

Export Control Procedures for Sponsored Projects at MSU

Michigan State University is required to comply with a variety of U.S. Government statutes and regulations dealing with export controls and trade sanctions. ECTS has developed the Export Control and Open Research Review Worksheet (ECORRW) to help identify Export Controlled Technology (data, information, materials, equipment) and to identify research activities planned with entities that may be subject to trade sanctions.

Principal Investigators and other project personnel are individually responsible for compliance with export controls and trade sanctions. If you have questions regarding the ECORRW or the applicability of export controls and trade sanctions to your proposal or project, please contact the Office of Export Control and Trade Sanctions (ECTS) at (517) 432-4499 or email export@msu.edu.

Circumstances in Which ECTS Review is Required

Regardless of funding source or activity type, MSU requires that an ECORRW be completed for ECTS review if the project:

- will be performed in whole or part outside of the United States,
- any aspect of the project involves commerce with travel to, or shipment or payment to or from a comprehensively embargoed country (**Cuba, Iran, North Korea, Syria, or the so called Crimea, Duhansk, or Luhansk regions of Ukraine**).
- involves the generation of classified information or suggests a military application, defense service or article,
- requires the delivery of a hardware prototype (including software that does not result from fundamental research), or a chemical or biological sample or product, when the provided material or information will not be made freely available to the public,
- involves the study of encryption or cryptology,
- involves the use, development, or production of use of a nuclear explosive device, chemical or biological weapon, or missile,
- entails a restriction on open publication of MSU research results, other than allowing for a reasonable delay for a funder or other contractor (i) to check for erroneous inclusion of proprietary information it provided to MSU, (ii) to pursue patent protection and/or (iii) to accumulate reports from multiple subcontractors and coordinate publication of a multi-site clinical trial,
- involves research utilizing export-controlled bacteria or viruses (or their toxins or genetic material) or radiation (or counter measures to it),
- involves plant or animal pathogens found on the USML or CCL,
- entails a restriction on the citizenship of permissible project participants,

- requires prior approval of project participants on an individual basis by the funder, OR
- involves either of the Export Control questions in the Kualu Research Proposal Development (PD) document being checked “yes” (as noted below).

For reference, the above-mentioned Export Control questions in the PD are as follows:

1. Are you receiving or using any export-controlled technology for this project (including equipment, parts, materials, software or data)?
2. Are you generating a tangible item in this research that will be shipped internationally (including equipment, parts, materials or software)?

EXCEPTION: For sponsored projects that are not classified as “Research” (e.g., Fee-for-Service, Education/Instruction, etc.) if the only identified circumstances that would require an ECORRW are either 1) a publication restriction, and/or 2) a domestic shipment back to a Sponsor (located within the U.S.) of an item/material that Sponsor originally provided to MSU for testing (and the Sponsor assured MSU that the item, at the time it was provided to MSU, was not export controlled), then an ECORRW does not need to be routed. Publication restrictions are commonly anticipated for fee-for-service activity and other types of sponsored projects not classified as “Research.” All sponsored projects, regardless of funding source or activity type, must be reviewed against the above listed “Circumstances for Which ECTS Review is Required.” For non- “Research” activities, if a circumstance is identified (other than the two exceptions identified above), then an ECORRW would still need to be routed.