



Biotechnology Innovation Organization  
1201 New York Ave., NW  
Suite 1300  
Washington, DC, 20005  
202-962-9200

September 29, 2023

Submitted electronically via Federal rulemaking portal

Re: FAR Case 2022-006, Docket No. 2022-0006, Sequence No. 1 RIN 9000-AO43

The Biotechnology Innovation Organization (BIO) is pleased to respond to the Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA) Proposed Rule to amend and restructure regulations on environmental and sustainability procurement.

BIO represents more than 1,000 members in a biotech ecosystem with a central mission – to advance public policy that supports a wide range of companies and academic research centers that are working to apply biology and technology in the agriculture, energy, manufacturing, and health sectors to improve the lives of people and the health of the planet. BIO is committed to speaking up for the millions of families around the globe who depend upon our success.

BIO applauds the agencies' recognition that in order to meet the challenges of a changing climate, increase environmental stewardship, support resilient supply chains, innovate, and build markets and jobs, it is crucial to lead with federal procurement. Climate change is already impacting agricultural production. According to research by Nature Climate Change, 21 percent of global agriculture production, including livestock, tree farming, and traditional crops such as corn and soybeans, has been negatively impacted by climate change, a slowdown that is equivalent to losing the last seven years of productivity growth.<sup>1</sup>

To meet these challenges, we must incentivize the adoption of innovative, sustainable technologies and practices; and streamline and expedite opportunities for breakthrough technology solutions. The adoption of biotechnology in agriculture and the development of biobased technologies has already contributed to food security, sustainability, and climate change solutions. The acceptance of biotechnology has enabled large shifts in agronomic practices that have led to significant and widespread environmental benefits. Ensuring that policies and regulations continue to advance innovative breakthroughs will be critical. Increasing the use and acceptance of these technologies through federal procurement can reduce greenhouse gas emissions throughout agricultural supply chains and strengthen resiliency to climate change

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<sup>1</sup> <http://www.nature.com/articles/s41558-021-01000-1>



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while increasing and diversifying production of biobased, and other sustainable, products and services.

The U.S. has led the way in developing these innovations due to thoughtful, bipartisan public policy. This has created a favorable climate in which to undertake the lengthy and risky job of investing in and developing the next biotech breakthroughs; allowing producers to use new technologies; and ensuring a pathway to market for new products. However, America's continued success and leadership are not guaranteed, and its global leadership is at risk of slipping away.

For example, federal funding for the bioeconomy in some key instances lags other countries, in Europe and elsewhere.<sup>2</sup> A "...long-term commitment to investments that drive innovation will be necessary to promote the change needed for sustainability," according to the National Science and Technology Council's report, released just last month.<sup>3</sup> Another key area that needs improvement at the Federal level is the issuance of timely North American Industry Classification System ("NAICS") and North American Product Classification System ("NAPCS") codes. The country cannot fully realize the potential of the burgeoning bioeconomy if we are unable to properly measure its growth.<sup>4</sup>

BIO therefore welcomes and strongly supports the proposed rule to increase the purchase of sustainable products and services in particular as it relates to biobased products. This effort is consistent and necessary, as noted, to help carry out Executive Order (EO) 14057, as well as related Orders, such as EO 14081.

Our specific comments follow below.

**1. BIO strongly supports the Rule's proposal to ensure full compliance with all applicable statutory purchasing programs and, in particular, section 9002 of the farm bill.**

It is essential that biobased product purchasing and uptake by all federal agencies happens in accordance with the law and the more than twenty-year-old program led by USDA. BIO sees this program, to date, as just scratching the surface of positive momentum for the rural economy, climate mitigation and environmental stewardship. This program has been replicated by several states, as well as countries around the world.

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<sup>2</sup> Biomufacturing to Advance the Bioeconomy, PCAST, December 2022; also see the U.S. Bioeconomy: Charting a Course for a Resilient and Competitive Future, Schmidt Futures, April 2022.

<sup>3</sup> Sustainable Chemistry Report, Framing the Federal Landscape, National Science and Technology Council, August 2023.

<sup>4</sup> See BIO comments to Office of Management and Budget, June 12, 2023, Re: Docket OMB-2023-0012; National Biotechnology and Biomufacturing Initiative – Measuring the Bioeconomy; Request for Information Response.



And yet the purchasing of biobased products is still not adequate. It's time for this to change through your efforts and the efforts of other agencies across the federal government.

**2. Prioritization of multi-attribute products and services is positive though must not interfere with statutorily required purchasing of biobased products.**

BIO has heard of instances of federal agencies and procuring agents and offices not buying "biobased" because of the claimed prioritization of other types of products such as those that are recycled, or otherwise mandated, or for other questionable or illegitimate reasons. This has been the case for many years. Multi-attribute products are, of course, positive, and we support such purchasing prioritization, as long as biobased products continue to receive equal (or preferred) treatment, especially if prioritization of other attributes is not required in statute.

**3. We would request that a categorical exemption for military equipment (and weapons systems) be eliminated or revised, and products evaluated on a case-by-case basis.**

There is no inherent weakness to biobased products as compared to more traditional products. As a general rule, they perform as well or better and, over their lifetimes, increase military preparedness and health of our heroic servicemen and women. This is because biobased products are environmentally superior to traditional products. The rule itself recognizes this fact and yet provides an irrational off ramp to purchasing of these more sustainable and high performing products.

The burden should be on DoD to exclude biobased products if shown to perform unequally to other embedded products. This would also be a more consistent approach, as this purchasing directive is in statute and helps the U.S. wean itself off foreign oil.

**4. We recommend adding supply contracts to what is currently FAR Clause 52.223-2.**

Supply contracts should give preference to biobased products (as identified by USDA) and report those purchases annually in the System for Award Management.

**5. We recommend that FAR Section 23 Add an Annual Reporting Requirement.**

An annual reporting requirement for all agencies to report the types and dollar amounts of biobased products purchased within the biobased contracts should be required. This would give USDA, the federal government, and civil society the information it needs to assess



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uptake and where there could be gaps or improved innovation to fulfill federal contracting needs.

**6. We recommend updating the biobased products definition to fully reflect the exact language of the farm bill (P. Law 115-334).**

The farm bill refers to “renewable chemicals,” which is missing in your proposed rule definition. That should of course be added in, in accordance with the relevant statutory provisions of sections 9001 (definitions) and 9002 (“Biopreferred” program). The relevant language states ““Biobased product” means a product determined by the U.S. Department of Agriculture to be a commercial product or industrial product (other than food or feed) that is composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials, renewable chemicals, and....”

Again, BIO greatly appreciates the opportunity to comment on this proposed rule. All three agencies are to be lauded for this work to date, and we look forward to seeing a final rule. In the interim, please don’t hesitate to reach out to us at any time with questions or concerns. The main point of contact at BIO for this submission is Tamra Spielvogel and Leah Buchman at [tspielvogel@bio.org](mailto:tspielvogel@bio.org) and [lbuchman@bio.org](mailto:lbuchman@bio.org) respectively.

Finally, for additional background on biotech solutions to climate change please see the BIO “Biotech Solutions for Climate Report: Examining biotechnology’s contributions to the climate crisis,” Carr, Brown, Murphy, April 2021. Link found [here](#).

Respectfully submitted,

A handwritten signature in black ink that reads "Beth Ellikidis". The signature is written in a cursive, flowing style.

Beth Ellikidis  
Vice President, Agriculture and Environment  
Biotechnology Innovation Organization