

## **ACT 542 – THE BIOBASED PRODUCT ACT OF 2005**

### **1.0 Purpose**

Effective January 1, 2007, the State of Arkansas shall establish a preference for biobased products in accordance with Act 542 of 2005 and ACA section 25-37-101 et.seq. The State of Arkansas shall give preference in making procurement decisions to items composed of the highest percentage of biobased products which meet or exceed USDA guideline standards in accordance with the Federal Biobased Products Preferred Procurement Program (FB4P) and the Farm Security and Rural Investment Act of 2002 (FSRIA). State agencies shall apply a preference for the biobased items identified unless (a) items are not reasonably available within a reasonable period of time; (b) fail to meet the performance specifications set forth in the agency bid documents; (c) are available only at a cost which exceeds the agency's budget allocation. The objectives of the biobased procurement program are three (3) fold:

1. increase demand for biobased products
2. spur development of the industrial base through value added agricultural processing and manufacturing in rural communities; and
3. enhance energy independence by substituting biobased products for fossil energy based products derived from imported oil and natural gas.

For a procurement preference to apply the products/items must first be designated by the United States Department of Agriculture (USDA). The designated categories as of February 10, 2005 are:

1. Bedding, Bed Linens and Towels – This category has been approved but preference is not mandatory until two (2) or more products are available for consumer use. Currently only one blanket has been submitted and accepted.
2. Diesel Fuel Additives – This category currently has seventeen (17) products that have been submitted and accepted.
3. Hydraulic Fluids (Mobile and Fixed Equipment) – This category currently has thirty-four (34) products that have been submitted and accepted.
4. Penetrating Lubricants – This category currently has thirteen (13) products that have been submitted and accepted.
5. Roof Coatings – This category currently has six (6) products that have been submitted and accepted.
6. Water Tank Coatings – This category has been approved but preference is not mandatory until two (2) or more products are available for consumer use. Currently only one product has been submitted and accepted.

The USDA will continue to designate products/items made from biobased materials to further increase markets. The next designated products to be approved are in the public comment phase and should be approved and published in the Federal Register early 2007. The Office of State Procurement shall incorporate additional items into the Biobased Procurement Program within one year after USDA designates new items.

## **1.1 Applicability**

The Biobased Product Act of 2005 applies to all state agencies as defined in Section 1(3) of Act 542 of 2005. All spending limits shall remain the same as stated in the current Procurement Laws and Regulations.

The Office of State Procurement shall provide access to information on availability, relative price, performance and environmental and public health benefits of biobased materials and items when available from the USDA and published in the Federal Register.

## **2.0 Reporting**

**2.1** Beginning March 31, 2007, each state agency shall report to the Office of State Procurement every quarter on the effectiveness of the agencies procurement program. The Office of State Procurement will prepare and make available a web based reporting process for collection of required information.

The Office of State Procurement shall report every two (2) years on or before June 30 to the Joint Budget Committee during each regular session of the General Assembly on actions taken by state agencies with regard to procurement of biobased products.

**AMENDMENT A**  
**DESIGNATED CATEGORIES AND PRODUCTS**  
**EFFECTIVE FEBRUARY 10, 2005**

1. Bedding, Bed Linens, and Towels – This category has been approved but preference is not mandatory until two (2) or more products are available for consumer use. Currently only one blanket has been submitted and accepted.
  - Ingeo Blanket
  
2. Diesel Fuel Additives – This category currently has seventeen (17) products that have been submitted and accepted.
  - Bio-Power Diesel Fuel Conditioners
  - Soy Power Biodiesel
  - Biodiesel
  - SoyPower Diesel Fuel Additive
  - Virgin Soy Biodiesel
  - Recycled Biodiesel
  - West Central Coop's Soy Power B100 Biodiesel, 2 gallon case
  - Gem Citrine B100 Pure BioDiesel
  - Soy Energy
  - SoyClean Diesel Fuel Additive
  - BOFO20 Biodiesel
  - Soy Guard Plus
  - Blue Sun Biodiesel
  - PS 121
  - Biodiesel (B100) – Pacific Biodiesel, Inc.
  - LZ 7670
  - LZ 7671
  
3. Hydraulic Fluids (Mobile and Fixed Equipment) – This category currently has thirty-four (34) products that have been submitted and accepted.
  - SoyFluid Hydraulic Universal Tractor
  - Universal Tractor Hydraulic Transmission Fluid
  - EnviroLogic 3068
  - EnviroLogic 3032
  - EnviroLogic 122
  - EnviroLogic 3046
  - EnviroLogic 700
  - EnviroLogic 132
  - EnviroLogic 146
  - EnviroLogic 168
  - Novus THF Tractor Hydraulic Fluid
  - Novus Fire Resistant Lubricant
  - Novus AW Hydraulic Oils
  - Bio-AW/AL Hydraulic Press Oils (ISO 32, 46, 68)
  - Bio-Hydrostatic Low-Viscosity (Universal Tractor Fluid)
  - Bio-Ultimax 2000 Hydraulic Fluid ISO 32
  - Bio-Ultimax 2000 Hydraulic Fluid ISO 46
  - Bio-Ultimax 2000 Hydraulic Fluid ISO 68
  - Bio-Ultimax 1000 Hydraulic Fluid ISO 68
  - Bio-Ultimax 1000 Hydraulic Fluid ISO 46
  - Bio-Spindle Oil ISO 22

- Bio-Ultimax 1500 Dielectric Hydraulic Fluids (Anti-Wear ISO 32, 46, 68)
- Bio-Trans-Hydraulic (Universal Tractor Fluid)
- Bio-Biodegradable Hydraulic Hoist Oil (BHHO)
- Bio-HV02 Hydraulic Fluid (ISO 46)
- Bio-Ultimax 1000 Hydraulic Fluid ISO 32
- Bio-Anti-Wear Turbine R & O Fluids (ISO 32, 46, 68, 100)
- Bio-Trans Hydraulic (Universal Tractor Fluid)
- Bio-E.P. Press Oils
- Cosmolubric B-68
- Hydro-Drive B-100
- Quintolubric 888-46
- Quintolubric 888-68
- Quintolubric 888-68-FM

4. Penetrating Lubricants – This category currently has thirteen (13) products that have been submitted and accepted.

- SoyClean Penetrant Lubricant
- Bio-Blast Penetrant (Low Surface Tension)
- Bio-Penetrating Lubricant/Corrosion Inhibitor (Fingerprint Removal Spec)
- Bio-Penetrating Lubricant + Tack
- Bio-Penetrating Lubricant + Moly + Tack
- Bio-Penetrating Lubricant + Moly
- Bio-Penetrating Lubricant (BPL)
- Bio-Penetrating Lubricants Modified
- EnviroLogic 31
- SoyPower Penetrant & Lubricant
- Bio-Penetrating Lubricant (BPL) – Evergreen Renewable Technologies
- Soy Lube SL-100
- Desigreen Penetrant

5. Roof Coatings – This category currently has six (6) products that have been submitted and accepted.

- ELMS 150
- ELMS 50
- ELMS Natural Metal Jacket
- Metal 1-kote
- Roof-kote
- Utilithane Polyurethane – Roof Coating

6. Water Tank Coatings – This category currently has been approved but preference is not Mandatory until two (2) or more products are available for consumer use. Currently only one product has been submitted and accepted.

- Utilithane Polyurethane – Water Tank Coating