MEMORANDUM

To: All Faculty, Research Staff, and Administrators

From: Steve Fluharty, Senior Vice Provost for Research

Date: August 1, 2011

Subject: Travel with and Transportation with Research-Related Materials and Data

The purpose of this memo is to remind the University of Pennsylvania research community of the laws, policies and procedures that may impact the transport of Penn 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.

Listed below are some key concepts with which all members of the Penn research community 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 in their checked and carry-on luggage. These rules may prevent research materials and equipment from being brought onto commercial airplanes. Please review the list of permitted and prohibited items posted on the TSA web page ([http://www.tsa.gov](http://www.tsa.gov)). This list is subject to change and should be checked on a regular basis.

2. **A material transfer agreement or other suitable agreement (e.g. license, data use, etc.)** (Agreement) should be used when University of Pennsylvania research materials, software, biological materials or data sets are received from an outside party or transferred off campus. Similarly, an Agreement should be used when transferring such materials from Penn to outside parties.
   - When Penn is the recipient of the materials, the Agreement triggers appropriate safety alerts to EHRS concerning the materials received.
   - When Penn is sending materials off campus, the Agreement permits review of applicable shipping and export control regulations.
   - An agreement permits review of intellectual property rights to protect the interests of the University of Pennsylvania and individual Penn researchers.
   - An Agreement establishes rights and limitations of use for the transfer and creates clear accountability for that use.
3. All transfers of research materials, software or data must comply with export control and trade sanction regulations.

Export control laws are federal laws that regulate the export of sensitive technologies, equipment, software, biological agents and related data and services. The laws require that Penn obtain permission from the federal government in the form of licenses for the export of these items unless an exemption or exception exists. Trade sanctions imposed by the Department of State 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.upenn.edu/researchservices/exportcontrols.html](http://www.upenn.edu/researchservices/exportcontrols.html). If you have questions about your activity, please contact expctrl@lists.upenn.edu.

4. Commercial shipment of hazardous materials must comply with U.S. Department of Transportation regulations.

For specific requirements and required shipping training, please contact Environmental Health and Radiation Safety ([http://www.ehrs.upenn.edu](http://www.ehrs.upenn.edu)).

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 Pennsylvania provides compliance assistance to facilitate your transfer and transport of research materials, software and data.

- Information on export controls and trade sanctions: expctrl@lists.upenn.edu or 215-746-0234
- Information on MTAs for research related transfers: orsmta@exchange.upenn.edu
- Information on shipping and receiving hazardous materials: ehrs@ehrs.upenn.edu or 215-898-4453