

USDA's New Biobased Product Labeling Program

In January 2011, the U.S. Department of Agriculture (USDA) launched a new labeling initiative to identify biobased products, which are commercial or industrial products whose main ingredients are renewable plant or animal materials. A *final rule*, recently published (see "Key Terms" on back for definitions of italicized words) outlines USDA's plans to implement a voluntary labeling program for biobased products under *Section 9002 of the 2002 Farm Bill*. This rule was published in the *Federal Register* on January 20, 2011. Under the voluntary labeling program, biobased product manufacturers and distributors will be able to affix a USDA Certified Biobased Product label on qualifying products. The label indicates the product meets or exceeds the amount of biobased content required for product certification; this content varies according to the type of biobased product certified.

What is the "Farm Bill"?

The U.S. Farm Bill is the primary agricultural and food policy legislation of the Federal government. The farm bill is revised every five years and affects everything from the farm safety net, food safety, conservation and forestry, international trade, and other important agricultural issues.

The 2002 Farm Bill established the BioPreferred program to increase the purchase and use of biobased products made from renewable agricultural materials. The program was reauthorized in the 2008 Farm Bill. The Farm Bill is set to be reauthorized in 2012.

What is the purpose of this biobased product labeling initiative?

The purpose of the labeling initiative is to more clearly identify biobased products for all buyers, and to promote the increased sale and use of biobased products in the commercial market and for consumers.

What's the difference between USDA's BioPreferred program and this biobased product labeling initiative?

The BioPreferred program was created by the Farm Security and Rural Investment Act of 2002 (2002 Farm Bill) as a procurement program designed to increase the purchase and use of biobased products in the Federal government. BioPreferred is now comprised of two parts: the biobased product procurement preference program for Federal agencies, and this new voluntary labeling initiative for the broad scale marketing of biobased products.

Who can apply for biobased product certification and product labeling?

Manufacturers or distributors (vendors) of biobased products may apply for product certification and use the 'USDA Certified Biobased Product' certification mark (label) on approved products.

What are the eligibility requirements for biobased product label certification?

Products must be biobased to receive product certification. Biobased products already identified within existing *product categories* under the Federal procurement preference portion of the BioPreferred program must meet the minimum biobased content of the category. Products that do not fall within a pre-identified category must be 25 percent biobased unless the applicant applies for and receives an alternative minimum biobased content allowance. *Mature market products*, which are excluded from the Federal procurement preference program, are also excluded from product certification and labeling.

How do I apply?

Vendors will be required to submit an application to USDA, agree to biobased product testing by an accredited laboratory, and provide current information about the product, company contact information, and Web site address (if available).

How will applications be evaluated?

USDA will evaluate each complete application to determine if the product meets the certification criteria. USDA will approve applications for product certification that meet the criteria and reject those that do not. Explanations will accompany rejected applications. Rejected applicants may revise applications and resubmit for consideration.

When may I begin using the label on my product?

Applicants may begin using the label upon receiving USDA certification. Certification will remain valid for as long as the biobased product is manufactured in accordance with the information supplied in the approved application. If USDA revises the required minimum biobased content for a product, vendors may continue to label the previously certified product only if it meets the new minimum biobased content level.



What does the biobased label look like?

The image at left is an example of USDA's new product label.

Where can I get more information on the USDA BioPreferred voluntary labeling initiative?

Go to www.biopreferred.gov to review the final rule in its entirety, and to access additional information about how the initiative will work. You may also contact Kate Lewis, USDA BioPreferred Deputy Program Manager, at kate.lewis@dm.usda.gov or 202-720-0811 with additional questions.

Key Terms

A *final rule* is a rule that has been made available (through publication as a proposed rule in the Federal Register) for public review and comment and has been revised based on the sponsoring Agency's consideration of public comments. A final rule has the full force and effect of law and is effective within a specified time period following its publication in the Federal Register.

Section 9002 of the 2002 Farm Bill requires Federal government officials to purchase biobased products.

The *Federal Register* (the daily newspaper of the Federal government) is a legal newspaper published every business day by the National Archives and Records Administration. The *Federal Register* contains Federal Agency regulations, such as the Voluntary Labeling Program for Biobased products.

Product categories (i.e. multipurpose cleaners or fertilizers) are groupings of biobased products that consist of several individual products. In the BioPreferred program, USDA sets a minimum requirement for the percentage of biobased content for each category's products. Product categories were formerly identified as "designated items."

Mature market products are products that had a significant market share in 1972. For example, cotton t-shirts are biobased, but are considered a mature market product since a significant portion of the t-shirt market, as of that date above, was comprised of cotton-based products.