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Sent: Friday, October 20, 2006 3:00 PM
To: DEANDIRCHAIR@LIST.MSU.EDU
Subject: Travel with or Transportation of Research-Related Materials and Data

October 20, 2006

TO: MSU Faculty and Staff
FROM: Cordell Overby, Senior Assistant Vice President for Regulatory Affairs
SUBJECT Travel with or Transportation of Research-Related Materials and Data

Since September 11, 2001, our lives and the way we conduct business and travel have changed dramatically. The purpose of this memo is to remind and inform all MSU employees of the laws, policies and procedures that may impact the transportation of MSU property, including research-related materials, software, data, biological materials and equipment. Such laws, policies and procedures apply whether the materials, software or data are hand-carried during personal travel or shipped commercially. Such laws, policies and procedures apply to our international visitors as well. Please help them to be aware of and follow the regulations.

Although MSU is striving to keep compliance on this matter from becoming onerous, any frank assessment of the current situation must acknowledge that scholars are increasingly subject to external constraints that can be both unfamiliar and frustrating. Various MSU offices are seeking faculty recommendations to mitigate those outcomes while ensuring reliable institutional compliance with applicable legal requirements. As our procedures and policies evolve in light of external constraints and faculty and staff input, MSU will strive to apprise the MSU community of such developments as quickly as possible. In the meantime, listed below are some key concepts with which every MSU 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 baggage. 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; staying current with evolving TSA requirements is necessary for travel (in the current environment).

2. A Material Transfer Agreement (MTA) should be used when MSU research materials, software, biological materials or data sets are received from an outside party or transferred off campus.

There are multiple reasons for MTA usage. These include:

- The MSU Department of Police and Public Safety (DPPS) has worked diligently to develop excellent working relationships and open lines of communication with federal, state and local authorities regarding use of our MTA forms to facilitate the transportation of research materials. The existence of an MTA can help the DPPS resolve questions arising from the transport of materials considered suspicious by TSA or other security personnel.
- In the case of in-bound transfers (i.e., when MSU is the material recipient), whether accomplished by air or otherwise, processing an MTA triggers appropriate health and safety alerts to the Office of Radiation, Chemical and Biological Safety (ORCBS), the University Physician, and other offices concerning the material received.
- In the case of out-bound transfers (i.e., when MSU sends material off campus), whether accomplished by air or otherwise, processing an MTA permits review of applicable shipping regulations.
- In all cases, an MTA permits review of intellectual property rights to protect the interests of MSU and individual MSU researchers (including students).

Appropriate MTA forms are found at the MSU Office of Intellectual Property (OIP) web site (<http://oip.msu.edu/forms.html>).

Please note that MTA processing at MSU is typically immediate when the Uniform Biological Materials Transfer Agreement (UBMTA), developed in 1995 under the sponsorship of the NIH, is applicable. MSU is one of 299 signatories to the Master UBMTA. The full list of signatory institutions is available at: http://www.autm.net/aboutTT/aboutTT_umbtaSigs.cfm.

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 that licenses be obtained for exports of these sensitive items unless an exemption exists. Trade sanctions against hostile targets, including countries, may prohibit travel, payment or providing anything of value to the sanctioned country, regardless of exemptions. Information and guidance on export control and trade sanction compliance is available at <http://www.msu.edu/~vprgs/expregs/overview.htm>. If you have questions about your activity, please contact the Office of Export Controls and Trade Sanctions (EC&TS). (Contact information follows.)

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

For specific requirements, please consult with ORCBS or MSU Stores. (Contact information follows.)

5. MSU provides compliance assistance through many administrative offices to facilitate your transfer and transport of research materials, software and data.

Please contact the following MSU personnel with questions related to these topics.

- *EC&TS* (general information and international travel)
Ronald E. Russell (rrussell@msu.edu or 517-432-4500)
- *OIP* (MTAs for research related transfers)
Loraine Hudson (ljh@msu.edu or 517-355-2186)
- *ORCBS* (MTAs for biologics and other hazardous material)
Jamie Willard (cherryme@msu.edu or 517-353-1877)
- *Stores* (purchasing, receiving and shipping)
Nathan Maher (mahern@msu.edu or 517-355-1700)

Commentary is welcome regarding clarifications or improvements to MSU policies or procedures regarding the transfer or transport of MSU research materials, software, data, biological materials or equipment. Please feel free to contact any of the following individuals:

Dr. J. Ian Gray at gray@msu.edu
Dr. Paul M. Hunt at pmhunt@msu.edu
Dr. Cordell Overby at overby@msu.edu

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

MSU strives to embrace best practices in the foregoing, as in all facets of research. Please accept my sincere thanks for your attention to this matter.

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