

CHEMICAL AND BIOLOGICAL WEAPONS END-USE CHECK

The Export Administration Regulations (EAR) require a license when one would not otherwise be necessary when the exporter knows the items will be used in certain restricted end-uses. The purpose of this screen is to provide a step-by-step process to determine whether a license is required based on the end-use prohibitions of Section 744.4 of the EAR.

STEP 1: Related Industries/Activities Applicability Check

The purpose of this check is to detect whether you are entering into activities where processes may be of greater risk and to decide whether there are "Red Flags" that prompt you to proceed cautiously and inquire further.

Do you know that the end-user is involved in any of the following chemical or biological activities or industries:

chemical plants	YES___ NO___
petrochemical plant	YES___ NO___
petroleum	YES___ NO___
cosmetics production	YES___ NO___
food processing	YES___ NO___
glass, ceramic or porcelain production	YES___ NO___
mining operations	YES___ NO___
metal manufacturing	YES___ NO___
organic synthesis	YES___ NO___
paper manufacturing	YES___ NO___
plastic or rubber manufacturing	YES___ NO___
pharmaceuticals	YES___ NO___
insecticides or pesticides	YES___ NO___
semiconductor manufacturing	YES___ NO___
paint production	YES___ NO___
institutes of science and technology	YES___ NO___
conventional weapons and armaments research & development establishments	YES___ NO___
military entities	YES___ NO___
biological/chemical research	YES___ NO___

Continue with the Red Flags part of this step.

STEP 2: Red Flags Specific to CBW Controls	
Has the customer/end-user:	
provided evasive responses or is reluctant to provide an adequate explanation concerning: <ul style="list-style-type: none"> • the chemicals or biological agents to be produced with the equipment? • end-use of the chemicals or biological agents produced with the equipment? 	YES___ NO___ YES___ NO___
been reluctant to explain sufficiently the chemical raw materials or biological agents to be used with the equipment being purchased?	YES___ NO___
ordered quantities excessive for the production capability of the end user?	YES___ NO___
made requests for excessive safety/security devices/measures in light of the stated end-use, or the customer's lack of familiarity with appropriate safety/security measures?	YES___ NO___
made requests to complete a partly finished project and/or will not provide license authorizations obtained for the part of the project already completed?	YES___ NO___
requested modification of a plant or equipment in an existing or planned facility that changes production capability significantly and could make the facility more suitable for the manufacture of chemical weapons, chemical weapon precursors or biological agents and weapons?	YES___ NO___
requested models of equipment or containers made or lined with nickel, hastelloy, monel and other high nickel content or which are airtight beyond the normal requirements for the stated end-use, especially when less expensive models are appropriate for the end use?	YES___ NO___
requested excessive confidentiality concerning final destination or details on equipment, materials or technical data to be delivered?	YES___ NO___
requested that the items be installed in: <ul style="list-style-type: none"> - an area with unusually strict security control (such areas may include but are not limited to an area close to a military-related facility, to which access is severely restricted; science and technology parks, or the facility is isolated from major population centers)? - an atypical location in light of the character of the equipment (e.g. milk pasteurization equipment that is not being installed near a dairy or baby food distribution/packaging center)? 	YES___ NO___ YES___ NO___
refused personnel contractor or subcontractor access to parts of the plant other than those involved in the contract?	YES___ NO___
divided the contract for the construction or renovation of a plant without furnishing adequate information about the complete scope of the project, the final destination or proposed use of the plant?	YES___ NO___

STEP 3: Restricted End-Uses

Do you know that your item will be used in the design, development, production, stockpiling, or use of chemical or biological weapons? (744.4(a))	YES___ NO___
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If you answered "YES" to the questions in Step 2 and were unable to resolve the red flags, or answered "YES" to Step 3, a license is required and a License Exception may not be used.

If you answered "NO" to all of the questions, you have completed the Check. A license is not required under Section 744.4.