§ 2902.5
achieving the desired performance for
the product.
[70 FR 1809, Jan. 11, 2005, as amended at 71
FR 42575, July 27, 2006]

§ 2902.5 Item designation.
(a) Procedure. Designated items are
listed in subpart B. In designating
items, USDA will designate items com-
oposed of generic groupings of specific
products and will identify the min-
umum biobased content for each listed
item. As items are designated for pro-
curement preference, they will be
added to subpart B. Items are generic
groupings of specific products. Prod-
ucts are specific products offered for
sale by a manufacturer or vendor. Al-
though manufacturers and vendors
may submit recommendations to
USDA for future item designations at
any time, USDA does not have a formal
process for such submissions or for re-
sponding to such submissions.
(b) Considerations. In designating
items, USDA will consider the avail-
ability of such items and the economic
and technological feasibility of using
such items, including life cycle costs.
USDA will gather information on indi-
vidual products within an item and ex-
trapolate that product information to
the item level for consideration in des-
ignating items. In considering these
factors, USDA will use life cycle cost
information only from tests using the
BEEBS analytical method.
(c) Exclusions. (1) Motor vehicle fuels
and electricity are excluded by statute
from this program.
(2) USDA additionally will not des-
ignate items for preferred procurement
that are determined to have mature
markets. USDA will determine mature
market status by whether the item had
significant national market penetra-
tion in 1972.

§ 2902.6 Providing product informa-
tion to Federal agencies.
(a) Informational Web site. An infor-
mational USDA Web site implementing
section 9002 can be found at: http://
www.biobased.ocio.usda.gov. USDA will
maintain a voluntary Web-based infor-
mation site for manufacturers and ven-
dors of designated items produced with
biobased products and Federal agencies
to exchange product information. This
Web site will provide information as to
the availability, relative price, biobased content, performance and en-
vironmental and public health benefits
of the designated items. USDA encour-
gages manufacturers and vendors to pro-
vide product, business contacts, and
product information for designated
items. Instructions for posting infor-
mation are found on the Web site itself.
USDA also encourages Federal agen-
cies to utilize this Web site to obtain
current information on designated
items, contact information on manu-
facturers and vendors, and access to in-
formation on product characteristics
relevant to procurement decisions. In
addition to any information provided
on the Web site, manufacturers and
vendors are expected to provide rel-
evant information to Federal agencies,
upon request, with respect to product
characteristics, including verification
of such characteristics if requested.
(b) Advertising, labeling and marketing
claims. Manufacturers and vendors are
reminded that their advertising, label-
ing, and other marketing claims, in-
cluding claims regarding health and
environmental benefits of the product,
must conform to the Federal Trade
Commission Guides for the Use of Envi-
rionmental Marketing Claims, 16 CFR
part 260.

§ 2902.7 Determining biobased content.
(a) Certification requirements. For any
product offered for preferred procure-
ment, manufacturers and vendors must
certify that the product meets the
biobased content requirements for the
designated item within which the prod-
uct falls. Paragraph (c) of this section
addresses how to determine biobased
content. Upon request, manufacturers
and vendors must provide USDA and
Federal agencies information to verify
biobased content for products certified
to qualify for preferred procurement.
(b) Minimum biobased content. Unless
specified otherwise in the designation
of a particular item, the minimum
biobased content requirements in a
specific item designation refer to the
biobased portion of the product, and
not the entire product.
(c) Determining biobased content.
Verification of biobased content must
be based on third party ASTM/ISO