



Overview of Department of Commerce Export Controls for Chemical and Biological Items



“What is the purpose of export controls ?

- Not to transfer, directly or indirectly, chemical or biological weapons to anyone
- Not to assist, encourage or induce anyone to engage in any CW or BW-related activity
- U.S. commitment under Biological and Toxins Weapon Convention and Chemical Weapons Convention Treaties and participation in multilateral regimes such as Australia Group, Wassenaar Arrangement, Missile Technology Control Regime, and Nuclear Suppliers Group



What are export controls ?



- Requirement for authorization from the U.S. government prior to exporting an item out of the United States (export license or some form of authorization)
- Export controls exist on Military Items, Nuclear Items, Certain Drugs, Commercial Items and Sanctioned Countries
- Department of Commerce, Bureau of Industry and Security regulates the export of dual-use items through the Export Administration Regulations (EAR)
- It is not the same as the shipping documentation requirement for the Census Bureau (AES)

“What is Subject to the EAR?”

•15 CFR Part 734



- Items in the United States:
 - Items include Commodities, software, and technology
 - Items located outside of the United States
 - Activities of U.S. and Foreign Persons



What products are controlled ?



- The list of items export controlled is referred to as the Commerce Control List (Supplement #1 to Part 774 of the EAR) : Chemicals are listed – often with the CAS # as a reference (i.e. ECCN 1C350)
- EPCI -Catch- All controls: Items that are not specifically listed on the Commerce Control List still require authorization due to the end use as a proliferation concern or the end user is of concern

Top Areas of Focus for Technology / Deemed exports



- Synthetic/alternate route development of controlled chemicals
- Modifying or genetically altering controlled pathogens
- Nano delivery methods such as skin absorption or non-contact techniques
- Proprietary work on controlled items

Top Countries / Parties of Concern for Chemicals



- CB3 on Commerce Country Chart – Supplement #1 to Part 738
- Embargoed/Sanctioned Entities: Iran, North Korea, Cuba, Syria, Sudan
- Entity List Entities
- Specially Designated Nationals, State Sanctioned entities, etc

How do I submit a license?

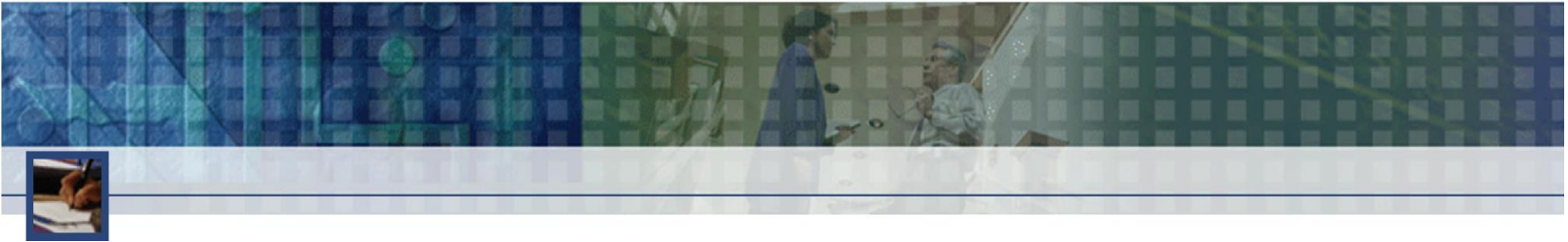


- BIS manages its export licensing through an on-line system called SNAP-R (Simplified Network Application Process – Redesign)

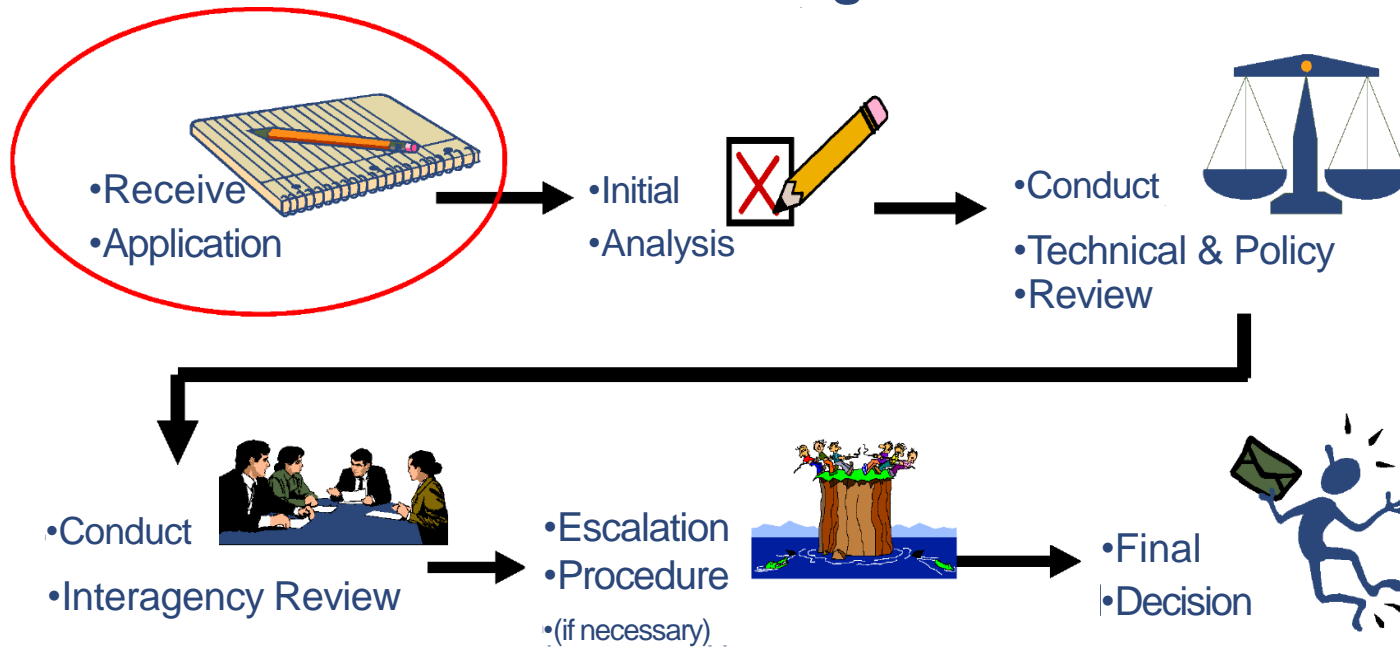
<http://beta->

[www.bis.doc.gov/index.php/licensing/simplified-network-application-process-redesign-snap-r](http://beta-www.bis.doc.gov/index.php/licensing/simplified-network-application-process-redesign-snap-r)

- An exporter applies for access to the system and receives a Company ID and a pin to fill out export applications electronically
- The licensing division reviews all export licenses for proliferation or security concerns.



• *The Licensing Process*





• Conducting a Technical and Policy Review

End-user

- *Adequacy and credibility of assurances by end-user. End user history of illegal or clandestine activities.*
- *History of licensing approvals/denials.*

Item

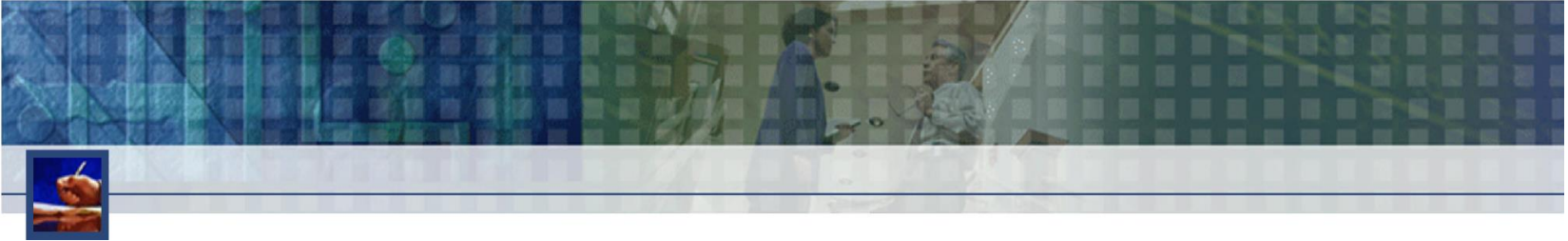


- *Item appropriate for end-use and end-users.*
- *Possible use of end item as component in WMD.*
- *Possible use in research, design, or production of WMD.*
- *Risk of diversion.*

Country



- *The nonproliferation credentials of the importing country.*



• *Types of Licensing Decisions*

- Return without action
• (RWA)
- Approval
- Denial



Where do I find Information ?



- BIS Website: www.bis.doc.gov
- BIS conducts outreach and seminars:
<http://beta-www.bis.doc.gov/index.php/compliance-a-training/export-administration-regulations-training/current-seminar-schedule>
- Australia Group has good summaries and explanations of controlled items:
<http://www.australiagroup.net/en/index.htm>

