

Q&A's

Dialogue with Ron Buckhalt

A discussion with Ron Buckhalt, Program Manager, BioPreferred, U.S. Department of Agriculture, on the agency's BioPreferred program and the February 21, 2012 Presidential Memorandum related to biobased product procurement (reprinted at the end of the interview).

The purpose of the USDA BioPreferred® program is to promote the increased purchase and use of biobased products. The program is expected to promote economic development, creating new jobs and providing new markets for farm commodities. To the extent that the BioPreferred program achieves its purpose, the increased purchase of biobased products will also be expected to reduce petroleum consumption, increase the use of renewable resources, better manage the carbon cycle, and may contribute to reducing adverse environmental and health impacts.

The USDA BioPreferred program has two major initiatives: **Product Labeling**—USDA certifies and awards labels to qualifying products to increase consumer recognition of biobased products; **Federal Procurement Preference**—USDA designates categories of biobased products that are afforded preference by Federal agencies when making purchasing decisions (Source: www.biopreferred.gov).

INDUSTRIAL BIOTECHNOLOGY: *On February 21st, the White House issued a Presidential Memorandum entitled, "Driving Innovation and Creating Jobs in Rural American through Biobased and Sustainable Product Procurement." What are your thoughts on the timing, drivers, and intended impact of that message on the Bio-Preferred program?*

RON BUCKHALT: The USDA was very much a part of this process. We at the BioPreferred program were approached by the Federal Office of Science and Technology and by the White House Rural Council about working on a presidential memo dealing with the BioPreferred program. We were quite excited to get that call. This process began in mid-November and reached fruition on February 21st. In Washington, D.C., any time you are putting out a document that affects the whole Federal government, there is a clearance process that takes several weeks. All things considered, it was a relatively quick clearance process for this document. The USDA is meeting with the White House to talk about implementation. This was not a USDA memo, it was a White House presidential memo, and that has to be made very clear to the other Federal agencies. I think the level of agency participation varies as the sourcing of the authority is higher.

There is no doubt that there are jobs created up and down the value chain using biobased materials to make industrial products. We have looked at the statistics. However, the difficulty with the statistics is that since so many different industry sectors are affected by biobased

products it is difficult to get a handle on the actual size of the entire biobased products industry. It includes industrial chemicals, which we believe is the biggest sector, and there are lubricants, fluids, cleaners, building materials, and bioplastics, for example. Each one of these product lines falls into its own market or industrial sphere. We say that there is a biobased industry, but it is difficult to define the scope of that industry because it is so fragmented and each of the biobased product lines is a niche inside of the larger industry.

Given this, we know that biobased materials are linked to jobs creation, and that was the idea of the 2002 Farm Bill legislation in the first place. The statistic we use comes from a voluntary survey of the 3,000 companies we have identified that make biobased products. This survey was conducted by Iowa State University, the USDA's partner in the BioPreferred program. It concluded that 100,000 jobs are created annually by the biobased products industry. But it was a voluntary survey and was not conducted using the various statistical norms or design methods. I think if the number were based on mandatory reporting across all the different product types it might be more defensible, but since this was a voluntary survey, we can say that 100,000 is the minimum number of jobs created annually. That is good, but I think it is low.

That number does not separate the industrial chemicals part of the bioeconomy, which is where the bulk of the jobs and income is created in the whole biobased industry. Industrial chemical makers were included in the survey, but most of the companies that responded to the survey make final, finished products—the products that are in the BioPreferred catalog. We are finding now, as we learn more about the program and the "larger" biobased industry, that there are a lot of intermediate products and a lot of revenues being generated in the chemicals area, and we are not capturing that in our retail numbers. I think that somehow we need to try to do that on a regular basis, and to define clearly what we mean by biobased industrial chemicals and how they relate to finished products. Getting a better handle on the size of the "biobased industry" is one of the charges of the Presidential Memorandum.

In terms of the timing of the memorandum, it has been 10 years since the 2002 Farm Bill was passed. Much of what was supposed to be done should have happened in the first 180 days and it didn't. We have made some progress in terms of our part of the activity; we are designating products for procurement and we now have a voluntary labeling program. The disconnect comes between the fact that this program exists and there is now mandatory procurement of products, but that is not necessarily trickling down to the people doing the procurement for a particular agency. There is pretty good

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understanding at the environmental officer level, but the understanding at the purchasing level is not as good as it could be. We do a lot of outreach and will continue to do so. Outreach is never-ending.

IND BIOTECH: *Based on specific provisions outlined in the Memorandum, how do you believe it will affect the BioPreferred program?*

MR. BUCKHALT: The memorandum gives us a new focus to say to individual buyers in the Federal government, “the President is saying that you as a federal agency and a federal employee are supposed to buy and use these products.” It gives new emphasis to our program and hopefully will spur increased purchasing of biobased products up and down the federal government. That is the desired outcome.

A good historical analogy of the uptake in implementation of this program would be the recycling legislation many years ago. It took a very long time for people to accept recycled paper. Now that is basically the norm in the Federal government and in the private sector. We were told by the industry at that time that it would cost too much. It took a long time to educate people about recycling, to take away their resistance, to get industry participation, and now recycling and buying recycled paper is just the normal course of doing business.

The legislation that established the BioPreferred program was based on the original recycling legislation. We are facing similar resistance to the BioPreferred program, because some buyers do not believe that the products are cost-effective or perform as well. In some instances they may cost more, but in all instances these products have to meet the same performance standards as their petroleum or other counterparts that are already in the private sector. It is not a performance issue. One needs to look at full life cycle costs when making purchasing decisions. The price issue was one of the drivers of the legislation. By using the purchasing power of the federal government to pull biobased product purchases, Congress believed it would be possible to increase the amount of sales and drive down the per unit cost. It's basic supply and demand. It worked in the recycling industry, and we think it can work in the biobased products area.

IND BIOTECH: *Is the program performing as you had envisioned and is it being utilized effectively?*

MR. BUCKHALT: Some agencies have embraced this wholeheartedly, including the USDA, while other agencies have been less enamored with the program and have been slower to adopt it. Acceptance and implementation comes from the top—top sustainability officers and procurement officials, for example. I believe—and this is the reason for the White House memo—that across the federal government there will now be greater recognition that all agencies now must buy and use biobased products. The memorandum brings new attention to the program.

IND BIOTECH: *What industry, economic, or policy factors have helped or hindered its growth and acceptance?*

MR. BUCKHALT: Price is one restrictor on some products, and we have talked about that. As I indicated, this program does not involve

one industry; it involves a range of industries that produce biobased products. Different factors affect each of those industries depending in particular on their existing feedstock. If it is a petroleum feedstock, and you are replacing that with a vegetable oil, for instance, it is more likely that you will be price competitive because oil prices continue to rise and, good or bad, the price of vegetable oil will follow to some degree the price of petroleum. At the same time, rising petroleum prices also make products made from vegetable oil more affordable.

The biggest factor in the cost of the farm-raised products—corn and soybean oil, and other vegetable-based oils—is the farmer's petroleum costs to, in farm parlance, “drag the iron across the land.” To convey those products from the farm gate to the market—and hopefully the farmer only has to transport the raw material a maximum of 30, 40, or 50 miles—you have to add transportation costs. So the initial concept of the BioPreferred program was to add value at or near to the farm gate so farmers can keep more of the money close to home and make more of the profit. You don't want to send raw soy beans, for example, from Iowa to an industrial city on the East Coast to make a biopolymer. You want to do the basic processing, separating the meal from the oil, closer to home; use the meal for feed-stuffs and send the oil on to make industrial products.

IND BIOTECH: *How has the program evolved and in what ways might it expand or change going forward?*

MR. BUCKHALT: In the early days of this program it was very difficult for Iowa State University to get information from industry on products and content. I think there was some mistrust of the government and of a new program. That has changed over the past 10 years, and companies are now clamoring to get into the BioPreferred program. I think we have proven our mettle and that the program works. People are asking us to designate new product categories and expand the program, and there is a realization that this is a viable program. We are now getting a good response from industry—the response we had hoped for early on. Additionally, the program is being recognized by the private sector as having an impact, and people want to participate.

IND BIOTECH: *How many biobased products are now identified as being “BioPreferred,” and has there been any change in how products earn that designation or the scope of products included in the program? Is that likely to change in the near future?*

MR. BUCKHALT: At present we have 64 product categories designated in the program, and there are 8,900 products included in those 64 categories. Thirteen more product categories will have been added by the time this interview appears in print, for a total of 77. Over the next year, we plan to increase the number of product categories by 50%, beginning with this upcoming Round 8. Round 9, with 15 additional product categories is waiting in the wings and will be finalized by the end of 2012, and Round 10 is a bit further back in the queue. We have not yet determined how many products will be included in Round 10 as we are doing additional

product research. Initially, as many as 13 rounds were envisioned for the program. We are planning on a Round 11, which will include some product categories that require more extensive investigation before we can designate them for inclusion in the program. We did increase the number of products per round to speed up the process.

IND BIOTECH: *Are there still any hurdles to overcome that might still make people reluctant to participate in the program?*

MR. BUCKHALT: I think we have removed most of those. We have tried to make it as easy as possible for people to get into the program, either on the federal side or on the labeling or private side. We have two programs running side by side—one federally-oriented and one private sector-oriented. Certain general operating principles apply to both sides in terms of content levels. The main barrier at present is on the purchase side. There is still an issue of higher prices overall, but these are coming down. The other barrier is still lack of knowledge that these biobased products exist. The more opportunities we have to educate the general public and federal buyers the better.

Not everyone in the private sector that could be participating in the program is participating. Although 8,900 individual products are eligible right now, there are just over 3,000 companies making biobased products that have listed their products in our catalog. That means there are another 6,000 products out there that could be eligible that we need to get into the catalog. The producers of those products just have to submit the product information to us and the rest is done electronically.

IND BIOTECH: *A little more than a year has passed since voluntary product labeling was added to the program. Has that been well-received by industry participants?*

MR. BUCKHALT: When you start a new program from scratch, which we did, there is always trial and error and there will be hiccups. By and large I think we got a good start, and we were able to put in place an electronic system for registering products for labeling. There is a lot of information on the website that tells companies how to apply for the label and what to expect with the process. We are seeing a 60-day turnaround from application to finalization. That was our intention from the start.

This timeframe includes a number of important steps to ensure chain of custody over products being “certified.” (On the federal side of the program products are “qualified”; whereas on the public sector side they are “certified.”) The information submitted online by companies goes to Iowa State University to begin the certification process, and it then goes to ASTM International. Having ASTM International as a partner has been of great benefit to the program. They have a very good reputation, and we are sure everything is being handled properly. They help us ensure that we get all the information on products, get a sample of the product, and that the product is tested before we make a determination that it meets the minimum criteria for biobased content.

The label is also issued electronically. This has been a complex process, because of the many different ways that exist to transmit graphical information. Companies can download their label—only their own label—from the website, with the percent content already on the label. There are strict guidelines on how the label is to be printed and used, to ensure that the label looks the same way on every product and is not in any way adulterated.

We are just now starting to see the first products with labels in the marketplace. It can take a year or longer from the time a company gets a label until they use up their existing packaging inventory and incorporate the label into new packaging.

IND BIOTECH: *How do you respond to skeptics who have questioned the 25% biobased content requirement as setting the bar too low, and whether the program will encourage the development and use of more biobased products?*

MR. BUCKHALT: I can understand the skepticism, and we looked long and hard before we made that decision, and then had to argue that decision with the Office of Management and Budget. Japan and Europe have used 25% as the minimum for biobased content for products to be considered biobased. We are trying to match those standards. Most of the products in the catalog or in the label program are far above 25%.

However, there are products on the market, and biopolymers are a good example, that will never have a large percentage of biobased components because they are blended with petroleum-based materials to optimize performance characteristics. A few years ago we were seeing some biopolymers with only 5% biobased content, as companies started to try to make inroads in this area, and we have seen that content increase, which is encouraging. Deere and Co., for example, is using a polymer that is about a 30% soy-petroleum blend to make the doors on its combines. Ford Motor Company is another example of a company that has been working to use more biobased content in its automobiles. Some of the polymers used to make the foam and seat materials in the Ford Mustang are now up to about 33-35%. Car bumpers are another product made from a blend of petroleum and biobased polymer. I doubt that these materials will ever be made of 100% biopolymer, but these are huge markets and we want to encourage this effort to increase the percentages beyond 25%.

If there is a change in the 25% threshold internationally, we would certainly consider complying with that change. Or, if sometime in the future we take a look at the products in the catalog and see that the majority are above 25%, we may decide to increase that threshold. We will certainly revisit that percentage for some of the designated product categories that have improved in their biobased content.

The technology is catching up, and increased biobased content is being added to the product mix. But sometimes it is only being added to one component of a product, like with carpeting. Do we consider the carpet as a whole, or should we separate the carpet backing from the facing when we consider the product’s biobased content?

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IND BIOTECH: *The same could be said for a car. Some components may be largely biobased, but the overall car might have only a small percentage of biobased content. How do you factor that into the product designation?*

MR. BUCKHALT: A car is a good example of a very complex product, and I'm not sure how we are going to end up handling those extremely complex types of products. Maybe we will end up labeling very complex products by identifying the individual components that contain biobased content and the percentage of that content. We believe, for example, that there are fiberglass products that will in the future be replaced by biocomposites now in development. It may make sense down the road to use a bioglass in place of fiberglass, for example, which would allow certain components of a complex product to be biobased. We are currently in meetings with the Office of Management and Budget to develop new guidelines for the BioPreferred program, and specifically we are looking at how we treat complex products and intermediate ingredients in the Federal side of the program. We are reviewing the formula we use and looking at using weighted averages. On the label side of the program, intermediate ingredients are already being labeled—these are the chemical feedstocks. These new BioPreferred program guidelines for Federal designation will likely be released for public comment sometime late this spring or early summer.

IND BIOTECH: *Some critics of the BioPreferred labeling argue that it does not distinguish between products that are at least partly biobased versus products that have less of an environmental impact or could be described as sustainable products. Are these important distinctions? Why?*

MR. BUCKHALT: While we exist in the environmental arena, this is not an environmental program. It is a program that qualifies biobased content of a product. BioPreferred is a single attribute labeling/Federal purchasing program. That needs to be very clear. We play in the environmental arena because we are looking at renewable feed-

stocks, which are by and large plant-based. Because plants fix carbon from the atmosphere, we believe biobased products have a positive impact on the carbon cycle. So is it environmentally preferable to use a biobased product as opposed to a petroleum-based product? You be the judge.

If you put carbon back into the atmosphere in making or using a biobased product, you are only putting back carbon that was recently removed from the atmosphere. You are not taking carbon that was sequestered 10 million years ago in coal or oil and releasing that into the atmosphere. We think biobased products are at a minimum carbon neutral, but hopefully they are taking out a little more carbon than is being returned with the use or production of the biobased product.

These products are sustainable, as they are made from renewable feedstocks. The program is measuring new carbon content. Do these products have less of an environmental impact? The answer depends on your point of view and what you are measuring. Some people would argue that farming in general has a deleterious impact on the environment. We do not support that argument. This program was designed to promote job creation in the agricultural sector. And if you look at the map on the BioPreferred website, you will see that jobs are being created at the farm gate, but also in the major manufacturing centers where the finished products are being produced.

In closing, I would say that we have come full circle in terms of this concept of using biobased products. This is not a new idea. Our paints, coatings, dyes, inks, and all the industrial products we use in our daily lives came from renewable materials before petroleum came on the scene. The pendulum is swinging back to a bioeconomy, or a carbohydrate economy, and I am proud to be part of that effort.

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Memorandum for the heads of executive departments and agencies

Presidential Memorandum – Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement

Released by the White House, Office of the Press Secretary, on February 21, 2012

The BioPreferred program – established by the Farm Security and Rural Investment Act of 2002 (Public Law 107-171)(2002 Farm Bill), and strengthened by the Food, Conservation and Energy Act of 2008

(Public Law 110-234)(2008 Farm Bill) – is intended to increase Federal procurement of biobased products to promote rural economic development, create new jobs, and provide new markets for farm

commodities. Biobased and sustainable products help to increase our energy security and independence.

The Federal Government, with leadership from the Department of Agriculture (USDA), has made significant strides in implementing the BioPreferred program. It is one of the key elements in my efforts to promote sustainable acquisition throughout the Government under Executive Order 13514 of October 5, 2009 (Federal Leadership in Environmental, Energy, and Economic Performance). Further efforts will drive innovation and economic growth and create jobs at marginal cost to the American public.

The goal of this memorandum is to ensure that executive departments and agencies effectively execute Federal procurement requirements for biobased products, including those requirements identified in Executive Order 13514 and prescribed in the 2002 Farm Bill, as amended by the 2008 Farm Bill. It is vital that these efforts are in accord and carefully coordinated with other Federal procurement requirements.

Therefore, I direct that agencies take the following steps to significantly increase Federal procurement of biobased and other sustainable products.

Section 1. Actions Related to Executive Order 13514.

- (a) Agencies shall include and report on biobased acquisition as part of the sustainable acquisition goals and milestones in the Strategic Sustainability Performance Plan required by section 8 of Executive Order 13514.
- (b) As required by section 2(h) of Executive Order 13514, agencies shall ensure that 95 percent of applicable new contract actions for products and services advance sustainable acquisition, including biobased acquisition, where such products and services meet agency performance requirements. In doing so, agencies shall:
 - (i) include acquisition of biobased products in their Affirmative Procurement Programs and Preferable Purchasing Programs, as applicable (as originally required by Executive Order 13101 of September 14, 1998 (Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition) and reinforced by Executive Order 13423 of January 24, 2007 (Strengthening Federal Environmental, Energy, and Transportation Management) and Executive Order 13514);
 - (ii) include biobased products as part of their procurement review and monitoring program required by section 9002(a) of the 2008 Farm Bill, incorporating data collection and reporting requirements as part of their program evaluation; and
 - (iii) provide appropriate training on procurement of biobased products for all acquisition personnel including requirements and procurement staff.
- (c) The Office of Management and Budget (OMB) shall emphasize biobased purchasing in the fiscal year 2012 and 2013 Sustainability/Energy scorecard, which is the periodic evaluation of agency performance on sustainable acquisition pursuant to section 4 of Executive Order 13514.

Sec. 2. Biobased Product Designations. The USDA has already designated 64 categories of biobased products for preferred Federal

procurement. Although these categories represent an estimated 9,000 individual products, less than half of the known biobased products are currently included in the preference program. Increasing the number of products subject to the Federal procurement preference will increase procurement of biobased products. Therefore, I direct the Secretary of Agriculture to:

- (a) increase both the number of categories of biobased products designated and individual products eligible for preferred purchasing by 50 percent within 1 year of the date of this memorandum; and
- (b) establish a web-based process whereby biobased product manufacturers can request USDA to establish a new product category for designation. The USDA shall determine the merit of the request and, if the product category is deemed eligible, propose designation within 180 days of the request.

Sec. 3. Changes in Procurement Mechanisms. Several actions can be taken to facilitate improvement in and compliance with the requirements to purchase biobased products. To achieve these changes, I direct:

- (a) the Senior Sustainability Officers and Chief Acquisition Officers of all agencies to randomly sample procurement actions (such as solicitations and awards) to verify that biobased considerations are included as appropriate. Agencies shall include results of these sampling efforts in the Sustainability/Energy scorecard reported to OMB;
- (b) the Secretary of Agriculture to work with relevant officials in agencies that have electronic product procurement catalogs to identify and implement solutions to increase the visibility of biobased and other sustainable products;
- (c) the Senior Sustainability Officers of all agencies that have established agency-specific product specifications, in coordination with any other appropriate officials, to review and revise all specifications under their control to assure that, wherever possible and appropriate, such specifications require the use of sustainable products, including USDA-designated biobased products, and that any language prohibiting the use of biobased products is removed. The review shall be on a 4-year cycle. Significant review should be completed within 1 year of the date of this memorandum, and the results of the reviews shall be annually reported to OMB and the Office of Science and Technology Policy (OSTP); and
- (d) the Secretary of Agriculture to amend USDA's automated contract writing system, the Integrated Acquisition System, to serve as a model for biobased product procurement throughout the Federal Government by adding elements related to acquisition planning, evaluation factors for source selection, and specifications and requirements. Once completed, USDA shall share the model with all agencies and, as appropriate, assist any agency efforts to adopt similar mechanisms.

Sec. 4. Small Business Assistance. A majority of the biobased product manufacturers and vendors selling biobased products and services

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that use biobased products to the Federal Government are small businesses. To improve the ability of small businesses to sell these products and services to the Federal Government, I direct:

- (a) the Secretary of Commerce, in consultation with the Secretary of Agriculture, to use relevant programs of the Department, such as the Manufacturing Extension Partnership network, to improve the performance and competitiveness of biobased product manufacturers;
- (b) the Secretary of Agriculture to work cooperatively with Procurement Technical Assistance Center programs located across the Nation to provide training and assistance to biobased product companies to make these companies aware of the BioPreferred program and opportunities to sell biobased products to Federal, State, and local government agencies; and
- (c) the Secretary of Agriculture to develop training within 6 months of the date of this memorandum for small businesses on the BioPreferred program and the opportunities it presents, and the Administrator of the Small Business Administration (SBA) to disseminate that training to Small Business Development Centers and feature it on the SBA website.

Sec. 5. Reporting. The Federal Government should obtain the most reliable information to gauge its progress in purchasing biobased products, including measuring the annual number of procurements that include direct purchase of biobased products, the annual number of construction and service contracts that include the purchase of biobased products, and the annual volume and type of biobased products the Federal Government purchases. I direct that:

- (a) within 1 year of the date of this memorandum, the Federal Acquisition Regulatory Council shall propose an amendment to the Federal Acquisition Regulation to require reporting of biobased product purchases, to be made public on an annual basis; and
- (b) following the promulgation of the proposed amendment referenced in subsection (a) of this section, the Secretary of Agriculture, in consultation with the Chief Acquisition Officers Council, shall develop a reporting template to facilitate the annual reporting requirement.

Sec. 6. Jobs Creation Research. Biobased products are creating jobs across America. These innovative products are creating new markets for agriculture and expanding opportunities in rural America. Therefore, I direct the Secretary of Agriculture to prepare a report on job creation and the economic impact associated with the biobased product industry to be submitted to the President through the Domestic Policy Council and OSTP within 2 years of the date of this memorandum. The study shall include:

- (a) the number of American jobs originating from the biobased product industry annually over the last 10 years, including the job changes in specific sectors;
- (b) the dollar value of the current domestic biobased products industry, including intermediates, feedstocks, and finished products, but excluding biofuels;

- (c) a forecast for biobased job creation potential over the next 10 years;
- (d) a forecast for growth in the biobased industry over the next 10 years; and
- (e) jobs data for both biofuels and biobased products, but shall generate separate data for each category.

Sec. 7. Education and Outreach. In compliance with the 2002 Farm Bill, several agencies established agency promotion programs to support the biobased products procurement preference. The Federal Acquisition Institute has added biobased procurement training to its course offerings. To assure both formal and informal educational and outreach instruction on the BioPreferred program are in place and being implemented by each agency, I direct:

- (a) the Secretary of Agriculture to update all existing USDA BioPreferred and related sustainable acquisition training materials within 1 year of the date of this memorandum;
- (b) the Senior Sustainability Officers and Chief Acquisition Officers of agencies to work cooperatively with the Secretary of Agriculture to immediately implement such BioPreferred program agency education and outreach programs as are necessary to meet the requirements of this memorandum and relevant statutes; and
- (c) the Secretary of Agriculture to work actively with the Committee for Purchase From People Who Are Blind or Severely Disabled to promote education and outreach to program, technical, and contracting personnel, and to purchase card holders on BioPreferred AbilityOne products.

Sec. 8. General Provisions.

- (a) This memorandum shall apply to an agency with respect to the activities, personnel, resources, and facilities of the agency that are located within the United States. The head of an agency may provide that this memorandum shall apply in whole or in part with respect to the activities, personnel, resources, and facilities of the agency that are not located within the United States, if the head of the agency determines that such application is in the interest of the United States.
- (b) The head of an agency shall manage activities, personnel, resources, and facilities of the agency that are not located within the United States, and with respect to which the head of the agency has not made a determination under subsection (a) of this section, in a manner consistent with the policies set forth in this memorandum, to the extent the head of the agency determines practicable.
- (c) For purposes of this memorandum, "biobased product" shall have the meaning set forth in section 8101(4) of title 7, United States Code.
- (d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- (e) The Secretary of Agriculture is hereby authorized and directed to publish this memorandum in the Federal Register.