

TO: University of Delaware Faculty and Staff

FROM: Dr. Charles Riordan, Deputy Provost for Research & Scholarship

SUBJECT: Travel with or Transportation of Research-Related Materials and Data

The purpose of this memo is to remind and inform all University of Delaware employees of the laws, policies and procedures that may impact the transportation of University of Delaware property, including research-related materials, software, data, biological materials and equipment. These laws, policies and procedures apply whether the materials, software or data are hand-carried during travel or shipped commercially. The laws, policies and procedures apply to our international visitors as well. Please help them to be aware of the following regulations.

Although the University of Delaware is working to keep compliance on this matter from becoming onerous, candid assessment of the current situation must acknowledge that scholars are increasingly subject to external constraints that can be both unfamiliar and frustrating. As our policies and procedures evolve in light of external constraints and faculty and staff needs, we will work to keep you apprised of changes as quickly as possible. Listed below are some key concepts with which every University of Delaware employee should be aware and in full compliance.

1. Not all research material may be shipped or hand-carried by air.
The Transportation Security Administration (TSA) has rules that limit what airline passengers can place into their checked and carry-on luggage. These rules may prevent research materials and equipment from being brought onto airplanes. Please review the list of permitted and prohibited items posted on the TSA web page (<http://www.tsa.gov>). This list is subject to change and should be checked on a regular basis.
2. A Material Transfer Agreement (MTA) should be used when University of Delaware research materials, software, biological materials or data sets are received from an outside party or transferred off campus. Similarly an MTA should be used when transferring such materials from the University of Delaware to outside parties.
 - When the University of Delaware is the recipient of the materials, the MTA triggers appropriate health and safety alerts to the Occupational Health and Safety Office concerning the materials received.
 - When the University of Delaware is sending materials off campus, the MTA permits review of applicable shipping regulations.
 - An MTA permits review of intellectual property rights to protect the interests of the University of Delaware and individual University of Delaware researchers.Appropriate MTA forms are available on the University of Delaware Research Office website (<http://www.udel.edu/research/researchers/policies-forms.html>)

3. All transfers of research materials, software or data must comply with export control and trade sanction regulations.
Export controls are federal laws that regulate the export of sensitive technologies, equipment, software, biological agents and related data and services. These laws require the use of licenses for the export of these items unless an exemption exists. Trade sanctions are imposed by the Department of State, which may prohibit travel, payment or providing anything of value to sanctioned entities, including countries, businesses, and individuals, regardless of exemptions. Information and guidance on export control and trade sanction compliance is available at <http://www.udel.edu/research/preparing/exportreg.html>. If you have questions about your activity, please contact the Associate Deputy Provost for Research & Regulatory Affairs, Dr. Cordell Overby, at overbyc@udel.edu.
4. Commercial shipment of hazardous materials must comply with U.S. Department of Transportation regulations.
For specific requirements, please contact Occupational Health and Safety.
5. Federal law and regulation by the USDA, FDA, or EPA can severely limit the interstate shipment of certain biological, recombinant, or toxic materials.
6. The U.S. Foreign Trade Regulations require that all exports (temporary or permanent) with a dollar value greater than \$2,500 as well as any licensed export be registered in the AES export system prior to shipment.
The AES (Automated Export System) filing includes information about the date, method and destination of the export and licensing exception or authority if applicable. The U.S. Census Bureau uses the data to compile export trade statistics. Additionally the information is shared with Customs and Border Patrol, export licensing enforcement and other law enforcement agencies.
7. The University of Delaware provides compliance assistance to facilitate your transfer and transport of research materials, software and data.
 - Information on export controls and trade sanctions, including international travel:
Dr. Cordell Overby (overbyc@udel.edu or 302-831-2383)
 - MTAs for research related transfers:
Dr. Cordell Overby (overbyc@udel.edu or 302-831-2383)
 - Shipping and receiving of hazardous materials: Occupational Health and Safety Office (302-831-8475)
 - Biological Materials: Krista Murray (klmurray@udel.edu)
 - Chemical Materials: Jane Frank (janejf@udel.edu or 302-831-8288)
 - Radioactive Materials: Bill Fendt (B_Fendt@facilities.udel.edu)

We welcome your comments regarding clarifications or improvements to the University of Delaware policies and procedures regarding the transfer or transport of University of Delaware research materials, software, data, biological materials, or equipment. Please feel free to contact any of the following individuals:

Dr. Cordell Overby at overbyc@udel.edu

It is important that all University of Delaware employees are aware of these laws, policies and procedures. Please distribute this message to your colleagues across campus.