

**From:** "Dunbar, Judith" <Judith\_Dunbar@plastics.org>  
**To:** <fb4p@oce.usda.gov>  
**Date:** Wed, Dec 13, 2006 12:30 PM  
**Subject:** Revised comments to RIN 0503-AA32, Proposed Designation of Biobased Items for Federal Procurement

Dear Mr. Duncan:

Attached, please find our REVISED comments to the above designated Item for Durable Plastic Films. We would appreciate if you could substitute these comments for the original ones sent on December 11, 2006, as we inadvertently sent out incorrect comments. Thank you very much for your consideration.

Regards,

Judith Dunbar

American Plastics Council

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December 11, 2006

Mr. Marvin Duncan  
U. S. Department of Agriculture  
Office of the Chief Economist  
Office of Energy Policy and New Uses  
Room 4059, South Building  
1400 Independence Avenue, SW  
MS-3815  
Washington, DC 20250-3815

Dear Mr. Duncan:

**Re: Revised Comments to RIN 0503-AA32, Proposed Designation of Biobased Items for Federal Procurement**

The American Plastics Council appreciates the opportunity to comment on the USDA proposed rule, Designation of Biobased Items for Federal Procurement, published in the October 11, 2006 *Federal Register*. The American Plastics Council (APC) is part of a major trade association for the United States plastics industry. APC advocates unlimited opportunities for plastics and promotes their economic, environmental and societal benefits. To accomplish our mission we demonstrate the benefits of plastic products and the contributions of the plastics industry to the society it serves. We also demonstrate that plastics are an efficient use of natural resources and the plastics and the industry are part of the solution to the public's environmental performance expectations. The American Plastics Council is comprised of 12 of the leading resin manufacturers, plus one affiliated trade association representing the vinyl industry.

The American Plastics Council (APC) is supportive of USDA's recognition that the performance needs for a given application are important criteria in making procurement decisions. APC is also supportive of USDA's position that products designated under the U. S. Environmental Protection Agency's RCRA Comprehensive Procurement Guidelines program for recovered content products have priority in Federal procurement over the qualifying biobased product. APC has worked with U. S. EPA over the past decade to list a large number of products with recycled plastic content in the Comprehensive Procurement Guidelines program. We consider this program a success.

***Plastics Make It Possible***

Our comments submitted in response to the October 11, 2006 *Federal Register* notice contain many of the same points we made in response to USDA's August 17, 2006 *Federal Register* notice.

APC believes the success of preferential procurement programs is in large part based on their simplicity and clarity of purpose. The biobased products procurement program, as proposed, may create a confusing picture of what the program is intended to cover. The terms "biobased", "biodegradable" and "compostable" are used at times interchangeably. Do Federal purchasing agents understand the term "biobased"? A biobased product is not necessarily biodegradable. Compostability most often only occurs when a product that is designed to be compostable is properly managed in a composting facility. There are very limited numbers of commercial composting facilities in the U. S. Why are some of the biobased items designated as "biodegradable" and others are not?

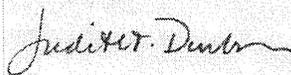
APC has comments relating to individual sections of this proposed rule, as follows:

**RIN 0503-AA32 Designated Item #6: Durable Plastic Films:** The definition of "durable plastic films" is vague and needs clarification. The proposed rule defines durable plastic films as "products such as bags and packaging materials. They are designed to resist water, ammonia, and other compounds, and do not readily biodegrade. This item applies to all types of applications, including construction barriers. However, some products within this item may not be applicable to all applications, such as construction barriers, which may require specific moisture protection properties." Also this rule recognizes overlap with the EPA-designated recovered content product: Nonpaper Office Products: Plastic trash bags.

This designated item is overly broad and needs more subcategories, similar to how EPA designates their items under the RCRA Comprehensive Procurement Program for items with recycled or recovered content. This is particularly important when you consider the minimum biobased content for this item is set at 61 percent, which was set based on testing only two biobased durable plastic films. What items were tested and under what circumstances? It is important to take the item's use into account when determining the appropriate level of biobased content in an item in order to ensure its performance and durability.

The American Plastics Council appreciates the opportunity to comment on this proposed rule. Please let us know if you have any follow-up questions on these comments.

Sincerely,



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American Plastics Council  
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