



**BioPreferred<sup>SM</sup>**  
**Labeling Rule Public Meeting**  
**July 22, 2008**

The slide features a large green leaf on the left side. Below the title are three circular images: a corn plant, a hand holding a yellow flower, and a stack of papers. The footer contains the USDA logo, the number 1, and the BioPreferred logo with the website [www.biopreferred.gov](http://www.biopreferred.gov).

At the request of the Public Meeting attendees, USDA has updated this presentation to include some of the specific questions asked during the meeting. If possible, please provide justification of your opinion(s). Supplemental information may be found in the Public Meeting Notice published in the Federal Register Notice Tuesday, July 8, 2008.

Written comments may be submitted through Friday, August 1, 2008, to [biopreferred@usda.gov](mailto:biopreferred@usda.gov). Additional comments may be made once the proposed rule has been published.

We look forward to working with you to make the BioPreferred Program a success.

Regards,

BioPreferred Staff



## Agenda

- 1:00 PM Welcome and Introductions
- 1:15 PM Brief Program Update
- 1:30 PM Labeling Rule Overview
- 2:30 PM Question and Answer
- 5:00 PM Closing Remarks



## What are biobased products?

...products determined by the Secretary to be a commercial or industrial product (other than food or feed) that are—

- (a) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or
- (b) an intermediate ingredient or feedstock.



## **What are biobased products?**

The following product groups are excluded from the program by statute:

- Food and feed
- Motor vehicle fuels
- Electricity

## Biobased Product Inventory

- 14,145 commercially available biobased products have been identified
- 2,118 companies





## What is BioPreferred?

BioPreferred makes it easy for you to make a difference by identifying and helping to establish new markets for biobased products.





## Statutory Requirements

- Farm Security and Rural Investment Act of 2002, P.L. 107-171 (2002 Farm Bill)
- Food, Conservation, and Energy Act of 2008 P.L. 110-246 (2008 Farm Bill)



## Statutory Requirements cont.?

1. Federal Procurement Preference Program
  - 33 items designated (not including several subcategories)
  - Current designated items represent:
    - 2541 products (1/5 of known market)





## Statutory Requirements cont.?

2. Voluntary Labeling Program
  - Will allow manufacturers and vendors to use a USDA logo to identify qualifying products




## 2008 Farm Bill Requirements

- Issue criteria for determining which products may qualify to receive the label
- Inclusion of finished products that contain significant portions of biobased materials or components



## Purpose of the Labeling Program

- Promotion of Biobased Products
  - Expand product use beyond Federal procuring agencies
  - Increase availability of information for consumers



## What does the label mean?

- Responsibility of the label to consumers
  - Biobased content
  - Performance
  - Environment and health attributes

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What does the label mean?

1. Would it be a disservice to consumers if the USDA BioPreferred label was limited to simple biobased content indication?
2. What elements should USDA consider as requirements to receive the label?
  - Biobased content levels?
  - Life Cycle Assessment Score / Information?
  - Performance?
  - Biodegradability?
  - Item designation?
  - Other?
3. Which elements should be considered as optional information?

## I. Label Content

Considerations:

1. Biobased Content
2. Biobased Product Statement
  - Product, Package, Product and Package
3. Designated Items



Sample Logo



Sample Label with biobased content



13



Label Content:

1. How much information should be included on the physical label?
  - Biobased content levels?
  - LCA Score / Information?
  - Performance?
  - Biodegradability?
  - Indication of whether or not it is a “designated item?”
  - Other Information?
2. Do consumers care to distinguish whether the label pertains to the “Product,” “Packaging,” or “Both?” (e.g., Product: XX% biobased, or Package XX% Biobased, etc.)
3. Would it be acceptable to include performance and environmental information on a supporting website as opposed to the on the physical label?



## I. Label Content cont.

### 4. Other Information

- Product Standards/Specifications
- Environmental/Health Benefits
- Life Cycle Cost

## II. Qualifying Products & Minimum Content

Considerations:

1. To allow three categories of products to apply for the label

<u>Category</u>	<u>Minimum Content</u>
a) Designated Items	As designated.
b) Non-Designated Items (not mature markets)	≥50%
c) Products from mature markets	≥50%



15

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Qualifying Products and Minimum Content:

1. Should the label be available to each of the three proposed groups of products?
  - Designated items?
  - Non-designated items (not mature markets) (i.e., items that may become designated in the future)?
  - Mature markets?
2. Should USDA establish a minimum biobased content of the later two categories at greater than or equal to 50%? If not, should there be any minimum requirement for the later two categories?



## II. Qualifying Products & Minimum Content cont.

Considerations:

2. To allow manufacturer's and vendor's, or trade associations to proposed an "Alternate applicable minimum"

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Cont.

3. If USDA establishes a minimum for the "non-designated items (not mature markets)" and "products from mature markets," who should be allowed to appeal for alternative minimum content level? (i.e., manufacturer's, vendor's, and/or trade associations)?
4. What information should be required to support the appeal for alternate content level? (e.g., Market Information, Content Levels, & Performance Specifications, LCA, etc.)





### III. Testing Procedure

Considerations:

1. Permitting required tests (e.g., Biobased Content, Life Cycle Assessment, etc.) to be performed both by 3<sup>rd</sup> party and internally.



17

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Testing Procedures:

1. Is there a concern about availability of facilities to conduct required testing?
2. Is there a concern with the cost to conduct required testing?
3. Should USDA allow manufacturers/vendors to perform internal testing for biobased content and Life Cost Assessments?



### III. Testing Procedure cont.

Considerations:

2. Require manufacturer or vendor to be certified by a professional body (e.g., International Organization for Standardization (ISO), American Center for Life Cycle Analysis).



18

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Cont.

4. If USDA allows manufacturers/vendors to perform internal testing for biobased content and Life Cost Assessments, what credentials or certifications should be required to conduct required testing? (e.g., ISO, American Center for Life Cycle Analysis)?



## IV. Who May Apply for the Label

Consideration:

To allow both manufacturer's and vendors to apply for and use the label.



19

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Who may apply for the label

1. Who should USDA allow to apply for the label?

- Manufacturers
- Vendors
- Both

2. Is there any concern about access of required information for vendors?



## Conclusion

Additional comments may be submitted electronically through August 1, 2008 at:  
[biopreferred@usda.gov](mailto:biopreferred@usda.gov)

Visit us at:  
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## Question and Answer Period

- I. Label Content
- II. Qualifying Products and Minimum Content
- III. Testing Procedures
- IV. Who May Apply for the Label