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March 14, 2017

Submitted via REGULATIONS.GOV to Docket: 0599-AA24

Marie Wheat  
Office of Procurement and Property Management  
U.S. Department of Agriculture  
Room 361, Reporters Building, 300 7<sup>th</sup> Street, SW  
Washington, DC 20024

Re: Designation of Product Categories for Federal Procurement  
**Docket ID: 5099-AA24**

Dear Ms. Wheat

The American Cleaning Institute (ACI)<sup>1</sup> is pleased to provide comments on the U.S. Department of Agriculture's Designation of Product Categories for Federal Procurement. ACI is submitting these comments in response to the USDA public notice.<sup>2</sup>

#### General Comments

As many of ACI's finished products are currently included in the Program, we are uniquely qualified to assist USDA. The designation of substances into the proposed twelve "product categories" appears to be arbitrary as the categories range from very narrowly defined groups to extremely broad categories. The scope of some of these categories falls outside the USDA definition of a "product category" - a grouping of *specific* products that perform a *similar* function. ACI recommends categorizing intermediates based on functional use descriptions (attached).

In addition, as noted by USDA in the public notice, the analytical method (ASTM standard D6866) by which all the products in the BioPreferred Program is measured is imprecise. ACI recommends that a validation study be performed in order to better understand the ranges of inaccuracies across a number of intermediates and products.

#### Specific Comments

##### *Intermediates – Chemicals (Minimum Biobased Content 22%)*

This category is too widely defined, comprising of reactants, building block chemicals, secondary chemicals, and those with specific functional properties. With a biobased content range of 25-100%, the minimum content is set to 22%, giving no incentive to increase biobased content. By categorizing by function, USDA will be able to increase the minimum biobased content of several functional classes.

<sup>1</sup>ACI is a trade association for the \$30 billion U.S. cleaning products industry. ACI members include the formulators of soaps, detergents, and general cleaning products used in household, commercial, industrial and institutional settings; companies that supply ingredients and finished packaging for these products; and oleochemical producers.

<sup>2</sup>82 Fed. Reg. 4206 (Jan. 13, 2016).

*Intermediates – Cleaner Components (Minimum Biobased Content 55%)*

This proposed category currently includes chelating agents, surfactants, hydrotropes, fatty acids, or solvents (please note this is not an exhaustive list of cleaning ingredients). Each of these substances performs a very different function in a cleaning product, and therefore does not meet the USDA definition of a “product category”. ACI recommends categorizing all the intermediates based on functional use descriptions.

ASTM International Committee D12: Soaps and Other Detergents is a source for industry standards. Another source is the *Official Methods and Recommended Practices of the AOCS* (American Oil Chemists’ Society).

*Intermediates – Personal Care Product Components (Minimum Biobased Content 62%)*

The personal care product and cleaning industries formulate with many of the same ingredients. Creating a separate minimum criterion is redundant. Two standards were identified as being used to evaluate products within the category; however, the first standard is a specification establishing the requirements for labeling products where a biodegradable plastic is attached to compostable substrates and the second is related to determining physical/chemical properties of paint, varnish, lacquer, or other related surface coatings. This may be more applicable in the *Paint and Coating Components* category.

*Intermediates – Oils, Fats and Waxes (Minimum Biobased Content 65%)*

The biobased content percentage seems to be lower than the content found naturally. The Official Methods and Recommended Practices of the AOCS is a great source for methods (including sampling and analysis of vegetable oil source materials, commercial fats and oils, sulfonated and sulfated oil, etc).

Conclusion

ACI supports the USDA designating categories by functional use, since it offers a transparent linkage to the established finished product categories of the Program, and recognizes that “product category” is defined as a grouping of specific products that perform a similar function. By defining intermediates according to their function in products, USDA can refine the current percentage biobased content of groups.

Please contact me by phone at 202.662.2513 or by e-mail at [kstanton@cleaninginstitute.org](mailto:kstanton@cleaninginstitute.org).

Sincerely,

Kathleen Stanton  
Senior Director, Technical & Regulatory Affairs



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## Intermediate Chemical Functional-Use Category List

|                            |                                     |
|----------------------------|-------------------------------------|
| Abrasives                  | Flocculating agents                 |
| Anticaking agents          | Fragrances                          |
| Antifoaming agents         | Freeze-thaw additive                |
| Antimicrobial actives      | Friction agent                      |
| Antioxidants               | Hardener                            |
| Antistatic agents          | Heat stabilizer                     |
| Binders                    | Humectant                           |
| Bleaching agents           | Impregnation agent                  |
| Brighteners                | Opacifer/Opacifying Agent           |
| Buffering agents           | Oxidizing/reducing agents           |
| Chelating agents/Chelators | pH regulating agents                |
| Coalescing agents          | Pigments                            |
| Colorants                  | Plasticizers                        |
| Compatibilizer             | Pour-point depressant               |
| Corrosion inhibitors       | Preservatives                       |
| Defoamers                  | Pressure transfer agents/Propellant |
| Denaturant                 | Process regulators/Process Aids     |
| Deodorizers                | Softeners                           |
| Dilutant                   | Solvents                            |
| Dispersing agents          | Stabilizing agent                   |
| Drier                      | Surface modifier                    |
| Dust suppressant           | Surfactants                         |
| Dyes                       | Tackifier                           |
| Emollient                  | Thickening agent                    |
| Emulsifiers                | Transfer agents                     |
| Fillers                    | UV Stabilizers                      |
| Film formers               | Viscosity modifiers                 |
| Finishing agents           |                                     |
| Fixing agents              |                                     |