



EIB World Trade Headlines

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-BIS Publishes Proposed Rule-

Export Administration Regulations (EAR): Control of Spacecraft Systems and Related Items the President Determines No Longer Warrant Control Under the United States Munitions List (USML)

May 24, 2013

New ECCN's 9X515 series for spacecraft and components not enumerated on the United States Munitions List of ITAR. *(Preliminary training on this available end of June by Evolutions in Business. Please email if interested.)*

New 9X515 Series of ECCNs

This proposed rule would create four new "500 series" ECCNs in CCL Category 9 (ECCNs 9A515, 9B515, 9D515, and 9E515) to describe the EAR controls over the items the President determines no longer warrant control under the USML Category XV and that are not otherwise within the scope of an existing ECCN. Terms such as "part" and "component" and "accessories" and "attachments" are applied in the same manner in this rule as those terms are defined in the Initial Implementation Rule of April 16, 2013 (78 FR 22660). This rule would also add a new definition for the "500 series" to §772.1. The new "500 series" would not include the International Space Station, which remains under ECCN 9A004.

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This rule also proposes to amend the related controls paragraph of eighteen ECCNs—i.e., 3A001, 3A002, 3A611, 3D001, 3E001, 3E003, 5A001, 5A991, 5E001, 6A002, 6A004, 6D001, 6D002, 6E001, 6E002, 7A004, 7A104 and 9A004. The cross references to the USML for items listed in the proposed USML Category XV would be revised. The cross references to the USML for items that are proposed to transition from Category XV of the USML would be removed. This rule additionally proposes to remove paragraph .b from the List of Items Controlled in ECCN 9A004. Paragraph .b was added to the CCL on March 15, 1999, when all satellites, including commercial communications satellites, and related items were transferred to the USML pursuant to the 1999 NDAA.

Paragraph .b provided a space on the CCL to control specific “spacecraft” related items that were determined to be not subject to the ITAR through the commodity jurisdiction procedure administered by the Department of State. The new “500 series” ECCNs, specifically 9A515, would control all “spacecraft” and related items that are not otherwise enumerated on the USML or CCL. Therefore, it is appropriate to delete 9A004.b and bring these “spacecraft” related items into the orbit of 9A515.

Federal and Airline Partners Launch Blue Lightning Initiative

(06/07/2013)

Executives from two airlines joined leaders from U.S. Customs and Border Protection and the U.S. Department of Transportation in announcing the lift-off of Blue Lightning, a new federal partnership with the aviation industry to combat human trafficking, at a June 6 event at Ronald Reagan National Airport in Arlington, VA.

Transportation Secretary Ray LaHood thanked the first airlines to join the Blue Lightning Initiative—Delta, JetBlue, Allegiant and North American—“for demonstrating great leadership in the fight to end human trafficking. I truly hope to see other transportation leaders follow in their footsteps.”

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Blue Lightning is a voluntary training program produced by the Departments of Homeland Security and Transportation and CBP to educate commercial airline flight crews and other relevant airline staff on human trafficking indicators that they may encounter on the job, and empower them to safely report possible human trafficking instances to the proper authorities. Kevin K. McAleenan, CBP’s acting deputy commissioner, said that Blue Lightning is one of the newer collaborations between the two federal departments “to ensure that America’s transportation system is not being exploited for human trafficking.”

“Blue Lightning teaches these highly trained airline personnel how to be even more effective at passenger safety,” McAleenan added. “It truly empowers them to be even stronger forces for good—to better enable them to possibly save the lives of potential human trafficking victims.” We all have an obligation; a really important ethical and moral obligation,” he added.

An estimated 20 million people worldwide are trapped in modern-day slavery, many of them in cities and small communities across America. As professional stewards of flight safety, airline personnel can be important partners in our government’s efforts to end human trafficking and save lives. Richard Anderson, Delta’s chief executive officer, told the event audience that Delta is participating in Blue Lightning and the fight against human trafficking because “we owe a duty not just as an airline, but as human beings.

Robert Land, JetBlue’s senior vice president for government affairs and associate general counsel, said that the Blue Lightning training “fits perfectly in line with JetBlue’s values of safety, caring and integrity.” He stated that JetBlue will use the training materials in the airlines’ initial and ongoing training for all crew members.

The Blue Lightning materials instruct airline employees on reporting mechanisms for in-flight notification or to call the Immigration and Customs Enforcement’s Homeland Security Investigations Tip Line to report suspected human trafficking activity to federal law enforcement. On international flights to the U.S., this real-time reporting mechanism provides law enforcement officials with needed time to identify suspected victims or traffickers. It also allows CBP to research and analyze all information provided and coordinate an appropriate response before the plane arrives.

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Blue Lightning is an element of the DHS Blue Campaign, which began in January 2012. The DHS Blue Campaign coordinates and unites programs from DHS component agencies—and collaborates with partners across government, law enforcement, and the private sectors—to combat human trafficking and harness the DHS law enforcement and intelligence assets and authorities to combat human trafficking.

Other collaborators on Blue Lightning and the Blue Campaign include ICE, the Human Smuggling and Trafficking Center, Federal Air Marshal Service, Federal Aviation Administration, nongovernmental organizations and private industry.

For more information on Blue Lightning or the Blue Campaign, please contact bluecampaign@hq.dhs.gov and trafficking@dot.gov

From the Office of the United States Trade Representative

05/02/2013

The United States of America and Mexico are strategic allies and critical economic partners. We share not only a 2,000-mile border, but also a dynamic commercial relationship that generates more than \$500 billion in two-way trade and supports millions of jobs in both countries. Together with Canada, Mexico and the United States comprise one of the most competitive and successful regional economic platforms in the world, the sustained competitiveness of which is dependent in large measure on continued and deepened economic and commercial cooperation, integration, and policy alignment.

To further elevate and strengthen this dynamic bilateral commercial and economic relationship, President Obama and President Peña Nieto have agreed to establish a **High Level Economic Dialogue** (HLED). The HLED, which will be led at the cabinet level, is envisioned as a flexible platform intended to advance strategic economic and commercial priorities central to promoting mutual economic growth, job creation, and global competitiveness.

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It is expected that the HLED will meet annually, starting this fall, to facilitate dialogue and joint initiatives organized around three broad pillars. It will build on, but not duplicate, a range of existing successful bilateral dialogues and working groups, and is envisioned as a mechanism to advance shared strategic priorities in the following areas:

- Promoting Competitiveness and Connectivity
- Fostering Economic Growth, Productivity and Innovation
- Partnering for Regional and Global Leadership

The pillars have been selected to coordinate shared interests and priorities affecting the growth and competitiveness of the U.S. and Mexican economies, focusing on those linkages where our countries can collaborate to promote mutual prosperity. The HLED will explore ways to promote competitiveness through enhanced cooperation in specific sectors that connect our economies, including in the area of transportation, telecommunications, and energy, as well as promoting greater two-way investment.

The HLED will also explore ways to promote entrepreneurship, stimulate innovation, and encourage the development of human capital to meet the needs of the 21st Century economy, as well as examine initiatives to strengthen economic development along our shared border.

Given the integrated nature of our economies and our shared interest in global markets, the HLED will also help facilitate greater alignment and cooperation between the United States and Mexico on issues of shared concern in both regional and international for leveraging our existing engagement through the Trans-Pacific Partnership (TPP), the Asia Pacific Economic Cooperation (APEC) forum, the G20, and other initiatives.

The HLED will seek to engage and solicit input from the private sector and civil society as it develops its annual agenda.

THE U.S. - COLOMBIA TRADE AGREEMENT: ONE YEAR LATER

From the Office of US Trade Representative (05/15/2013)

May 15, 2013 signifies the one-year anniversary of the of the United States-Colombia Trade Promotion Agreement taking effect – and that agreement is making good on its promise of supporting more American jobs, increasing U.S. exports for manufacturers, farmers and ranchers, and enhancing U.S. competitiveness.

[More Exports to Colombia of Made-in-America Goods](#)

Results show that U.S. manufacturers are taking advantage of increased access to the Colombian market. From May 2012 through March 2013, U.S. goods exports to Colombia totaled \$15.9 billion, up 20% from May 2011 through March 2012. Transportation equipment exports grew a substantial 61% to \$1.4 billion, and exports of petroleum and coal products experienced gains of 46%, totaling \$3.6 billion. Exports of processed foods have experienced significant increases, jumping up 129% to \$694 million. Electronics also showed gains with exports of computer and electronic products up 17% to \$2.3 billion.

[More Exports to Colombia of American Agricultural Products](#)

Since Colombia is currently the second largest purchaser of U.S. agricultural products in South America, it is no surprise that the reduced tariffs under the agreement have opened the market even further.

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Exports of soybeans jumped 467% to \$118.6 million, and dairy product exports grew 214% to \$24.7 million. Pork exports were up 66% to \$45.2 million, and grapes exports increased 36% to \$9.3 million. Wheat exports grew 15% in the same period, to \$186.4 million. The agreement has also provided a vehicle for our two countries to engage on key outstanding issues related to the U.S.-Colombia agricultural trade relationship, and has helped us resolve longstanding regulatory issues that had impeded greater trade between our countries.

[Labor Action Plan: Enforcement and Advances](#)

Before the trade agreement entered into force, the Obama Administration took steps to ensure that Colombia effectively implemented its commitments under the [Colombian Action Plan Related to Labor Rights](#). Since then, the Administration has been engaged in an ongoing dialogue with Colombia to build on progress under the Action Plan.

Important advances over the past year include a dramatic reduction in the use of illegal cooperatives, partly the result of unprecedented fines against companies in violation of new laws; the passage of new labor laws that expand the application of fines to address other

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**HAPPY
SUMMER!**

forms of illegal contracting; and increased efforts to reduce violence and impunity, including by strengthening protection programs and improving the management and prosecution of labor homicide cases. The Administration looks forward to further progress and continuing cooperation with Colombian authorities to support Colombia's ongoing implementation of its Action Plan commitments as well as its obligations under the trade agreement.

[A Bright Future for Both Countries](#)

Today, over 80% of U.S. exports of consumer and industrial products and more than half of agricultural exports to Colombia are already duty free, with remaining tariffs phased out over defined time periods. The potential for the U.S.-Colombia trade relationship to continue to grow is exciting. The Colombian government has been pursuing sound policies to promote market openness and competitiveness, and has been rewarded with expanded trade. The future of our economic relationship, building on our trade agreement, is bright.

[Secretary Napolitano and CBP Acting Commissioner Winkowski Participate in Global Entry Enrollment Center and Gallery Ribbon Cutting](#)

(Thursday, June 06, 2013)

Washington — Secretary of Homeland Security Janet Napolitano and U.S. Customs and Border Protection (CBP) Acting Commissioner Thomas Winkowski today participated in a ribbon cutting ceremony for the new Global Entry enrollment center and gallery at CBP Headquarters to mark the fifth anniversary of Global Entry. Beginning June 10, applicants will be able to complete their Global Entry interview at the new Washington, D.C. enrollment center.

"We take seriously our commitment to ensuring the safety and security of passengers coming to and traveling throughout the United States, while at the same time, helping facilitate lawful travel, trade and tourism," said Secretary Napolitano. "Global Entry is a key part of this administration's efforts to promote travel and tourism, and to make the travel experience more efficient and more secure."

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"I commend the commitment and efforts of CBP and our government and industry partners who have made Global Entry the success that it is today," said Acting Commissioner Thomas S. Winkowski. "This summer, thousands of international air travelers will be afforded a quick entry into the United States through the speed and convenience of using their Global Entry benefits."

With nearly 50,000 new applicants each month, an enrollment center in the nation's capital will allow the thousands of travelers living in and transiting through the area to complete their Global Entry interview and finalize their membership. In addition to the new enrollment center opening in Washington, D.C., centers are opening today in Tampa, Fla. and Albuquerque, N.M. Upon arrival in the United States from abroad, Global Entry members are able to bypass the traditional CBP inspection lines and use an automated kiosk. Travelers scan their passport and fingerprints, answer the customs declaration questions using the kiosk's touch screen and proceed with a receipt to the exit—the whole process taking only about a minute.

Launched on June 6, 2008 as a pilot at George Bush Intercontinental Airport, Washington Dulles International Airport, and John F. Kennedy Airport, Global Entry is now a permanent program and has 44 locations at airports serving 98 percent of incoming travelers to the United States. The additional locations improve CBP's ability to facilitate travelers' enrollment into Global Entry as efficiently as possible.

In addition to being an enrollment center, the exterior gallery provides both a waiting area for the enrollment center and an educational experience for the general public. The CBP Gallery will highlight aspects of CBP's mission and help the public understand how border security, trade and travel are interrelated.

For more information, visit cbp.gov/globalentry (Global Entry)

U.S. Customs and Border Protection is the unified border agency within the Department of Homeland Security charged with the management, control and protection of our nation's borders at and between the official ports of entry. CBP is charged with keeping terrorists and terrorist weapons out of the country while enforcing hundreds of U.S. laws.

June 3, 2013 BIS Publishes Rule

Additions, Removals, and Revisions to the List of Validated End-Users in the People's Republic of China (BIS Rule).

Amid Data Controversy, NSA Builds Its Biggest Data Farm

By Howard Berkes (NPR)
June 10, 2013 2:58 AM

A National Security Agency data center is under construction in Bluffdale, Utah. When this data center opens in the fall, it will be the largest spy data center for the NSA. As privacy advocates and security experts debate the validity of the National Security Agency's massive data gathering operations, the agency is putting the finishing touches on its biggest data farm yet.

The gargantuan \$1.2 billion complex at a National Guard base 26 miles south of Salt Lake City features 1.5 million square feet of top secret space. High-performance NSA computers alone will fill up 100,000 square feet. The Utah Data Center is a data farm that will begin harvesting emails, phone records, text messages and other electronic data in September.

"NSA's focus is on foreign intelligence and foreign intelligence that rides over the networks is what we're talking about," says Harvey Davis, the agency's director for installations and logistics. Last summer, during at the American Enterprise Institute, a reporter asked NSA Director Gen. Keith Alexander, whether the Utah center "will hold the data of American citizens." "No," Alexander. "While I can't go into all the details of the Utah Data Center, we don't hold data on U.S. citizens."

Still, given the revelations of last week about NSA's data practices, privacy advocates worry that the Utah Data Center provides the agency more tools for gathering and analyzing electronic data generated by American citizens.

"We don't know ... most of what the NSA is doing," says Chris Soghoian, a policy analyst with the Speech, Privacy and Technology Project at the American Civil Liberties Union.

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"There is almost certainly surveillance that they would like to do and have not been able to do because they didn't have the storage or computing resources to perform the searches." Soghoian adds. "And this will give them the ability to do more searches through more innocent people's information."

The estimated power of those computing resources in Utah is so massive it requires use of a little-known unit of storage space: the zettabyte, as the amount of data would fill 250 billion DVDs. The NSA's Utah Data Center will be able to handle and process five zettabytes of data, according to William Binney, a former NSA technical director. Binney's calculation is an estimate. An NSA spokeswoman says the actual data capacity of the center is classified. "They would have plenty of space with five zettabytes to store at least something on the order of 100 years worth of the worldwide communications, phones and emails and stuff like that," Binney asserts, "and then have plenty of space left over to do any kind of parallel processing to try to break codes."

NSA does provide some measure of the computing power at its new data farm in Utah. It requires 65 megawatts of power, enough for 65,000 homes. It also has its own power substation. In fact, Davis of the NSA says, the availability and relatively low cost of power put Utah at the top of the list for the center. That much power generates so much heat that the computers will fry without 1.5 million gallons of cooling water a day. The NSA has another top-secret intelligence center in Utah where analysts, including former Mormon missionaries with extensive foreign language skills, translate communications intercepted by the agency. But the new center will not need analysts.

"When [an] analyst sits in front of their computer and does their work, they don't particularly care from whence the data came," Davis says. "As long as the data finds its way into the network, people who do the analytical work do not have to be geographically in the same place."

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So the Utah center will employ about 100 technicians to keep the power and water flowing and the computers and other equipment humming. The NSA and the University of Utah have developed a certificate.

The maintenance costs of the center are pegged at \$20 million a year, according to Davis. Despite its capacity, the Utah center does not satisfy NSA's data demands. Last month, the agency broke ground on its next data farm at its headquarters at Ft. Meade, MD, but that facility will be only two-thirds the size of the mega-complex in Utah.

Triple Threat: Middle East Respiratory Virus And 2 Bird Flu Viruses

By Richard Knox (NPR)

The World Health Organization and health care workers everywhere suspect a disease called Middle Eastern Respiratory Syndrome, or MERS, whenever they see a case of unexplained pneumonia.

Monday's warning comes at the end of a six-day WHO investigation in Saudi Arabia, where 40 of the 55 cases of the respiratory disease have occurred. Sixty percent of those people with known infections died. Meanwhile, recent reports in the journal *Cell* present evidence that two other worrisome viruses — and flu — may be on the verge of becoming more contagious in humans. Recent samples of these bird flu viruses are only one or two genetic mutations away from developing the ability to latch onto receptors lining the respiratory tracts of humans, biologists at the Massachusetts Institute of Technology say. "Some of them are one amino acid away from achieving the necessary strength or affinity to latch onto human receptors," of MIT tells Shots. "That's a key step."

Both viruses have shown themselves capable of infecting people and causing serious illness and death. H5N1 has over the past decade and killed 60 percent of them.

The virus, which popped up this spring in southeastern China, has infected 132 people, 37 fatally, according to the latest WHO tally. Cases have dwindled in recent weeks, and only. But health authorities worry the virus could return with cooler autumn weather, especially if precautions are eased at the live bird markets that seem to be the source of most infections.

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Dr. Anthony Fauci, director of the National Institute of Allergies and Infectious Diseases, says the MIT reports are "important evidence" of how the flu viruses are evolving. "However, that is not the entire story, at all, of how viruses evolve in a way to have sustained transmission," he says.

Fauci says what makes animal flu viruses highly contagious among people is complex and poorly understood. "In fact," he says, "I'm not even sure what the extent of the complexity is." Reassuringly, he points out that there's never been a flu pandemic involving the H5 or H7 families of viruses. When it comes to MERS, Fauci says he's taking it "very seriously." He acknowledges that it's unheard of to have three emerging disease threats to worry about simultaneously.

"I've been doing emerging infections for a very long period of time," Fauci says. "And we usually have one on the radar screen, and occasionally two. But to have three on the radar screen, at least in my experience, is pretty unique." For all three of the current viral threats, the numbers of people affected so far don't seem so threatening on a global scale. But officials worry that as human infections continue, any of the viruses could acquire the characteristics necessary to spread readily through the air and efficiently infect cells in human respiratory tracts.

With MERS, they're also concerned that some people could become so-called super-spreaders of infection — people who produce large amounts of virus in respiratory secretions and then pass the virus to dozens of others. This is how SARS, a cousin of MERS, spread rapidly to around 8,000 people in 2003, killing 11 percent of them.

"The primary lesson from SARS is we do need to watch for that sort of thing," Dr. Anthony Mounst of WHO tells Shots. "SARS didn't seem so transmissible among normal circumstances. But then we saw these events in which it spread really crazy fast from person to person."

Health authorities worry that the MERS virus might spread among pilgrims expected to visit holy sites in Saudi Arabia next month during Ramadan, or the millions more expected in October for the annual Hajj to Mecca.

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Mounts is also concerned the MERS virus could sneak out of the region in the lungs of guest workers. "Pakistan, India, Indonesia, the Philippines all have large populations in the Middle East, and travel back and forth quite a bit," he says. MERS has already shown its ability to spread within health care facilities in Saudi Arabia, Jordan and France. And its incubation period is believed to be as long as 12 days — plenty of time for an infected person to carry the virus anywhere in the world before falling ill.

Hence the new WHO warning that health care workers everywhere should think about MERS if they encounter unexplained respiratory illness. Last week's WHO investigation in Saudi Arabia produced no new information on how people are getting MERS in the first place — from what animal source, or by what route.

The purpose of last week's mission to Saudi Arabia, led by WHO assistant director-general and virus specialist, was to help sort through the data collected by the Saudis to discern patterns of spread and exposure. There's been among public health workers over the lack of information about MERS coming from Saudi Arabia. Officials there have tended to release numbers of cases with a bare minimum of detail and little or no epidemiologic analysis.

For example, the Saudis startled everyone last month by announcing 13 new cases that turned out to have occurred in a hospital in Al-Ahsa in the kingdom's eastern province. That brought unhappy reminders of SARS, which spread rampantly in health care institutions. But there has, so far, been no thorough analysis of how the hospital outbreak unfolded.

Similarly, there are reports of a second hospital outbreak involving five cases in a different Saudi town. But the circumstances and location were unclear last week even to WHO workers monitoring the situation.

WHO officials had expected to hold a press conference on Sunday to announce the results of their latest investigation, but that didn't happen. The press release the agency put out on Monday contained only general statements about the MERS outbreaks in Saudi Arabia and lauded the Saudis for doing "an excellent job in investigating and controlling the outbreaks."

The statement noted that "large gaps" remain in the knowledge of MERS, but cautioned that "it often takes time for scientific investigations to produce results."

MERS first appeared in Saudi Arabia last June, and the coronavirus that causes it was first last September.

FOR IMMEDIATE RELEASE
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www.bis.doc.gov

BUREAU OF INDUSTRY AND SECURITY
Office of Congressional and Public Affairs
202-482-2721

SYRIA: Additional Items Eligible for Export/Re-Export Under License

On Wednesday, June 12, 2013, the U.S. Department of State announced a new limited waiver of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (SAA) to allow the export and re-export, under license, of certain reconstruction-related items for the benefit of the Syrian people.

Consistent with Section 5(b) of the SAA and Executive Order 13338 of May 11, 2004, the waiver authorizes the Bureau of Industry and Security (BIS) to issue licenses on a case-by-case basis for the export or re-export of certain commodities, software and technology, including but not limited to those related to water supply and sanitation, agricultural production and food processing, power generation, oil and gas production, construction and engineering, transportation, and educational infrastructure, as a means of helping to address the critical needs of the Syrian people and facilitating reconstruction.

Note that the export and re-export of food and medicine do not currently require a license, while medical devices and telecommunication commodities may be licensed under pre-existing waivers. BIS will publish an implementing regulation shortly. However, exporters and re-exporters may immediately submit license applications for consideration under the new waiver.

For further information, or if you have questions regarding this announcement, please contact the BIS Foreign Policy Division at (202) 482-4252.

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-BIS Publishes Rule-

Implementation of the Understandings Reached at the 2012 Australia Group (AG) Plenary Meeting and the 2012 AG Intercessional Decisions; Changes to Select Agent Controls

June 5, 2013

The Bureau of Industry and Security (BIS) publishes this final rule to amend the Export Administration Regulations (EAR) to implement the understandings reached at the June 2012 plenary meeting of the Australia Group (AG) and the 2012 AG intercessional decisions. Specifically, this rule amends the Commerce Control List (CCL) entry in the EAR that controls human and zoonotic pathogens and "toxins" to reflect changes to the AG "List of Biological Agents for Export Control" that were made based on the understandings adopted at the June 2012 AG plenary meeting.

These changes included the addition of three pathogens and clarifications to two other items. This rule also amends the CCL entry in the EAR that controls plant pathogens to reflect: The 2012 AG Plenary agreement to add five pathogens to the AG "List of Plant Pathogens for Export Control", and the AG intercessional clarifications to six pathogens identified on this AG list. In addition, the CCL entry in the EAR that controls equipment capable of handling biological materials is amended to reflect the 2012 AG intercessional decision to add certain spray-drying equipment to the AG "Control List of Dual-Use Biological Equipment and Related Technology and Software".

This rule also removes the CCL entry that controls select agents not identified on any of the AG common controls lists, but identified on the CCL because they are (or were, until recently) subject to controls maintained by the Centers for Disease Control and Prevention (CDC), U.S. Department of Health and Human Services, and the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, on their possession, use, and transfer within the United States.

Rather than continuing to control these select agents in a separate CCL entry, this rule adds those select agents that remain subject to the CDC/APHIS controls (as well as a recent addition to the list of select agents) to the AG-related CCL entries that control human and zoonotic pathogens and "toxins" and plant pathogens, respectively.

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