



## Export Controlled and Restricted Biological Agents



### What is Export Control?

Export control laws are U.S. federal laws that regulate the transfer or “exports” considered to be strategically important to the U.S. in the interest of national security, economic and/or foreign policy concerns. An export is defined very broadly to include an oral or written disclosure of information, visual inspection, or actual shipment outside of the U.S. of technology software code or equipment to a foreign national or entity. Transfer of any of the previous to foreign nationals or entities within the United States is defined as a “deemed export.” In general, the export control regulations cover four (4) main types of university activities:

1. Transfers of controlled information, including technical data, to persons and entities outside the United States.
2. Shipment of controlled physical items, such as scientific equipment, that may require export licenses from the United States to a foreign country.
3. Verbal, written, electronic, or visual disclosures of controlled scientific and technical information related to export controlled items to foreign nationals (“deemed exports”), even when it occurs within the United States.
4. Travel to certain sanctioned or embargoed countries for purposes of teaching or performing research.

Non-compliance with export controls can result in severe monetary and criminal penalties against both an individual as well as the University, and can result in the loss of research contracts, government funding, and the ability to export items.

### What Biological Agents are Restricted?

The links below list certain agents and materials restricted for export by the U.S. Government.

1. **The International Traffic in Arms (ITAR), Category XIV List of Toxicology Agents**

[22 CFR Part 121](#)

2. **The Export Administration Regulations (EAR), Commerce Control List**

[Supplement No. 1 to Part 774](#)

- 1C351 – Human and Animal Pathogens and Toxins, page 65
- 1C353 – GMOs with genetic elements of pathogens/toxins, page 69
- 1C354 – Plant Pathogens, page 71
- 1E001/1E351 – Associated technology for development or disposal, pages 93 & 99

3. **Select Agent List**

[HHS and USDA Select Agents and Toxins](#)

It is important that all faculty and staff be aware of export control requirements and how they may affect their work. If you work with any of the agents on the HHS and USDA Select Agents and Toxins list (or similar agents) and/or you intend to send samples or data abroad, or plan to collaborate with foreign colleagues either here or in foreign countries, contact [exportcontrol@utep.edu](mailto:exportcontrol@utep.edu)