



## **USDA Finalizes List of 27 Additional Items Designated for Biobased Purchasing Preference**

On a May 14, 2008, the United States Department of Agriculture (USDA) issued three final rules that add 27 new items to the list of designated biobased items that are afforded a Federal purchasing preference under Section 9002 of the Farm Security and Rural Investment Act of 2002. The final rules appeared in three separate *Federal Register* notices (73 FR 27928, 73 FR 27958, and 73 FR 27978). **The final rules appeared in three separate Federal Register notices, viewable here [73 FR 27928](#), [73 FR 27958](#), and [73 FR 27978](#).**

Along with the six items already designated by USDA (mobile equipment hydraulic fluids; penetrating lubricants; diesel fuel additives; roof coatings; bedding bed linens, and towels; and water tank coatings), this brings the total of USDA-designated biobased items to 33.

Federal agencies and contractors are required to purchase USDA-designated biobased items unless they determine that products are not reasonably available, fail to meet performance standards, or are available at an unreasonable price. A final rule published in the *Federal Register* on November 7, 2007 incorporates purchasing requirements for USDA-designated items in the Federal Acquisition Regulation (FAR). [Click here](#) for a copy of the FAR *Federal Register* notice.

### **Effective Date for Purchasing Preference**

Federal agencies will be required to give a purchasing preference for qualifying biobased products within the 27 new designated items categories no later than May 14, 2009.

### **Exemptions**

USDA includes exemptions from the preferred procurement requirement for (1) products or systems designed or procured for combat or combat-related missions, and (2) spacecraft systems and launch support equipment.

### **Designated Items**

The 27 new items and the minimum content level for each item are:

<b>Item</b>	<b>Minimum Biobased Content</b>
Adhesive and mastic removers	58%
Plastic insulating foam for residential and commercial construction	7%
Hand cleaners and sanitizers	
Hand Cleaners	64%
Hand Sanitizers	73%
Composite panels	
Plastic lumber composite panels	23%
Acoustical composite panels	37%
Interior Panels	55%
Structural interior panels	89%
Structural wall	94%
Fluid-filled transformers	
Synthetic ester-based fluid-filled transformers	66%
Vegetable oil-based fluid-filled transformers	95%
Disposable containers	72%
Fertilizers	71%
Sorbents	89%
Graffiti and grease removers	34%
2-Cycle engine oils	34%
Lip care products	82%
Films	
Semi-durable films	45%
Non-durable films	85%
Stationary equipment hydraulic fluids	44%
Disposable cutlery	48%
Glass cleaners	49%
Greases	
Food grade grease	42%
Multipurpose grease	72%
Rail track grease	30%
Truck grease	71%
Greases not elsewhere specified	75%
Dust suppressants	85%
Carpets	7%
Carpet and upholstery cleaners	
General Purpose cleaners	54%
Spot removers	7%
Bathroom and spa cleaners	74%
Concrete and asphalt release fluids	87%
General purpose de-icers	93%
Firearm lubricants	49%
Floor strippers	78%
Laundry products	
Pretreatment/spot removers	46%
General purpose laundry products	34%
Metalworking fluids	
Straight oils	66%
General purpose soluble, semi-synthetic, and synthetic oils	57%
High performance soluble, semi-synthetic, synthetic oils	40%
Wood and concrete sealers	
Penetrating liquid sealers	79%
Membrane concrete sealers	11%

USDA's definitions for these items are:

- **Adhesive and mastic removers** – Solvent products formulated for use in removing asbestos, carpet, and tile mastics as well as adhesive materials, including glue, tape, and gum, from various surface types.
- **Plastic insulating foam for residential and commercial construction** – Spray-in-place plastic foam products designed to provide a sealed thermal barrier for residential or commercial construction applications.
- **Hand cleaners** – Products formulated for personal care use in removing a variety of different soils, greases, and similar substances from human hands with or without the use of water.
- **Hand sanitizers** – Products formulated for personal care use in removing bacteria from human hands with or without the use of water. Personal care products that are formulated for use in removing a variety of different soils, greases, and similar substances and bacteria from human hands with or without the use of water are classified as hand sanitizers for the purpose of this rule.
- **Plastic lumber composite panels** – Engineered products suitable for non-structural outdoor needs such exterior signs, trash can holders, and dimensional letters.
- **Acoustical composite panels** – Engineered products designed for use as structural and sound deadening material suitable for office partitions and doors.
- **Interior panels** – Engineered products designed specifically for interior applications and providing a surface that is impact-, scratch-, and water-resistant and that does not absorb or retain moisture.
- **Structural interior panels** – Engineered products designed for use in structural construction applications, including cabinetry, casework, paneling, and decorative panels.
- **Structural wall panels** – Engineered products designed for use in structural walls, curtain walls, floors and flat roofs in commercial buildings.
- **Synthetic ester-based fluid-filled transformers** – Electric power transformers that are designed to utilize a synthetic ester-based dielectric (non-conducting) fluid to provide insulating and cooling properties.
- **Vegetable oil-based fluid-filled transformers** – Electric power transformers that are designed to utilize a vegetable oil-based dielectric (non-conducting) fluid to provide insulating and cooling properties.
- **Disposable containers** – Products designed to be used for temporary storage or transportation of materials including, but not limited, to food items. (Products must be capable of meeting the current version of the ASTM D6400 biodegradability standard if disposed in a non-marine environment, the current version of ASTM D7081 if disposed in a marine environment, or other appropriate and applicable standard for biodegradability.)
- **Fertilizers** – Products formulated or processed to provide nutrients for plant growth and/or beneficial bacteria to convert nutrients into plant usable forms. Biobased fertilizers, which are likely to consist mostly of biobased components, may include both biobased and chemical components.
- **Sorbents** – Materials formulated for use in the clean up and bioremediation of oil and chemical spills, the disposal of liquid materials, or the prevention of leakage or leaching in maintenance applications, shop floors, and fuel storage areas.

- **Graffiti and Grease Removers** – Industrial solvent products formulated to remove automotive, industrial, or kitchen soils and oils, including grease, paint, and other coatings, from hard surfaces.
- **2-Cycle engine oils** – Lubricants designed for use in 2-cycle engines to provide lubrication, decreased spark plug fouling, reduced deposit formation, and/or reduced engine wear.
- **Lip care products** – Personal care products formulated to replenish the moisture and/or prevent drying of the lips.
- **Films** – Products that are used in packaging, wrappings, linings, and other similar applications.
  - **Semi-durable films** – Films that are designed to resist water, ammonia, and other compounds, to be re-used, and to not readily biodegrade. Products in this item are typically used in production of bags and packaging materials.
  - **Non-durable films** – Films that are intended for single use for short-term storage or protection before being discarded. Non-durable films that are designed to have longer lives when used are included in this item.
- **Stationary equipment hydraulic fluids** – Fluids formulated for use in stationary hydraulic equipment systems that have various mechanical parts, such as cylinders, pumps, valves, pistons, and gears, that are used for the transmission of power (and also for lubrication and/or wear, rust, and oxidation protection).
- **Disposable cutlery** – Hand-held, disposable utensils designed for one-time use in eating food.
- **Glass Cleaners** – Cleaning products designed specifically for use in cleaning glass surfaces, such as windows, mirrors, car windows, and computer monitors.
- **Greases** – Lubricants composed of oils thickened to a semisolid or solid consistency using soaps, polymers or other solids, or other thickeners.
  - **Food grade grease** – Lubricants that are designed for use on food-processing equipment as a protective anti-rust film, as a release agent on gaskets or seals of tank closures, or on machine parts and equipment in locations in which there is exposure of the lubricated part to food.
  - **Multipurpose grease** – Lubricants that are designed for general use.
  - **Rail track grease** – Lubricants that are designed for use on railroad tracks or heavy crane tracks.
  - **Truck grease** – Lubricants that are designed for use on the fifth wheel of tractor trailer trucks onto which the semi-trailer rests and pivots.
  - **Greases not elsewhere specified** – Lubricants that meet the general definition of greases as defined in the rule, but are not one of the specifically defined greases in the rule.
- **Dust Suppressants** – Products formulated to reduce or eliminate the spread of dust associated with gravel roads, dirt parking lots, or similar sources of dust, including products used in equivalent indoor applications.
- **Carpets** – Floor coverings composed of woven, tufted, or knitted fiber and a backing system.
- **Carpet and upholstery cleaners** – Cleaning products formulated specifically for use in cleaning carpets and upholstery, through a dry or wet process, found in locations such as houses, cars, and workplaces.
  - **General purpose cleaners** – Carpet and upholstery cleaners formulated for use in cleaning large areas such as the carpet in an entire room or upholstery on an entire piece of furniture.

- **Spot removers** – Carpet and upholstery cleaners formulated for use in removing spots or stains in a small confined area.
- **Bathroom and spa cleaners** – Products that are designed to clean and/or prevent deposits on surfaces found in bathrooms and spas including, but not necessarily limited to, bath tubs and spas, shower stalls, shower doors, shower curtains, and bathroom walls, floors, doors, and counter and sink tops. Products in this item may be designed to be applied to a specific type of surface or to multiple surface types. They are available both in concentrated and ready-to-use forms.
- **Concrete and asphalt release fluids** – Products that are designed to provide a lubricating barrier between the composite surface materials (e.g., concrete or asphalt) and the container (e.g., wood or metal forms, truck beds, roller surfaces).
- **General purpose de-icers** – Chemical products (e.g., salt, fluids) that are designed to aid in the removal of snow and/or ice, and/or in the prevention of the buildup of snow and/or ice, in general use applications by lowering the freezing point of water. Specialized de-icer products, such as those used to de-ice aircraft and airport runways, are not included.
- **Firearm lubricants** – Lubricants that are designed for use in firearms to reduce the friction and wear between the moving parts of a firearm, and to keep the weapon clean and prevent the formation of deposits that could cause the weapon to jam.
- **Floor strippers** – Products that are formulated to loosen waxes, resins, or varnishes from floor surfaces. They can be in either liquid or gel form, and may also be used with or without mechanical assistance.
- **Laundry products** – Products that are designed to clean, condition, or otherwise affect the quality of the laundered material. Such products include but are not limited to laundry detergents, bleach, stain removers, and fabric softeners.
  - **Pretreatment/spot removers** – These are laundry products specifically used to pretreat laundry to assist in the removal of spots and stains during laundering.
  - **General purpose laundry products** – These are laundry products used for regular cleaning activities.
- **Metalworking fluids** – Fluids that are designed to provide cooling, lubrication, corrosion prevention, and reduced wear on the contact parts of machinery used for metalworking operations such as cutting, drilling, grinding, machining, and tapping.
  - **Straight oils** – Metalworking fluids that are not diluted with water prior to use and are generally used for metalworking processes that require lubrication rather than cooling.
  - **General purpose soluble, semi-synthetic, and synthetic oils** – Metalworking fluids formulated for use in a re-circulating fluid system to provide cooling, lubrication, and corrosion prevention when applied to metal feedstock during normal grinding and machining operations.
  - **High performance soluble, semi-synthetic, synthetic oils** – Metalworking fluids formulated for use in a re-circulating fluid system to provide cooling, lubrication, and corrosion prevention when applied to metal feedstock during grinding and machining operations involving unusually high temperatures or corrosion potential.
- **Wood and concrete sealers** – Products that are penetrating liquids formulated to protect wood and/or concrete, including masonry and fiber cement siding, from

damage caused by insects, moisture, and decaying fungi and to make surfaces water resistant.

- **Penetrating liquid sealers** – Wood and concrete sealers that are formulated to penetrate the outer surface of the substrate.
- **Membrane concrete sealers** – Concrete sealers that are formulated to form a protective layer on the surface of the substrate.