluntary Labeling Program Breakdown for each Consultant Contract

Review Steps	Total Contract Amount Applied			
	Contractor 1		Contractor 2	
	%	Total Cost	%	Total Cost
Step 1: Application	68%	$396,440	10%	$105,900
Step 2: Updates to Original Application Submitted	2%	$11,660	0%	$0
Step 3: Oversight & Monitoring	7%	$40,810	2%	$21,180
Total	**77%**	**$448,910**	**12%**	**$127,080**

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

RBCS BioPreferred program staff and its contractors have been collecting product information under OMB Control Number 0570-0073 to support the preferred Federal procurement program (7 CFR part 3201) and under OMB Control Number 0570-0071 to support the voluntary labeling program (7 CFR part 3202). There are currently renewal packages in ROCIS for these two (2) OMB Control Numbers. Since there will be one streamline regulation, 7 CFR part 4270, these two (2) OMB Control Numbers will be discontinued. A new OMB Control Number is being requested for the streamlined regulation, 7 CFR part 4270.

16. For collection of information whose results will be published, outline plans for tabulation and publication.

Collections of information are published in that they are posted to the BioPreferred Program website.

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.

RBCS 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 on OMB 83-1.

There are no exceptions requested.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

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