SUBCHAPTER H—SUPPLIES AND EQUIPMENT

PART 621—LOAN AND SALE OF PROPERTY

Sec.

AUTHORITY: Pub. L. 81–193; 10 U.S.C. secs. 2574, 4308, 4506, 4507, 4627, and 4655, and Pub. L. 92–249.

SOURCE: 44 FR 5651, Jan. 29, 1979, unless otherwise noted.

EDITORIAL NOTE: For figures referred to in this part, see 42 FR 43807, Aug. 31, 1977.

§ 621.1 Loan of Army/Defense Logistics Agency (DLA) owned property for use at national and State conventions.

(a) *General.* This section—

(1) Prescribes procedures for loan of Army-owned property to recognized National Veterans' Organizations for National or State conventions as authorized by Pub. L. 81–193.

(2) Request for loans for National Youth Athletic or recreation tournaments sponsored by veterans' organizations listed in the ''Veterans Administration Bulletin 23 (ALPHA),'' will be processed by parent veterans' organizations.

(3) Loans are not authorized for other types of conventions or tournaments.

(b) *Items authorized for loan.* If available, the following items may be loaned for authorized veterans' organizations requirements.

(1) Unoccupied barracks.
(2) Cots.
(3) Mattresses.
(4) Mattress covers.
(5) Blankets.
(6) Pillows.
(7) Chairs, folding.
(8) Tentage, only when unoccupied barracks are not available.

(c) *Requests for loan.* (1) Requests by authorized veterans' organizations for loan of authorized Government property will be submitted to the appropriate CONUS Army Commander of the area in which the convention will be held or the Commander, Military District of Washington (MDW) if within his area.

(2) The tenure of loan is limited to 15 days from the date of delivery, except under unusual circumstances. A narrative explanation will be provided to support loan requests for more than 15 days duration.

(3) Loan requests should be submitted by letter at least 45 days prior to required date, if practicable.

(4) Requests for loans will contain the following information:

(i) Name of veterans' organization requesting the loan.
(ii) Location where the convention will be held.
(iii) Dates of duration of loan.
(iv) Number of individuals to be accommodated.
(v) Type and quantity of equipment required.
(vi) Type of convention, (State or National).
(vii) Complete instructions for delivery of equipment and address of requesting organizations.
(viii) Other pertinent information necessary to insure prompt delivery.

(d) *Responsibilities.* The Army or MDW Commander will:

(1) When the availability of personal and real property is determined, notify the requesting veterans' organization of the following:

(i) The items and quantities available for loan and the source of supply.
(ii) No compensation will be required by the Government for the use of real property.
(iii) No expense will be incurred by the United States Government in providing equipment and facilities on loan.
(iv) Costs of packaging, packing, transportation and handling from source of supply to destination and return will be borne by the requesting organization.
(v) All charges for utilities (gas, water, heat, and electricity) based on meter readings or such other methods

determined will be paid by the veterans' organization.

(vi) Charges which may accrue from loan of DLA/GSA material in accordance with paragraph III, AR 700–49/DSAR 4140.27, and GSA Order 4848.7 and Federal Property Management Regulations, subparagraph 101–27.5.

(vii) The Army will be reimbursed for any material not returned.

(viii) Costs of renovation and repair of items loaned will be borne by the requesting organization. Renovation and repair will be accomplished in accordance with agreement between the Army Commander and the loanee to assure expeditious return of items.

(ix) Transportation costs in connection with the repair and renovation of property will also be at the expense of the using organization.

(x) Assure that sufficient guards and such other personnel necessary to protect, maintain, and operate the equipment will be provided by the loanee.

(xi) The period of loan is limited to 15 days from date of delivery, except as provided for in paragraph (c) of this section.

(xii) Any building or barracks loaned will be utilized in place and will not be moved.

(xiii) Upon termination of use, the veterans' organization will vacate the premises, remove its own property therefrom, and turn over all Government property.

(2) Specify a bond in an amount to insure safe return of real and personal property in the same condition as when borrowed. (In the case of personal property, this amount will be equal to the total value of the items based on current acquisition costs.)

(i) An agreement will be executed between the Army Commander and the Veterans' Organization if the terms of the loan are acceptable. A sample loan agreement is shown at figure 7–5 of this subchapter.

(ii) When the agreement has been executed and the bond furnished, requisitions will be submitted to the appropriate source of supply. Requisitions will indicate shipping destination furnished by the veterans' organization. Transportation will be by commercial bills of lading on a collect basis.

(iii) Appoint a Property Book Officer to maintain accountability for the Government property furnished under this regulation.

(3) Property Book Officer will:

(i) Assume accountability from the document used in transferring property to the custody of the veterans' organization.

(ii) Perform a joint inventory with the veterans' organization representative. Survey any shortage or damages disclosed by the joint inventory in accordance with AR 735–11.

(iii) Maintain liaison with the veterans' organization during the period of the loan.

(iv) Prepare, in cooperation with the veterans' organization representative, an inventory of property being returned. Certify all copies of the receipt document with the veterans' organization representative.

(v) Insure the return of all property at the expense of loanee to the supply source or to repair facilities.

(vi) Obtain a copy of receipted shipping document from the installation receiving the property.

(vii) Determine cost and make demand on the loanee for:

(A) Items lost, destroyed, or damaged.

(B) Costs of repair or renovation. Estimated costs will be obtained from the accountable activity.

(C) Comply with instructions contained in AR 700–49/DSAR 4140.27 in the application of condition A and/or B, C, and T items utilized.

(D) Ascertain that items lost in transit are reconciled prior to assessing charges. Where the loss is attributable to other than the loanee, charges should not be borne by the borrower.

(viii) Request payment from the loanee. Checks are to be made payable to the Treasurer of the United States. Upon receipt of payment, appropriate fiscal accounts will be credited. The Property Transaction Record will be closed and the Stock Record Accounts audited.

(ix) Deposit collections in accordance with instructions contained in AR 37–103. In the event payment is not received within a reasonable period, Report of Survey Action will be initiated in accordance with AR 735–11.

(x) Reimburse DLA/GSA for the cost of any repair, reconditioning and/or materiel not returned.

§ 621.2 Sales of ordnance property to individuals, non-Federal government agencies, institutions, and organizations.

(a) *General.* This section—

(1) Cites the statutory authority for, and prescribes the methods and conditions of sale of certain weapons, ammunition, and related items as specified herein.

(2) Applies to all sales of weapons and related material to individuals, organizations, and institutions, when authorized by the US Army Armament Materiel Readiness Command (ARRCOM), and overseas commanders.

(3) Provides that sales under this section will be limited to quantities of an item which authorized purchasers can put to their own use. It is not intended that property be sold under the provisions of this section for the purpose or resale or other disposition.

(4) Does not apply to sales of property determined to be surplus. (See AR 755 series.)

(b) *Price.* Except as noted below, when sales of the Army property are made and the title thereto passes from the US Government, the prices charged will be the standard list price contained in the SC 1305/30 Management Data List series, plus cost of packing, crating, and handling and administrative charges.

(c) *Condition of sale.* Provisions apply to sales under this section, as follows:

(1) Sales will be made without expense to the Government.

(i) All costs incident to sales (including packing, crating, handling, etc.) will be paid in advance by the purchaser.

(ii) All costs incident to shipment (transportation, parcel post charges, etc.) will also be paid by the customer.

(iii) Payment for items and charges incident to sale will be made only by cashier's check, certified check, bank money order, or postal money order made payable to the Treasurer of the United States.

(iv) For other than items of ammunition and ammunition components, cash will be acceptable when consignee pickup is authorized or purchase is made in person.

(2) All financial transactions will be accomplished in accordance with applicable Department of the Army directives and regulations. Moneys collected for cost of items, as well as packing, crating, and handling, will be deposited as an appropriate reimbursement as prescribed in applicable regulations.

(3) Generally, all sales are final and, normally, the US Government assumes no obligation or responsibility for repair, replacement, or exchange, except as provided in AR 920–20. Purchasers will be so advised prior to making the sale. All weapons sold, however, will be safe for firing.

(4) Weapons sold at standard price will be supplied with equipment. Weapons sold at less than standard price will be supplied less equipment.

(5) Sales of specific items may be suspended at any time by the direction of CDR, ARRCOM.

(d) *Purchasing procedure.* (1) Except as provided in paragraph (e) of this section, all requests originating within CONUS for the purchase of small arms weapons, repair parts, cleaning, preserving, and target material will be submitted to the Commander, ARRCOM, Rock Island, IL 61201.

(i) Upon approval, these items will be shipped from Army depots stocking such material, based upon availability of material. Customers will be furnished instructions for submission of remittance.

(ii) Upon receipt of proper remittance from eligible customers ARRCOM will issue the necessary documents directing shipment from an Army depot where the items are available.

(2) In implementing the subchapter, oversea commands should designate installations within the oversea command to which requests for purchase of ammunition and related material will be directed.

(3) Depots shipping weapons to individuals, Director of Civilian Marksmanship (DCM) affiliated rifle and pistol ''clubs'', museums, veterans organizations, and other US Government agencies will annotate shipping documents with the serial number of all the weapons they ship. Firearms shipped will be reported to Commander,

ARRCOM, ATTN: DR SAR–MMD–D, Rock Island, IL 61202, using DA Form 3535 (Weapons Sales Record), DA Form 3535 may be obtained from Commander, Letterkenny Army Depot, ATTN: DRXLE–ATD, Chambersburg, PA 17201.

(i) The transportation officer will ascertain estimated transportation costs, to include DA transportation security measures (costs) for shipment to destination. Such information will be transmitted by letter to consignee with request for acknowledgement that shipment will be accepted based on costs submitted.

(ii) Shipment will not be made unless consignee agrees to accept shipments. Refusal to accept shipment shall be reported to ARRCOM.

(4) CDR, ARRCOM is responsible for maintaining a record by serial number of all weapons reported by depot in accordance with paragraph (d)(3) of this section. He will establish procedures to screen purchase requests to insure compliance with any limitations established by this section.

(e) *Sales to individuals, organizations, and institutions.* (1) Sales of small arms weapons and ammunition are limited by statute (10 U.S.C. 4308). Such sales will be made in accordance with the provisions of this paragraph and with other rules and regulations approved by the Secretary of the Army.

(2) Sales will be limited to M1 service rifles, either national match grade or service grade. Only one such rifle and spare parts for it will be sold to an individual. No ammunition will be sold to individuals.

(3) Junior marksmanship clubs and junior marksmanship division affiliated within the Director of Civilian Marksmanship (DCM) pursuant to AR 920–20 may purchase limited quantities of .22 caliber ammunition.

(4) The DCM will determine the maximum quantity of such ammunition that clubs will be permitted to purchase in each fiscal year.

(5) Approved, non-profit summer camp organizations that are of a civic nature are allowed to purchase from the DCM at cost plus shipping and handling charges, 300 rounds of .22 caliber ammunition for each junior who is participating in a summer camp marksmanship program.

(6) Requests for purchase of ammunition by marksmanship clubs and summer camp organizations will be submitted to the DCM for approval. If he approves, the application will be forwarded to ARRCOM for processing. If it is disapproved, it is returned to applicant with reason(s) stated for disapproval.

(f) *Eligibility of purchasers.* In order to purchase a rifle under this program, an individual must:

(1) Be a member of a marksmanship club affiliated with the DCM (AR 920–20).

(2) Based upon regular competitive shooting, have an established status as a marksman as determined by the DCM.

(g) *Purchase procedure.* (1) Individuals desiring to purchase National Match Grade M1 service rifles will submit requests to the Director of Civilian Marksmanship, Department of the Army, Washington, DC 20314–0110. The request should contain the name and address of the shooting club with which the purchaser is affiliated and appropriate evidence of status as a competitive marksman.

(2) Upon receipt of a request, the Director of Civilian Marksmanship will forward to the individual a Certificate for Purchase of Firearms in the suggested format at figure 5–1 to be completed, notarized and returned. When returned with check or arrangements for payment, the Certificate will be referred for appropriate verification in the records of US Government agencies and for other investigation as required. This is done to insure that the sale of a weapon to the applicant is not likely to result in a violation of law. The Privacy Act Statement for Certificate of Purchase of Firearms (figure 5–2) will be made available to the individual supplying data on the Certificate for Purchase of Firearms (suggested format, figure 5–1). Prior to requesting the individual to supply data on the Certificate for Purchase of Firearms (suggested format, figure 5–1) the Privacy Act Statement for Certificate will be made available to the individual concerned. (The Privacy Act Statement will be reproduced locally on 8×10½ inch paper.)

(i) A purchase application will be denied if the applicant fails to meet all the conditions required in the Certificate.

(ii) If an application is denied, the applicant will be informed of the action and will be given an opportunity to submit additional information justifying approval of the application.

(iii) If the results of the investigation are favorable, the application will be forwarded to ARRCOM for processing.

(h) Marksmanship clubs affiliated with the DCM and individuals who are members of those clubs are authorized to purchase from the Army targets of types not otherwise available from commercial sources. Request for such purchases will be submitted to the Director of Civilian Marksmanship for approval and processing. Individuals who have in the past purchased rifles from the Army under the authority of 10 U.S.C. 4308(a)(5), may purchase spare parts for those rifles if the parts are available. Requests for purchase of spare parts will be submitted to the Director of Civilian Marksmanship for approval. If he/she approves the application, she/he will forward it to ARRCOM for processing. If he/she disapproves the application, she/he will return it to the applicant stating the reasons for disapproval. Current DA transportation security measures for weapons will be applied under procedures contained in paragraphs (d)(1) (i) and (ii) of this section.

(i) *Cadets, US Military Academy.* (1) When approved by the CDR DARCOM, the Superintendent, US Military Academy may sell to cadets upon graduation from the Academy those sabers which no longer meet prescribed standards of appearance and/or serviceability.

(2) Application to purchase sabers under these provisions will be made in accordance with procedures established by the Superintendent.

(j) *Reserve Officer's Training Corps (ROTC) and National Defense Cadet Corps (NDCC).* Supplies required by educational institution for the training of units and individuals of the Reserve Officer's Training Corps and National Defense Cadet Corps, in addition to authorized items normally furnished to ROTC and NDCC schools, may be sold when available by the activities listed in paragraph (g) of this section (10 U.S.C. 4627). Such purchases will be in accordance with AR 145–2.

(k) *Manufacturers and designers.* (1) Under the provisions of 10 U.S.C. 4506, the Secretary of the Army is authorized to sell to contractors or potential contractors such samples, drawings, and manufacturing and other information as he considers best for national defense. Procedures for such sale are contained in APP 13–1502.

(2) Under the provisions of 10, U.S.C. 4507, the Secretary of the Army may sell to designers who are nationals of the United States, serviceable ordnance and ordnance stores necessary in the development of designs for the Armed Forces. Designers will submit application to purchase to the appropriate Commodity Command.

(3) If any item normally requiring demilitarization pursuant to the Defense Disposal Manual (DoD 4160.21–M) and the AR 755-series is sold, a special condition of sale will prohibit further disposition by the purchaser without prior approval of the Deputy Chief of Staff for Logistics, Department of the Army.

(l) *Sales of individual pieces of U.S. armament for sentimental reasons.* Under the provisions of 10 U.S.C. 2574, individual pieces of U.S. armament, which are not needed for their historical value and can be advantageously replaced, may be sold at a price not less than cost when there exists for such sale sentimental reasons adequate in the judgment of the Secretary of the Army.

(m) *Method of sale.* (1) Applications to purchase under the provisions of this act will be submitted to Deputy Chief of Staff for Logistics, ATTN: DALO–SMS, Department of the Army, with a complete identification including serial number, and location of desired item, if known.

(2) Approved applications for major items will be forwarded through Commander, U.S. Army Materiel Development and Readiness Command, ATTN: DRCMM–SP, to the Commander, U.S. Army Armament Materiel Readiness Command.

[44 FR 5651, Jan. 29, 1979, as amended at 54 FR 48097, Nov. 21, 1989]

§ 621.3 [Reserved]

§ 621.4 Issues, loans, and donations for scouting.

(a) *General.* This section provides information relative to issue, loan or donation of Government property to the Boy Scouts of America and the Girl Scouts of America.

(b) *Guidance.* (1) Issues are made under the provisions of the loan agreement and reimbursement is made for adjusted shortages and damages.

(2) Provisions for donations of surplus property to Scout organizations, including lists of classes of donable property, are contained in chapter III, part 3, Defense Disposal Manual (DOD 4160.21M).

(3) The loan of certain Army, Navy, Air Force and DLA equipment and the provision of transportation and other services for Jamborees is initially provided for by Pub. L. 92–249. Implementation on a current basis is made in DOD Directive 7420.1. Army implementation is provided as follows:

(i) Army stock fund in paragraph 2–6b(4), AR 37–111, Working Capital Fund-Army Stock Fund Uniform Policies, Principles and Procedures Governing Army Stock Fund Operations.

(ii) Non-stock fund in paragraph 2–18, AR 310–34, Equipment Authorization Policies and Criteria, and Common Table of Allowances.

(c) *Procedure.* Loan agreements are mutually developed preceding the actual lending of the equipment. Paragraph 1–16, AR 735–5, General Principles, Policies and Basic Procedures, is used as the guide for preparation of loan agreements. Authority for commanders to participate in World and National Jamborees is included in paragraph (d) of this section; Procedure for Loan of Equipment and Providing of Transportation and Other Services to the Boy Scouts of America for World and National Jamborees is included in paragraph (j) of this section; and sample loan agreement to be executed by area commanders is included as figure 7–5.

(d) *World and National Boy Scout Jamborees.* The Act of 10 March 1972 (Pub. L. 92–249; 86 Stat. 62) and (86 Stat. 63) authorized the Secretary of Defense to lend equipment and provide transportation and other services to the Boy Scouts of America in support of World and National Jamborees. The Secretary of Defense has delegated his authority and responsibility for the support of Jamborees to the Secretary of the Army. The Commander DARCOM ATTN: DRCMM–SP has been assigned to monitor the program for the Secretary of the Army.

(e) *Group travel and visits.* Many Scouts and Leaders will travel in groups and their itinerary will provide for visits to places of interest in CONUS en route to and from Jamborees. Such group travel may begin in June and extend into September and October of the Jamboree year. In keeping with Department of the Army policies, commanders of Army installations may extend an invitation to and honor requests from Scout groups enroute to and from the Jamboree to visit and encamp at their installation.

(f) *Commissary and post privileges.* Installation commanders are authorized to provide commissary and post exchange privileges to Scout groups en route to and from the Jamboree for food items such as bread, meat, and dairy products. These privileges will be extended only to Scout groups which are en route to or from the Jamboree and who are encamped or quartered at the installation or the Jamboree site. Commissary and post exchange privileges extended to Scout groups while encamped at the Jamboree site for supply and food items will only be honored upon-application by officials of the Boy Scouts of America to supplement supplies and rations not considered adequate for American Scouts or Scouters.

(g) *Arrangements.* Regional Scout Executives have been informed by the National Headquarters of the contents of this subchapter and that arrangements pursuant to this subchapter must be made in advance directly with the installation commanders. However, commanders will consider factors of extenuation or emergency which may preclude advance arrangements.

(h) *Hospitalization.* Boy Scouts and Scout Leaders attending Jamborees are considered designees of the Secretary of the Army for the purpose of receiving medical care at US Army Medical facilities. The reciprocal rate will not

be charged. Subsistence charges will be at the rate of $1.80 per day for hospitalized patients, but will not be collected locally. Each Boy Scout and Leader participating in Jamborees and hospitalized in Army medical treatment facilities will be reported to The Surgeon General, ATTN: DASG–SGRE–SSC, Department of the Army, Washington, DC 20314, on DD Form 7 (Report of Treatment Furnished Pay Patients; Hospitalization Furnished (part A)). No local collections are authorized.

(i) *Service coordination.* (1) The Departments of the Navy and the Air Force and the Defense Logistics Agency will assist the Department of the Army in providing necessary equipment, transportation, and services in support of the Boy Scouts of America attending Jamborees. The Secretary of the Army or his designee will maintain liaison, as appropriate, with such agencies to avoid duplication of effort.

(2) Other departments (agencies) of the Federal Government are authorized under such regulations as may be prescribed by the Secretary (Administrator) thereof, to provide to the Boy Scouts of America (BSA), equipment and other services, under the same conditions and restrictions prescribed for the Secretary of Defense.

(j) *Procedure for loan of equipment and providing of transportation and other services to the Boy Scouts of America for world and national jamborees. Preliminary actions.* (1) In accordance with the provisions of Pub. L. 92–249, H.R. 11738, 10 March 1972, and Secretary of Defense Memo of 17 May 1972, Subject: Loan of Equipment and Providing of Transportation and Other Services to the Boy Scouts of America for Boy Scout Jamborees; Memo of 23 January 1973, Subject: Military Transportation Support for Boy Scout Jamborees; and Memo of 19 August 1974, Subject: Military Transportation Support for Boy Scout Jamborees, the DOD is authorized to lend certain items and provide transportation and certain other services to such Jamborees. Prior to the loan of property and providing transportation and other services, an appropriate agreement will be executed between the United States of America and the activity to be supported. A bond (fig. 7–6), in an amount specified by the Commander, DARCOM, based on statute taken by the Commander-in-Chief/Commander, Major Army Command (MACOM), and held until termination of the encampment and final settelment is made for each Jamboree.

(2) The Commander-in-Chief/Commander, MACOM designated, on behalf of the Commander, DARCOM, representing the Secretary of Defense will enter into legal arrangements with the Boy Scouts of America for the loan of equipment and the providing of transportation and certain other services for Boy Scouts World and National Jamborees. National Jamborees include Jamborees conducted by and within the United States and also those conducted by and within foreign nations.

(3) The Commander-in-Chief/Commander, MACOM, will appoint a Property Book Officer who will maintain separate stock records in order to provide for a single final billing to the supported activity (Boy Scouts of America) for items consumed, lost, damaged or destroyed. The Department of the Army will not be billed for items obtained from other than Army sources, except medical supply losses. Bills for medical supply losses will be submitted to the US Army Area Surgeon for payment. He will establish liaison with the activity to be supported. The property book account will be established in accordance with section II, chapter 2, AR 710–2.

(4) The Commander-in-Chief, MACOM, will task the Army Area Surgeon for Medical Supply Support to the Jamborees. Each Surgeon designated should appoint an accountable officer and furnish the name, location, and routing identifier of a project office wherein medical supply problems can be resolved.

(5) The Property Book Officer is authorized direct communication with the source of supply, other military department liaison personnel and DARCOM ICP's to resolve routine supply problems.

(k) *Preparing bills of material.* (1) The activity (BSA) will submit a list of equipment and supplies desired to the Commander-in-Chief/Commander, MACOM. This list will be edited during

and subsequent to preliminary conferences with representatives of the activity and furnished to Commander, DARCOM, ATTN: DRCMM–SP.

(2) HQ, DARCOM will convert the informal list to a tentative Bill of Material and will furnish the respective Commodity Command that part of the Bill of Material for their items of logistical responsibility. A suggested format for the Bill of Material is included as figure 7–1. Local reproduction is authorized. Copies of the entire tentative Bill of Material will also be furnished to each of the military departments authorized to participate in the support of the encampments. The Bill of Material forwarded to the Commander-in-Chief/Commander, MACOM will be screened to determine inhouse availability prior to placing requisitions on CONUS supply points.

(3) At such time as item availability information is on hand and the sources to be used are determined (paragraph (m) of this section, a Bill of Material (figure 7–1) will be prepared by HQ, DARCOM, and forwarded to the Commander-in-chief/Commander, MACOM.

(4) The Bill of Material will list, by commodity command (military department), all items desired, identified by National Stock Number (NSN) description, quantity desired and required delivery date. The NSN will provide identification of the items required. Items will be identified by the Property Book Officer to the responsible commodity command or military department as indicated below:

(i) CERCOM	1 US Army Communications and Electronics Materiel Readiness Command.
(ii) TSARCOM.	2 US Army Troop and Aviation Materiel Readiness Command.
(iii) ARRCOM	3 US Army Armament Materiel Readiness Command.
(iv) TARCOM	4 U.S. Army Tank-Automotive Materiel Readiness Command.
(v) DLA	5 Defense Logistics Agency.
(vi) Navy	N Department of the Navy.
(vii) Air Force	F Department of the Air Force.
(viii) Other Installations.	A

The Bill of Material will be screened to insure that radioactive items restricted for military use are not included.

(l) *Establish property transaction records.* (1) A Property Transaction Record reflecting complete information about each item loaned to the activity will be established and maintained by the Property Book Officer (figure 7–2) and the respective commodity command military department (figure 7–3). Suggested formats for the Property Transaction Records are found in figures 7–2, 7–3, and 7–4, Local reproduction is authorized.

(2) The Property Book Officer will also establish and maintain separate Property Transaction Records for items obtained from supply sources other than Army commodity commands, i.e., other Army installations, Department of the Navy, Department of the Air Force (figure 7–4).

(3) Each entry on the Property Transaction Record will be supported by appropriate documentation (commodity command: copies of shipping documents, copies of return documents and copies of surveillance inspection report—Property Book Officer: Requisition voucher files and hand receipt cards). This is particularly important for reconciliation purposes in order that all property received from each source will be returned to that source upon termination of each encampment.

(m) *Locating and obtaining equipment and supplies.* (1) The respective commodity commands (military departments) will screen the tentative Bill of Material (paragraph (k)(2) of this section) and determine availability and source of supply identified by Routing Identifier Code. They will advise HQ, DARCOM, ATTN: DRCMM—SP of availability, appropriate substitute items when the requested items are not available in sufficient quantity, and the source of supply for requisitioning purposes.

(2) Concurrently, the Bill of Material will be screened within the MACOM to determine those items that can be obtained from assets available in the command.

(3) The Property Book Officer will requisition equipment and supplies from the source of supply as indicated by Commander, DARCOM in accordance with AR 725–50 or other separately furnished instructions. The requisition number, quantity requisitioned, stock number and source of supply will be entered in the Property Transaction

Record. Requisitions will cite the appropriate project code assigned and appropriate activity address code on all requisitions submitted. Project codes will be assigned by Commander, Logistic Systems Support Activity, ATTN: DRXLS–LCC, Chambersburg, PA, 17201 and distributed by message to all interested addressees.

(4) Loan of General Services Administration (GSA) General Supply Fund Material—The Federal Property and Administrative Services Act of 1949, as amended, authorizes the Administrator, GSA to loan GSA General Supply Fund Material to the Department of Defense and other federal agencies. Loan shall be made to the extent that items are readily available and that such loans will not jeopardize the GSA stock inventory. The loan of GSA General Supply Fund Material shall normally be limited to 90 Calendar days. Requisitions for GSA material should be submitted to the nearest GSA Regional Office by the CINC/CDR MACOM.

(5) Formal accountability for all items shipped to the site of the activity will be retained by the appropriate accountable activity. Property and financial accounting will be in accordance with respective military department regulations governing loans.

(6) The shipping depot or other source will furnish a copy of the shipping document to the respective commodity command (military department) where the quantity charged, date shipped, condition of the property and total value will be posted to the Property Transaction Record.

(7) Upon receipt of the advance copy of the shipping document, the commodity command (military department) will post information to his Transaction Record, by source as in paragraph (l)(1) of this section.

(8) When the shipment is received, the Property Book Officer will inspect the property. A narrative statement of condition will be prepared if condition of the property is other than that indicated on the shipping document and referenced to the condition entry on the Property Transaction Record. The source of supply, as appropriate, will be immediately notified of overages or shortages and verified in condition, as provided in chapter 8, AR 735–11. The Property Book Officer will enter on the shipping document the quantity actually received when it differs from quantity shown as shipped and will post the quantities received to the property book record.

(9) Discrepancies between the quantity shipped by the depot and that received by the Property Book Officer and variance in condition will be reconciled as rapidly as possible and appropriate records will be brought into agreement. When shortage or damage is not attributable to the carrier, the Property Book Officer will immediately contact the responsible source of supply, furnishing the stock number and document number involved, together with an explanation of the discrepancy. Reconciliation is particularly important in order to ensure a common point of departure in determining charges to be assessed upon termination of the activity. Replacement shipments, when required, will be covered by appropriate shipping documents.

(10) Special Instructions for Defense Logistics Agency, Clothing and Textile Items. (See DSAR 4140.27/AR 700–49).

(n) *Transportation.* (1) Transportation of equipment and supplies—The responsibility of coordinating movement of equipment and supplies placed on loan to the Boy Scouts of America during National and World Jamborees is delegated to the Commander, US Army Materiel Development and Readiness Command, ATTN: DRCMM–ST.

(2) All requisitions for items in question, will cite the appropriate project code and will be shipped by commercial bill of lading on a collect basis to all National Jamborees and World Jamborees held in the United States.

(3) Shipments to Boy Scout contingents at World Jamborees in foreign countries will be by Government bills of lading, unless otherwise specified by the Boy Scouts of America.

(4) All shipments directed to Boy Scout Jamborees will be routed by the most feasible means as determined by the shipper. Shipments will be consolidated to the maximum extent possible to assure the lowest charges available to the Boy Scouts of America.

(5) Separate shipping instructions will be provided for each Jamboree to assure that correct consignee and railhead addresses are furnished.

(6) Movement of Boy Scouts, Scouters, and officials living in the United States of America to a Jamboree within the United States of America or to a Jamboree in an oversea area shall be the responsibility of the Boy Scouts of America or the individuals concerned.

(7) No authority exists under Pub. L. 92–249 for the movement of Boy Scouts, Scouters, and officials via military capabilities other than those of the Military Airlift Command or the Military Sealift Command.

(o) *Transportation by vessels of the Military Sealift Command (MSC).* (1) The MSC does not operate any ships suitable for carriage of passengers on transoceanic routes. Although pertinent directives and Pub. L. 92–249 authorize the movement of Boy Scouts on Military Vessels, the MSC has no capability to provide such transportation.

(2) The MSC is an industrial-funded organization and charges the military service for sealift services provided in accordance with established rates. The host command will be responsible to compensate the MSC for any equipment or material moved on MSC ships. The limitations inherent in Pub. L. 92–249 stipulate that transportation support provided will be at no cost to the Government. Under these directions, Boy Scout equipment or materiel is not authorized movement on a space available basis without prior approval of the Secretary of Defense. Such approval is not anticipated.

(3) All billings for transportation provided by MSC will be forwarded to the appropriate Commander-in-Chief/Commander of the support major Army command (MACOM). Reimbursement will be requested by the MACOM Commander from the Boy Scouts of America.

(p) *Transportation of oversea based scouts, scouters, and other authorized personnel by military airlift to national or international jamborees.* (1) Space required reimbursable transportation by Military Airlift Command (MAC) airlift over established MAC channels is authorized from points outside the Continental United States (OCONUS) to aerial ports within CONUS, or to other oversea locations and return. Such transportation will be provided only to the extent that it does not interfere with the requirements of military operations, and only to those Boy Scouts, Scouters, and officials residing overseas and certified by the Boy Scouts of America (BSA) as representing the BSA at the Jamboree. Certification by the BSA will be in the form of a letter identifying each such individual as their authorized representative at the Jamboree. This letter of authorization must be presented to the sponsoring overseas command.

(2) Boy Scouts, Scouters, officials and their equipment will be moved after all space-required traffic, but before any space-available traffic.

(3) Each passenger is authorized the normal accompanying free baggage allowance of 66 pounds while traveling on MAC aircraft. It is not contemplated that any excess baggage allowance will be authorized.

(4) Transportation of Boy Scouts, Scouters, officials, and their equipment provided by MAC controlled aircraft will be reimbursed at the common user tariff rates assessed U.S. Government Traffic, as contained in AFR 76–11.

(5) On the basis of letters of authorization issued by the BSA, the BSA will monitor services provided by the Department of Defense. One copy of each BSA letter of authorization will be forwarded to the Commander, US Army Materiel Development and Readiness Command, ATTN: DRCMM–SP, 5001 Eisenhower Avenue, Alexandria, VA 22333, for planning purposes. This letter of authorization should specify whether one way or round trip transportation is requested.

(6) DACROM responsibilities include the following:

(i) Compiling a passenger forecast to be submitted to MAC in accordance with AR 59–8/OPNAVINST 4630.18C/AFR 76–38/MCO 4630.6B.

(ii) Providing Military Traffic Management Command (MTMC) an information copy of the passenger forecast.

(iii) Submitting all passenger requirements for one way and round trip transportation originating overseas to the appropriate overseas command.

(7) The responsibilities of the sponsoring overseas command include:

(i) Verifying that Scout passengers are officially authorized representatives of BSA in accordance with paragraph (p)(1) of this section.

(ii) Making all necessary passenger reservations with MAC, for transportation originating overseas, in accordance with AR 55–6/AFR 76–5/OPNAVINST 4630.23/MCO P4630.11. The oversea command will submit CONUS outbound return passenger requirements to Commander, Military Traffic Management Command, ATTN: MTMC–PTO–P, Washington, DC 20315.

(iii) Issuing each passenger a MAC Transportation Authorization (DD Form 1482) for transportation from the overseas location and return, when round trip transportation has been requested. The customer identification code, item (7) of the DD Form 1482, should be designated—JBWJ—which was approved by MAC as the permanent CIC for direct billing purposes to HQ, Boy Scouts of America, North Brunswick, New Jersey, 08902.

(iv) Ensuring that each Scout passenger has a completed DD Form 1381, signed by a parent, guardian or other legally responsible individual.

(v) Evaluating the use and necessity of military airlift within or between overseas locations. This evaluation will include such factors as reasonable travel time, number of connections required, and assurance of Scout group integrity. Surface transportation will normally be used for travel within an overseas area.

(8) The responsibilities of the MTMC include:

(i) Evaluating the return outbound passenger requirements and making the necessary transportation arrangements so as to maintain Scout group integrity at all times.

(ii) Assisting the BSA in completing required documentation and insuring that passengers are ready prior to the return flight.

(iii) Pub. L. 92–249 does not provide authorization for the use of the Department of Defense transportation by Scouts, Scouters, and Officials of foreign nations. All requests to transport such persons should be forwarded through the unified command channels to the Office of the Assistant Secretary of Defense (Public Affairs). However, DOD does not contemplate authorization for the use of MAC aircraft for other than U.S. Scouts, Scouters, and Officials.

(iv) Use of military helicopters in support of medical evacuation, VIP, press and photo-services—The Director of Army Aviation, the Department of the Army Staff Judge Advocate, and the Comptroller of the Army have furnished the general opinion that Pub. L. 92–249 authorizes the use of Military helicopters in support of the above described services to the extent they are reasonably available and permits the use of appropriated funds.

(q) *Determination of charges and settlement.* (1) All property on which repair cost is claimed will be held at the depot or post, camp or station until final charges are determined and a release is given by CDR, DARCOM, Department of the Army.

(2) The commodity command (military department) will prepare the following information and statement, and forward them, to CDR, DARCOM, Department of the Army, for final review:

(i) Complete Property Transaction Record and supporting documents.

(ii) Proper accounts for which reimbursement received for shortages and repairs are to be deposited.

(iii) The following statement: ''The losses and/or damages indicated on the Property Transaction Report in the amount of $——— represent the total claim by (appropriate commodity command or military department) relative to commodity command or military deparment property loaned to (Boy Scouts of America). Upon settlement and deposit to the proper account, the CDR of the commodity command or military department releases the (Boy Scouts of America) from further obligations.''

(iv) Statements as to the general type of repair (e.g., tentage, repair tears, insert new panels, replace grommets) will be reported on separate addendum to the Property Transaction Record for items requiring repair.

(3) The CINC/CDR, MACOM, will prepare the following information and statement for property furnished for

assets in the command and will forward this to CDR, DARCOM:

(i) Same as (q)(2)(i) of this section.

(ii) Same as (q)(2)(ii) of this section.

(iii) The following statement: The losses and/or damages indicated on the Property Transaction Record in the amount of $——— represent the total claim by (appropriate Army) relative to (appropriate Army) property loaned to (Boy Scouts of America). Upon settlement and deposit to the proper account, the CINC/CDR, MACOM releases the (Boy Scouts of America) from further obligations.

(iv) Same as (q)(2)(iv) of this section.

(4) CDR, DARCOM, will review the charges, inspect property to be repaired, if necessary, reconcile any discrepancies and determine final charges to be levied against the supported activity. Approved list of charges will be forwarded to the CINC/CDR, MACOM, for collection, and property being held for repair will be released.

(5) The CINC/CDR, MACOM, will prepare and dispatch a letter to the supporting activity and request payment made payable to the Treasurer of the United States. Upon receipt of payment, collection documents will be prepared and appropriate fiscal accounts, as furnished by the commodity command (military departments) ((q)(2) and (3) of this section) credited. The MACOM Surgeon will take action to reimburse the DLA stock fund for expendable medical supply losses reported. The CINC/CDR, MACOM, will close the Property Transaction Record Account.

(6) The CINC/CDR, MACOM, will advise the CDR, commodity command (military departments and CDR, DARCOM, DA) that settlement has been accomplished. Commodity command (military department) Property Transaction Records will be closed upon receipt of the foregoing advice.

(7) The CDR, DARCOM will advise the CINC/CDR, MACOM, to return the bond to Boy Scouts of America.

(8) In the event of unsatisfactory settlement, the proceeds of the bond will be used to satisy the claim. The Power of Attorney executed in connection with the agreement will be invoked and proceeds collected from the bond (fig. 7–7).

PART 623—LOAN OF ARMY MATERIEL

Sec.

AUTHORITY: 10 U.S.C. 2571; 31 U.S.C. 686; 10 U.S.C. 2667.

SOURCE: AR 700–131, 45 FR 62038, Sept. 18, 1980, unless otherwise noted.

§ 623.1 General.

(a) *Purpose.* This part sets forth policies and procedures for loan of Army materiel. As used in this regulation, the term ''loan'' includes a lease.

(b) *Applicability.* (1) This regulation applies to all Department of the Army (DA) agencies, commands, installations, and activities.

(2) This regulation applies to the Army National Guard (ARNG) only when the procedure for the loan of equipment under the procedure of National Guard Regulation (NGR) 735–12 does not apply.

(3) This regulation does not apply to loans governed by the DOD Military Assistance and Sales Manual, DOD 5105.38–M.

(4) This regulation does not apply to loans governed by the Defense Acquisition Regulation (DAR).

(c) *Scope.* This part outlines when loans of Army materiel may be made. It gives general procedures for requesting and processing loans, and sets forth

responsibilities, including requirements for reimbursement.

(d) *Explanation of terms.* (1) The terms ''loan,'' ''lease'' and ''bailment'' are contractual terms and are frequently used interchangeably. They have no meaning by themselves. It is necessary to study the statute to see what is required. Usually, a ''loan'' is thought of as a short-term transfer of property, sometimes with reimbursement; a ''lease'' is a more formal transfer, often long-term and requiring a fair monetary rental; and a ''bailment'' is a loosely-used term, generally reserved for a delivery of property to another in trust for the purpose of doing something to the property and then returning the property to the owner. The term ''issue'' is frequently used in the sense of a transfer of property which will be consumed in use. The terms ''gift,'' meaning a permanent transfer of property without reimbursement, and ''sale,'' meaning a permanent transfer with reimbursement, are outside the scope of this regulation.

(2) For additional definitions, see appendix A.

(3) The words ''he, him, his'' when used in this publication represent both the masculine and feminine genders, unless otherwise specifically stated.

(e) *Loan restrictions.* (1) Army materiel is not normally used for other than the Army's primary mission; however, under conditions described herein materiel not immediately needed to support mission requirements may be loaned to—

(i) Army and other Department of Defense (DOD) elements.

(ii) Non-DOD Federal departments and agencies.

(iii) Civil governments (State and local).

(iv) Special activities, agencies, and others.

(2) Table 2–1 lists various circumstances where loan of Army materiel might be requested. It identifies the applicable Federal laws or other authority which would authorize such loans.

(f) *Statutory authorities.* There are three basic federal laws which authorize the loan of Army property. There are also numerous specific statutes which authorize particular types of loans in limited situations. Unless there is a reason to use the specific statute, one of the basic statutes will be used.

(1) The following are the basic statutes:

(i) 10 U.S.C. 2571—Authority for loan of property within DOD.

(ii) 31 U.S.C. 686 (The Economy Act)—Authority for loans to other Federal departments and agencies.

(iii) 10 U.S.C. 2667 (The Leasing Statute)—Authority for loans/leases, including leases to activities outside the Federal Government.

(2) Following are some of the specific authorizing statutes:

(i) 10 U.S.C. 331—Federal aid for State governments as result of insurrection.

(ii) 10 U.S.C. 332—Use of militia and Armed Forces to enforce federal authority.

(iii) 10 U.S.C. 333—Use of militia or Armed Forces to suppress interference with state and federal law.

(iv) 10 U.S.C. 2541—Loan of equipment and barracks to national veterans organizations.

(v) 10 U.S.C. 2542—Loan of equipment to the American National Red Cross for instruction and practice.

(vi) 10 U.S.C. 2543—Loan of equipment to US Presidential Inaugural Committee.

(vii) 10 U.S.C. 2544—Loan of equipment and services to the Boy Scouts of America, for national and world jamborees.

(viii) 10 U.S.C. 2572—(See AR 870–20.) Loan of books, manuscripts, works of art, drawings, plans, models, and condemned or obsolete combat materiel not needed to—

(A) A municipal corporation.

(B) A soldiers monument association.

(C) A state museum.

(D) A nonprofit incorporated museum.

(E) Posts of Veterans of Foreign Wars of the USA.

(F) American Legion Posts.

(G) A local unit of any other recognized war veterans association.

(H) A post of the Sons of Veterans Reserve.

(ix) 10 U.S.C. 4308—Establishment and support of civilian rifle ranges.

(x) 10 U.S.C. 4311—Issue of rifles and ammunition for conducting rifle instruction and practice.

(xi) 10 U.S.C. 4651—Issue of arms, tentage, and equipment to support educational institutions that do not have ROTC but maintain a course in military training prescribed by the Secretary of the Army.

(xii) 10 U.S.C. 4652—Loan of rifles and issue ammunition for target practice to educational institutions having corps of cadets.

(xiii) 10 U.S.C. 4653—Issue of ordnance and ordnance stores to District of Columbia high schools.

(xiv) 10 U.S.C. 4654—Issue of quartermaster supplies at educational institutions that maintain a camp for military instruction of its students.

(xv) 10 U.S.C. 4655—Loan of arms and issue ammunition to other agencies and departments of the US Government.

(xvi) 10 U.S.C. 4656—Loan of aircraft and ancillary equipment to accredited aviation schools at which DA or Air Force personnel pursue courses of instruction.

(xvii) 10 U.S.C. 4683—Loan of obsolete or condemned rifles and accouterments to local units of recognized national veterans organizations for certain ceremonial purposes.

(xviii) 10 U.S.C. 4685—Loan of obsolete ordnance to educational institutions and state soldiers and sailors orphans' homes for purpose of drill and instruction.

(xix) 32 U.S.C. 702—Issue of supplies to State National Guard.

(xx) 33 U.S.C. 701n (Pub. L. 84–99 as amended)—Flood emergency preparation; emergency supplies of drinking water.

(xxi) 33 U.S.C. 1251 et seq (Pub. L. 92–500)—Federal Water Pollution Control Act.

(xxii) 42 U.S.C. 5121 et seq (Pub. L. 93–288)—Disaster Relief Act.

(3) Other statutory guidance:

(i) 10 U.S.C. 4307—Authorizes the establishment of a Director of Civilian Markmanship (DCM).

(ii) 18 U.S.C. 1385—Unlawful use of Armed Forces in local law enforcement.

(iii) 18 U.S.C. 3056 (as amended by Pub. L. 91–651)—Powers and duties of Secret Service.

(g) *Responsibilities.* (1) The Commanding General (CG), US Army Materiel Development and Readiness Command (DARCOM), through the Materiel Readiness Commands' (MRC) commanders, is responsible for loans of materiel controlled by DARCOM wholesale supply points.

(2) Major Army commands (MACOM) CGs and commanders in chief (CINCs) of unified commands (UCOMs) are responsible for loans of materiel from supporting units and installations.

(3) The Director of Military Support, Office of the Deputy Chief of Staff for Operations (ODCSOPS), is the DOD point of contact for the Federal Disaster Assistance Administration (FDAA), other Federal agencies, and the National Red Cross in disaster assistance matters.

§ 623.2 Loan policies.

(a) *Loan and approval policy*—(1) *Basic policies.* (i) Materiel is not loaned to non-DOD activities as a routine procedure. However, materiel in the Army inventory is available for loan for special purposes if approved. Approving authorities are listed in table 2–1; their addresses are in appendix B.

(ii) Loans will be approved or disapproved based on the purpose, duration of the loan, and consideration of the following factors which can take precedence over any loan.

(A) Military requirements and priorities.

(B) Continuity of military operations, troop survival, and the rehabilitation of essential military bases.

(C) Stocks and programed Army requirements. This includes prepositioned mobilization reserve stocks.

(D) Type classification with pending changes.

(E) Minimum diversion of Army stocks.

(F) The adequacy of the borrower's resources. Requesters will be encouraged to use their own resources.

(iii) Loan requests from civilian authorities or activities will normally enter Army channels at the installation or MACOM levels. If on-post or off-

post units receive loan requests, they will refer them to unit's supporting installation commander at once. Emergency loan requests will be relayed by telephone or electrically transmitted message.

(iv) When routine handling of a loan request would result in loss of human life, grave bodily harm, or major destruction of property, and when the lack of communication facilities prevents use of normal procedures, loans otherwise permitted by this regulation can be made with local approval. However, normal policy should be followed to the extent possible. If procedural requirements cannot be fully complied with, they must be met as soon as possible after the loan is made.

(v) Army materiel loaned under this part will be delivered to borrower ''as is, where is'' available.

(vi) Stocks of the least serviceable condition which are still suitable for the loan's purpose will be used. Logistic control code ''C'' materiel will be loaned before logistic control code ''B'' materiel. Logistic control code ''B'' materiel will be loaned before logistic control code ''A'' materiel. (Ref chap 9, AR 708–1.)

(vii) Commanders of medical treatment facilities (MTF) are subject to all the requirements of this regulation, including the requirement for reimbursement. However, in accordance with AR 360–61 which implements DOD Instruction 5410.19,

(A) Emergency loans of medical supplies (drugs, vaccines, etc.) may not be made without reimbursement, but the loan may not exceed 30 days and the medical supplies must be replaced in kind by the borrowing agency or activity; and

(B) Emergency loans of medical equipment not to exceed 15 days may be made without reimbursement if it is the practice in the community for other hospitals to make such loans. Equipment loans which exceed 15 days must be approved, in writing, by the MACOM commander and are subject to all the requirements of 10 U.S.C. 2667, including reimbursement.

(viii) Army property loaned to non-DOD activities will not be further loaned without approval of the original approving authority.

(ix) There will be no procurement or redistribution of assets to offset the effects of loans. Material will not be set aside, earmarked, assembled, or stockpiled to be available for use related to loans.

(x) Army materiel may be recalled from the borrower at any time to meet Army requirements.

(xi) Stock record accounting and financial transactions for loans will conform with existing regulations.

(xii) Borrowers are responsible for the care, custody, and proper use of materiel borrowed. Except as stated in this regulation, reimbursement will be required for damage, destruction, loss, fair depreciation in value, and for any Army repair, care, transportation, preservation, and protection of loaned equipment.

(xiii) Care, renovation, and repair of borrowed materiel will conform with the loan agreement.

(xiv) As indicated below, borrowers must provide signed loan agreements, provide surety bonds, and vehicular insurance prior to receipt of materiel. Loan agreements and bonds will be prepared in accordance with paragraphs (b) and (c) of this section.

Borrower	Loan agreement required	Surety bond required	Vehicular insurance required
Army or other DOD activities.	No[1]	No	No.
Non-DOD Federal departments and Agencies.	Yes	No	No.
Civil Authorities (State and Local Governments).	Yes	Yes[2]	Yes.[2]
Civilian Activities (veterans' organizations, youth groups, etc.).	Yes	Yes	Yes.

[1] A hand receipt or other document assigning responsibility will suffice.

[2] In emergency disaster relief cases, bonds and insurance may be provided after receipt of the materiel. (See paragraph (a)(4) of this section.)

(2) *Loans to DOD organizations.* Army materiel may be loaned to DOD activities for projects, programs, and mission requirements that support basic functions of the borrowing activity. Examples are field exercises, maneuvers, training exercises, including annual training (AT) of Reserve Components, and research development, test, and evaluation (RDTE).

(i) Loans of major end items belonging to MACOMs are approved by MACOM or UCOM commanders. Loans of materiel other than major end items are approved at commander/installation level.

(ii) Loans of materiel belonging to DARCOM (wholesale level) are approved as follows:

(A) *Materiels other than major end items.* By the director or deputy director of an MRC.

(B) *All other items.* By HQ DARCOM or commanders of MRCs unless loan would interfere with issue against DA Master Priority List (DAMPL) priorities, then by HQDA ODCSLOG (DALO-SMD).

(3) *Loans to federal departments/agencies.* Loans to Federal activities outside the DOD are usually provided under provisions of the Economy Act, 31 U.S.C. 686. Federal agencies borrowing DOD materiel using the provisions of this act are responsible for reimbursing the DOD for all DOD costs incident to the delivery, return, and repair of the materiel. The borrower is also responsible for reimbursing the DOD for depreciation if the depreciation cost is significant.

(4) *Disaster relief.*

(i) CONUS/OCONUS.

(A) In disaster situations local civil authorities must provide relief from their own resources. If this is not sufficient, and the American National Red Cross has a team at the disaster, requests for further assistance should be made to them. If the President has declared a major disaster or emergency, requests should be made to the regional director of the Federal Disaster Assistance Administration (FDAA). (See AR 500–60 for guidance.)

(B) The commanding General, US Army Forces Command (FORSCOM), acting for the Secretary of the Army (SA), is responsible for Army materiel support of disaster relief operations within the United States and the District of Columbia. UCOMs are responsible for disaster relief operations in US possessions and trust territories. These commanders are authorized to task DOD agencies and commands, consistent with defense priorities, to provide materiel in support of operations. A military representative will be appointed by the appropriate command to act as the DOD point of contact with the Housing and Urban Development (HUD) Federal Coordinating Officer (FCO) when military assistance is required during a Presidential declared disaster or emergency. When a disaster or emergency is of such magnitude, the disaster area may be geographically subdivided. A military representative will then be appointed for each FCO. All requests for military assistance will be passed through the FCO to the DOD military representative at the disaster area.

(C) The Director of Military Support (ODCSOPS), HQDA, acts at the DOD point of contact for the Administrator, FDAA, other Federal agencies, and the American National Red Cross in all disaster assistance matters.

(ii) Foreign. (A) The Department of State is responsible for deciding when emergency foreign disaster relief operations will be undertaken. This authority is delegated to Chiefs of Diplomatic Missions for disaster relief operations whose total costs will not exceed $25,000.

(B) Send queries on foreign disaster relief to HQDA (DAMO–ODS) (para 4, app B).

(5) *Civil disturbances.* The maintenance of law and order is primarily the responsibility of local and state authorities. In civil disturbance situations, a basic goal of the Federal Government is to minimize the involvement of active military forces. One of the most effective means of keeping Federal forces off the streets is to loan US Army civil disturbance type equipment to Federal, State, and local law enforcement agencies and also to the National Guard. (For specific guidance see AR 500–50.)

(i) Requests for loan of Army materiel during or for expected civil disturbances are of three types with approval authority as follows:

(A) *Group one.* Arms, ammunition, tank-automotive equipment, and aircraft. Loans will be approved by the SA or his designee.

(B) *Group two.* Riot control agents, concertina wire, and similar military equipment which is not included in group one. Loans will be approved by the SA (or his designee), or by an Army

task force commander employed at an objective are during a civil disturbance.

(C) *Group three.* Protective equipment such as masks and helmets; body armor vests; other equipment not included in group one or two such as clothing, communications equipment, and searchlights; and the use of DOD facilities. Such loans will be approved by the SA (or his designee); by MACOMs; by the CGs of CONUS armies, MDW, and by commanders of UCOMs outside CONUS as applicable. (NOTE: Firefighting equipment will not be used for riot control).

(ii) Queries concerning loans in support of civil disturbances will be forwarded to the Director of Military Support, HQDA(DAMO–ODS), WASH DC 20310. (See app B.)

(6) *Terrorism.* (i) The Department of the Army is the DOD Executive Agent for support to the FBI in combating terrorism. Existing civil disturbance loan procedures, including categories of equipment, apply to equipment loans to the FBI for combating terrorism. Military resources will be provided only upon request of the Director, FBI, or the Senior FBI official present at the scene of a terrorist incident. It may be difficult in some situations to determine whether a practical incident fits the definition of terrrorism. In these cases, commanders are authorized to accept the judgment of the FBI official making the request if it is supported by the available facts. (See para 3, table 2–1.)

(ii) For requests from the FBI in connection with terrorist incidents, any commander in the chain of command down to and including commanders of military installations are authorized to approve loans of group two and group three resources. (See paragraphs (a)(4)(1) (B) and (C) of this section.) Requests for equipment which involve technical/operating personnel, excluding fire-fighting equipment and explosive ordnance disposal, will be processed as a group one resource. For example, approval authority is retained by the DOD Executive Agent.

(7) *Aircraft piracy.* Assistance to other federal agencies in the protection of airways is provided through loans under guidance in paragraph 3, table 2–1. Specific limitations on such support are covered in AR 500–1.

(8) *Loan/lease to activities outside the Federal Government.* Title 10, U.S.C. 2667, authorizes the lease of Army materiel to non-DOD departments, agencies, activities, or individuals when it is determined that the materiel is not, for the period of the lease, needed for public use, is not excess property, and that the loan will promote the national defense or be in the public interest, (See AR 360–61.) Such a lease must not be for more than 1 year (or be renewed/extended for a total period of more than 5 years); it must provide that the lessee will pay a fair monetary rental. The fair monetary rental will be determined on the basis of prevailing commercial rates or computed according to sound commercial accounting practices for the fixing of rental on such property. This will include a return on capital investment and administrative cost as well as depreciation. The delegation of authority to lease is SAOSA–71–6, paragraph 1–5103, ADARS, the prescribed lease agreement is at paragraph 16–553, ADARS.

(b) *Loan agreements.* (1) Upon approval of a loan request and before shipment or issue of the materiel, the approving authority will complete a written loan agreement, DA Form 4881–R. In all cases, the statutory basis for the loan will be cited. The approving authority is acting for the DOD on loans to other Federal agencies, and for the United States on loans to civil authorities and special activities. The agreement will be signed by the approving authority and the borrowing activity. When emergency loans have been made as authorized by this AR, follow-up action will be taken at once to formalize the loan by completing a loan agreement.

(2) Loan agreements are mutually developed by the approving authority and the chief of the borrowing activity (or their designees). The agreements identify the responsibilities of all parties. They include terms and conditions of the loan. Appendix C illustrates a sample loan agreement, DA Form 4881–R (Agreement for the Loan of US Army Materiel), and specifies what the loan agreements will stipulate and contain. Also illustrated at appendix C is DA

Form 4881–2–R, which will be completed and appended to the loan agreement as ''Exhibit I.''

(3) Loan agreements will be held by the approving authority until termination and final settlement of each loan.

(4) If the loan agreement is signed by someone other than the chief borrowing official, than a Certificate for Signature by an Alternate will be completed. (See appendix D for DA Form 4881–1–R.) It will be attached to the signed (by the borrower) copy of the agreement that is retained by the approving authority. DA Forms 4881–R, 4881–1–R, and 4881–2–R are reproduced locally on 8½ by 11-inch paper.

(c) *Surety bonds.* (1) Some borrowers of Army materiel must post a surety bond. (See table 2–1 and DA Form 4881–3–R at app E.) Bonds ensure safe return of the borrowed materiel or reimbursement for any loss of or damage to the materiel. The bond will consist of —

(i) A properly executed surety bond with a certified bank check, cash, or negotiable US Treasury bonds, or

(ii) Notice of bond by a reputable bonding company deposited with the approving authority for the loan. Bonds will equal the total price of the borrowed items as shown in exhibit I to the loan agreement (app C, DA Form 4881–R). A ''double'' bond (bond equal to twice the value of the borrowed item(s)) will be required—

(A) For Army materiel loaned to the Red Cross for instruction and practice to aid the Army, Navy, or Air Force in time of war (10 U.S.C. 2542).

(B) For ordnance and ordnance stores loaned to high schools in the District of Columbia (10 U.S.C. 4653).

(2) The bond need not be posted by the borrowing agency itself. The source or originating agency for the bond is immaterial if the bond is valid. For example, to secure a loan, a State may post bond on behalf of a city, county, or other governmental body or authority within the State.

(3) In an emergency, when posting a bond would delay approval of an urgent loan request and when the total price is less than $1,000, the approval authority may approve the request. The approval is on the condition that the bond be posted within 5 days.

(4) Bond forfeitures or exceptions to mandatory forfeitures can only be made with the concurrence of the Secretary of the Army. Forfeitures will be based on actual expense incurred. Forfeitures do not release the borrowing agency from returning borrowed materiel or affect ownership. Bonds are normally forfeited under the following conditions:

(i) Materiel is not returned at the termination of a loan period or when return has been directed by the Army.

(ii) The borrowing agent refuses to pay for damages or other Army expenses.

(5) Surety bonds will be held by the approving authority until the loan is terminated and final settlement is made. At that time, the bond will be returned to the borrower.

(6) If US treasury bonds are posted as surety bond, the borrower must execute a power of attorney (DA Form 4481–4–R, app F). This will enable cashing of the treasury bonds if some forfeiture is required. DA Form 4881–3–R (Surety Bond) and DA Form 4881–4–R (Power of Attorney) will be reproduced locally on 8½ by 11-inch paper.

(d) *Loan duration.* (1) Loan periods and extensions will be shown in table 2–2.

(2) Materiel will be loaned only for the number of days needed for the specific purpose for which borrowed. Loan extensions must be justified. The reason(s) why other means or other than Army materiel cannot be used must be included. Approval of loan extensions will be based on the merit of the reasons given.

(3) Loan extensions authorized beyond 1 year will not be approved unless the lender of the loaned materiel has inspected and inventoried the materiel to insure completeness and serviceability.

(e) *Types of DA materiel available for loan.* Examples of types of items that may be loaned, and examples of the types of organizations that may borrow Army materiel, are listed in table 2–1. Most loans will be nonexpendable items or expendable items not forecast to be consumed (durable items). Expendable items (e.g., expendability code X) will not be loaned unless approved as an exception.

TABLE 2–1—LOAN AUTHORITY AND PURPOSE

[See footnotes at end of table]

Requester	Authority and guidance	Normal approving authority	Examples of materiel authorized
1. DOD Activities	10 U.S.C. 2571	Secretary of the Army (or designee)	Materiel, supplies, and equipment.
2. Department of Agriculture (U.S. Forest Service) protection against wildfire[2] (see AR 500–60 for guidance)[3].	31 U.S.C. 686; Memo of Understanding (MOU), Apr. 24, 1975; AR 500–60.	Secretary of the Army (or designee)	Communications, earthmoving, and vehicular equipment.
Avalanche Control[3].	10 U.S.C. 4655; 31 U.S.C. 686; AR 735–5; MOU Nov. 29, 1973.	Secretary of the Army (or designee)	Communications, howitzers, etc.
3. Department of Justice (FBI).	10 U.S.C. 331; 10 U.S.C. 332; 10 U.S.C. 333		Transport aircraft,[1] helicopters, flares, parachutes, communications equipment, arms, vehicles, etc.
Aircraft Piracy[1] (see AR 500–1 for guidance).	10 U.S.C. 4655; 18 U.S.C. 1385; 31 U.S.C. 686; DODD 3025.12; AR 500–1.	DOD General Counsel[1] or designee; in urgent cases, Deputy Director for Operations, NMCC.	
Terrorism[2]	AR 500–50	See item 7 below for[2] approval authority by equipment classification.	See item 8 below for[2] classification equipment.
Drug Enforcement Agency[1].	31 U.S.C. 686; AR 735–5, par. 1–16; CSR 1–25	Asst SECDEF (or designee)	Same as above.
4. Treasury Department (U.S. Custom Service) (U.S. Secret Service)[1].	18 U.S.C. 3056; 31 U.S.C. 686; AR 735–5, par. 1–16; DODD 3025.13; DODI 5030.34; AR 1–4.	Asst SECDEF (or designee); Mil Asst to the President; followed by the Spec Asst to the SECDEF; (overseas) CINC, UCOM's.	Same as above.
5. National Guard Equipment (loan to NG).	AR 735–5; 10 U.S.C. 2571	Secretary of the Army HQDA; CG FORSCOM; DARCOM	Material, supplies, and equipment.
6. Other Federal agencies emergency support[1] to Federal agencies (see AR 1–35 and AR 500–60 for guidance).	31 U.S.C. 686; AR 735–5; AR 1–35; AR 500–60; DODD 4000.19.	Spec Asst SECDEF; Secretary of the Army	Material, supplies, and equipment for flood fighting, rescue operations, repair/restoration of flood control works, or hurricane flood protection works.
Support to FPA/GSA Regional Field Boards[2] (see AR 15–17 for guidance).	AR 15–17; DODD 5100.74; OEP Civ 8500.6	HQDA; CG FORSCOM; CG CONUSA	Transportation, emergency power and fuel.
Support to Inaugural Committee.	10 U.S.C. 2543	SECDEF	Tents, flags, litters, ambulances, drivers, hospital furniture, camp appliances.
7. Support for Search and Rescue.	AR 500–2; FM 20–150; AR 525–90	CG FORSCOM; GC CONUSA	Search craft and crews.

TABLE 2–1—LOAN AUTHORITY AND PURPOSE—Continued

[See footnotes at end of table]

Requester	Authority and guidance	Normal approving authority	Examples of materiel authorized
8. Civil Authorities Civil Disturbance [2] (see AR 500–50 for guidance).	42 U.S.C. 5121 et seq.; 10 U.S.C. 331; DODD 3025.12; AR 500–50; AR 350–7; DACD Plan; Garden Plot.	Group One: DOD Executive Agent or designee	Group One: Arms, ammunition, tank-automotive equipment, and aircraft.
		Group Three: DOD Executive Agent or designee; CG MDW; CG CONUSA; and CINC's UCOM's, OCONUS.	Group Three: Firefighting resources, equipment of a protective nature (masks, helmets, body armor vests) and use of Army facilities.
Disaster Relief [2]	42 U.S.C. 5121 et seq.; DODD 3025.1; AR 500–60 and AR 930–5; DODD 5100.46.	CG FORSCOM; CG DARCOM for DARCOM stocks; and CINC's, UCOM's, OCONUS.	Same as 6 above.
Civil Defense	DODD 3025.10; AR 500–70	CG FORSCOM	Personnel, facilities, equipment, supplies, and services.
American National Red Cross for support of Army units in support of local civil government disaster relief.	MOU between DOD and ANRC, June 24, 1975	HQDA; The Adjutant General (DAAG–ASO–R)	Personnel, equipment, office space, equipment, supplies; and custodial, utility, maintenance, and communication services.
9. Environmental Protection Agency and U.S. Coast Guard (oil and hazardous substances pollution spills).	33 U.S.C. 1251 et seq.; DODD 5030–41; AR 500–60.	Same as disaster relief	Personnel, facilities, supplies, equipment, and transportation.
10. Boy and Girl Scouts of America (world or national jamborees) [3].	10 U.S.C. 2544; AR 725–1, ch. 7	MACOM CG on behalf of CG DARCOM	Bedding, cots, chairs, vehicles, buildings, etc.
11. Civilian Marksmanship Program (Clubs and Schools) [3].	10 U.S.C. 4308, 4311, 4651, 4652, 4653, 4685; AR 920–15; AR 920–20.	Secretary of the Army (or designee)	Arms and accouterments.
12. Community Relations and Domestic Action Programs [1] (Youth Conservation Corps).	AR 28–19; AR 360–61; 42 U.S.C. 2701	Installation commanders	Equipment or buildings which may aid in instruction to the disadvantaged.
13. Veterans Organizations (State and National Conventions) [3].	10 U.S.C. 2541	MACOM CG and CG CONUSA	Cots, bedding, chairs, tents, mattresses, pillows, unoccupied barracks, etc.

Burial Ceremonies	10 U.S.C. 4683	Secretary of the Army	Obsolete rifles.
14. Armies of the United Kingdom, Canada, and Australia (Standardization Program).	10 U.S.C. 2667; AR 34–1	CG DARCOM (those for equip valued over $100,000 and those not favorably considered by DARCOM will be referred to the DCSRDA, HQDA, for approval).	Equipment.
15. Aid to District of Columbia Government in Combating Crime[2].	DODD 5030.46; CSR 500–4	Secretary of the Army (or designee)	Communications, vehicles, aircraft, arms, etc.
16. Departments, agencies, municipalities, organizations, activities, and individuals.	10 U.S.C. 2667; SAOSA–71–6, par. 1–5103, ADARS.	Heads of Procuring Activity	Army property, not excess requirements, but not needed for period of lease. (See delegation of authority.)
17. Red Cross (Aid to DOD in time of war).	10 U.S.C. 2602; AR 930–5	DAAG	Office space, supplies and equipment; uniforms.
18. Army Flying Clubs	AR 230–1; DODD 1330.2	DAAG; CG FORSCOM	Army aircraft.
19. Civilian Activities	10 U.S.C. 2572; AR 870–15; AR 870–20	Chief, Military History	Historical properties and military art.
20. Civilian Educational Institutions.	10 U.S.C. 4654	Secretary of the Army	Quartermaster supplies.

[1] DA DCSOPS, Director of Military Support, has responsibility for these staff functions.
[2] DA DCSOPS, Director of Military Support, has responsibility for these executive agent functions. (See app. A for definition of this term.)
[3] DA DCSLOG, Director of Supply and Maintenance, has responsibility for these staff functions.

TABLE 2–2—LOAN PERIODS

Borrower/purpose	Initial	Loan periods [1] extension
1. DOD Activities	As needed for mission accomplishment	As needed for mission accomplishment.
2. Army National Guard (loan of equipment).	For minimum essential period as determined by requirements	For minimum essential period as determined by requirements.
3. Department of Agriculture (U.S. Forest Service) (protection against wildfire).	90 days	90 days.
4. Department of Justice (FBI) (Aircraft piracy).	For minimum essential period	For minimum essential period.
(Drug Enforcement Agency).	1 year or less as determined by requirements	1 year or less.
5. Treasury Department (U.S. Customs Service).	1 year or less as determined by requirements	1 year or less.
(U.S. Secret Service)	For minimum essential period as determined by requirements	For minimum essential period as determined by requirements.
6. Environmental Protection Agency/U.S. Coast Guard.	For duration of requirements.	

TABLE 2–2—LOAN PERIODS—Continued

Borrower/purpose	Initial	Loan periods [1] extension
7. Other Federal Agencies.	For minimum essential period	1 year.
8. Civil Agencies (Civil disturbances) Type I.	15 days during actual disorder	15 days.
Type II	90 days in anticipation of a disorder	90 days.
(Disaster relief)	For minimum essential period, no extension for use during rehabilitation unless requested by the FDAA.	
9. Boy and Girl Scouts of America (World or National Jamborees).	For duration of ''Jamboree'' plus period en route to or return from Jamborees.	
10. Civilian Marksmanship (Clubs and Schools).	1 year	1 year.
11. Civilian Community (Relations and Domestic Action Programs).	As justified by local requesters.	
12. American National Red Cross for support of Army units in support of local civil Government disaster relief.	Same as above for duration of requirements (office equipment)	Same as above.
13. Veterans' Organizations.	15 days	15 days.
14. To Armies of the United Kingdom, Canada, and Australia (Standardization Program).	1 year or less as determined by requirements	As negotiated.
15. Civilian Organizations:		
a. Arms and accouterments.	1 year or less as determined by requirements	1 year.
b. DLA stock fund items.	120 days	30 days.
c. Medical equipment	15 days	As negotiated.
d. Medical supplies (drugs, vaccines, etc. must be replaced in kind).	30 days	As negotiated.
e. All other items	Requester justification	As negotiated.
16. DA materiel provided under 10 U.S.C. 2667.	1 year	1 year.

[1] All extensions or loan renewals which extends the overall loan period beyond 1 year must be approved by the Secretary of the Army (or designee).

§ 623.3 Submission of requests for loan of Army materiel.

(a) *General.* (1) Loan requests will be expedited according to the situation's urgency. A situation may be so serious that waiting for instructions or approval from a higher authority is unwarranted. Commanders will then take action as required to save human life, prevent human suffering, or reduce property damage or destruction. (See § 623.2(b)(1).) Such emergency actions will be reported at once to higher authority according to § 623.7.

(2) Requests to the US Army for loan, or loan extension, will be promptly sent by the Army element that received the request through channels to the approving authority shown in table 2–1 or as specified in appropriate regulations.

(3) Loan requests will be made by the head of the Federal agency, civil authority, or civilian activity desiring the materiel. An exception is that requests from the Federal Disaster Assistance Administration (FDAA) will normally be initiated by an FDAA regional director rather than by the administrator. The requests should be made directly to the approving authorities shown in table 2–1.

(b) *The Army National Guard (ARNG).* Loan requests for property belonging to ARNG will be made under National Guard Regulation 735–12. (See para 5, table 2–1.)

(c) *General Procedures.* (1) *DOD activities.* DOD activities will borrow Army materiel as follows:

(i) Requests will be made in writing citing—

(A) Detailed justification for loan to include urgency of need.

(B) Duration of loan.

(C) Funds to defray transportation and handling.

(D) Serviceability requirements.

(ii) Approving authority involved will—

(A) Forward a loan agreement to requester. Loan agreements within DOD will often consist of letter requests, approving endorsements, and materiel issue document (DD 1348–1) transferring temporary accountability. Between units and activities, a hand receipt may be used as the loan agreement.

(B) Furnish positive identification of item to be loaned.

(C) Provide instructions for delivery of equipment.

(iii) DOD recipient of loaned Army materiel will—

(A) Forward accepted loan agreement to approving authority (all actions can be accomplished by electrically transmitted messages).

(B) Provide geographic location of equipment and specific activity that is responsible for care and preservation of loaned equipment.

(C) Return equipment to Army in condition received with normal allowance for fair wear and tear.

(2) *Non-DOD activities.* Non-DOD activities, including Federal agencies will request loan of Army materiel as follows:

(i) Non-DOD activities, and agencies, will send routine requests by letter 45 days before the materiel is required. Federal agencies may use Standard Form 344 (Multiuse Standard Requisitioning/Issue System Document). Requests will include the following:

(A) The DA approving authority. See table 2–1.

(B) Date request is submitted.

(C) Title of requesting agency and/or person authorized to receive or pick up the borrowed materiel. Be specific; e.g., Special Agent in Charge John Doe, FBI, Anytown, USA, (telephone number with area code) 123–456–7890.

(D) Type of loan; e.g., Boy Scout National Jamboree, American Legion Convention, etc. (with a short summary of circumstances).

(E) Statement that none of the requested materiel is internally available to the requesting activity.

(F) Statement that this support is not reasonably available from local government or commercial sources.

(G) Authority for the loan (if known); e.g., public law, US code, executive order, etc. See table 2–1.

(H) Positive identification of the type and quantity of items required. If national stock numbers and nomenclature are not available, identify the items needed by type, model, size, capacity, caliber, etc.

(I) Geographic location where the materiel will be located and used.

(J) Proposed duration of the loan.

(K) Statement that the agency has, or will ensure capability to properly operate, maintain, secure, and care for the borrowed materiel.

(L) If firearms are requested, a statement that adequate facilities are available to secure the arms. See § 623.5(a)(4).

(M) A statement that the borrowing activity will assume all responsibilities, liabilities, and costs related to the movement, use, care, security, loss, damage, and repair of the loaned materiel.

(N) Citation of funds to cover reimbursable costs. Also, a statement that an adequate bond will be provided, if required.

(O) A statement that the loan agreement prepared by the Army will be signed by the ''responsible official'' of the borrowing activity (or designee).

(P) Name, address, and telephone number of the person who will serve as the point of contact for the requesting agency, authority, or activity.

(Q) Complete instructions for delivery of the equipment to ensure that shipping instructions in the request are consistent with the urgency of the situation. State whether a small quantity shipped by air, express, or other fast means will satisfy immediate needs until bulk shipments can arrive. Also state quantity immediately required.

(R) If applicable, the number of persons to be accommodated.

(ii) Urgent requests may be made to meet expected or actual emergencies. Such requests may be made by telephone or by electrically transmitted message. Include information required in paragraphs (c)(2)(i) (A) through (R) of this section to the extent possible. The request will be presented to the approving authority. The borrower will then send a complete written request to formalize the emergency request.

(iii) If approval of the loan is granted, approving authorities will contact accountable property officers at CONUS installations (equivalent level overseas), or MRC item managers to determine which items are available. Installation requests to MRCs will state that the installation resources could not meet the loan requirements. Availability decisions will be based on normal management criteria including past and anticipated demand, asset balances, order-ship time, repair rate and repair cycles, and procurement schedules. If requested items are available and approved for issue, the approving authority (or designee) will—

(A) Negotiate and agreement;

(B) Obtain surety bond from the borrower when required;

(C) Provide reproduced copies of the signed documents to the appropriate accountable property office along with authorization to make the loan.

(iv) Approving authorities will maintain a system of numerical control for all loans. The accountable property officer will enter this number on all transaction documents related to each specific loan to include requisition, issue, shipping, turn-in, and financial documents.

(3) *The US Secret Service (USSS).*

(i) Army regulation 1–4 provides policies and procedures for Army support to the Secret Service. Support will be provided only on the request of the Director, United States Secret Service or his authorized representative. It will be provided only to assist the United State Secret Service in performance of its statutory protective functions.

(ii) Routine requests are sent by the United States Secret Service direct to the Office of the Special Assistant to the SECDEF for approval. Approved requests involving Army resources are tasked through HQDA (DAMO–ODS) to the proper command. Approved requests for resources of other Services are tasked direct to the proper Service.

(iii) Approved requests for resources to be used in oversea areas (regardless of Service) will be passed from the Office of the Special Assistant to the SECDEF to the Joint Chiefs of Staff (JCS) for tasking of the proper unified command.

(iv) In urgent situations, the United States Secret Service may request military resources from the nearest military commander who is authorized to take action consistent with the urgency. As soon as possible, they will seek guidance/approval through command channels to the approval authority (Spec Asst to the SECDEF).

(4) *Drug and narcotics interdiction activities.* All non-DOD Federal agencies requesting DOD resource in support of

drug or narcotics interdiction activities should send requests through their headquarters to DOD, ATTN: Deputy Assistant SECDEF (Program Management), WASH DC 20314. Concurrently, information pertaining to the request should be sent to HQDA (DAMO–ODS) (para 4, app B), or relayed by telephone (AUTOVON 225–2003 or the Army Operations Center 851–1800 during nonduty hours). The Deputy Assistant SECDEF will pass approved request to HQDA (DAMO–ODS), through the Office, Under Secretary of the Army, for determination of availability and readiness impact. If approved by the Under Secretary of the Army, ODCSOPS (DAMO–ODS) will task the proper MACOM to provide support. Requests for extension or changes to agreements will be processed as noted in tables 2–1, 2–2 and paragraph (a)(2) of this section.

(5) *The Federal Bureau of Investigation.* (i) Requests for aircraft piracy assistance, received from Federal authorities by Army field commands or activities, will be forwarded through command channels by telephone (confirmed by electrically transmitted message) to the Military Support Division, ODCSOPS (DAMO–ODS), AUTOVON 255–3848/7433/2003 (WATS 202–695–2003). These requests will be approved by the DOD General Counsel (or designee).

(ii) The requests will then be sent to the National Military Command Center (NMCC). It will coordinate between the lending accountable property officer and the borrower.

(iii) In urgent cases, the Deputy Director for Operations, NMCC, may approve requests upon his or her own responsibility. This is subject to a later report to the chairman of the Joint Chiefs of Staff and the DOD General Counsel.

(iv) Approved requirements will be passed to the Secretary of the Army by telephone and confirmed by electrically transmitted message. The Secretary of the Army will then assign the requirement to the proper command (or staff agency) which will contact the designated Federal civil official and confirm the details of the request. Modification of the requirement to better perform the mission is authorized if the Federal official agrees.

(6) *Enviromental Protection Agency (EPA), US Coast Guard (USCG), or National Response Team (NRT).* Non-DOD Federal agency requests for loan of materiel to combat oil and hazardous substance pollution spills will be made directly to the Commanding General, FORSCOM. Requests will be made by an ''On Scene Coordinator'' (OSC) of the EPA, or by the USCG acting for the Department of Transportation. The pollution spill NRT may also initiate requests. Approval authority is shown in table 2–1.

(d) *Civil Authorities.* Loans of materiel to civil authorities for use during civil disturbances and disasters will be made as follows:

(1) *Civil disturbances.* Requests for Army materiel in anticipation of (or during) civil disturbances will be promptly sent through command channels to the approving authority (UCOM commanders will coordinate requests originating from areas outside CONUS) as follows:

(i) Requests for resources that require Secretary of the Army approval will be sent through channels to HQDA (DAMO–ODS) (para 4, app B).

(ii) Requests for group three resources (§623.2(a)(5)) that are not available to commanders having the approval authority will be sent through channels to HQDA (DAMO–ODS). Intermediate commands may approve and make available the requested resources.

(iii) Requests received by other DOD agencies will be referred to local Army installation commanders for processing.

(2) *Disaster relief.* Requests for loan of materiel to support disaster relief will be handled as follows:

(i) Valid requests for disaster relief assistance (see §623.2(a)(4) for decision-making process) will be given to the DOD liaison (a military officer) assigned to the disaster; or forwarded to the CONUS Army commander in which the disaster occurs. (See appendix G.) If no Federal Disaster Assistance Administration (FDAA) official (HUD Federal Coordinating Officer (FCO)) is present at the disaster scene, requests may be received from the Red Cross.

(ii) HUD Regional Directors for FDAA, or FCOs, will send requests for loan of materiel to the Commanding General, FORSCOM, or to the proper CONUS Army commander. (Requests for Defense Civil Preparedness Agency (DCPA) resources will be sent to DCPA regional offices.)

(e) *Civilian Activities.* (1) *Veterans' Organizations.* Loan requests by authorized veterans' organizations (as listed in VA Bulletin 23A) will be sent to the commander of the CONUS Army area (or Commander, MDW), for the area where the materiel will be required. (See appendix G.)

(2) *Scouting Loans.* National and regional scout executives will send requests (restricted to DOD support of national and world jamborees) according to chapter 7, AR 725–1. (See §621.4 of this title.)

(3) *Loans/Leases Under the Provisions of Title 10 U.S.C. 2667.* Requests for loans from other civil activities and organizations may come into the DOD through various channels; e.g., telephone call to local installation commander, letter to Congressmen, or directly to the Secretary of Defense or Army. Each request will be forwarded to the authority having the item and having the authority to approve the request. (See appendix B and table 2–1.) In cases where approval is questionable, the request may be submitted through channels to HQDA (DALO–SMD) WASH DC 20310 (para 2, app B) recommending approval/disapproval action.

(f) *Loans to the United Kingdom (UK), Canada, and Australia.* All requests for loans (restricted to materiel for use in the ''Standardization Program'') to the UK, Canada, or Australia will be sent to Commander, DARCOM, ATTN DRC–IRD for approval. AR 795–204 addresses loans to other allied governments. (See DOD Military Assistance and Sales Manual, DOD 5105.38–M.)

(g) *Special Materiel Requests.*

(1) *Loan of Communications Security (COMSEC) Equipment.* Subject to provisions of this regulation, requests for loan of COMSEC equipment will be sent to the Commander, US Army Communications Security Logistics Agency (para 24, app B) for approval, loan action, and establishment of loan records. All loans of Army COMSEC equipment to civilian authorities or activities will be according to Technical Bulletin 380–41. Standard Form 153 will be annotated to show purpose of the loan, expected date of return, and authority for the loan. A copy will be sent to the Director, National Security Agency (NSA), ATTN: S3, Fort George G. Meade, MD 20755.

(2) *Loan of arms and accouterments.* Requests for loan of arms and accouterments will be sent by requesting agencies directly to the Secretary of the Army, Military Support Division, HQDA (DAMO–ODS) (para 4, app B). Requests received out of this channel will be returned to the originator for resubmission. The Secretary of the Army (or designee) is the approval authority. See §623.5 for procedures.

(3) *War reserves and operational project stocks.* Regulatory guidance with respect to loan of war reserves and operational project stocks to DOD organizations is found in chapter 8, AR 710–1. Loans of war reserves and operational project stocks to non-DOD activities will be according to this regulation and must be approved by HQDA (DALO–SMW) (para 3, app B).

(4) *Loan of historical property and art.* Requests for loans of Army historical property and military art will be sent to the Commander, US Army Center of Military History (para 4, app B). Specific information on such loans is found in AR 870–15 and AR 870–20.

§ 623.4 Accounting procedures.

(a) *Loan Document Format.* (1) When the lending accountable property officer receives copies of the loan request, loan agreement, surety bond (if required), and written loan authorization from the approving authority, the loan request will be converted to Military Standard Requisitioning and Issue Procedures requisition formal (DD Form 1348) as follows: (NOTE: In emergencies, authorization may be made by telephone. The format request, agreement, bond, and authorization will follow. Informal records should be also maintained.)

Card columns	Code or data
1–3	"AOE".
4–6	RIC of NICP (lender).

Card columns	Code or data
7	Media and status code.
8–22	National stock number.
23–24	Unit of issue.
25–29	Quantity.
30–43	Document number.
(30–35)	DODAAC of the requisitioner, if applicable, otherwise DODAAC of accountable property officer (lender).
(36–39)	Julian date.
(40–43)	Serial number.
44	"N" for nonrecurring demand.
45–50	Supplemental address (loanee DODAAC) for DOD units. For non-DOD activities enter the shipping destination.
(45)	"Y".
(46–49)	Julian date of receipt of loan request.
(50)	Alphabetic (except I or O) indicating which loan of the day is first; e.g., A-first, B-second, etc.
51	"M".
52–53	"G4" for loans to nonresearch and development activities. "G6" for loans to research and development activities.
54–56	Blank.
57–59	Project code if applicable. Note: This will be the same for all loans. Project codes will be assigned by Chief, Logistic Systems Support Activity, ATTN: DRXLS–LCC, Chambersburg, PA 17201. It will be sent by message to all interested addresses.
60–61	Priority.
62–64	RDD.
65–66	Blank.
67–69	Depot RIC.
70	Purpose code.
71	Condition code.
72	Management code.
73–80	Blank.

(2) Loaned property will be kept on the accountable records of the owning property account. The entry showing the quantities loaned will be supported by DD Form 1348–1 (receipt document), and copies of the loan agreement and surety bond (if required). The receipt document must be signed by the responsible official of the borrowing activity. It is then returned to the accountable property officer as a valid hand receipt for property accounting purposes.

(3) Loans will be processed by accountable property officers according to normal supply procedures except as modified by this regulation.

(4) Accountable property officers will keep loan files with enough documentation to provide an audit trail for loan transactions and a single source of accounting and billing for reimbursement. No separate property book accounts will be set up for these loans. Items, with dates shipped, will be identified by use of ''loan control numbers'' in loan jacket files and in supporting documentation. The files will include copies of—

(i) The loan request. If the request was made by telephone (urgent), a copy of the Memorandum for Record prepared to summarize the call will be used.

(ii) The loan agreement.

(iii) The surety bond (with cash, certified check, US treasury bonds, or adequate bond from a bonding company).

(iv) The approving authorization to make the loan.

(v) DD Form 1348–1 used for shipping the items.

(vi) A master loan register with the loan control number and shipping document number.

(b) *Shipment of Loaned Materiel.* (1) Loaned Army materiel will be shipped only to the chief of the borrowing activity or to a designee authorized to receive and sign for the materiel. To keep the materiel out of unauthorized hands, consignees (receivers) will be advised of the items and quantities to be loaned; the source of supply; whether the items are to be picked up or shipped; and of shipments made.

(2) All shipments of loaned equipment will be documented on DOD single line item ''release or receipt'' document (DD Form 1348–1). These will be initiated by the lending accountable property officer. Packing, crating, handling, estimated transportation costs, and serial numbers (if applicable) of items shipped will be shown on all copies. The consignee will be given advance copies of the DD Form 1348–1 as notice of shipment, and a list of DD Form 1348–1 document numbers. For loans to non-DOD activities two copies of the certificate below will be prepared by the accountable property officer (see fig. 1). It will accompany the DD Forms 1348–1.

''I certify receipt of and assume responsibility for the Army materiel listed on DD Form 1348–1. Control numbers on DD Form 1348–1 follow. The items were received in good condition except as noted on the DD Form 1348–1. Serial numbers have been verified (omit if not applicable).''

Signature of responsible officer

Typed name of responsible officer

Address of responsible officer

Date certificate was signed

Figure 1. Sample receipt certificate

(3) One copy of each signed DD Form 1348–1 (for non-DOD activities, one copy of the signed certificate) will be returned to the accountable property officer. Also, one copy of each will be kept in the borrower's file.

(4) The installation or depot transportation officer is responsible for coordinating movement of the items that must be shipped.

(5) Shipments, including those to foreign countries, will be made on commercial bills of lading (CBL). Freight charges will be paid by the borrower. The CBL will cite proper project codes. NOTE: In emergencies where use of CBL would delay shipment, government bills of lading (GBL) may be used subject to later reimbursement. Shipments to Boy Scout World Jamborees in foreign countries will be by GBL unless otherwise specified by the Boy Scouts.

(6) Shipments will be consolidated to the maximum to get the lowest charges available.

(7) Separate shipping instructions will be provided for each recipient, convention, jamboree, etc., to ensure correct consignee and railhead addresses.

(8) Transportation will be at no expense to the government. The Defense Transportation Services (Military Sealift Command, Military Airlift Command, and Military Traffic Management Command) will send all billings for such transportation costs to the US Army Finance and Accounting Center (USAFAC). The USAFAC will then bill the fiscal station servicing the accountable property office that made the loan. This fiscal station will then bill the borrower for these transportation costs. Army materiel loaned to non-DOD activities is not authorized for oversea movement on a space available basis by MSC or MAC without their prior approval.

(c) *Receipt of Borrowed Property.* (1) The person authorized to receive the materiel (whether shipped or picked up) will check the quantities received against the quantities shown on the DD Form 1348–1. This person will also verify the condition of the materiel. Any variation in quantity or condition must be resolved at once. If the shortage or damage is not due to a common carrier, the borrower will give the accountable property officer the National Stock Number, document number, and an explanation of the variation at once. This establishes a basis for assessing charges on termination of the loan. Replacement shipments, when required, will be covered by a DD Form 1348–1. All variations will be noted on the reverse side of the bill of lading.

(2) When a DD Form 1348–1 has not been received by the borrower and does not accompany the shipment, an informal report will be made to the accountable property officer at once. It will include the nomenclature, quantities, condition, and if applicable, the model numbers and serial number of all material received.

(3) When shipment has been verified, the borrower (or designee) will enter the quantity received on two copies of the DD Form 1348–1. Serial numbers will also be entered for serial numbered items. The completed copies of the DD Form 1348–1 will be signed by the authorized person. One copy of the DD Form 1348–1 and one copy of the signed certificate (receipt of the materiel) will be returned to the accountable property officer.

(4) If shipments are received damaged or short, take action described in § 623.4(g).

(d) *Accounting by Borrower.* Non-DOD borrowing activities should maintain a system of jacket files. This should include copies of all documents that authorize the loan of materiel and relate to loan transactions. Such files will insure return of materiel within the approved loan period. Files should be retained for audit or any other purpose as required. These files may be destroyed upon turn in of the borrowed materiel, final completion of accounting, and reimbursement for Army costs related to the loan. DOD borrowers will conform to the requirements contained in existing regulations.

(e) *Return of Borrowed Materiel*—(1) *General.* (i) Borrowed materiel will be returned to the Army in the condition received, less fair wear and tear, unless

the terms of agreement specify otherwise.

(ii) Property for which repair cost is claimed will be held at the Army depot or installation until final charges are determined and a release is given by respective property officers.

(iii) Return of materiel loaned to rifle clubs and schools will conform with §623.5.

(2) *Accountable property officer actions.*

(i) At the end of a loan period, recall, or upon notice by the borrower that the loaned materiel is no longer needed, the accountable property officer will send a letter of instruction to the borrower for return of the materiel. He will verify or modify the turn-in instructions provided in the loan agreement.

(ii) These procedures will be used by accountable property officers to terminate loans:

(A) For loans up to 30 days no specific termination action is necessary except when materiel is not returned by the loan due date. Then, a written loan termination notice will be sent to the borrower. A follow-up notice will be sent every 15 days until the materiel is returned or other settlement is made.

(B) For all other loans 15 days before the loan is due, a loan termination notice will be sent by the lending activity to the borrower verifying (or modifying) the turn-in instructions.

(C) Follow-up of loan termination notice will be made every 15 days until the materiel is returned or other settlement is made.

(iii) After receiving inspection reports (§623.4(e)(3)) and final shipment receipts, the accountable property officer will clear the loan records.

(iv) The accountable property officer will then advise the borrower of the transaction completion by furnishing receipted copies of the receiving document(s).

(v) The accountable property officer will notify the servicing finance and accounting office (FAO) of any reimbursement required.

(3) *Actions by the receiving installation, depot, or arsenal.* (i) The installation, depot, or arsenal receiving activities will inspect returned materiel.

(A) If the quantity received differs from the quantity shipped, the actual quantity received will be entered on the DD Form 1348–1.

(B) If the condition of the property differs from that noted on the DD Form 1348–1, the variation will be stated.

(ii) Loaned materiel returned in an unserviceable condition will be inspected by qualified technical inspectors at installation level and by quality assurance activities at depots to determine condition code.

(A) If the condition of returned materiel is the same as noted on the receipt document or the prepositioned materiel receipt card, the item will be processed as a normal receipt.

(B) If there is a discrepancy in the actual condition of the item or in the assigned code on the receipt document, obtain an estimate of repair cost and continue normal receipt documentation processing.

(C) The receiving depot or installation will prepare an Inspection and Surveillance Report for each returned item that needs repair. Cards will also be prepared for shortages. The cards will include the cost of equipment repair or the value of shortage. A minimum of two copies of each report will be sent to the proper acountable property officer.

(f) *Loan Inventories.* (1) If a loan has been approved or extended (by the SA) for a period longer than 1 year, the accountable property officer will inspect and reconcile loan accounts with the borrower at the end of each 12-month period.

(2) If no discrepancies are noted, the accountable property officer will file the signed annual inventory form in the borrower's memorandum receipt jacket file.

(3) If the inventory shows that amounts and kinds of Army materiel for which the borrower is responsible differ from that actually in his possession, the accountable property officer will—

(i) For overages, assume accountability for the overages noted on the annual inventory form. Use a copy of the annual inventory form as a debit voucher to the account. No approval of this voucher is needed.

(ii) For shortages, act to obtain reimbursement for the value of the missing property or to adjust the discrepancy by report of survey.

(g) *Lost, Damaged, and Destroyed Materiel.* (1) When loss or damage occurs during shipment, DOD and Federal agencies will refer to AR 55–38 for specific instructions.

(2) Damage or loss which is the fault of the carrier will be billed to the carrier after reconciliaton.

(3) Army materiel lost, damaged, or destroyed while in the possession of rifle clubs or schools will be handled as described in § 623.5.

(4) Any Army materiel loaned at the request of an FDAA Regional Director which is not returned according to instructions in this chapter will be reported to the borrower and to the FDAA Regional Director. The latter will arrange for proper reconciliaton and reimbursement.

§ 623.5 Loan of arms and accouterments.

(a) *General.* (1) Loan of arms and accouterments requires special processing and handling. Loans to DOD and non-DOD activities will be handled as a normal loan according to instructions in this section with the added requirement of maintaining serial number visibility. Loans of arms and accouterments as included herein are not applicable to Army National Guard (ARNG).

(2) The Commanding General, Armament Readiness Command (ARRCOM) (ATTN: DRSAR–MMS) has been designated by Commanding General, Materiel Development and Readiness Command (DARCOM), as being responsible for keeping a centralized serial number visibility record for all small arms made for the Army. ARRCOM maintains accountable property records for loans to organizations such as the Director of Civilian Marksmanship (DCM); and for loans to non-DOD activities such as the Federal Bureau of Investigation (FBI), United States Secret Service (USSS), United States Customer Service (USCS); or rifle clubs, educational institutions, and veterans' organizations.

(3) Requests for loan of arms which are type classified standard (logistics control code A or B) will be filled with the lowest type classified items available.

(4) Borrowers of Army arms will be fully responsible for the care, custody, and proper use of loaned materiel. Physical security measures must be equal to or greater than the minimum requirements set forth in Army Regulation 190–11 and Army Regulation 190–49.

(5) If borrowed arms are lost, stolen, or unaccounted for, the borrower must inform the lender (accountable property officer), the local police, and the FBI within 24 hours after discovery.

(6) This regulation does not apply to arms issued to Reserve Officers Training Corps units under the National Defense Act. Army Regulation 710–2 is applicable.

(b) *Loans to Civilian Activities (Other Than Rifle Clubs and Educational Institutions).* (1) Arms and accouterments may be loaned by the Army to civilian authorities and to civilian activities as follows: (§ 623.5(c) covers rifle clubs and institutions.)

(i) For use in protection of public money and property (10 U.S.C. 4655).

(ii) Obsolete or condemed rifles (not more than 10), slings, and cartridge belts may be loaned to local units of any national veteran's organization for use by that unit in ceremonies. (For example, a funeral for a former member of the armed forces.) The organization must be recognized by the Veterans' Administration (VA) (10 U.S.C. 4683).

(iii) Arms and accouterments loaned to organizations listed in § 623.5(c)(1) for a period of 1 year or less will be accounted for by ARRCOM. Loans of items that exceed 1 year will be accounted for by the DCM under § 623.5(c).

(2) Requests for loan (or extension of loan) of Army arms and accouterments will be sent by requesting agencies through HQDA (DALO–SMD), (para 2, app B) to the Secretary of the Army. Requests received outside of this channel will be returned to the originator for direct submission to the address above.

(3) Requests approved by the Secretary of the Army (or Under Secretary) will be sent to ARRCOM, (para 12 app B) Rock Island, IL 61299, for

completion of a formal loan agreement and issue of items.

(4) Requisitioning, accounting, and reimbursement procedures are given in § 623.4. However, upon receipt of signed copies of DD Form 1348–1 with the listing of verified serial numbers from the consignee, the ARRCOM Arms and Accouterments Property Officer will send the required transaction data to the DOD Small Arms Serialization Program (DODSASP) at ARRCOM. These data will indicate that the small arms on loan to other Government agencies are accounted for under DOD Activity Address Code W52P41.

(5) Shipment and returns are described in § 623.4 except as follows:

(i) The responsible property officer for materiel or loan will request disposition instructions from the accountable property officer when loaned materiel is no longer needed or at the end of the loan period. Loaned materiel may be withdrawn from the borrowing activity at any time to satisfy military requirements.

(ii) The accountable property officer will:

(A) Issue shipping instructions for the return of property to a designated installation. The letter of instruction will contain a MILSTRIP document number (AR 725–50) for each line item scheduled for return to be used for the shipment. The shipper will be directed to cite this document number on the shipping document.

(B) Prepare and submit to the receiving installation a prepositioned materiel receipt card (DOD Materiel Receipt Document (DD Form 1486)) (Document Identifier DWC) as advance notice of the shipment.

(*1*) Exception data will be annotated as follows: ''Return of Loan from Other Government Agency—Report Receipt of Arms and Accouterments Accountable Property Officer, ATTN: DRSAR–MMD.''

(*2*) A copy of the letter of shipping instructions (paragraph (b)(5)(ii) of this section) will be inclosed with the prepositioned materiel receipt card for information.

(iii) Upon receipt at the receiving installation, property will be inspected immediately. Cost of repairing unserviceable items and cost of replacement, if irreparable, will be determined at time of inspection. The MILSTRIP receipt card will be mailed to the accountable property officer with estimated damage cost and detailed materiel condition as exception data.

(iv) Upon notification of materiel receipt, the accountable property officer will:

(A) Clear the loan record with a credit entry and process the receipt to the inventory records as an increase on hand to asset balance.

(B) Furnish receipted copies of the receiving document to the consignor and the responsible property officer closing the transaction.

(c) *Loans to Rifle Clubs and Educational Institutions*—(1) *Authorization.* Arms and accouterments may be loaned to rifle clubs and educational institutions for periods established in table 2–2 under the following conditions:

(i) Rifled arms may be loaned to civilian rifle clubs for promotion of marksmanship training among able-bodied US citizens (10 U.S.C. 4308).

(ii) Arms, tentage, and equipment, as the Secretary of the Army deems necessary, may be loaned to an educational institution to provide proper military training where there is no ROTC, but there is a course in military training prescribed by the Secretary of the Army and there are at least 100 physically fit males over 14 years of age (10 U.S.C. 4651).

(iii) Magazine rifles and appendages may be loaned to schools having a uniformed corps of cadets of sufficient number for target practice. Models loaned must not be in use at the time, or needed for a proper reserve supply (10 U.S.C. 4652).

(iv) Ordnance and ordnance stores may be loaned to Washington, DC, high schools for military instruction and practice (10 U.S.C. 4653).

(v) Obsolete ordnance and ordnance stores may be loaned to educational institutions and to State soldiers', sailors', and orphans' homes for drill and instruction if recommended by the Governor of the state or territory concerned (10 U.S.C. 4685).

(2) *Director of Civilian Marksmanship (DCM).* The President may detail an officer of the Army or Marine Corps as

Director of Civilian Marksmanship (10 U.S.C. 4307). The DCM is responsible for—

(i) Control and accountability of Army materiel issued to civilian rifle clubs;

(ii) Policies and procedures for the issue of arms and ammunition to civilian rifle clubs; and

(iii) Ensuring proper bonding of clubs before issue of Army materiel. The Secretary of the Army has further made the DCM similarly responsible for loans to institutions (schools).

(3) *Property transactions.* US Army Armament Materiel Readiness Command (ARRCOM) will transfer accountability for materiel shipped to civilian rifle clubs and institutions to the DCM. The DCM will keep a mission stock record account for these items as shown in Army Regulation 710–2. In addition, the account will note all property transactions between the DCM and civilian rifle clubs and institutions as follows:

(i) Loan and return of arms and accouterments to (from) civilian rifle clubs and institutions will not be posted to the accountable record as loss or gain vouchers. They will be posted as ''loan transactions'' with the DCM retaining accountability. In addition to debit, credit, and adjustment voucher files, the DCM accountable property officer will keep a ''loan voucher'' file in two sections; e.g., ''active'' and ''terminated.''

(A) The active section (suspense for items on loan) will contain DD Form 1348–1 or a letter acknowledging receipt of the items. (The signature of the borrower will be according to paragraph (4) (v) or (vi) of this section.) This section will contain a folder for each activity serviced by the DCM. The active loan vouchers will be filed in National Stock Number and voucher number sequence. This section serves as the DCM loan record.

(B) The terminated section (for items no longer on loan) will contain the original loan shipping document (loan voucher). The return receipt document which terminates the loan will be attached. The receipt document will contain the original shipping document number and the return advice code ''IQ.''

(ii) Shipments of expendable items (e.g., ammunition, targets, etc.) will be posted as a credit to the accountable record. Accountability will be dropped (These items are deemed to have been consumed at the time of issue).

(iii) Expendable items returned by rifle clubs and institutions will be posted to the accountable record as a debit voucher. The DCM will determine disposition of these items.

(4) *Requisition procedures.* (i) The DCM will prepare requisitions based on information from the rifle clubs or institutions. DA Form 1273 (Requisition for Articles Authorized for Issue to Civilian Rifle Clubs) will be used. Two completed copies of the requisition will be sent to the requester.

(ii) The rifle club or institution will complete the form and return one signed copy to the DCM, HQDA, Secretary Field Directorate Marksmanship (SFDM), (para 7, app B) and keep one copy for file.

(iii) On receipt of the signed copy of DA Form 1273, the DCM will take proper issue action. When more arms are required by the DCM, a DD Form 1348 will be prepared and sent to the Secretary of the Army for approval (AR 725–50).

(iv) The supply source responsible for the loan will ship the materiel directly to the rifle club or school.

(v) DD Forms 1348–1 received with the shipment or by mail, will be annotated and signed by the person authorized to receive and sign for property for the rifle club or school. The quantity and condition of the items received will be entered thereon. This entry will be based on a physical check and inspection of the materiel. Serial numbers of items received (if applicable and not noted) will also be entered. Two of the completed copies will be signed by the person authorized to sign for the club or institution. They will be mailed to the DCM, HQDA Secretary Field Directorate Marksmanship (SFDM). The third completed copy will be kept in the unit's file.

(vi) If a DD Form 1348–1 is not received with the shipment or is not received by mail, a receipt letter will be sent to the DCM. It will set forth the nomenclature, quantities, condition, and serial numbers (of serial-numbered

items) of all property received. This letter will be sent as soon as possible after receipt of the property. The receipt letter will be used by the DCM as a loan voucher. One copy will be recorded in the voucher register and placed in the voucher file. The loan action will be posted to the DCM stock record account.

(5) *Property returns.* When property is returned by civilian rifle clubs or institutions, the DCM will prepare seven copies of the DD Form 1348–1. Five copies will be mailed to the rifle club or institution; one will be kept in suspense in the club's or institution's jacket file; and one will be sent to the US Army Management Systems Support Agency (USAMSSA), Wash., DC 20310, to update the ''rifles intransit program.'' The rifle club or institution will enter on the five copies the shipment date, how shipped, the quantity shipped, and other necessary data not entered by the DCM and distribute the five copies as follows:

(i) Two copies to the consignee (receiving depot, arsenal, or installation). One copy of the DD Form 1348–1 received by the consignee will be used to tally the shipment and to account for property received. The other copy will be signed by the accountable property officer (or representative) and will be sent to the DCM to terminate the open receipt in the loan voucher file.

(ii) One copy with the shipment.

(iii) One copy to the DCM, HQDA (SFDM), accompanied by the bill of lading (where available).

(iv) One copy retained by the rifle club or institution.

(6) *Lost, damaged, or destroyed property.* Loss, damage, or destruction of property in the possession of a rifle club or institution will be reported within 24 hours by telephone to the DCM (202–693–6460), the local police, and the FBI. All public and local laws must be complied with. Rifles and other equipment (except ammunition) that becomes unserviceable will be reported to the DCM by the club or institution. The DCM will give instructions for return of the equipment without expense to the government. Any equipment damage or loss that is the fault of the club or institution will be determined by a report of survey (AR 735–11). The club or institution must then reimburse the DCM. The DCM may replace damaged equipment after reimbursement. Government property lost or destroyed without fault or neglect on the club's part will be replaced, if replacements are available. The club will pay only shipping and handling charges.

[AR 700–131, 45 FR 62038, Sept. 18, 1980; AR 700–131, 61 FR 45890, Aug. 30, 1996]

§ 623.6 Reimbursement for loan of Army materiel.

(a) *Reimbursement Policies and Procedures.* (1) *Policies.* (i) DA elements do not program for costs related to loan of Army materiel.

(ii) Loans to non-DOD Federal activities are made on the basis that there will be no extra cost to the Army. Costs that are in addition to normal Army operating expenses will be reimbursed by the borrower. This provision will be a part of the loan agreement.

(iii) In cases of aircraft piracy, civil disturbance, disaster relief, or protection of the President or visiting dignitaries, emergency support will not be withheld for lack of a formal reimbursement agreement. In these cases, the supporting Army element will absorb initial costs (within existing fund availability). Reimbursement will be coordinated later.

(iv) Loans made under the provisions of Title 10 U.S.C. 2667 will provide that the borrower must pay a fair monetary rental. The fair monetary rental will be determined on the basis of prevailing commercial rates or computed by sound commercial accounting practices including a return on capital investment and administrative cost as well as depreciation. Leases made under this code section will include a provision establishing the rental cost of the materiel and method of payment.

(v) The Army National Guard (ARNG) is responsible for reimbursement of costs, over and above normal DA operating expenses, related to the borrowed Army materiel.

(vi) Support to the United States Secret Service (USSS) will be on a reimbursable basis except for costs directly related to protection of the President

or Vice President. Requests for reimbursement for all other support for USSS will be according to AR 37–27.

(vii) The cost of emergency support will be billed directly to the recipient.

(2) *Procedures.* (i) The Army accountable property officer handling the loan of DLA stock fund items will coordinate DLA billings and borrower reimbursement. The borrower can make payment directly to the Defense Stock Fund.

(ii) Installation financial accounting for ''accounts receivable'' will conform with Army Regulation 37–108.

(iii) The finance and accounting office (FAO) supporting the supplying accountable property officer will record all charges, including accounts receivable of Army Stock Fund offices (or branch offices), in separate ledger accounts for each borrower.

(iv) Charges and collections recorded in each loan account will be reported per Army regulations and directives prescribing the reporting of the fund status in any current fiscal year.

(v) Billing will be initiated on Standard Form 1080, and sent to the borrower within 30 days of turn-in of materiel and loan termination. For loans of arms and accouterments and issue of ammunition pursuant to 10 U.S.C. 4655, the Standard Form 1080 will be annotated to show that collections are to reimburse DA appropriations.

(vi) Special appropriations established to support disaster relief will be used promptly by Army commanders concerned to ensure that all direct expenses are charged to the special appropriation. Exclude those charges subject to reimbursement by the American National Red Cross (ANRC). ANRC reimburses for supplies, materiel, and services for which they are responsible in the disaster area.

(b) *Reimbursable Costs.* Unless specifically stated, borrowing agencies, authorities, and activities will reimburse the Army for all costs related to loan of Army materiel to include but not limited to the following:

(1) Any overtime pay and pay of additional civilian personnel required to accompany, operate, maintain, or safeguard borrowed equipment.

(2) Travel and per diem expenses of Army personnel (military and civilian).

(3) Packing, crating, handling, and shipping from supply source to destination and return. This includes port loading and off loading.

(4) All transportation including return for repair or renovation.

(5) Hourly rate for the use of Army aircraft.

(6) Petroleum, oil, and lubricants (POL) (including aviation fuel).

(7) The cost of materiel lost, destroyed, or damaged beyond economical repair except for Army aircraft, motor vehicles, or motor craft used in connection with aircraft piracy.

(8) Utilities (gas, water, heat, and electricity). Charges will be based on meter readings or other fair method.

(9) Any modification or rehabilitation of Army real property which affects its future use by DA. In such cases the borrower will also bear the cost of restoring the facility to its original form.

(10) Repair/overhaul of returned materiel. Renovation and repair will conform with agreement between the Army and the borrower. (See paragraph (e)(1) of this section.)

(11) Repair parts used in maintenance or renovation.

(12) Price decline of borrowed stock fund materiel at which returned property can be sold.

(c) *Nonreimbursable Costs.* The following costs are normal operating expenses of the Army for which no reimbursement is required:

(1) Regular pay and allowances of Army personnel (except travel) and per diem costs.

(2) Administrative overhead costs.

(3) Annual and sick leave, retirement, and other military or civilian benefits except as provided in certain cases; e.g., Army Industrial Fund regulations.

(4) Telephone, telegram, or other electrical means used to requisition items, replenish depot stocks, or coordinate the loan.

(5) Charges for the use of Army motor vehicles and watercraft except POL and per diem costs (paragraph (b) of this section).

(6) The use of real property (except as required for utilities, modification, etc.).

(d) *Funding Records.* (1) Records of all costs (other than normal operating expenses), related to loans of Army materiel, will be kept at the accountable property officer level by the supporting finance and accounting office. This will be done within existing Army financial accounting systems.

(2) Separate subsidiary general ledger accounts and/or files of documents showing the total value of all issues and materiel returned for credit, and supporting documentation will be set up by the finance and accounting office. The accounts will be kept current for each loan action so reports may be made as prescribed; and so that accounts receivable can be processed for billing and collection action.

(e) *Determination of Charges and Settlement.* (1) Returned materiel will be promptly classified by a qualified inspector with action as follows:

(i) Materiel classified as unserviceable, uneconomically reparable will be billed at 100 percent of value.

(ii) Materiel classified as unserviceable, economically reparable will be billed for reduced utility (if appropriate) as well as for repair/overhaul costs.

(iii) The depreciation of borrowed materiel will be determined by technical inspectors according to Army Regulation 735–11. When qualified inspectors are not available, returned property will be received with ''condition'' shown as ''subject to final classification by DA.'' Accountable property officers will complete classification promptly so charges and billing can be made within 30 days of return of materiel.

(2) All returned property which needs repair will be examined by a technical inspector to find cost of repair. Then the accountable property officer will prepare a property transaction record with supporting documents. These records will be sent to the proper MACOM commander or CINC of UCOM for final review. They will include—

(i) A statement on the transaction record identifying the financial account to which the reimbursement money is to be deposited.

(ii) A statement on the transaction record (if appropriate) as follows: ''The losses and/or damages shown on the Property Transaction Record in the amount of $——— represent the total claim by the US Army for property loaned to ———————. Upon settlement and deposit to the proper account, lender releases the ——————— from further obligations.''

(iii) A description of the type and degree of repair (separate addendum).

(3) After the final review, an approved list of charges will be sent to the servicing finance office for collection. The property will be released for repair and returned to stock.

(4) The finance office will send a letter to the borrower requesting payment (payable to the Treasurer of the United States). Upon payment, collection documents will be prepared and fiscal accounts credited. The MACOM or UCOM Surgeon will ensure the stock fund is reimbursed for expendable medical supply losses reported.

(5) The finance office will advise the loaning accountable property officer that settlement has been made. Property transaction records will be closed.

(6) The approving authority will then return the bond to the borrower.

(7) The value of supplies and equipment returned to the Army will be credited to the account originally debited at the time of issue. FDAA Regional Directors may find that it is not in the public interest to return borrowed materiel that has not been consumed, lost, or damaged. They will negotiate with the CONUS Army concerned for proper reimbursement for the borrowed materiel not returned.

(f) *Delinquent and Uncollectable Accounts.* (1) In cases of unsatisfactory settlement, bond proceeds will be used to satisfy the claim.

(2) If this does not settle the account, then 6 months after the final report and after all collection efforts have failed—

(i) Servicing finance offices will send delinquent ''accounts receivable'' reports to commanders of CONUS Armies and DARCOM readiness commands, and to CINCs of UCOMs, by forwarding—

(A) Duplicate copies of Standard Form 1080 billing documents showing complete accounting classification to which reimbursement is to be credited.

(B) Duplicate copies of all supporting documents.

(C) One copy of any correspondence showing the reason(s) for nonpayment of the account.

(ii) The CONUS Army Commanding General, CINC of UCOM, or Commanding Generals of DARCOM Materiel Readiness Commands, will also try to collect for these delinquent accounts. If all efforts fail, these accounts, (with any delinquent accounts applicable to billings initiated within their own headquarters) will be sent to the Director of Comproller Systems, HQDA (DACA–BUS). (Para 1, app B). The letter of transmittal will state that the accounts are transferred according to this regulation. A copy will be sent to the FAO handling the accounts. The FAO will then transfer the account to inactive status. A Standard Form 1017G (Journal Voucher) will be prepared showing a debit to account 3052 (Transfer of Accounts Receivable) and a credit to the proper accounts receivable.

(iii) Appropriations available to the accountable property officer or installation will be used for reimbursing; e.g., the Army Stock Fund or Army Industrial Fund accounts. Any later reimbursements received will be credited to the Army appropriation from which payment was made.

(3) Upon receipt of the accounts included in paragraph (f)(2) of this section, the Comptroller, HQDA (DACA–BUS), will take further collecton action under normal operating procedures. All later collection action is the responsibility of the Comptroller. Accounting records and reports will conform with normal procedures. When further collection effort by the Comptroller fails, these accounts will be dropped from receivable balances of the Army. They will be referred to the General Accounting Office (GAO).

§ 623.7 Reports.

(a) *General.* Reports of Army materiel loaned to non-DOD activities must be forwarded as described below.

(b) *Aircraft Piracy*. (1) Commands and agencies providing aircraft piracy support will initially report through command channels by telephone to the HQDA, (DAMO–ODS). (Para 4, app B.) Confirmation will be made by electrically transmitted message to HQDA, ATTN: DAMO–ODS. These reports are exempt from reports control under Army Regulation 335–15. Initial reports will include all available details. Following is a guide for content of reports.

(i) Supporting unit.

(ii) Home station of supporting unit.

(iii) Support provided and duration of requirement.

(iv) Changes, if any, in support requested or duration of requirement as made by the Federal civil official in charge.

(v) Additional remarks.

(2) A final report noting termination of support will be made.

(c) *Civilian Rifle Clubs and Schools.* (1) Each affiliated club and institution (schools) must file an annual report (DA Form 1277, Annual Statistical Report of Civilian Rifle Club) on the anniversary date of the loan with the DCM.

(2) A roster of club members will list each member required to fire annually. It will include the full name, address, and age; the DCM course; score; and the date the member fired for record.

(3) A description of the club's procedures and facilities for safekeeping arms and ammunition will be appended to the roster of club members.

(d) *Civil Disturbances.* (1) Requests to meet civil disturbances are of two types:

(i) Type I—Requests to meet an urgent need during an actual disorder.

(ii) Type II—Requests in anticipation of an imminent civil disorder.

(2) Approving authorities, other than the Secretary of the Army, will prepare reports (RCS DD–A(AR)1112) on all requests for loan of Army materiel to support civil disturbances. The reports will be sent within 2 working days after receipt of the request. They will be prepared in the format shown in Army Regulation 500–60. They will also serve as ''the request'' when no other written request is available.

(3) The reports will be sent to the (HQDA (DAMO–ODS)). When reports are received from unified or specified commands, ODCSOPS will send an information copy to the Joint Chiefs of Staff (JCS) National Military Command Center (NMCC).

(4) The Secretary of the Army will send information copies of civil disorder reports to the DOD General Counsel and the US Deputy Attorney General.

(5) Reports of civil disturbance operation costs (RCS DD–A(AR)1112) also will be prepared as shown in Army Regulation 500–60.

(e) *Disaster Assistance.* When Army materiel is loaned in support of disaster assistance, CONUS Army Commanding Generals and UCOM CINCs will send reports as follows:

(1) *Initial reports.* Initial reports will be made by telephone to the Commanding General, FORSCOM (AUTOVON 588–3912), who will, in turn, telephone the report to the Military Support Division, ODCSOPS, AUTOVON 225–2003 or 7045). This will be followed within 12 hours by a Tempest Rapid Materiel Report in message form and sent electrically. The message report will be prepared according to Army Regulation 500–60.

(2) *Daily message reports.* Tempest Rapid Daily Materiel Reports of Army materiel loaned to support disaster relief will also be sent by electrically transmitted message. The reports will cover the 24-hour period from 0601Z to 0600Z. The reports must arrive at the HQDA (DAMO–ODS), no later than 1100Z the same day. Daily reports will be sent according to the format in Army Regulation 500–60 except that part III will not be included. Also, ''no change reports'' may be made by telephone. On the day of the last daily message report include the words FINAL DAILY REPORT in the subject line.

(3) *Final reports.* In addition to the final Tempest Rapid Daily Materiel Report, a final report on military assistance provided will be sent within 45 working days of termination of disaster assistance. The CONUS Army Commanding General will send the report by 1st Class Mail through the Commanding General, FORSCOM, to the HQDA (DAMO–ODS). The final report will include—

(i) An historic account of the disaster.

(ii) Cumulative totals of support given.

(iii) A statement of accomplishments.

(iv) Actual or estimated expenses excluding costs incurred by the Corps of Engineers under Pub. L. 84–99. Costs will be reported by Service by appropriation, using three columns to identify normal costs, incremental costs, and total costs.

(v) The status of reimbursements requested from borrowing Federal agencies, and civilian authorities and activities. If reimbursement has not been completed by the date of the final report, a separate cost report will be sent upon final reimbursement payment.

(vi) Lessons learned.

(4) *Information copies.* Information copies of all reports will be sent to the proper HUD Regional Directors for FDAA and DCPA Regional Offices.

(5) *Additional information.* Additional information may be needed by Federal officials. Normally, such requests will be telephoned by ODC SOPS Military Support Division to the Commanding General, FORSCOM.

(6) *Pollution spills.* The Commanding General, FORSCOM, will report committal of Army resources to the HQDA (DAMO–ODS), by the fastest means. Daily and final Tempest Rapid Materiel Reports will be sent with ''not applicable'' shown in paragraphs 8, 9, and 10 of the report.

(f) *Drugs and Narcotics Interdiction Program.* (1) Army staff agencies will submit monthly status reports of actions that support this program. The reports will be as of the last day of June and December, respectively. Reports will be sent to HQDA (DAMO–ODS), 4 working days after the end of the designated months. Reports will summarize all support during the period to include pending or terminated support plus estimated cost of items.

(2) Based on information received in these reports, ODCSOPS will prepare a report of the drug and narcotics interdiction assistance given by the Army. This report will be sent through the Army Chief of Staff to the Secretary of the Army.

(g) *United States Secret Service (USSS).* Army commands and agencies providing materiel support (routine or urgent) to the USSS will report any significant problems or deviation from

the approved request at once. Reports will be telephoned through command channels.

(h) *Other Reports.* Active Army accountable property officers will make semiannual reports on open loans. The reports will be prepared as of the last day of July and December. They will be sent by the 15th day of the following month. These reports will include the items on loan, quantity, dollar value, and duration of the loans. The reports will be sent to the approving authority.

APPENDIX A TO PART 623—EXPLANATION OF TERMS

As used in this regulation, the following explanation of terms apply:

ACCOUTERMENTS. Equipment that is associated with small arms characterized as personal and individual that is available from Army stocks.

APPROVING AUTHORITY. The person (or designee) authorized to approve specific types of loans of Army materiel. (See table 2–1 and app B.)

ARMS. Weapons for use in war.

CIVIL AUTHORITIES. Those elected and appointed public officials and employees who govern the 50 States, District of Columbia, Commonwealth of Puerto Rico, US possessions and territories, and governmental subdivisions thereof.

CIVIL DEFENSE. All those activities and measures designed or undertaken to:

a. Minimize the effects upon the civilian population caused, or which would be caused, by an enemy attack upon the United States.

b. Deal with immediate emergency conditions which would be created by any such attack.

c. Effect emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack (JCS Pub 1).

COMMUNITY RELATIONS PROGRAM. A program of action, to earn public understanding and acceptance, conducted at all levels of military command wherever stationed. The program includes participation in public events, humane acts, and cooperation with public officials and civil leaders (AR 360–61).

DEFENSE CIVIL PREPAREDNESS AGENCY (DCPA). A defense department agency responsible for plans and preparations for civil defense and assistance to local governments in disaster relief planning.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD). The Federal department responsible for directing and coordinating Federal assistance for major disasters on behalf of the President.

DOMESTIC ACTION PROGRAM. A program of assistance to local, State, and Federal agencies for the continued improvement and development of society (AR 28–19 and para 4–10, AR 360–61).

EMERGENCY. Any catastrophe in any of the United States which in the determination of the President requires Federal supplementary emergency assistance.

EMERGENCY MEDICAL TREATMENT. The immediate application of medical procedures to wounded, injured, or sick, by trained professional medical personnel.

EXECUTIVE AGENT. That individual or his designee authorized to act as the US Government's agent in making certain loans of government materiel. The President of the United States has delegated to the Secretary of the Army (or to his designee, the Under Secretary of the Army) authority, as Executive Agent, to approve certain loans of DOD materiel to non-DOD activities. (See table 2–1.) Other ''approving authorities'' act as ''Executive Agents'' for the US Government, but do not have that title.

FEDERAL AGENCY. Any department, independent establishment, government corporation, or other agency of the executive branch of the Federal Government, except the ANRC.

FEDERAL COORDINATING OFFICER (FCO). The person appointed by the President to operate under the HUD Regional Director for Federal Disaster Assistance Administration to coordinate Federal assistance in Presidentially declared emergency or major disaster.

FEDERAL DISASTER ASSISTANCE ADMINISTRATION (FDAA). The agency within HUD delegated the disaster relief responsibilities previously assigned to the Office of Emergency Preparedness.

FEDERAL FUNCTION. Any function, operation, or action carried out under the laws of the United States by any department, agency, or instrumentality of the United States or by an officer or employee thereof.

FEDERAL PROPERTY. That property which is owned, leased, possessed, or occupied by the Federal Government.

IMMINENT SERIOUS CONDITION. Any disaster or civil disturbance which is of such severity that immediate assistance is required to save human life, prevent immediate human suffering, or reduce destruction or damage to property.

LOCAL GOVERNMENT. Any county, parish, city, village, town, district, Indian tribe or authorized tribal organization, Alaska native village or organization, or other political subdivision of any State.

MAJOR DISASTER. Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earth-quake, drought, fire, or other catastrophe which, in the

determination of the President, is or threatens to be off sufficient severity and magnitude to warrant disaster assistance by the Federal Government. This assistance supplements the efforts and available resources of States, local governments, and relief organization in alleviating the damage, loss, hardship, or suffering caused thereby.

OBJECTIVE AREA. A specific geographical location where a civil disturbance or disaster is occurring or is anticipated.

ROUTINE REQUESTS. Requests resulting from situations which are reasonably predictable or do not require immediate action to prevent or reduce loss of life, property, or essential services. Reduced efficiency of the requester's operation is not in itself grounds for classifying a request higher than routine.

SMALL ARMS. Hand and shoulder weapons for use in war.

SURETY BOND. A bond, including dollar deposit, guaranteeing performance of a contract or obligations.

TERRORIST INCIDENT. A form of civil disturbance which is a distinct criminal act committed or threatened to be committed by a group or single individual in order to advance a political or other objective, thus endangering safety of individuals or property. This definition does not include aircraft piracy emergencies.

THREATENED MAJOR DISASTER. Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe which, in the determination of the Administrator, FDAA, threatens to be of severity and magnitude sufficient to warrant disaster assistance by the Federal Government. This assistance will be used to avert or lessen the effects of such disaster before its actual occurrence.

URGENT REQUESTS. Those resulting from unforeseeable circumstances, civil disturbances, civil defense needs, aircraft piracy, secret service requirements, and disasters when immediate action is necessary to prevent loss of life, physical injury, destruction of property, or disruption of essential functions.

YOUTH GROUPS. Youth groups are groups such as the Boy Scouts of America; Girl Scouts of the United States of America; Civil Air Patrol; Camp Fire Girls, Incorporated; The Boy's Club of America; Young Men's Christian Association; Young Women's Christian Association; Four H Clubs; and similar groups.

APPENDIX B TO PART 623—APPROVING AUTHORITY ADDRESSES/TELEPHONE NUMBERS*

B–1. HQDA (DACA–BUS), WASH DC 20310, Telephone: AUTOVON 225–6336, WATS 202–695–6336;

B–2. HQDA (DALO–SMD), WASH DC 20310, Telephone: AUTOVON 227–5960, WATS 202–697–5960;

B–3. HQDA (DALO–SMW), WASH DC 20310, Telephone: AUTOVON 227–3159, WATS 202–697–3159;

B–4. HQDA (DAMO–ODS), WASH DC 20310, Telephone: AUTOVON 225–2003, WATS 202–695–2003;

B–5. HQDA (NGB–ZA), WASH DC 20310, Telephone: AUTOVON 227–2430, WATS 202–697–2430;

B–6. HQDA (DASG–HCL), WASH DC 20310, Telephone: AUTOVON 227–8286, WATS 202–697–8286;

B–7. Director, Civilian Marksmanship (SFNB) Room 1E–OM3, West Forrestal Building, 1000 Independence Avenue, SW., Telephone: AUTOVON 223–6460, WATS 202–693–6460;

B–8. Commander in Chief, US Army, Europe and Seventh Army, APO New York 09403;

B–9. Commander, First US Army, Fort George G. Meade, MD 20755, Telephone: AUTOVON 923–7500, WATS 301–677–7500;

B–10. Commander, Fifth US Army, Fort Sam Houston, TX 78234, Telephone: AUTOVON 471–4707, WATS 512–221–4707;

B–11. Commander, Sixth US Army, Presidio of San Francisco, CA 94129, Telephone: AUTOVON 486–4110, WATS 415–561–4110;

B–12. Commander, US Army Armament Materiel Readiness Command, ATTN: DRSAR–MMS, Rock Island, IL 61229;

B–13. Commander, US Army Armament Research and Development Command, Dover, NJ 07801;

B–14. Commander, US Army Aviation Research and Development Command, PO Box 209, St. Louis, MO 63177;

B–15. Commander, US Army Communications and Electronics Materiel Readiness Command, Fort Monmouth, NJ 07703;

B–16. Commander, US Army Communications Research and Development Command, Fort Monmouth, NJ 07703;

B–17. Commander, US Army Communications Security, Logistics Agency, ATTN: SELCL–NICP–IM, Fort Huachuca, AZ 86513;

*Telephone numbers are provided for principal loan approving authorities and agencies responsible for specific loans IAW table 2–1.

B–18. Commander, US Army Forces Command, Fort McPherson, GA 30330, Telephone: AUTOVON 588–2694, WATS 404–752–2694;
B–19. Commander, US Army Health Services Command, Fort Sam Houston, TX 78234;
B–20. HQDA (DAMH–HS), WASH DC 20314;
B–21. Commander, US Army Military District of Washington, Fort Leslie J. McNair, Washington, DC 20319;
B–22. Commander, US Army Missile Materiel Readiness Command, Redstone Arsenal, AL 35809;
B–23. Commander, US Army Missile Research and Development Command, Redstone Arsenal, AL 35809;
B–24. Commander, US Army Security Assistance Center, ATTN: DRSAC, 5001 Eisenhower Avenue, Alexandria, VA 22333, Telephone: AUTOVON 284–9638, WATS 202–274–9638;
B–25. Commander, US Army Tank-Automotive Materiel Readiness Command, Warren, MI 48090;
B–26. Commander, US Army Tank-Automotive Research and Development Command, Warren, MI 48090;
B–27. Commander, US Army Test and Evaluation Command, Aberdeen Proving Ground, MD 21005;
B–28. Commander, US Army Training and Doctrine Command, Fort Monroe, VA 23651, Telephone: AUTOVON 680–3112, WATS 804–727–3112;
B–29. Commander, US Army Troop Support and Aviation, Materiel Readiness Command, 4300 Goodfellow Boulevard, St. Louis, MO 63120.

APPENDIX C TO PART 623—AGREEMENT FOR LOAN OF US ARMY MATERIEL (DA FORM 4881–R)

APPENDIX C
AGREEMENT FOR LOAN OF US ARMY MATERIEL (DA FORM 4881–R)

AGREEMENT FOR THE LOAN OF US ARMY MATERIEL
For use of this form, see AR 700-131; the proponent agency is DCSLOG.

NOTE: For loan/lease pursuant to 10 USC 2667, see Army Defense Acquisition Regulation Supplement (ADARS), paragraph 16-553, for prescribed agreement.

This form will be used to enter into agreements relative to the loan of Army materiel between the United States Army and —

1. Non-DOD Federal departments and agencies. 2. Civil authorities. 3. Civilian activities.
Paragraphs below are applicable to all three cases, as cited above, unless otherwise specified at the beginning of each paragraph.

This loan agreement is entered into, by, and between the United States of America, hereinafter called "the lender,"

represented by (b) _____

for the purpose of entering into this agreement; and (a) _____

hereinafter called "the borrower," represented by (c) _____

for the purpose of entering into this agreement.

1. PURPOSE. Under the authority of (d) _____, the lender hereby lends to the borrower and the borrower hereby borrows from the lender the Government materiel, hereinafter called " the materiel," listed and described in Exhibit 1 hereto attached and incorporated by reference into

the terms of this agreement, which materiel is required by the borrower for (e) _____

_____.

2. TERM. This loan of materiel is intended to meet a temporary need covered by federal law. The borrower will keep

the materiel only for the period of (f) _____. Loans may be renewed, if justified, and requested by the borrower and approved by the lender. Nevertheless, the lender may revoke and terminate this agreement and demand return of the materiel in whole or in part at any time.

3. CONDITIONS. This agreement is predicated upon the following conditions:

a. The lender will make every effort to ensure that each item of the materiel is furnished to the borrower in a serviceable and usable condition according to its originally intended purpose. However, if the use for which the materiel is loaned will permit, materiel of a lesser condition will be loaned. This lesser condition will be noted on the appropriate loan documents. Nevertheless, the lender makes no warranty or guarantee of fitness of any of the materiel for a particular purpose or use; or warranty of any type whatsoever.

b. The borrower will appoint a representative for the purpose of making joint inspection and inventory of all materiel when the borrower physically picks up or returns the borrowed materiel. Upon pickup *(or receipt after shipment)* of the borrowed materiel, the chief of the borrowing activity *(or his authorized representative)* will sign the appropriate documents acknowledging receipt and possession of the materiel. Upon return of the materiel to the Army, the borrower will certify that "the quantities listed in the shipping document(s) are correct." In instances where borrower representatives, authorized to receive and sign for borrowed materiel, are not available when the materiel is delivered, all claims for costs related to the loan will be valid.

c. The borrower is responsible for care and maintenance of borrowed materiel during the term of the loan. The borrower will provide sufficient personnel and facilities to adequately operate, maintain, protect, and secure the borrowed materiel. The borrower will maintain the materiel in a serviceable condition and ascertain that it is returned to the Army in as good a condition as when it was loaned *(fair wear and tear excepted)*. Records of maintenance performed will be kept and returned to the Army with the borrowed materiel. *(NOTE: When appropriate, the borrowing activity will place the materiel in a "properly preserved" status prior to or upon return.)*

d. The borrower will store, safeguard, and secure high value items, or arms in a manner consistent with common practice, public law, and local ordinances.

e. The borrower will prevent misuse of borrowed materiel; or its use by unauthorized persons.

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f. The borrower will neither make nor permit any modification or alteration of any borrowed materiel except with permission of the approving authority for the loan.

g. The borrower will not mortgage, pledge, assign, transfer, sublet, or part with possession of any borrowed materiel in any manner to any third party either directly or indirectly except with the prior written approval of the lender.

h. At all times the lender shall have free access to all loaned materiel for the purpose of inspecting or inventorying it.

i. The borrower will return borrowed materiel to a location designated by the lender when the materiel is no longer needed; upon termination of the loan period *(including any approved extension)*; or upon demand therefore by the lender. The lender will provide documents to be used by the borrower to return the materiel.

j. (Applicable to agreements involving the loan of an Army building.) The building will not be moved. Upon termination of its use, the borrowing activity will vacate the premises, remove its own property therefrom, and turn in all Government property.

4. PAYMENT. The borrower will reimburse the lender for expenses incurred in connection with this loan as provided below:

a. (Applicable to loan agreements with civil authorities — except for FDAA requested disaster assistance — and civilian activities only.) Before delivery of any materiel by the lender, the borrower will post with the approving authority a surety bond and a certified bank check, a cash deposit, US Treasury bonds, or bonding company bond in the amount of the total value of the materiel as shown in Exhibit I. *(See paragraphs 2—3a(1) and 2—3a(2), AR 700-131, for exceptions where a "double bond" is required.)* The bond, marked Exhibit II, is hereto attached and incorporated by reference into the terms of this agreement.

b. (Applicable to loan agreements with civil authorities — except for FDAA requested disaster assistance — and civilian activities only.) Should the borrower fail to return any of the borrowed materiel or fail to reimburse the lender within 30 days after receiving a request for payment of expenses, the bond shall be forfeited as liquidated damages in an amount equal to the expense to the Government.

c. (Applicable to loan agreements with civil authorities — except for FDAA requested disaster assistance — and civilian activities only.) Payment of liquidated damages by forfeiture of any portion of the bond to the Government shall not operate as a sale to the borrower of any of the materiel available to be returned, but not returned to the lender, nor to extinguish the lender's right to have the available missing materiel returned. Should the borrower later return to the lender any of the missing materiel on account of which a portion of the bond was forfeited as liquidated damages, the borrower shall be entitled to recoup from the lender a sum equal to 90 percent of the price of the returned materiel as shown on Exhibit I, less an amount in payment for expenses, if any, computed in accordance with Chapter 6, AR 700-131, and less an amount for depreciation.

d. (Applicable to loan agreements with civil authorities and civilian activities only.) If the normal life expectancy of borrowed materiel can be determined by reference to applicable military publications, the amount to be assessed for depreciation shall be computed by the straight line method using the price shown on Exhibit I and the date of expiration or termination of this loan as initial points. When normal life expectancy is not established by applicable military publications, the amount for depreciation shall be computed by the same method, applying a uniform depreciation rate of 50 percent per annum.

e. (Applicable to loan agreements with civil authorities and civilian activities only.) The borrower will assume all responsibility for Army claims arising from the possession, use, or transportation of the borrowed materiel; and, agrees to hold the lender harmless from any such claims and liability. The borrower will protect the interests of the lender by procuring comprehensive insurance for all borrowed materiel to include coverage for liability, property damage, fire, and theft; and deductible collision insurance for motorized vehicles. The borrower will file duplicate copies of such insurance policy(ies) with the lender and prepare accident reports in accordance with existing laws and local ordinances.

f. The borrower will bear the cost of pickup and return of borrowed materiel; and, will reimburse the lender for costs incurred incident to packing, crating, handling, movement, and transportation of the materiel.

g. The borrower will reimburse the lender for any expenses necessary to repair, rehabilitate, or preserve the materiel following its return to the lender. *(NOTE: Of any borrowed materiel, unless depreciation is significant.)*

h. The borrower will reimburse the lender *(as indicated and at the price shown on Exhibit I)* for the cost of all of the expendable materiel *(including, but not limited to, petroleum, oil, and other lubricants)* used or consumed during this loan.

i. The borrower will reimburse the lender for costs incident to the pay of Army personnel who may be temporarily required to operate, maintain, guard, or otherwise attend to borrowed Army materiel. This includes travel and per diem costs for both Army uniformed and civilian personnel, and regular salary and overtime costs for Army civilians.

(DA Form 4881-R)

DA Form 4881-R—continued.

j. The borrower will reimburse the lender for any other expense to the lender arising in connection with the loan of Army materiel.

k. (Applicable to loan agreements with Federal departments and agencies only.) The lender will indicate the specific accounting classification(s) against which any charges as enumerated above will be charged.

5. OFFICIALS NOT TO BENEFIT. No member of or delegate to Congress shall be admitted to any share or part of this loan or to any benefit arising in connection with it.

6. CONTINGENCY FEES. No person or agency acting for or on behalf of the borrower to solicit or obtain this loan shall be paid any commission, percentage, brokerage, or contingent fee in any way connected with this loan.

7. DISPUTES. Any disputes concerning a question or fact arising under this loan agreement which are not mutually disposed of by the lender and the borrower shall be decided by the Secretary of the Army as the Government's Executive Agent, or by his designee.

Done at (g) _____ this _____ .

TYPED NAME, GRADE/RANK OF ARMY APPROVING AUTHORITY FOR THE LOAN, OR HIS DESIGNEE	SIGNATURE OF APPROVING AUTHORITY OR HIS DESIGNEE
TYPED NAME OF CHIEF EXECUTIVE OR HIS AUTHORIZED DESIGNEE OF THE BORROWING AGENCY, AUTHORITY, OR ACTIVITY	SIGNATURE OF CHIEF EXECUTIVE OR HIS DESIGNEE

(DA Form 4881-R)

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DA Form 4881-R—continued.

INSTRUCTIONS FOR PREPARATION OF AGREEMENT FOR THE LOAN OF US ARMY MATERIEL (DA FORM 4881–R)

Note. The lettered blank portions of the loan agreement are to be completed as specified in the following paragraphs with the same letters.

(a) Enter, as appropriate, the name of the Federal agency; city, county, state, or other civil governmental body; or special activity (e.g., Boy Scouts of America, American Legion) which is borrowing the Army materiel.

(b) Enter name and title of the Army approving authority for the loan, or his designee.

(c) Enter name and title of the borrowing activity's chief executive (e.g., John Doe - Secretary of the Treasury, Governor of the State of Iowa, National Commander of the American Legion, etc.) or his authorized (in writing) designee.

(d) Enter the appropriate authority for the loan from table 2–2, this regulation (e.g., Public Law, US code, DODD).

(e) State the purpose of the loan (use to which the borrowed materiel will be put); e.g., disaster relief activities in support of the Johnstown, PA, flood; National American Legion Convention at Chicago, IL; etc.

(f) Enter the calendar period (duration of the loan; e.g., 1 March 1978 to 15 April 1979.)

(g) Enter location, day, month, and year that the agreement was signed.

(h) Signature of the Army approving authority for the loan, or his designee.

(i) Signature of the chief executive, or his authorized (in writing) designee, of the borrowing agency, authority, or activity.

Note 2. Exhibits I and II will be prepared as attachments to the loan agreement.

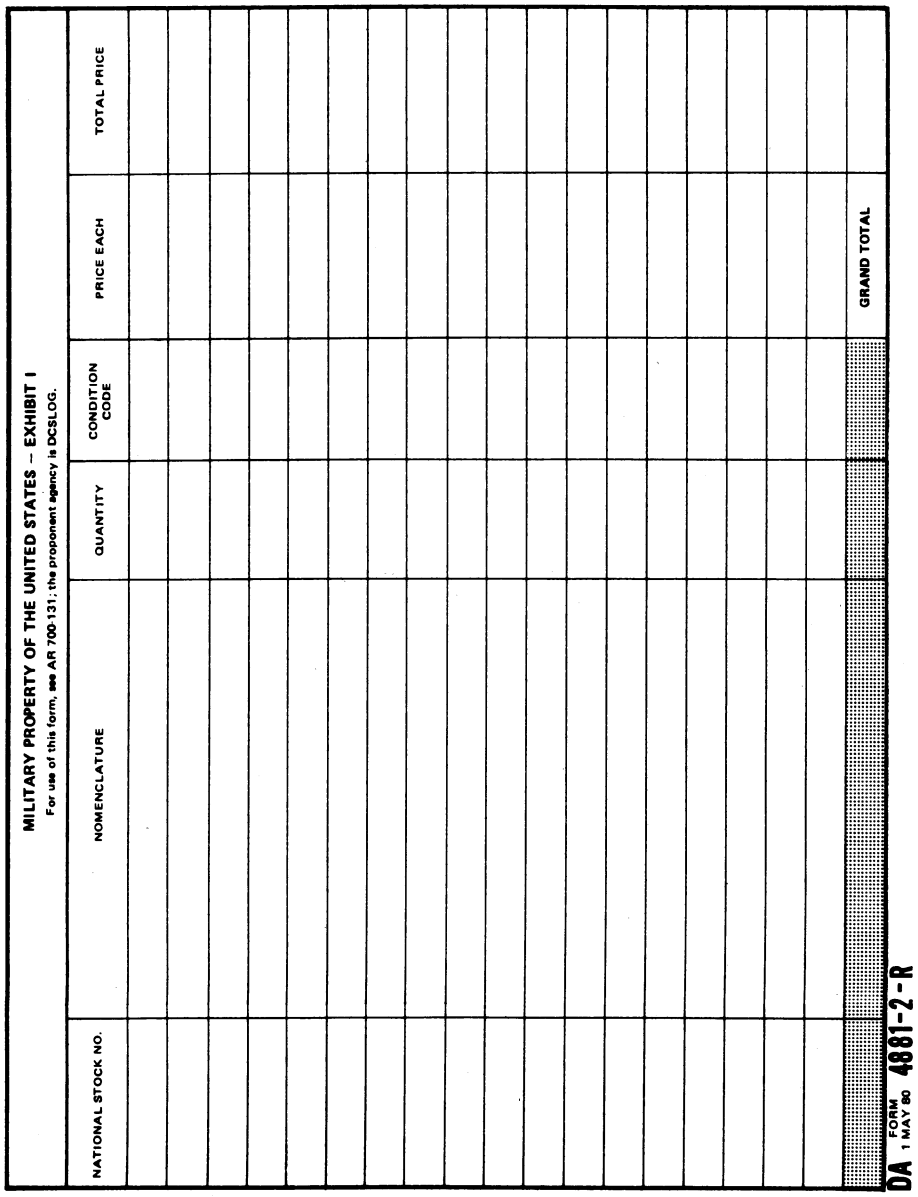

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EXHIBIT II
(DA Form 4881–3–R)

Properly executed surety bond and evidence of deposit with the approving authority of cash, certified check, United States of America Treasury bonds, or bonding company bond in the amount of the grand total shown on Exhibit I. (See app E for Surety Bond.)

APPENDIX D TO PART 623—CERTIFICATE FOR SIGNATURE BY AN ALTERNATE (DA FORM 4881–1–R)

APPENDIX D
CERTIFICATE FOR SIGNATURE BY AN ALTERNATE (DA FORM 4881–1–R)

AGREEMENT FOR THE LOAN OF US ARMY MATERIEL

CERTIFICATE FOR SIGNATURE BY AN ALTERNATE

For use of this form, see AR 700-131; the proponent agency is DCSLOG.

I, the (a) _____

of the (b) _____ named as the

borrower in this loan agreement, certify that (c) _____

who signed this agreement on behalf of the borrower, was then (d) _____

_____ of (b) _____

and that this loan agreement was duly signed on behalf of (b) _____

_____ by authority of its governing or directing

body and is within the scope of its lawful powers. In witness whereof I have hereunto

affixed my hand and seal of (b) _____

this (e) _____ day of (f) _____, 19(g)__

(OFFICIAL SEAL)

_____
(Name and title of certifying officer)

_____
(Signature)

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INSTRUCTIONS FOR FILLING OUT THE CERTIFICATE FOR SIGNATURE BY AN ALTERNATE (DA FORM 4881–1–R)

Note. The above lettered blank portions of the certificate are to be completed as specified in the following paragraphs with the same letters.

(a) Enter the title of the chief officer of the borrowing activity; e.g., Governor, Chief Scout Executive, National Commander American Legion, etc.

(b) Enter the name of the Federal agency, civil authority, or the civilian activity borrowing the materiel.

(c) Enter the name of the person who signed the agreement.

(d) Enter the title of the person who signed the agreement.

(e) Enter the date (e.g., 5th) of the month on which the certificate was signed.

(f) Enter the month (e.g., July) in which the certificate was signed.

(g) Enter the year (e.g., 1978) in which the certificate was signed.

APPENDIX E TO PART 623—SURETY BOND (DA FORM 4881–3–R)

APPENDIX E
SURETY BOND (DA FORM 4881–3–R)

SURETY BOND FOR SAFEKEEPING OF PUBLIC PROPERTY AND GUARANTEEING REIMBURSEMENT TO THE GOVERNMENT FOR EXPENSES INCIDENT TO THE LOAN OF ARMY MATERIEL – EXHIBIT II

For use of this form, see AR 700-131; the proponent agency is DCSLOG.

Know all men by these presents, that the (a) _____,

a (b) _____ having its principal office in the city of (c) _____

and the state of (d) _____, as the obligor, is held and firmly bound into the United States of America in the

penal sum of (e) _____, lawful securities of the United States, payment of which sum, will be made to the United States, without relief from evaluation or appraisement laws, said organization binds itself, its successors and assigns firmly by these presents.

The condition of the above obligation is such, that whereas the (a) _____ is

a (b) _____ to which the Secretary of Defense is authorized to lend such materiel as may be necessary for accommodation of the requirement, subject to the provision that before delivering such materiel he

shall take from the (a) _____ a good and sufficient bond for the safe return of such property in good order and condition and the whole without expense to the United States.

Now, therefore, as to all the property of the United States to be loaned to the (a) _____,

said (a) _____ shall take good care of, safely keep and account for, and shall, when required by the Secretary of Defense or his authorized representative, safely return to Department of the Army all said property

issued and covered by this bond within (f) _____ days from the conclusion of said requirement the whole without expense to the United States, in as good order and in the same condition as that in which the equipment and property existed at the date of delivery, reasonable wear excepted, or upon formal demand make adequate monetary compensation for items lost or damaged as well as for costs of depreciation *(Note: "Depreciation" will not be included in bonds related to loans to other Federal agencies.)*, renovation, or repair of items accomplished at Government repair facilities, and all transportation

provided as set forth and defined in the agreement dated (g) _____ between the United States of America and the

(a) _____.

The above bounded obligor, in order to more fully secure the United States in the payment of the aforementioned sum, hereby pledges as security therefor, in accordance with the provisions of Section 1126 of the Revenue Act of 1926, as amended,

United States of America Treasury bonds, in the principal amount of (e) _____ which are numbered serially, are in the denominations and amounts, are otherwise more particularly described as follows:

United States of America Treasury bonds (h) _____ due (i) _____

_____ _____

_____ _____

Interest on said Treasury bonds shall accrue and be paid to the (a) _____ except and unless there occurs a default as defined herein and said securities are sold and applied to the satisfaction of such default as provided herein. Said Treasury bond(s) *(cash or certified check)* have/has this day been deposited with the

Finance and Accounting Officer (j) _____ and his receipt taken therefor.

NOTE: If cash or a certified bank check is provided as bond instead of US of America Treasury bonds, the two paragraphs above will be crossed out and the following paragraph will apply.

CONTINUED ON REVERSE

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The above bonded obligor, in order to more fully secure the United States in the payment of the aforementioned sum, hereby pledges as security, therefore, in accordance with the provisions of section 1126 of the Revenue Act of 1926, as ameded,

cash *(cashier's check)* in the amount of (e) _____. Said cash *(cashier's check)* has this day been deposited

with the Finance and Accounting Officer (j) _____ and his receipt taken therefor.

Contemporaneously herewith the undersigned have also executed an irrevocable power of attorney and agreement in favor of

the Finance and Accounting Officer, (j) _____, acting for and in behalf of the US Government authorizing and empowering said officer as such attorney to disburse said bond so deposited, or any part thereof, in case of any default in the performance of any of the above named conditions or stipulations.

In Witness Whereof, this bond has been signed, sealed, and delivered by the above named obligor, this

(k) _____ day of (l) _____ 19 (m) _____.

(a) _____

(n) _____ SEAL

(o) _____ SEAL

Signed, sealed, and delivered in the presence of:

(p) _____ *(Name)* (q) _____ *(Address)*

(p) _____ *(Name)* (q) _____ *(Address)*

Before me, the undersigned, a Notary Public within and for the county of (r) _____,

in the State of (s) _____, personally appear (t) _____,

(n) _____, and for and in behalf of said (a) _____,

a (b) _____ acknowledged the execution of the foregoing bond.

Witness my hand and notarial seal this (u) _____ day of (v) _____, 19 (w) _____

Notarial Seal (x) _____
(Notary Public)

My commission expires (y) _____
(Date)

(DA Form 4881-3-R) 2

DA Form 4881-3-R—continued.

INSTRUCTIONS FOR PREPARATION OF SURETY BOND (DA FORM 4881–3–R)

Note. The lettered blank portions of the surety bond are to be completed as specified in the following paragraphs with the same letters:

(a) Enter the name of the Federal agency, authority (local governmental body), or special activity which borrowed the Army materiel, or is providing the bond.

(b) Further identify the borrower by entering here the type of activity that it is; e.g., Federal agency, civil government, corporation (Boy Scouts of America), etc.

(c) Enter the name of the city.

(d) Enter the name of the State.

(e) Enter the amount of the bond.

(f) Enter the number of days, or period, for which loan of the materiel is authorized.

(g) Enter the date on which the loan agreement between the borrower and the US Government was signed.

(h) Enter rate of interest paid on the bonds.

(i) Enter date on which bonds are due for redemption.

(j) Enter name of the Army installation (e.g., Fort Hood, TX) or US Army number (e.g., Fifth US Army) at which the servicing Finance and Accounting Office is located.

(k) Enter date on which bond is signed.

(l) Enter month in which bond is signed.

(m) Enter year in which bond is signed.

(n) Enter title of the borrowing activities' chief executive; e.g., governor, chief scout executive, national commander VFW, etc.

(o) Enter, if appropriate, the names and title of the comptroller or treasurer of the borrowing activity.

(p) Enter name of person witnessing signature.

(q) Enter address of person witnessing signature.

(r) Enter the name of the county in which the power of attorney is being signed.

(s) Enter the name of the State in which the Power of Attorney is being signed.

(t) Enter name of the borrowing activity's chief executive.

(u) Enter date on which the power of attorney is signed.

(v) Enter month in which power of attorney is signed.

(w) Enter year in which power of attorney is signed.

(x) Signature of Notary Public.

(y) Enter date that the Notary Public's commission expires.

APPENDIX F TO PART 623—POWER OF ATTORNEY (DA FORM 4881–4–R)

APPENDIX F
POWER OF ATTORNEY (DA FORM 4881–4–R)

POWER OF ATTORNEY *(For Transactions Involving Treasury Bonds)*
For use of this form, see AR 700-131; the proponent agency is DCSLOG.

Know all men by these presents, that the (a) _____ is a (b) _____

having its principal office in the city of (c) _____ State of (d) _____, does hereby constitute

and appoint the finance and accounting officer, (e) _____, acting for and on behalf of the

(f) _____, and his successors in office, as attorney for said (a) _____, or its authorized representatives, for and in the name of said corporation to collect or to sell, assign, and transfer certain US Treasury bonds described as follows:

(g) _____ due (h) _____.

Such Treasury bonds have been deposited by (a) _____, pursuant to authority conferred by section 1126 of the Revenue Act of 1926, as amended, and subject to the provisions there of and of Treasury Department Circular No. 154, dated February 6, 1935, as security for the faithful performance of any and all of the conditions or stipulations

of a certain agreement entered into by (a) _____ with the United States, under date of

(i) _____ which is hereby made a part hereof as Inclosure 1. The undersigned agrees that, in case of any default in performance of any of the conditions and stipulations of such or any part thereof the finance and accounting officer

(e) _____ may sell, assign, and transfer said Treasury bonds or any part thereof without notice, at public or private sale, free from equity of redemption and without appraisement or evaluation, notice of right to redeem being waived, and may apply the proceeds of such sale or collection in whole or in part, to the satisfaction of such default. The undersigned further agree that the authority herein granted in irrevocable.

And such (a) _____ hereby for itself, its successors and assigns, ratifies and confirms such proper action taken within the scope of this power.

In witness whereof, the (a) _____, the (b) _____

herein above named by its (j) _____ and (k) _____ duly authorized

to act in the premises, has executed this instrument and caused the seal of the (a) _____

to be affixed this (l) _____ day of (m) _____ 19 (n) _____.

(a) _____

By: (o) _____ *(Name and title)* By: (p) _____ *(Name and title (Comptroller))*

Before me, the undersigned, a Notary Public within and for the County of (q) _____

in the State of (r) _____, personally appeared (s) _____, (j) _____,

and (p) _____, comptroller, and for an on behalf of said (a) _____,

a (b) _____, acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this (l) _____ day of (m) _____, 19(n) _____.

Notarial Seal (t) _____ *(Notary Public)*

DA FORM 1 MAY 80 4881-4-R *DA Form 4881-4-R*

INSTRUCTIONS FOR PREPARATION OF DA Form 4881–4–R

Note. The above lettered blank portions of the sample power of attorney are to be completed as specified in the following paragraphs with the same letters:

(a) Enter the name of the Federal agency, authority, (local governmental body), or special activity which borrowed the Army materiel.

(b) Further identify the borrower by entering here the type of activity that it is; i.e., Federal agency, civil government, corporation (Boy Scouts of America), etc.

(c) Enter the name of the city.

(d) Enter the name of the state.

(e) Enter the name of the Army installation handling the account.

(f) Enter the name and rank of the commanding officer of the Army installation handling the account.

(g) Describe the US Treasury bonds that have been posted as bond to include type, serial numbers, and interest rates if applicable.

(h) Enter date on which payment of the Treasury bonds becomes due if applicable. If it is not applicable enter "NA."

(i) Enter the date on which the agreement between the borrower and the US Government was signed.

(j) Enter title of the borrowing activities' chief executive; e.g., governor, chief scout executive, national commander VFW, etc.

(k) Enter here, "Comptroller," "Treasurer," etc. as appropriate.

(l) Enter date on which the Power of Attorney is signed.

(m) Enter month in which power of attorney is signed.

(n) Enter year in which power of attorney is signed.

(o) Enter name and title of chief executive of borrowing activity.

(p) Enter, if appropriate, the names and title of the comptroller or treasurer of the borrowing activity.

(q) Enter the name of the county in which the power of attorney is being signed.

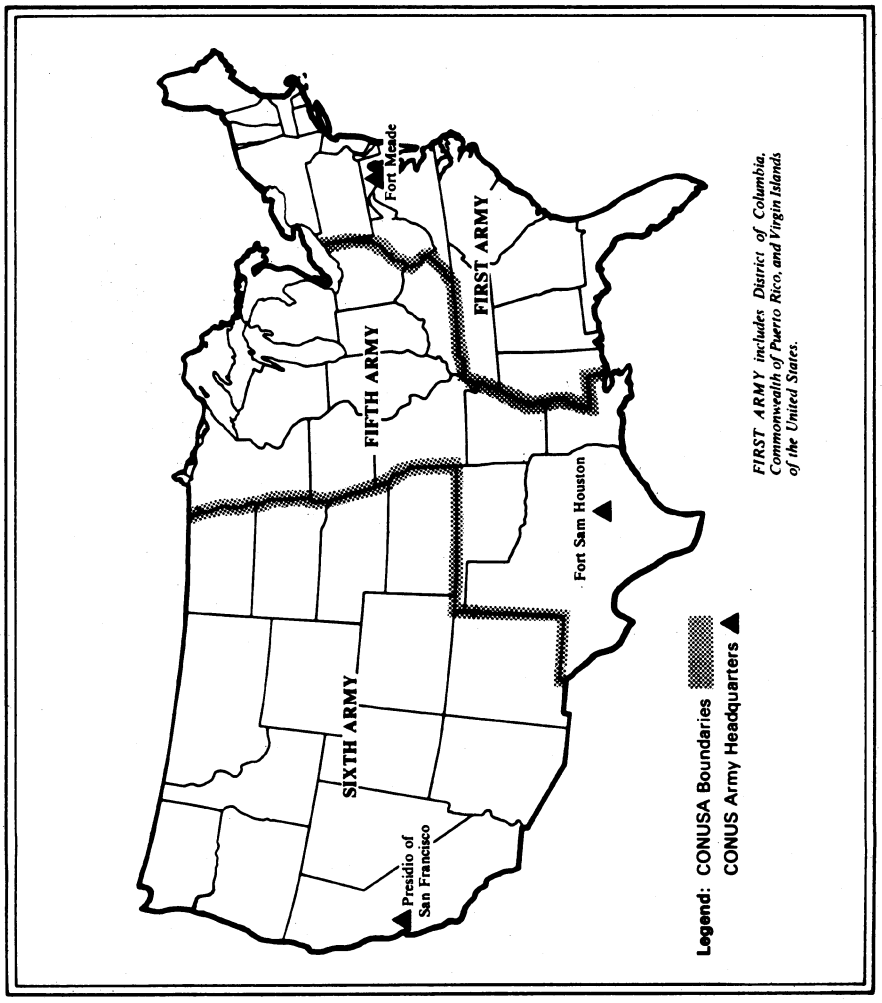
(r) Enter the name of the State in which the Power of Attorney is being signed.

(s) Enter the name of the chief executive of the borrowing activity.

(t) Signature of the Notary Public.

APPENDIX G TO PART 623—CONTINENTAL US ARMY BOUNDARIES

APPENDIX G
CONTINENTAL US ARMY BOUNDARIES



APPENDIX H TO PART 623—REFERENCES

AR 1–4 Deployment of DA Resources in Support of the US Secret Service.

AR 15–17 Army Representation on Office of Preparedness; General Service Administration (OP/GSA) Regional Field Boards in Crisis Management Operations.

AR 28–19 Department of the Army Domestic Action Program.

AR 34–1 United States Army Participation in International Military Rationalization/Standardization/Interoperability (RSI) Programs.

AR 37–27 Accounting Policy and Procedures for Intragovernment, Intradefense; and Intra-Army Transactions.

AR 37–44 Accounting Procedures for Guaranteed Loans.

AR 37–48 Accounting and Reporting for Materiel, Services, and Facilities Furnished Allied Governments and International Organizations Under Emergency or Combat Conditions.

AR 37–60 Pricing for Materiel and Services.
AR 37–111 Working Capital Funds—Army Stock Fund; Uniform Policies, Principles, and Procedures Governing Army Stock Fund Operations.
AR 58–1 Management acquisition and use of administration use motor vehicles.
AR 130–44 Logistical Policies for Support.
AR 190–11 Physical Security of Weapons, Ammunition, and Explosives.
AR 190–49 Physical Security of Arms, Ammunition, and Explosives In-Transit.
AR 210–55 Funding Support for Morale, Welfare and Recreational Programs, and Facilities.
AR 230–1 The Nonappropriated Fund System.
AR 350–7 Training and Evaluation of Forces for Civil Disturbances.
AR 360–61 Army Information—Community Relations.
AR 500–1 Aircraft Piracy Emergencies.
AR 500–2 Search and Rescue (SAR) Operations.
AR 500–50 Civil Disturbances.
AR 500–60 Disaster Relief.
AR 500–70 Military Support of Civil Defense.
AR 525–90 Wartime Search and Rescue (SAR) Procedures.
AR 700–32 Logistic Support of US Nongovernmental, Nonmilitary Agencies, and Individuals in Oversea Military Commands.
AR 700–49 Loan of DSA Stock Fund Materiel.
AR 700–83 Army Support of United Seamen's Service.
AR 710–1 Centralized Inventory Management of the Army Supply System.
AR 710–2 Materiel Management for Using Units, Support Units, and Installations.
AR 725–1 Requisition and Issue of Supplies and Equipment—Special Authorization and Procedures for Issues, Sales, and Loans.
AR 725–50 Requisitioning, Receipt, and Issue System.
AR 735–5 Property Accountability—General Principles, Policies, and Basic Procedures.
AR 735–11 Accounting for Lost, Damaged, and Destroyed Property.
AR 795–25 Policies, Responsibilities, and Principles for Supply Support Arrangements.
AR 795–204 Policies and Procedures for Furnishing Defense Articles and Services on a Sale or Loan Basis.
AR 870–15 Historical Activities, Army Art Collection.
AR 870–20 Historical Activities, Historical Properties and Museums.
AR 920–15 National Board for the Promotion of Rifle Practice and Office of Director of Civilian Marksmanship.
AR 920–20 Civilian Marksmanship—Promotion of Practice with Rifled Arms.
AR 920–25 Rifles M14M and M14N for Civilian Marksmanship Use.
AR 930–5 Service Organizations—American National Red Cross Service Program and Army Utilization.
FM 20–150 Combatives.
MOU, 25 Apr 75, between DOD and Department of Agriculture and the Interior.
MOU, 24 Jun 75, between DOD and the American National Red Cross for Military Support.

PART 625—SURFACE TRANSPORTATION—ADMINISTRATIVE VEHICLE MANAGEMENT

Sec.
625.1 Purpose.
625.2 Applicability.
625.3 References.
625.4 OCE policy.
625.5 General.

APPENDIX A TO PART 625—DEPENDENT TRAVEL WAIVER OF LIABILITY

AUTHORITY: Comptroller General Decision, B–190440, 20 January 1978.

SOURCE: 44 FR 63099, Nov. 2, 1979, unless otherwise noted.

§ 625.1 Purpose.

This regulation provides guidance, and authorizes dependents to accompany a Corps employee on Temporary Duty (TDY) in a Government-owned or leased motor vehicle.

§ 625.2 Applicability.

This regulation is applicable to all field operating agencies authorized to operate or lease Administrative Use Motor Vehicles.

§ 625.3 References.

(a) Title 31, U.S. Code, section 638.
(b) Comptroller General Decision, 25 Comp. Gen. 844(1946) B–57732.
(c) Comptroller General Decision, 54 Comp. Gen. 855(1975) B–178342.
(d) Comptroller General Decision, B–190440, 20 January 1978.
(e) DOD Regulation 4500.36–R June 1977.

§ 625.4 OCE policy.

Pursuant to the authorities, penalties and interpretations cited in the preceding references, Commanders/Directors of field operating agencies may authorize dependents to accompany a

Corps of Engineers employee during official travel when using a Government-owned or leased motor vehicle, providing the following procedures and restrictions are adhered to:

(a) The Commanders/Directors of field operating agencies must make a Determination that transportation of the dependent is in ''the interest of the Government''.

(b) A determination of ''the interest of the Government'' is a matter of administrative discretion, taking into consideration the following limitations:

(1) The use of motor vehicles shall be restricted to the ''official use'' of the vehicles, and any questions concerning ''official use'' shall be resolved in favor of strict compliance with statutory provisions and policies of this and other pertinent regulations.

(2) When the travel of the dependent is in ''the interest of the Government'' and incidentally provides a convenience to the employee, then there can be no objection to the employee's enjoyment of that convenience. However, the convenience of itself, provides no justification to authorize dependent travel.

(3) Dependent travel will not be provided or authorized when justification is based on reasons of rank or prestige.

(4) Transportation to, from and between locations for the purpose of conducting personal business or engaging in other activities of a personal nature by military personnel, civilian officials and employees, members of their families or others is prohibited.

(c) Increased travel time (rest stops) and operational inefficiency (added weight) occasioned by the number of dependents to be transported will also be considered.

(d) Dependents must understand and agree never to operate the motor vehicle consigned to the employee for official travel.

(e) Neither the seating capacity nor the size of the motor vehicle will be changed or increased to accommodate dependent travel.

(f) Motor vehicles as used in this regulation applies to all types of motor vehicles, owned, consigned to or leased by the Corps of Engineers.

§ 625.5 General.

(a) In view of the potential liability the Government could incur by allowing dependents to accompany an employee in a government-owned, consigned or leased motor vehicle, a Dependent Travel Waiver of Liability will be obtained prior to each and every trip. Suggested language for such waiver is set forth in appendix A.

(b) When dependents are to be transported in a GSA rented vehicle, an extra signed copy of the Dependent Travel Waiver will be furnished the GSA Interagency Motor Pool from which the vehicle is acquired.

APPENDIX A TO PART 625—DEPENDENT TRAVEL WAIVER OF LIABILITY

''I _____
(Name of dependent)
will be accompanying _____,

(Name of employee)
who is my _____
(Relationship)
and who is an employee of _____,

(Agency, division)
on official Government business in or while using a Government vehicle. Dates of travel are from _____ to _____ 19____. I do hereby knowingly, freely and voluntarily waive any right or cause of action of any kind whatsoever, against the United States, arising as a result of such activity from which any liability may or could accrue while accompanying the above employee in or while using said Government vehicle.''

Signature of dependent

Notary Public

Date

Date

PART 626—BIOLOGICAL DEFENSE SAFETY PROGRAM

Subpart A—Introduction

Sec.

AUTHORITY: 5 U.S.C. 102, 10 U.S.C. 21, 111, 151–158, 42 U.S.C. 216, 50 U.S.C. 1431; Pub. L. 101–510, 104 Stat. 1516.

SOURCE: 57 FR 11368, Apr. 2, 1992, unless otherwise noted.

Subpart A—Introduction

§ 626.1 Purpose.

(a) This regulation prescribes Department of the Army (DA) safety policy, responsibilities, and procedures for biological defense research, development, test, and evaluation (RDTE) operations.

(b) DA Pam 385–69 prescribes the minimum safety criteria and technical requirements for the Army biological defense safety program and will be used in conjunction with this regulation to establish and implement the biological defense safety program.

§ 626.2 References.

Required and related publications are listed in appendix A of this part.

§ 626.3 Explanation of abbreviations and terms.

Abbreviations and special terms used in this regulation are explained in the appendix B of this part.

§ 626.4 Responsibilities.

(a) The Assistant Secretary of the Army (Installations, Logistics, and Environment) (ASA(IL&E)) establishes overall Army occupational safety and health policy and maintains oversight of the following—

(1) All aspects of environment, safety, and occupational health statutory compliance.

(2) Safe biological defense RDTE operations.

(b) The Assistant Secretary of the Army (Research, Development, and Acquisition) (ASA(RDA)). Establishes overall Army RDA policy and will—

(1) Integrate, coordinate, and manage Army efforts to increase effectiveness of biological defense technologies, materiel research, and the development and acquisition program.

(2) Review and validate all future biological defense RDTE facility construction or renovation requirements before any organization initiates these construction or renovation programs.

(c) The Director of Army Safety (DASAF), Office of the Chief of Staff, Army (OCSA), administers and directs the Army Safety Program as specified in AR 385–10. The DASAF will—

(1) Manage Army-wide safety policy and guidance for biological defense RDTA programs as a part of the Army Safety Program.

(2) Approve all actions that imply or establish a DA safety position for biological defense RDTE covered by this part.

(3) Represent DA on all biological defense RDTE safety studies and reviews.

(4) Develop safety policy and standards for biological defense RDTE operations.

(5) Develop Army level safety program guidance.

(6) Conduct an annual management review of the biological defense occupational safety and health programs of commands with Biological Defense

Program (BDP) operations and responsibilities, to ensure consistency with DA policy.

(7) Conduct biological defense safety evaluation visits, and advise the Army Staff (ARSTAF) of concerns, trends, and needed corrective actions.

(8) Develop policies and provide guidance for executing the Biological Defense Safety Program.

(9) Conduct the review of general construction plans for biological defense RDTE facilities.

(10) Establish procedures to investigate biological defense related mishaps, referenced in AR 385–40.

(11) Serve as proponent for Army biological safety training.

(d) The Commanding General, United States Army Corps of Engineers, (CG, USACE) will establish procedures to ensure that biological defense RDTE facilities are designed, constructed, and acquired in accordance with current Federal, State, Department of Defense (DOD), and DA regulatory standards.

(e) The Surgeon General (TSG) will—

(1) Develop occupational health standards and medical support policies for the BDP.

(2) Provide advice and guidance for health hazard assessments and medical surveillance in accordance with current directives and policies.

(3) Provide medical guidance for selecting appropriate protective equipment for use in the BDP.

(4) Provide a representative to each BDP special safety study group.

(5) Provide occupational health support to the DASAF for conduct of annual management reviews (§624.4(c)(6)).

(f) The Commander, United States Army Medical Research and Development Command (USAMRDC), in addition to major Army commands (MACOMs) responsibilities, will—

(1) Conduct safety site assistance visits at BDP Army research facilities, on a periodic basis as determined necessary by the DASAF, and advise the ARSTAF of findings and recommendations.

(2) Provide a group member for all other studies and reviews.

(3) Assist Headquarters, Department of the Army (HQDA) in its oversight role of monitoring biological defense RDTE activities throughout the Army and advise HQDA on concerns, trends, and corrective actions required.

(4) Assist the DASAF in performing biological defense safety program mishap investigations.

(5) Assist the DASAF in developing biological defense safety policy and recommend changes to policies and procedures.

(6) Serve as the proponent for the BDP Special Immunization Program.

(g) MACOM Commanders with a BDP mission will—(1) Establish and operate an effective safety program.

(2) Publish a command program to implement HQDA biological safety standards and to identify responsibilities for all subordinate organizations that maintain, store, handle, use, transport, or dispose of etiologic agents used in the BDP.

(3) Supervise subordinate organizations to ensure that an effective safety program, which complies with this regulation, DA Pam 385–69, and AR 385–10 is implemented and maintained.

(4) Ensure that biological defense safety programs comply with the provisions of this regulation and DA Pam 385–69.

(5) Appoint a safety and health manager per AR 385–10, who is occupationally qualified under Office of Personnel Management standards and has special knowledge of biological safety and health requirements. This safety and health manager should be the single point of contact for all aspects of the BDP Safety Program.

(6) Review standing operating procedures (SOPs) for biological defense RDTE operations.

(7) Develop and submit general construction plans for approval through command channels to HQDA, Army Safety Office, DACS–SF, WASH DC 20310–0200.

(8) Approve or disapprove individual access to etiologic agent restricted areas.

(9) Implement a Chemical Hygiene Plan, as appropriate, which meets the requirement of 29 CFR 1910.1450.

Subpart B—Biological Defense Safety Policy and Procedures

§ 626.5 Policy.

(a) This regulation applies to BDP RDTE operations involving etiologic agents being investigated by DA for biological defense purposes.

(b) Specific biological safety requirements and guidance are contained in DA Pam 385–69.

§ 626.6 Mishap reporting and investigation.

Biological defense RDTE related mishaps will be reported and investigated per AR 385–40 and AR 40–400. Med 16 Report will be used to report only personnel exposure or illness related to the BDP.

§ 626.7 Administrative and work practice controls.

(a) The cardinal principle for safety in BDP operations is to minimize the potential exposure of personnel to etiologic agents. In practice, this means conducting RDTE activities using the appropriate facilities, equipment, and procedures for the biosafety level (BL), and requiring only the minimum number of appropriately trained personnel, the minimum period of time, and minimum amount of the material, consistent with program objectives and safe operations.

(b) Open air testing under the BDP is restricted to use of simulants only, unless the Secretary of Defense determines that testing is necessary for national security in accordance with section 409, Public Law 91–121, 83 Stat. 204, signed November 18, 1967. Also, for RDTE involving protective equipment or detection devices, the least hazardous etiologic agent consistent with mission objectives will be employed. All testing of such equipment employing etiologic agents will be in appropriate biosafety level containment laboratories.

(c) A hazard analysis, to determine safety precautions, necessary personnel protection and engineering features, and procedures to prevent exposure, will be completed for—

(1) All BDP operations involving etiologic agents.

(2) A change in process or control measures that may increase potential contact or concentrations of biological material.

(d) An SOP is required for all biological defense RDTE operations. The SOP will—

(1) Describe in detail all necessary operational and safety requirements.

(2) Describe in detail actions to take in the event of mishap.

(3) Describe in detail the location of required emergency response equipment.

(4) Be available at the work site.

(5) Forbid concurrent unrelated work during biological defense RDTE operations within a laboratory area or suite.

(6) Be approved by the commander or the safety officer and signed by workers involved in the operation.

(7) Provide names and telephone numbers of responsible personnel.

(e) Training and information. All personnel who work directly with etiologic agents in the BDP, or who otherwise have a potential for exposure, will receive appropriate training to enable them to work safely and to understand the relative significance of agent exposures.

(1) This training will include signs and symptoms of etiologic agent exposure, information on sources of exposure, possible adverse health affects, and practices and controls used to limit exposures. The environmental and medical monitoring procedures in use, their purposes, worker responsibilities in health protection programs, and handling of laboratory mishaps will also be presented.

(2) Workers will be required to demonstrate proficiency before performing potentially hazardous operations. Refresher training will be repeated at least annually.

(3) Initial and refresher training will be documented and kept on file as a permanent record.

(f) Medical surveillance. A medical surveillance program (see AR 40–5) will be established for all personnel (military and civilian) who may be potentially exposed to etiologic agents.

(1) Placement, periodic medical surveillance examinations, and termination examinations shall be conducted for each worker, to establish a baseline health record and to provide periodic job-related assessments of the worker's health status. Preassignment, periodic, and termination health assessments will include a work history, a medical history, physical examinations, indicated clinical laboratory sutdies and, when available, examinations or tests specific to the etiologic agent in question.

(2) Medical officers responsible for treating BDP etiologic agent exposures and conducting medical surveillance for BDP workers shall receive specialized training on the unique hazards of etiologic agents and recommended medical therapies.

(3) Special immunizations will be given to personnel handling specific etiologic agents as required.

(4) Records documenting the above will be maintained permanently.

(g) Emergency preparedness: (1) SOPs will address emergency procedures related to any mishap involving BDP etiologic agents. Notification and evacuation procedures will be covered in detail, as well as measures to contain the contamination.

(2) Local, regional, State, or Federal emergency support and coordinating agencies, such as law enforcement, fire departments, health departments, and governments will be informed of BDP activities and the appropriate support necessary, to include any equipment and training necessary, to provide effective emergency response and ensure compliance with community ''right-to-know'' statutes and regulations. Agreements with external agencies must be formalized.

(3) If a mishap with a BDP etiologic agent results in personnel exposure, approved emergency procedures will be immediately initiated to protect personnel and the environment and to constrain the spread of contamination. All personnel except those responsible for emergency operations will evacuate the immediate area.

(4) Special medical surveillance will be started as soon as possible for all workers present in the potentially affected area at the time of the mishap.

(h) Labeling and posting of hazards:

(1) Hazard warning signs which incorporate the universal biohazard symbol will be posted on the access door to the work area. (See DA PAM 385–69, para 3–5a(1).) The sign will be covered or removed if the organizational safety officer certifies that the area has been decontaminated.

(2) For areas irradiated with ultraviolet light, a caution sign reading ''Ultraviolet Light, Wear Eye Protection'' will be posted.

(i) Disposal controls. Etiologic agents used in the BDP must be decontaminated before disposal of infectious or hazardous wastes and must not violate any Army, Federal, State, local, or host nation environmental standards. Procedures for decontamination are described in DA Pam 385–69.

(1) The preferred methods of decontamination of etiologic agents are autoclaving or chemical inactivation with appropriate biocidal solutions. (See chap 5, DA Pam 385–69.)

(2) Etiologic agents awaiting decontamination will be contained at the appropriate biosafety level.

(j) Maintenance controls. A continuing program for equipment and facility maintenance will be implemented for each BDP operation.

(k) Protective equipment. Guidance concerning protective equipment is contained in DA Pam 385–69.

§ 626.8 Etiologic agent containment.

(a) Facility engineering controls and appropriate biocontainment equipment will be used, in conjunction with special practices and procedures, to minimize potential exposure of personnel and the environment to etiologic agents used in BDP operations. Engineering and equipment controls will be implemented to the maximum extent feasible and verified as effective. Protective clothing will not be used in lieu of engineering controls. Engineering controls will be the prime means of biocontainment. Personal protective equipment such as respirators are to be used only after feasible engineering controls have been shown unable to control the environment fully.

(b) Before beginning any etiologic agent operation, a determination will be made that the hazards associated

with the operation are under positive control as defined in the applicable SOP and that the operation complies with the criteria of this regulation and DA Pam 385–69.

§ 626.9 Inspections.

(a) Biosafety laboratories require periodic (at least quarterly for BL–1 and BL–2 and monthly for BL–3 and BL–4 laboratories), inspections by safety and health professionals. Safety officials will document the inspections, assure that deviations from safe practices are recorded, and that recommended corrective actions are taken. If deviations are life threatening, this area will be restricted until corrective actions are accomplished. New RDTE efforts involving etiologic agents will be evaluated and inspected prior to start-up to assure equipment, facilities, employee training, and procedures are in place and adequate for the introduction of BDP material. Safety officials will maintain such records for 3 years and will review the records at least annually for trends requiring corrective actions.

(b) Supervisors shall inspect work areas frequently (at least weekly) and take corrective actions promptly.

§ 626.10 Transportation of BDP etiologic agents.

(a) Etiologic agents utilized in the BDP shall be packed, labeled, marked, prepared for shipment, and shipped in accordance with applicable Federal, State, and local laws and regulations, to include 42 CFR part 72, ''Interstate Shipment of Etiologic Agents,'' 49 CFR parts 172 and 173 (Department of Transportation), 9 CFR part 122 (USDA Restricted Animal Pathogens), and DA Pam 385–69.

(b) Etiologic agents shipped to support the BDP will use secondary shipping containers which are sealed with a crimped lid (see app D, DA Pam 385–69).

(c) BDP organizations and contractors who provide etiologic agents will ship all etiologic agents by private carrier. The United States Postal Service will not be used to transport etiologic agents required for the BDP.

(d) In addition to the above requirements, shipments of BL–4 etiologic agents will be hand carried by Government courier or under the immediate supervision of a responsible party. This individual must be knowledgeable about the potential hazards of the materials and be able to monitor all aspects of the shipment to ensure that required transfers have been completed and documented and final receipt has been accomplished and acknowledged.

(e) Audit trails of all BDP etiologic agent shipments and receipts of such agents shall be established and maintained for at least 3 years. Such audit trails shall identify date of shipment, carrier, addresses of the shipper and recipient, and agent(s) shipped and received.

§ 626.11 General construction plans.

General construction plans for BDP facilities, as well as for changes in use of facilities, will be submitted through the chain of command to HQDA, Army Safety Office, DACS–SF, WASH DC 20310–0200 for safety review and approval. Plans shall be forwarded for new construction or major modifications of facilities used in the BDP. The facility system safety requirements of AR 385–16 and AR 415–15 shall be followed. Simultaneously, RDTE requirements that necessitate such renovation, modification, or construction shall be submitted through the chain of command to HQDA, OASA(RDA), SARD–ZT, WASH DC 20310–0103 for review and approval.

§ 626.12 Maximum credible event (MCE).

(a) Because of the complexity of the RDTE conducted in the BDP, the range of potential consequences that could be associated with a mishap must be considered. MCE is a risk analysis technique which provides a useful tool for estimating the effectiveness of existing safeguards. The potential for events must be carefully analyzed to determine the MCE that could occur and cause a mishap. All hazard analysis and general construction plans mentioned in §626.11 will include a consideration of an MCE.

(b) The term MCE, as used herein, is analogous to a realistic worst-case analysis. The best available credible information will be applied to estimate

the results of various MCEs. Those assumptions that yield the potential for more severe consequences, as opposed to assumptions that operational and safety controls will always perform as designed, will be used. The rule of reason will be applied to confine the MCE to realistic or believable occurrences.

(c) When considering an MCE, consider the redundancy of safety systems engineered into the facilities and the equipment used, depending on containment level required to make them as fail-safe as practical. The MCE for containment laboratories must be considered in terms of physical containment for both toxins and biological organisms. Therefore, both toxin and biological MCEs will be considered.

(d) Because aerosols of etiologic agents represent the most significant potential hazard for exposure of workers or the environment, a hazard analysis (to include MCE) of proposed BDP RDTE activities will be performed to determine the procedures, engineering controls, and facility design required to mitigate potential significant hazards.

§ 626.13 Controls.

(a) Personnel who are not needed to operate a BDP laboratory, will not be allowed to enter potentially hazardous areas.

(b) Written procedures to control access and ensure that personnel can be evacuated or protected from exposure may be used in place of absolute personnel exclusion.

§ 626.14 Waivers and exemptions.

(a) The goal of the biological defense safety program is strict adherence to safety standards and the elimination of all waivers and exemptions.

(b) Waiver authority. (1) The Chief of Staff, Army (CSA) is the controlling authority for granting waivers of biological defense safety standards. This authority is redelegated by this regulation to commanders of MACOMs and the commander of the USAMRDC.

(2) Waiver authority will not be subdelegated.

(3) Commanders with waiver authority will—

(i) Ensure the existence of necessary and compelling reasons before granting waivers.

(ii) Grant waivers to standards for installations and activities within their areas of authority.

(c) Waiver requests: (1) Commanders of installations and activities will submit a request for waiver when compliance with these standards cannot be achieved. When such waivers affect on other commands, initiating activities will coordinate requests with those commands.

(2) Requests for waivers will contain the following information:

(i) Description of conditions. State the mission requirements and compelling reasons which make the waiver essential and the impact if not approved, and describe all affected sites or facilities and the quantity and type of BDP required.

(ii) The safety regulations, including specific safety requirements or conditions cited by paragraph, from which the waiver is requested, and the reasons for the waiver.

(iii) Specific time period for which the waiver is requested.

(iv) A hazard analysis which identifies actual and potential hazards which can result from the waived requirements or conditions.

(v) A risk assessment that provides information on the risk being assumed because of the waiver. The assessment will include those safety precautions and compensatory measures in force during the waiver period.

(vi) A waiver abatement plan to include milestones, resources, and actions planned to eliminate the need for the waiver.

(3) Requests for waivers will be forwarded through command channels to the MACOM or CG, USAMRDC, as appropriate, for approval. MACOM or USAMRDC safety officials will forward a copy of approved waivers to HQDA, DACS–SF, WASH DC 20310–0200. Copies of all waivers will be maintained at the installation and MACOM or USAMRDC Safety Offices for up to 3 years after the waiver is terminated.

(4) Time limitations: (i) Waivers are normally limited to 1 year or less, and will be considered rescinded after 1 year, unless reviewed. The activity or

installation commander forwarding a request for waiver will allow time to permit investigation, evaluation, and reply.

(ii) Waivers may be renewed each year by the commander originally granting the waiver for a waiver period not to exceed 5 years. Prior renewal, commanders will review the need for the waiver to ensure that circumstances requiring the waiver have not changed. Results of this review (and a progress report regarding milestones that have been completed) will be forwarded through command channels to the commander originally granting the waiver.

(iii) A request for amendment will be initiated when factors or circumstances requiring a change to the original waiver are identified.

(iv) When factors or circumstances prevent correction of the waiver condition within 5 years of the initial approval of the waiver, such condition becomes a candidate for an exemption.

(d) Exemptions. (1) Exemptions are relatively long-term exceptions to otherwise mandatory standards. Exemptions will be granted only under the following conditions:

(i) If corrective measures are impractical.

(ii) If impairment of the overall defense posture would result.

(iii) If positive programs to eliminate of the need for the exemption are being pursued.

(2) Exemptions can be approved only by the Secretary of the Army.

(i) Requests for exemptions will be sent through command channels to HQDA, DACS–SF, WASH DC 20310–0200.

(ii) Exemption requests will include the information required in paragraph(c)(2) of this section.

(iii) Copies of exemption requests will be maintained at the installation and MACOM or USAMRDC Safety Offices.

Subpart C—BDP Contractors

§ 626.15 Written procedures for contractor review.

The contracting agency will prepare written procedures for reviewing contractor capability to safely perform BDP work with etiologic agents. The written procedures will describe the criteria and guidelines for preparing the facilities description, safety requirements, special procedures and techniques, inspection procedures, and MCE scenarios. These written procedures will be submitted to the contracting agency MACOM for review and approval.

§ 626.16 Contracting agencies.

Contracting agencies, in coordination with their respective Command safety offices will monitor contractor performance in meeting safety requirements.

(a) The contracting agency will establish an inspection program and schedule for all BDP contractors who perform contract work with BL–3 or BL–4. Inspections will be conducted by safety and health personnel. The schedule will include, as a minimum, the following:

(1) A pre-award inspection on site, prior to contact award, for initial contracts for BDP work requiring BL–3 or BL–4 operations. If during a pre-award inspection, major corrective measures are required, a reinspection is required prior to the beginning of contract operations.

(2) A pre-award inspection of follow-on BL–3 and BL–4 contracts.

(3) A pre-operational inspection if a major change in procedures, facilities, or equipment is made after the pre-award survey.

(4) Annual inspection of BL–3 and seminannual inspection of BL–4 contractor facilities, equipment, and operations.

(b) Pre-award surveys and annual inspections of contractors performing work requiring BL–3 or BL–4 will be conducted by safety and health professionals trained in BDP operational safety requirements. Pre-award surveys and annual inspections of BL–1 and BL–2 contractors will be conducted by safety and health professionals or contracting agency representatives who are trained in biological safety inspection techniques. The Safety Inspection Checklist in DA Pam 385–69 will be used.

(c) The contracting agency will require each BDP contractor whose contract requires the use of etiologic

agents to prepare a facility safety program plan based on the criteria below and submit the plan to the contracting agency for review prior to beginning BDP contract operations. The plan will describe the contractor organization, and procedures for meeting DOD, Army, and contracting Command safety requirements as specified in the contract.

(1) A safety training program for all individuals working with etiologic agents must be documented by the contractor and include, as a minimum, the requirements in §626.7(e). Appropriate safety training will be provided to scientists, other laboratory personnel, and unrelated personnel such as technicians, clerical, and maintenance workers. This training will be documented.

(2) The contractor must designate a qualified individual to be responsible for the entire safety program with full authority to develop and enforce contractor safety policies. Regular safety inspections will be conducted and inspection reports will be provided to the contracting agency upon request.

(3) Policies for storing, handling, and moving etiologic agents within the contractor facility shall be included in the plan.

(4) Policies and procedures for disposal of any etiologic agent waste must be identified. Disposal must comply with Federal, State, and local regulations as well as DOD and Army requirements.

(5) An SOP must be established for each area where BDP etiologic agents are stored, transferred, or used. In addition, an SOP must be prepared for operations unique to any specific contract. The contractor will provide the SOP to contracting agency personnel upon request for review.

(6) For contracts requiring BL–3 or BL–4, the contractor will provide (upon request) facility engineering drawings and specifications for the relevant etiologic agent containment areas, associated ventilation systems, and local approving authority. Also to be included is test data verifying that all systems adequately meet the DOD and Army safety requirements, as well as test methods for periodic recertification of the system.

(7) MCE scenarios that ensure that all realistic threats are considered at contractor sites, see §626.12 of this part.

§ 626.17 Contractor changes.

The contractor will submit proposed changes to the original safety documentation to the contracting agency for review prior to implementation. Requests will include justification and test data verifying that adequate safety will be maintained.

§ 626.18 BDP contract requirements.

(a) Contractors performing work with BL–3 and BL–4 material must prepare a plan detailing procedures for controlling laboratory mishaps involving etiologic agents.

(1) The contractor shall have the necessary equipment and trained personnel for controlling the mishap.

(2) In the event of an incidental release of a BDP etiologic agent from appropriate laboratory biocontainment that may result in personnel exposure, approved emergency procedures will be initiated immediately to effectively protect personnel and the environment and to constrain the spread of contamination. The affected areas will be decontaminated before normal operations are resumed.

(3) Special medical surveillance will be started as soon as possible for all workers present in the potentially affected area at the time of the mishap.

(4) Local emergency support agencies, such as law enforcement, fire departments, health departments, and governments will be informed of BDP activities and the appropriate support necessary, to include any equipment and training to provide effective emergency response. Agreements with external agencies must be formalized.

(5) The contractor shall be required to review the plan annually and consult external agencies if there is an agreement for them to provide assistance. This should be done in coordination with the contracting agency.

(b) [Reserved]

Subpart D—BDP Studies and Reviews

§ 626.19 Assuring maximum safety.

(a) Safety studies and reviews are conducted to assure that maximum safety and health measures are being taken to prevent mishaps involving BDP etiologic agents in any amount or under any conditions that may cause incapacitation, illness, or death to any person, or adverse effects on the public or to the environment.

(b) The system safety requirements of AR 385–16 will be followed during all BDP safety studies and reviews.

§ 626.20 Special studies.

Any HQDA agency may recommend a special study or review of an etiologic agent or system when it becomes necessary to investigate the condition or changes described below. The responsbile HQDA agency will determine the scope and conduct the study or review. Special study activities will be coordinated with HQDA, DACS–SF, WASH DC 20310–0200.

(a) Conditions or practices which may affect safety.

(b) Major system modifications including both design and physical configuration changes.

(c) Significant changes to safety, health, and environmental protection standards and requirements that affect BDP operations.

APPENDIX A TO PART 626—REFERENCES

These publications can be obtained from the National Technical Information Services, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

REQUIRED PUBLICATIONS

AR 40–5—Preventive Medicine. (Cited §626.7(f) introductory text)
AR 40–400—Patient Administration. (Cited in §626.6)
AR 385–10—Army Safety Program. (Cited in §§626.4(c) introductory text, 626.4(g)(3), and 626.4(g)(5))
AR 385–16—System Safety Engineering and Management. (Cited in §§626.11, and 626.19)
AR 385–40—Accident Reporting and Records. (Cited in §§626.4(c)(10) and 626.6)
AR 415–15—Military Construction, Army (MCA) Program Development. (Cited in §626.11)
DA Pam 385–69—Biological Defense Safety Program. (Cited in §§626.1(b), 626.4(g)(3), 626.4(g)(4), 626.5(b), 626.7(h)(1), 626.7(i) intro text, 626.7(i)(1), 626.7(k), 626.8(b), 626.10(a), 626.10(b), and 626.16(b))
Med 16 Report. (Cited in §626.6)

RELATED PUBLICATIONS

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 40–10—Health Hazard Assessment Program in Support of the Army Material Acquisition Decision Process
AR 70–1—Systems Acquisition Policy and Procedures
AR 70–10—Test and Evaluation During Development and Acquisition of Materiel
AR 70–18—The Use of Animals in DOD Programs
AR 70–25—Use of Volunteers as Subjects of Research
AR 70–65—Management of Controlled Substances, Ethyl Alcohol, and Hazardous Biological Substances in Army Research, Development, Test, and Evaluation Facilities
AR 200–1—Environmental Protection and Enhancement
AR 200–2—Environmental Effects of Army Actions
AR 405–90—Disposal of Real Estate

APPENDIX B TO PART 626—GLOSSARY ABBREVIATIONS

AMC—United States Army Materiel Command
AR—Army regulation
ARSTAF—Army Staff
ASA (IL&E)—Assistant Secretary of the Army (Installations, Logistics and Environment)
ASA (RDA)—Assistant Secretary of the Army (Research, Development, and Acquisition)
BDP—Biological Defense Program
BL—Biosafety level
CG—commanding general
CSA—Chief of Staff, United States Army
DA—Department of the Army
DA Pam—Department of the Army Pamphlet
DASAF—Director of Army Safety
DCSOPS—Deputy Chief of Staff for Operations and Plans
DOD—Department of Defense
HEPA—high efficiency particulate air
HQDA—Headquarters, Department of Army
IPR—in process reviews
MACOM—major Army command
MCA—Military Construction, Army
MCE—maximum credible event
OCSA—Office of the Chief of Staff, United States Army
R&D—research and development
RDTE—research, development, test, and evaluation
RCRA—Resource Conservation Recovery Act

SOP—standing operating procedure
TSG—The Surgeon General, Army
USACE—United States Army Corps of Engineers
USAMRDC—United States Army Medical, Research and Development Command

TERMS

Biological Defense Mishap

An event in which the failure of laboratory facilities, equipment, or procedures appropriate to the level of potential pathogenicity or toxicity of a given etiologic agent (organism or toxin) may allow the unintentional, potential exposure of humans or the laboratory environment to that agent. Mishaps can be categorized into those resulting in confirmed exposures and those resulting in potential exposures. A confirmed accidental exposure is any mishap in which there was direct evidence of an exposure, such as a measurable rise in specific antibody titer to the etiologic agent in question, or a confirmed diagnosis of intoxication or disease. A potential exposure is any mishap in which there was reason to believe that anyone working with an etiologic agent may have been exposed to that agent, yet no measurable rise in specific antibody titer or diagnosis of illness or disease can be found. However, there is reason to believe in such a case that the possibility existed for introduction of an etiologic agent through mucous membranes, the respiratory tract, broken skin, or the circulatory system as a direct result of the incident or injury.

Biocontainment Area

An area which meets the requirements for a BL–3 or BL–4 facility. The area may be an entire building, a suite of rooms, a single room within a building, or a biological safety cabinet.

Biological Safety Cabinets

Engineering controls designed to enable laboratory workers to handle infectious etiologic agents and to provide primary containment of any resultant aerosol. There are three major classes of cabinets (I, II, and III) and several sub-classes of class II cabinets. Each type of cabinet provides a different degree of protection to personnel and to the products handled inside them.

Biosafety Level

A combination of facilities, equipment, and procedures used in handling etiologic agents to protect the worker, environment, and the community. This combination is proportional to the potential hazard of the etiologic agent in question.

Biosafety Level 1

The facilities, equipment, and procedures suitable for work involving agents of no known or of minimal potential hazard to laboratory personnel and the environment.

Biosafety Level 2

The facilities, equipment, and procedures applicable to clinical, diagnostic, or teaching laboratories, suitable for work involving indigenous agents of moderate potential hazard to personnel and the environment. It differs from BL–1 in that (1) laboratory personnel have specific training in handling pathogenic agents, (2) the laboratory is directed by scientists with experience in the handling of specific agents, (3) access to the laboratory is limited when work is being conducted, and (4) certain procedures in which infectious aerosols could be created are conducted in biological safety cabinets or other physical containment equipment. Personnel must be trained. Strict adherence to recommended practices is as important in attaining the maximum containment capability as is the mechanical performance of the equipment itself.

Biosafety Level 3

The facilities, equipment, and procedures applicable to clinical, diagnostic, research, or production facilities in which work is performed with indigenous or exotic agents where there is potential for infection by aerosol and the disease may have serious or lethal consequences. It differs from BL–2 in that (1) more extensive training in handling pathogenic and potentially lethal agents is necessary for laboratory personnel, (2) all procedures involving the manipulation of infectious material are conducted within biological safety cabinets, or by other physical containment devices, (3) the laboratory has special engineering and design features, including access zones, sealed penetrations, and directional airflow, and (4) any modification of BL–3 recommendations must be made only by the commander.

Biosafety Level 4

The facilities, equipment, and procedures required for work with dangerous and exotic agents which pose a high individual risk of life-threatening disease. It differs from BL–3 in that (1) members of the laboratory staff have specific and thorough training in handling extremely hazardous infectious agents, (2) laboratory personnel understand the primary and secondary containment functions of the standard and special practices, containment equipment, and laboratory design characteristics, (3) access to the laboratory is strictly controlled by the commander, (4) the facility is either in a separate building or in a controlled area within a building, which

is completely isolated from all other areas of the building, (5) a specific facility operations manual is prepared or adopted, (6) within work areas of the facility, all activities are confined to Class III biological safety cabinets or Class I or Class II biological safety cabinets used in conjunction with one-piece positive pressure personnel suits ventilated by a life support system, and (7) the maximum containment laboratory has special engineering and design features to prevent microorganisms from being disseminated to the environment.

Building

A structure that contains the requisite components necessary to support a facility that is designed according to the required biosafety level. The building can contain one or more facilities conforming to one or more biosafety levels.

Confirmed Exposure

Any mishap with a BDP agent in which there was direct evidence of an actual exposure such as: A measurable raise in antibody titer to the agent, or a confirmed diagnosis of intoxication or disease.

Decontamination

The physical or chemical processes by which an object or area, contaminated with a harmful or potentially harmful etiologic agent, is made safe for handling or use. Such processes include physical removal of all contaminants, thermal destruction of biological activity (sterilization), chemical inactivation (biocidal process), or a combination of these methods.

Etiologic Agent

A viable microorganism, or its toxin which causes or may cause human disease, and includes those agents listed in 42 CFR 72.3 of the Department of Health and Human Services regulations, and any material of biological origin that poses a degree of hazard similar to those organisms.

Exemption

A permanent written exemption approved by HQDA for a requirement imposed by this regulation. An exemption is based on a determination that conformity to the established standard is impossible, highly impracticable, unnecessary, or not in the best interest of the United States Government.

First Aid

Any one-time treatment, and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such one-time treatment, and follow-up visit for observation, is considered first aid, even through provided by a physician or registered medical professional personnel.

High efficiency particulate air (HEPA) filter

A filter which removes particulate matter down to sub-micron sized particles from the air passed through it with a minimum efficiency of 99.97 percent. HEPA filters remove particulate matter with great efficiency while vapors and gases (for example from volatile chemicals) are not removed and pass through unrestricted. HEPA filters are used as the primary means of removing infectious agents from air exhausted from engineering controls and facilities.

Institute Director

The commander of an Army activity conducting RDTE with BDP etiologic agents, or the equivalent at a research organization under contract to the BDP.

Institution

An organization such as an Army RDTE activity (institute, agency, center, or similar facility) or a contract organization such as a school of medicine or research institute that conducts RDTE with BDP etiologic agents.

Laboratory

An individual room or rooms within a facility that provides space in which work with etiologic agents may be performed. It contains all of the appropriate engineering features and equipment required at a given biosafety level to protect personnel working in the laboratory and the environment external to the facility.

Potential Accidental Exposure

Any mishap in which there was reason to believe that anyone working with a BDP material may have been exposed to that material, yet no measurable rise in antibody titer or diagnosis of intoxication or disease was made. However, the high probability existed for introduction of an agent through mucous membranes, ingestion, respiratory tract, broken skin, or circulatory system as a direct result of the accident, injury, or incident.

Resource Conservation Recovery Act (RCRA) Listed Hazardous Waste

The waste materials listed by Environmental Protection Agency under authority of the RCRA for which the disposal is regulated by the Environmental Protection Agency. A description and listing of these wastes is located in 40 CFR part 261.

Sterilization

The complete destruction of all forms of microbial life.

Suite

An area consisting of more than one room, and designed to be a functional unit in which laboratory operations can be conducted. Suites may contain a combination of laboratories and animal holding rooms or both and associated support areas within a facility that are designed to conform to a particular biosafety level. There may be one or more suites within a facility.

Toxin

Toxic material of biologic origin that has been isolated from the parent organism. The toxic material of plants, animals, or microorganisms.

Waiver

A temporary (1 year or less) written relief from a requirement imposed by this regulation, pending accomplishment of actions or programs which will result in conformance to the required standards. Waivers will not be extended beyond 5 years.

PART 627—THE BIOLOGICAL DEFENSE SAFETY PROGRAM, TECHNICAL SAFETY REQUIREMENTS (DA PAMPHLET 385–69)

Subpart A—Introduction

Subpart B—Administration

Subpart C—Operational Requirements

Subpart D—Personal Protective Equipment

Subpart E—Decontamination and Disposal

Subpart F—Importation, Shipment, and Transport of Etiologic Agents

Subpart G—Facilities

Subpart H—Engineering Controls

AUTHORITY: 5 U.S.C. 102, 21 U.S.C. 111, 151–158; 42 U.S.C. 216; sec. 361, 58 Stat. 703 and 264; 49 U.S.C. App. 1803, 1804, 1807, and 1808; 50 U.S.C. 1431, 29 CFR 1910. 1450(e) and Public Law 101–510, 104 Stat. 1516.

SOURCE: 57 FR 12604, Apr. 10, 1992, unless otherwise noted.

Subpart A—Introduction

§ 627.1 Purpose.

This pamphlet prescribes the technical safety requirements for the use, handling, shipment, storage, and disposal of etiologic agents used in research, development, test, and evaluation (RDTE) for the Biological Defense Program (BDP)

§ 627.2 Background.

The United States Army BDP, on behalf of the Department of Defense, supports RDTE efforts to maintain and develop defensive measures and materiel to meet potential biological warfare threats. The program's objectives are to develop measures for identification, detection, treatment, protection against, and decontamination of these threats. To meet the program objectives, etiologic agents are used to conduct the necessary handling, storage, shipment, and disposal of etiologic agents. This pamphlet describes requirements based on Centers for Disease Control-National Institute of Health (CDC) (NIH) guidelines, Biosafety in Microbiological and Biomedical Laboratories, and establishes guidelines for toxins.

§ 627.3 Scope.

The requirements stated in this pamphlet apply to all elements of the Army to include the ARNG and the USAR and its contractors and subcontractors who use, produce, store, handle, or ship etiologic agents in support of the BDP, regardless of the source of the agent(s).

§ 627.4 References.

Required and related publications are listed in appendix A of this part.

§ 627.5 Abbreviations and terms.

Abbreviations and special terms used in this part are explained in appendix F of this part.

Subpart B—Administration

§ 627.6 Safety administration.

Each BDP institution must have a safety program that complies with AR 385–10, AR 385–69, and this pamphlet. In addition, the safety program must be designed to ensure compliance with—

(a) Occupational Safety and Health Administration (OSHA) requirements for health and safety.

(b) Environmental Protection Agency (EPA) regulations designed to implement the Resource Conservation and Recovery Act (RCRA) and the National Environmental Policy Act (NEPA).

(c) Nuclear Regulatory Commission (NRC) requirements for safe handling of radioactive isotopes (when applicable).

(d) NIH Guidelines for Research Involving Recombinant Deoxyribonucleic Acid (DNA) Molecules.

(e) Relevant national, State, and local regulations.

(f) Any requirements of applicable accrediting bodies.

§ 627.7 Goal of a laboratory safety program.

The goals of the laboratory safety program are to protect those working in the laboratory, others who may potentially be exposed to hazards in the laboratory, and the environment. In addition, a laboratory safety program should ensure that hazardous materials will be handled and disposed of in such a way that people, other living organisms, and the environment are protected from harm. Safety awareness must be a part of everyone's habits, and can only be achieved if all senior and responsible staff have a sincere, visible, and continuing interest in preventing injuries and occupational illnesses. Laboratory personnel, for their part, must carry out their work in a way that protects themselves and their fellow workers.

(a) *Laboratory safety.* The safety program will be carried out as stated in AR 385–69. Additionally, the program will contain the following elements—

(1) The commander or institute director, along with all personnel, must have a continuing, observable, and known commitment to the safety program.

(2) An effective institutional safety program requires a safety officer appropriately trained in relevant safety technology. This individual, besides supplying advice and recommendations, will ensure that records are kept showing that the institution's physical facilities and safety rules are internally consistent and compatible with potential risks, as well as in compliance with all applicable laws, regulations, and guidelines.

(3) The commander ensures safety in every department or other equivalent administrative unit of the institution. Ensuring safe operations is an integral function of each level of management through the first line supervisor. The safety office staff must work closely with administrators and investigators to develop and implement written policies and practices that promote safe laboratory work. Collectively, this group routinely must monitor current operations and practices, see that appropriate audits are maintained, and continue to seek ways to improve the safety program.

(4) Safety is a critical job element for each member of the scientific and technical staff. Each individual working in the laboratory must perform his or her job in a manner consistent with safety policy and training.

(5) If laboratory goals dictate operations or substances not suited to the existing facilities or equipment, the laboratory supervisor will, assisted by the safety officer, advise and assist the laboratory worker in developing or obtaining adequate facilities or equipment and designing appropriate work procedures.

(6) The supervisor will authorize each specific operation, delineate appropriate safety procedures, and instruct those who carry out the operation.

(7) Potential hazards will be identified before work with etiologic agents begins, and actions necessary to avoid accidents and illnesses will be implemented. This practice, called a job safety analysis, consists of breaking a job down into its logical steps, analyzing each for its hazard potential, and deciding the safe procedures to use. The process will be designed by a project director with input from employees, and each step with potential for exposure or other incidents must be described in writing in a standing operating procedure (SOP). All such SOPs will be approved by, at a minimum, the commander or institute director and the safety officer.

(8) The job safety analysis will include a consideration of health hazards identified in AR 40–10 and of maximum credible events as described in paragraph 2–8, AR 385–69.

(b) *Safety plans.* Clearly defined, published safety rules and monitoring procedures for compliance must be established. These rules will be readily available, in writing, for all involved in laboratory operations. This goal may be accomplished by preparing or modifying a facility safety plan, laboratory safety manual, occupational safety and health program or equivalent. This plan will—

(1) Be coordinated with institutional and Federal, State, and local emergency services.

(2) Be practiced with the emergency groups whose services are part of that plan prior to any need for their services, so that they can become familiar with any potential problem areas that may be encountered when they are called upon for assistance.

(3) Describe the method of rapid communication (for telephone, alarms, and so forth) that will be used during an emergency.

(4) Describe the institution's etiologic agent labeling system.

(5) Describe the institution's requirements for testing engineering controls (for example, biological safety cabinets and high efficiency particulate air (HEPA) filters) and essential safety equipment (for example, autoclaves) that are used to conduct RDTE funded by the BDP.

(6) Appoint and train personnel responsible for handling an emergency.

(7) Require that emergency telephone numbers be posted, so that emergency service personnel know whom to contact at all times of the day or night.

(8) Describe the institution's rules that have been established and are practiced to limit access to the facilities where etiologic agents under the sponsorship of the BDP are handled. The rules will include the following requirements:

(i) Access to biosafety level (BL)–1 and BL–1 large-scale (LS) laboratories is limited or restricted at the discretion of the commander or institute director when experiments are in progress.

(ii) Access to areas classified as BL–2, BL–2 LS, or where work with toxins is conducted, is limited by the commander or institute director when work with etiologic agents is in progress. Individuals who are at increased risk of acquiring infection or for whom infection may be unusually hazardous are not allowed in the laboratory. Only persons who have been advised of the potential hazard and meet any specific entry requirements (for example, immunization) may enter the individual laboratory or animal rooms. The commander or institute director must assess each circumstance and determine who may enter or work in the laboratory.

(iii) Access to areas classified as BL–3 or BL–3 LS is limited as stated in §627.7(b)(8)(ii), and is restricted to those persons whose presence in the facility or individual laboratory rooms is required for program or support purposes. Individuals under 18 years of age may not enter the controlled area.

(iv) Access to BL–4 facilities is limited as stated in §627.7(b)(8) (ii) and (iii). This is done with secure, locked doors with access controlled by the commander or institute director, safety officer, or other person responsible for the physical security of the facility. Before entry, all persons will be advised as to the appropriate safeguards for ensuring their safety. Authorized persons must comply with these instructions and all other applicable entry and exit procedures. A logbook will be maintained for all personnel to indicate the date and time of each entry and exit. A card-key activated computer record (or other electronic entry device) may be used if it indicates the date and time of both entry and exit.

(9) Describe the system that is developed and is operational for the reporting of accidents and exposures, employee absenteeism, and for the medical surveillance of potential laboratory-associated illnesses.

(c) *Safety meetings and safety committees.* In effective safety programs, everyone associated with the laboratory becomes involved. This is done by ensuring maximum participation in planning and by conducting group safety meetings.

(1) A staff safety committee, consisting of the commander or institute director or his or her designated representative, research supervisors, managers, medical personnel, employees, and the safety officer, will be established. This group leads the safety effort, reviews mishaps, and recommends changes in policies, safety program, or equipment as needed to improve safety.

(2) Safety committees will meet at least quarterly and minutes will be prepared and maintained for at least 3 years.

(3) When work with recombinant DNA molecules is undertaken, an institutional biosafety committee (IBC) for review of such work will be established and will function as stated in the NIH Guidelines for Research Involving Recombinant DNA Molecules (see appendix A to this part).

(d) *SOPs.* Besides the documented safety program that will be in effect, each institution will require that an SOP be established for each unique biological defense RDTE operation. The SOPs will meet the criteria stated in AR 385–69 and be reviewed and updated annually. A copy of the SOP will be maintained in the work area. In addition, SOPs will address the following issues—

(1) The unique hazards introduced by the activity in the work area.

(2) The methods of controlling these hazards.

(3) Any unique procedures and requirements needed that are not described as universally required in the safety plan (for example, signs, waste disposal, immunizations, emergency procedures, and personnel monitoring).

(4) Specialized orientation or training of personnel beyond that required in the safety plan.

(5) Ways of ensuring that the unique procedures are followed.

(6) Emergency procedures.

(e) *Safety communications.* Safety communications alert people to newly recognized hazards, remind them of

basic biological safety principles, and instill positive attitudes toward safety. Training requirements are also found in §627.10(b). A system of communication will be established to—

(1) Implement a biological safety training program for all personnel working with hazardous biological or chemical materials.

(2) Publish information addressing useful biological safety advice and accounts of laboratory accidents, along with the lessons to be learned from them.

(3) Make reference books and regulations concerning laboratory hazards, occupational health, and proper laboratory practices readily available.

(4) Assure that material safety data sheets (MSDS) for hazardous chemicals used in the laboratory are readily available to all employees.

(f) *Safety audits.* One of the essential elements of a good safety program is the conduct of periodic audits of the safety performance in a laboratory. Observing individual safety practices and checking the operability of safety equipment and compliance with safety rules must be part of the audit.

(1) An individual and an alternate will be appointed for each laboratory or room where BDP work is conducted. On a daily basis he or she will monitor the conduct of personnel within their room(s) and maintenance of the room to see that they comply with the safety program and SOPs.

(2) Supervisors will ensure that their projects comply with applicable safety requirements and will audit their areas at least weekly to ensure compliance.

(3) The safety officer or his or her qualified designee will inspect the institution's BL–1, BL–2, and toxin laboratories quarterly. BL–3 and BL–4 laboratories and those in which dry forms of highly potent toxins are handled will be inspected monthly by safety and health professionals. These inspections will be announced and include coverage of general safety practices as well as features specific to a particular biosafety level.

(i) Reports of deficiencies or procedures that create a potentially life-threatening situation will be made directly to supervisory personnel and the commander or institute director and actions will be taken immediately to correct the situation. The operation will not continue until every deficiency is corrected.

(ii) Reports of deficiencies for other than life-threatening situations will be made as soon as possible to the appropriate supervisor, with copies furnished to the commander or institute director. If a problem is widespread, all affected personnel will be notified.

(4) Supervisory personnel notified of safety deficiencies by the safety officer will ensure that the people directly concerned are contacted and that the deficiencies are remedied before operations are resumed.

(5) Malfunctioning equipment must be reported to the appropriate individuals, labeled to indicate that it should not be used, and repaired promptly.

(6) As a minimum, the audits conducted by the safety officer or his or her qualified designee will cover the items listed in appendix C to this part.

(g) *Documentation.* Records, documenting the following items, will be maintained for 3 years:

(1) Safety audits and the corrective measures.

(2) Risk assessments for proposed new laboratory procedures.

(3) Annual reviews of established SOPs.

(4) Training.

(5) Engineering controls and protective equipment certifications and tests.

(6) Safety committee meeting minutes and recommendations.

(7) Any outside auditor comments and responses.

§ 627.8 Occupational health.

An occupational health program will be implemented per AR 40–5, chapter 5, for all employees whose employment requires that they conduct duties in a BDP etiologic agent area. Essential elements of the program will include—

(a) *Medical surveillance examinations.* Medical examinations by a licensed medical doctor will be given prior to employment, at least every 3 years thereafter, and upon termination of duties requiring access to laboratories where etiologic agents are used. When full medical examinations are not given annually, health professionals will perform annual health screening.

Safety and health professionals will ensure that medical examiners are made aware of all hazardous substances each employee works with at the time of the medical examination. The physician's findings will include assessment of whether an employee has any health condition that would preclude work with etiologic agents. If any of the findings obtained during the examination are outside the normal range, the employee's supervisor and the employee will be notified and counseled on the courses of action available. In addition, a safety and health audit will be conducted to identify any potential occupational causes for the abnormalities, and corrective measures will be taken if applicable.

(b) *Serum samples.* When appropriate, considering the agent(s) handled, baseline serum samples for laboratory and other at-risk personnel will be collected and stored for their biologically useful lifetime, but not longer than 40 years. Additional serum specimens will be collected periodically, based upon the agents handled, or as required by participation in a special immunizations program. SOPs will be written detailing the collection procedures and periods if serum sampling is deemed necessary.

(c) *Assignment of personnel.* Personnel assigned duties in work areas where etiologic agents are used will be evaluated to determine their suitability for their assigned tasks by the installation medical authority. Only personnel who are physically and mentally capable of working in biocontainment areas (BL–3 and BL–4) or with toxins will be assigned to these duties.

(d) *Immunization of at-risk personnel.* The guidelines for immunizations in the latest edition of the American College of Physicians' Guide for Adult Immunizations and recommendations of Health and Human Services (HHS) in publication number (NIH) 88–8395 shall be followed. A resource list for available immunizations for personnel at risk is given in appendix B of this part.

(e) *Reporting exposures.* Spills and mishaps which result in observable, known or potential exposures to etiologic agents will be immediately reported to the supervisor, the safety officer, the responsible medical personnel, and the commander. Appropriate medical evaluation, surveillance, and treatment will be provided and written records of these occurrences will be maintained for 40 years. A Med-16 report will be initiated (see AR 40–400).

(f) *Quarantine.* When etiologic agents designated as BL–4 by the CDC–NIH in HHS publication no. (NIH) 88–8395, (or most recent edition) are handled, a facility for the quarantine, isolation, and medical care of personnel with potential or known laboratory-associated exposures will be available.

§ 627.9 Medical records.

Army activities will maintain medical records in accordance with AR 40–66 and FPM 293–31 for all military and Department of the Army (DA) civilian employees who work with etiologic agents under sponsorship of the BDP.

Subpart C—Operational Requirements

§ 627.10 Personnel prerequisites.

(a) *Medical.* Before to assignment to work with etiologic agents, personnel will be evaluated by the appropriate medical personnel with respect to their assignment and will be evaluated in the medical surveillance program described in § 627.8.

(b) *Training.* All personnel directly or indirectly involved with containment or handling of known and potentially biohazardous material shall receive instruction that adequately prepares them for their assigned duties. Training will be given by occupationally qualified personnel as determined by the commander. This training will be documented and will include—

(1) General training—

(i) Personal hygiene related to laboratory work.

(ii) Laboratory practices.

(iii) Personal protective equipment.

(iv) Effective use of engineering controls.

(v) Packaging, transportation, and shipment of etiologic agents (when applicable).

(vi) Hazardous and infectious waste disposal, handling, and minimization procedures.

(2) Training conducted specifically for the facilities that the individual will be working in, including—

(i) Procedures for the facility.

(ii) Reporting incidents and accidents.

(iii) Labeling and posting of signs.

(iv) Biohazardous waste handling, approaches to minimizing the volume of waste, decontamination, packaging, and disposal.

(v) Emergency procedures.

(3) Additional general training required for work in facilities where viable etiologic agents are present.

(i) Aseptic technique and procedures to include hands-on instruction and demonstration of proficiency.

(ii) Concept and definition of biosafety levels.

(iii) Disinfection and sterilization.

(iv) Safe use of workplace equipment, for example autoclave and centrifuge.

(v) Monitoring and auditing requirements.

(vi) Precautions for handling blood, tissues, and body fluids (when applicable).

(vii) The infectivity, pathogenicity, mode(s) of transmission, and medical surveillance requirements of specific agents.

(viii) Training for all new employees will include a period of supervised orientation in the facilities by a scientist or technician with specific training in the procedures and properties of the etiologic agents in use. During the training period, new laboratory personnel will be under the constant supervision of appropriately trained personnel.

(ix) Personnel who are assigned tasks in BL–2, BL–3, or BL–4 facilities will also have specific training in handling pathogens.

(x) Personnel assigned duties in a BL–4 facility will also have specific and thorough training in handling extremely hazardous infectious agents, the primary and secondary containment functions of standard and special practices, use of personal protective equipment, containment equipment, and laboratory design characteristics.

(4) Additional general training for handling toxins will include relevant items from § 627.10 plus—

(i) The availability of reference material on the hazards and safe handling of toxic substances.

(ii) The biological effects of the toxin(s) in use.

§ 627.11 Operational prerequisites.

(a) Evaluation of the risks. The risk assessment of laboratory activities involving the use of etiologic agents is ultimately a subjective process. Those risks associated with the agent, as well as with any adjunct elements of the activity to be conducted, (chemicals, radioisotopes, end-products, and so forth) must be considered in the assessment. The appropriate biosafety level for work with a particular agent or animal study depends on the virulence, pathogenicity, biological stability, route of transmission, and communicability of the agent; the nature of the laboratory; the procedures and manipulations to be used; the quantity and concentration of the agent; and the availability of effective vaccines or therapeutic measures.

(b) The characteristics of etiologic agents, primary laboratory hazards of working with the agent, and recommended biosafety levels are described by CDC–NIH (HHS publication No. (NIH) 88–8395), the considerations for recombinant DNA molecules are described by NIH, and those for oncogenic viruses are described by NCI–NIH (sources listed below). The commander or institute director will assign work with given etiologic agents to the appropriate biosafety level. A risk assessment should take into account not only the NIH Guidelines for Research Involving Recombinant DNA Molecules, but also potential hazards associated with the organism and the product of the experimentation.

(1) When established guidelines exist, these will be followed. The primary source guidelines are—

(i) HHS Publication No. (NIH) 88–8395, Biosafety in Microbiological and Biomedical Laboratories, as amended, and updates published in Morbidity and Mortality Weekly Report.

(ii) NIH Guidelines for Research Involving Recombinant DNA Molecules (FR 51: 16958–16985 and updates).

(iii) The publication by the American Committee on Arthropod-Borne Viruses Subcommittee on Arbovirus Laboratory Safety (SALS) entitled Laboratory Safety for Arboviruses and Certain Other Viruses of Vertebrates in the American Journal of Tropical Medicine and Hygiene, 29(6), 1980, pp. 1359–1381.

(iv) The Department of Health and Human Services Publication No. (NIH) 76–1165 by the National Cancer Institute (NCI) entitled Biological Safety Manual for Research Involving Oncogenic Viruses.

(2) When samples with unidentified viable agents are obtained, a knowledgeable and qualified scientist will evaluate the risks and make recommendations to the safety officer, who will add recommendations for review and approval by the commander or institute director. When guidelines for a specific organism are not established, in addition to these steps, the CDC or SALS or both will be consulted. Their recommendations will be documented and provided to the commander or institute director before approval.

(c) *Selection of facilities.* The facility requirements identified by the risk assessment will be adhered to. Any variations and compensatory measures will be approved by the IBC (when recombinant DNA molecules are involved), the safety officer, and the commander or institute director before a request for an exception or waiver is submitted as stated in AR 385–69.

(d) *Policies and procedures.* Policies in the form of a laboratory safety manual, regulations, memorandums, or SOPs are required for work with etiologic agents in the BDP. Before beginning a new procedure, the policies and procedures will be reviewed to ascertain that the intended operations are described and to determine the requirements that apply to the operation. If procedures exist for the intended operation, personnel will be trained to follow them; if procedures do not exist, then a detailed SOP will be written, reviewed, and approved before beginning the operation. SOPs will conform to the requirements stated in §627.7(d), and be signed by all personnel who are required to follow the procedures, thus acknowledging that they have read and understood the contents. All SOPs that pertain to a specific area (room, laboratory, or suite) will be available at the worksite.

§ 627.12 General laboratory techniques.

The general requirements for use of etiologic agents are composed of two sets of requirements, with the requirements for toxins being a subset of the requirements for handling viable etiologic agents. These requirements are as follows—

(a) *General techniques applicable to etiologic agents.*

(1) A fully fastened long-sleeved laboratory coat, gown, uniform, or coveralls will be worn in laboratories or animal rooms.

(2) Eating, drinking, smoking, and applying cosmetics are not permitted in the work areas.

(3) Personnel must wash their hands after they handle etiologic agents or animals, and before leaving the laboratory area.

(4) Mouth pipetting is strictly prohibited. Mechanical pipetting aids must be used.

(5) Gloves—(i) Will be worn when manipulating etiologic agents and handling containers of etiologic agents. Gloves are not required when materials are packaged appropriately for shipment.

(ii) Will be selected based on the hazards.

(iii) Will be changed frequently (or decontaminated frequently), and will be decontaminated or discarded into a labeled biohazard container after each use and immediately upon observable direct contact with an etiologic agent.

(iv) Will be removed at the workspace (workbench or hood) after handling etiologic agents to ensure that doorknobs and other surfaces are not contaminated.

(6) Good housekeeping will be maintained. This includes—

(i) Work areas free of clutter.

(ii) Work environment free of tripping hazards, with adequate access to exits, emergency equipment, controls, and such.

(iii) Benches and general work areas will be cleaned regularly using a wet

sponge or similar method with disinfectant as appropriate. Methods that stir up dust such as sweeping or using vacuum cleaners, (except for HEPA-filtered vacuum cleaners) are unacceptable.

(iv) Specific work areas will be cleaned and decontaminated immediately following each use of an etiologic agent (at least once a day) and after any spill of viable material.

(v) Hallways and stairways will not be used for storage.

(7) All solutions, reagents, and chemicals will be labeled.

(8) All contaminated liquid or solid wastes will be inactivated before disposal.

(9) Work will be conducted over spill trays or plastic-backed absorbent paper. The paper will be removed, decontaminated, or disinfected, and the general area wiped with decontaminant at the end of each day or at the end of the experiment, whichever occurs first.

(10) Etiologic agents will be kept in closed containers when not in use. Cultures, solutions, or dried etiologic agents in glass vessels transported or incubated within a room or suite will be handled in nonbreakable, leak-proof pans, trays, pails, carboys, or other secondary containers large enough to contain all the material, if the glass vessel leaks or breaks. Etiologic agents removed from a room or suite for transport to another approved area within the same building will be placed in a closed unbreakable secondary container before removal from the laboratory. The secondary container will be labeled on the exterior with a biohazard symbol and identification of the contents, including the required biosafety level, the scientific name, the concentration (if applicable), and the responsible individual. The secondary containers will be wiped with suitable disinfectant before removal from the laboratory or area.

(11) Working stocks of etiologic agents will be stored in double containers. The primary and secondary containers will provide a positive seal and the secondary container will be unbreakable. The secondary container will be labeled as stated in §627.12 (a)(10) and with the date stored.

(12) Storage units (for example, freezers, refrigerators, cabinets, and hoods) will be labeled with the universal biohazard sign and indicate the classes of etiologic agents contained in them. Storage units will be secured when not in use.

(13) All contaminated materials, containers, spills, and solutions will be decontaminated or disinfected by approved methods before disposal.

(14) After injection of an etiologic agent into animals, the site of injection will be swabbed with a decontaminant.

(15) Syringes. (i) Reusable or disposable syringes will be of the fixed needle or LUER–LOK type (or equivalent) to assure that the needle cannot separate during use.

(ii) After use, nondisposable glass syringes with attached needles contaminated with etiologic agents will be submerged in a container of decontaminant. Disposable syringes will be discarded with needles attached in puncture-proof rigid containers. Needles will not be recapped after use.

(iii) Sterilized or decontaminated containers marked ''Syringes and/or Needles'' may be deposited in appropriate refuse containers after proper packaging and destruction of the contents.

[NOTE: Many States, especially those on the Eastern seaboard, have implemented strict requirements for the disposal of medical wastes. For example, Maryland has designated all waste from a microbiological laboratory as hazardous waste with licensing requirements for generators of 50 kilograms per month or more of waste, while all medical waste released for transport off-site must be manifested to a State licensed medical waste hauler with the destination specified. Additionally, in some cases, the local government (for example, a city) regulates the disposal of these wastes. These requirements will be identified and followed.]

Needles or syringes may not be destroyed by clipping. A mechanical shear may be used to smash or sheer needles after or concurrently with sterilization or decontamination.

(16) Refrigerators, deep freezers, and dry ice chests should be checked, cleaned out, and defrosted periodically to remove any ampules, tubes, and so forth, containing etiologic agents that may have broken during storage. Rubber gloves and respiratory protection

appropriate to the materials in storage should be worn during cleaning. Do not store flammable solutions in nonexplosion proof refrigerators.

(b) *Additional techniques applicable to work with viable etiologic agents.* The major objective of these techniques is to assist in protection against laboratory acquired infections. Air sampling studies have shown that aerosols are generated from most of the manipulations of bacterial and viral cultures common to research laboratories. The generation of aerosols during routine laboratory manipulations must be considered when evaluating the individual degree of risk, keeping in mind the four main factors governing infection: dosage, virulence of the organism, route of infection (for example, skin, eyes, mouth, lungs), and host susceptibility (for example, state of health, natural resistance, previous infection, response to vaccines and toxoids). The requirements stated below are minimum handling requirements to prevent accidental infection created by incidental aerosols.

(1) All procedures are performed carefully to minimize the creation of aerosols.

(2) No infectious mixtures will be prepared by bubbling air through a liquid.

(3) Pipettes.

(i) No infectious material will be forcibly ejected from pipettes. Only to deliver (TD) pipettes will be used.

(ii) Pipettes used with infectious or toxic materials will be plugged with cotton unless they are used exclusively in a gas-tight cabinet system.

(iii) Contaminated pipettes will be placed horizontally in a rigid container containing enough disinfectant for complete immersion. Cylinders used for vertical discard are not recommended. The container and pipettes must be autoclaved as a unit and replaced by a clean container containing fresh disinfectant.

(iv) Pipetting devices must be used. Under no circumstances is mouth pipetting permitted.

(4) Syringes. (i) Using syringes and needles for making dilutions of etiologic agents is not recommended.

(ii) When removing a syringe and needle from a rubber stopper bottle containing viable etiologic agents, an alcohol soaked pledget around the stopper and needle will be used.

(iii) Excess fluid and bubbles should be expelled from syringes vertically into a cotton pledget soaked with disinfectant or into a small bottle containing disinfectant-soaked cotton.

(iv) The site of injection of an animal will be swabbed with a disinfectant before and after injection.

(v) After use, syringes contaminated with residual infectious fluid will be submerged in a container of disinfectant in a safety cabinet prior to removal for autoclaving. To minimize accidental injection of infectious material, the removable needles should remain on such syringes until after autoclaving. When possible, syringes with attached needles should be placed in a pan separate from that holding other discarded materials.

(vi) Caps will not be placed over needles until after disinfection. During recapping, procedures to prevent personal injuries will be used.

(5) Centrifuges and shakers. (i) Before centrifuging, tubes, rotors, seals, and gaskets will be checked for cleanliness and integrity. In low speed clinical-type centrifuges, a germicidal solution may be added between the tube and trunnion cup to disinfect the outer surfaces of both and to cushion against shocks that might break the tube. Metal or plastic tubes (other than nitro-cellulose) will be used.

(ii) Decanting from centrifuge tubes will be avoided. If decanting is necessary, the outer rim will be wiped with a disinfectant after decanting so that material on the lip cannot spin off as an aerosol. Centrifuge tubes will not be filled byond the level the manufacturer recommends.

(iii) Broth cultures will be shaken in a manner that avoids wetting the plug or cap.

(6) Water baths in which viable etiologic agents are incubated must contain a disinfectant. For cold water baths, 70 percent propylene glycol is recommended. The disinfectant should be changed frequently.

(7) When a laboratory vacuum is used to manipulate viable etiologic agents, a secondary reservoir containing disinfectant and a HEPA filter must be employed to ensure that the laboratory

vacuum lines do not become contaminated.

(8) Test tubes. (i) Tubes containing viable etiologic agents should be manipulated with extreme care. Studies have shown that simple procedures, such as removing a tube cap or transferring an inoculum, can create a potentially hazardous aerosol.

(ii) Manipulation of biohazardous test tubes will be conducted in biological safety cabinets. Tubes and racks of tubes containing biohazardous material should be clearly marked. The individual employee must ensure that tubes containing biohazardous material are properly sterilized prior to disposal or glassware washing. Safety test tube trays should be used in place of conventional test tube racks to minimize spillage from broken tubes. When safety test tube trays are not used, the conventional test tube racks will be placed in a tray large enough to contain any potential spill. A safety test tube tray is one having a solid bottom and sides deep enough to hold all liquids, should a test tube break.

(9) Care should be exercised when using membrane filters to obtain sterile filtrates of viable etiologic agents. Due to the fragility of the membranes and other factors, such filtrates cannot be considered noninfectious until laboratory culture or other tests have proven their sterility.

(10) The preparation, handling, and use of dry powders of viable etiologic agents in open containers presents unusual hazards. The slightest manipulation of such powders can cause the generation of aerosols containing a high concentration of etiologic agents. Therefore, work with dry powders of etiologic agents in open containers should be carried out in gas-tight biological safety cabinets.

§ 627.13 Biosafety level 1.

(a) *Requirements beyond those for all etiologic agents.* BL–1 operations follow the general techniques described in §§ 627.12(a) and 617.12(b).

(b) *Additional laboratory requirement.* Contaminated materials that are to be decontaminated at a site away from the laboratory are placed in a durable leak-proof container which is closed before being removed from the laboratory. Examples of suitable containers are metal tubs with lids or plastic bags that are sealed and then placed inside a rigid container for transport.

(c) *Additional animal requirements.* (1) Bedding materials from animal cages will be removed in such a manner as to minimize the creation of aerosols and disposed of in compliance with applicable institutional or local requirements.

(2) Cages are washed manually or in a cagewasher. Temperature of final rinse water will be a minimum of 180 °F.

(3) Laboratory coats, gowns, or uniforms worn in animal rooms shall not be worn in other areas.

§ 627.14 Biosafety level 2.

(a) Additional requirements. In addition to the general microbiological techniques stated in § 627.13, BL–2 operations include the following requirements:

(1) When etiologic agents are in use, a hazard warning sign incorporating the universal biohazard symbol is posted on the access door of the work area. The hazard warning sign identifies the etiologic agent, lists the name and telephone number of the institute director or other responsible person(s), and indicates the special requirement(s) for entering the laboratory.

(2) Animals not involved in the work being performed are not permitted in the laboratory.

(3) Special care is taken to avoid skin contamination with the etiologic agents; gloves will be worn when handling etiologic agents or infected animals.

(4) All wastes from laboratories and animal rooms are decontaminated before disposal.

(5) Hypodermic needles and syringes are used only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles.

(6) Spills and accidents which result in a potential exposure to etiologic agents will be reported immediately to the safety officer, the project leader, and the institute director.

(7) Biological safety cabinets (Class I or II) will be used when:

(i) Procedures with a high potential for creating infectious aerosols are conducted.

(ii) High concentrations or large volumes of etiologic agents are used.

(8) Laboratory coats, gowns, smocks, or uniforms will be removed before leaving the animal facility or laboratory area.

(b) Additional animal requirements.

(1) Cages must be decontaminated, preferably by autoclaving, before they are cleaned and washed.

(2) Approved molded masks are worn by all personnel entering animal rooms housing nonhuman primates.

(3) If floor drains are provided, the drain traps will be kept filled with water or a suitable disinfectant.

§ 627.15 Biosafety level 3.

(a) *Additional requirements.* In addition to the requirements stated in §§ 627.13 and 627.14, the following requirements apply—

(1) Approved molded masks or respirators with HEPA filters are worn by all personnel in rooms housing infected animals.

(2) Protective clothing worn in a laboratory or animal room will be removed before exiting the laboratory or animal room.

(3) Clothing worn in laboratories and animal areas to protect street clothing will be decontaminated before being laundered.

(b) *Additional laboratory requirements.* (1) Laboratory doors will be kept closed.

(2) All activities involving etiologic agents will be conducted in biological safety cabinets (Class I, II, or III) or other physical containment devices within the containment module. No work in open vessels is conducted outside a biological safety cabinet.

(3) The work surfaces of biological safety cabinets and other containment equipment will be decontaminated after work with etiologic agents. Plastic-backed paper toweling should be used on nonperforated work surfaces within biological safety cabinets to facilitate clean-up.

(c) *Additional animal requirements.* (1) Cages are autoclaved before bedding is removed and before they are cleaned and washed.

(2) Gloves are removed aseptically and autoclaved with other wastes before being disposed of or reused.

(3) Boots, shoe covers, or other protective footwear and disinfectant foot baths must be available and used when indicated.

(4) Personal protective clothing and equipment and other physical containment devices are used for all procedures and manipulations of etiologic agents or infected animals. The risk of infectious aerosols from infected animals or their bedding shall be reduced by housing animals in partial containment caging systems as described in § 627.56.

(d) *Work with BL–3 etiologic agents that require additional secondary containment.* Facilities in which work with certain viruses, for example, Rift Valley fever, yellow fever, and Venezuelan equine encephalitis, is conducted require HEPA filtration of Xallexhaust air prior to discharge from the laboratory. All persons working with those agents for which a vaccine is available should be immunized.

§ 627.16 Biosafety level 4.

Laboratory work at BL–4 must follow the requirements stated in §§ 627.13, 627.14 and 627.15 as well as the following:

(a) All activities are conducted in Class III biological safety cabinets or in Class I or II biological safety cabinets in conjunction with a one-piece positive pressure personnel suit ventilated by a life-support system.

(b) Biological materials to be removed from the Class III cabinet or from the maximum containment laboratory in a viable or intact state must be transferred to a sealed nonbreakable primary container, enclosed in a nonbreakable sealed secondary container, and removed from the facility through a disinfectant dunk tank, fumigation chamber, or an airlock designed for this purpose.

(c) No materials, except for biological materials that are to remain in a viable or intact state, are removed from the maximum containment laboratory unless they have been autoclaved or decontaminated before they leave the facility. Equipment or material which might be damaged by

high temperature or steam is decontaminated by gaseous or vapor methods in an airlock or chamber designed for this purpose.

(d) Personnel may enter and leave the facility only through the clothing change and shower rooms. Personnel must shower each time they leave the facility. Personnel may use the airlocks to enter or leave the laboratory only in an emergency.

(e) Street clothing must be removed in the outer clothing change room and kept there. Complete laboratory clothing, including undergarments, pants and shirts or jumpsuits, shoes, and gloves, will be provided and must be used by all personnel entering the facility. Head covers are provided for personnel who do not wash their hair during the shower. When leaving the laboratory and before proceeding into the shower area, personnel must remove their laboratory clothing and store it in a locker or hamper in the inner change room.

(f) When etiologic agents or infected animals are present in the laboratory or animal rooms, a hazard warning sign incorporating the universal biohazard symbol must be posted on all access doors. The sign must identify the agent, list the name of the commander or institute director or other responsible person(s), and indicate any special requirements for entering the area (for example, the need for immunizations or respirators).

(g) Supplies and materials needed in the facility are brought in by way of the double-doored autoclave, fumigation chamber, or airlock which is appropriately decontaminated after each use. After securing the outer doors, personnel within the facility retrieve materials by opening the interior doors of the autoclave, fumigation chamber, or airlock. These doors are secured after materials are brought into the facility.

(h) Materials (for example, animals and clothing) not related to the experiment being conducted are not permitted in the facility.

(i) Whenever possible, avoid using any glass items.

§ 627.17 Toxins.

The laboratory facilities, equipment, and procedures appropriate for work with toxins of biological origin must reflect the intrinsic level of hazard posed by a particular toxin as well as the potential risks inherent in the operations performed. All toxins must be considered to pose a hazard in an aerosol form. However, most toxins exert their effects only after parenteral exposure or ingestion, and a few toxins present a dermal hazard. In general, toxins of biological origin are not intrinsically volatile. Thus, the laboratory safety precautions appropriate for handling these materials closely parallel those for handling infectious organisms. The requirements in this section for the laboratory use of toxins of biological origin include the requirements in § 627.12(a) and the following:

(a) *Vacuum lines.* When vacuum lines are used with systems containing toxins, they will be protected with a HEPA filter to prevent entry of toxins into the lines (or sink drains when water aspirators are used).

(b) *Preparation of concentrated stock solutions and handling closed primary containers of dry toxins.* Preparation of primary containers of toxin stock solutions and manipulations of closed primary containers of dry forms of toxins will be conducted—

(1) In a chemical fume hood, a glove box, or a biological safety cabinet or equivalent containment system approved by the safety officer.

(2) While wearing eye protection if using an open-fronted containment system.

(3) Ensuring that gloves worn when handling toxins will be disposed of as toxin waste, with decontamination if required.

(4) With the room door closed and posted with a universal biohazard sign, or other sign, indicating that toxin work is in progress. Extraneous personnel shall not be permitted in the room during operations.

(5) Ensuring that toxins removed from hoods or biological safety cabinets are double-contained during transport.

(6) After verification of hood or biological safety cabinet inward airflow is

made by the user before initiating work.

(7) Within the operationally effective zone of the hood or biological safety cabinet.

(8) Ensuring that nondisposable laboratory clothing is decontaminated before release for laundering.

(9) Ensuring that all individuals who handle toxins wash their hands upon each exit from the laboratory.

(10) With two knowledgeable individuals present whenever more than an estimated human lethal dose is handled in a syringe with a needle. Each must be familiar with the applicable procedures, maintain visual contact with the other, and be ready to assist in the event of an accident.

(c) Manipulations with open containers of dry forms of toxins. Handling dry forms of toxins in uncovered containers (for example, during weighing) will be performed following the requirements stated in §§ 627.12(a), 627.17 (a) and (b), and the following:

(1) Manipulations will be conducted in a HEPA filtered chemical fume hood, glove box, or biological safety cabinet. In addition the exhaust may be charcoal filtered if the material is volatile.

(2) When using an open-fronted fume hood or biological safety cabinet, protective clothing, including gloves and a disposable long-sleeved body covering (gown, laboratory coat, smock, coverall, or similar garment) will be worn so that hands and arms are completely covered. Eye and approved respiratory protection is also required. The protective clothing will not be worn outside of the laboratory and will be disposed of as solid toxin waste.

(3) Before containers are removed from the hood, cabinet, or glove box, the exterior of the closed primary container will be decontaminated and placed in a clean secondary container.

(4) When toxins are in use, the room will be posted to indicate ''Toxins in Use—Authorized Personnel Only.'' Any special entry requirements will be posted on the entrance(s) to the room.

(5) All operations will be conducted with two knowledgeable individuals present. Each must be familiar with the applicable procedures, maintain visual contact with the other, and be ready to assist in the event of an accident.

(6) Individuals handling toxins will wash their hands upon leaving the laboratory.

(d) Additional considerations of specific toxin properties. The following requirements are in addition to the requirements stated in the paragraphs above. Determine whether the material fits §627.17 (b) or (c), and complies with the appropriate section and the following when applicable:

(1) When handling dry forms of toxins that are electrostatic—

(i) Do not wear gloves (such as latex) that help to generate static electricity.

(ii) Use glove bag within a hood or biological safety cabinet, a glove box, or a class III biological safety cabinet.

(2) When handling toxins that are percutaneous hazards (irritants, necrotic to tissue, or extremely toxic from dermal exposure)—

(i) Gloves will be selected that are known to be impervious to the toxin and the diluent (when applicable) for the duration of the manipulations.

(ii) Disposable laboratory clothing will be worn, left in the laboratory upon exit, and disposed of as solid toxin waste.

(e) Aerosol exposures. The requirements found in §627.17 (a) and (b) will be complied with plus the following:

(1) Chambers, nose-only exposure apparatus, and generation system must be placed inside a fume hood, glove box, or a Class III biological safety cabinet. Glove boxes and Class III biological safety cabinets will have HEPA filters on both inlet and outlet air ports.

(2) The atmosphere from within the exposure chamber will be HEPA filtered before release inside the hood, glove box, or cabinet.

(3) All items inside the hood, glove box, or Class III biological safety cabinet will be decontaminated upon removal. Materials such as experimental samples that cannot be decontaminated directly will be placed in a closed secondary container, the exterior of which will be decontaminated and labeled appropriately. Animals will have any areas exposed to toxin wiped clean after removal from the exposure apparatus.

(4) The interior of the hood, glove box, or cabinet containing the chamber and all items will be decontaminated periodically, for example, at the end of a series of related experiments. Until decontamintated, the hood, box, or cabinet will be posted to indicate that toxins are in use, and access to the equipment and apparatus restricted to necessary, authorized personnel.

§ 627.18 Emergencies.

(a) *Introduction.* All laboratories will establish specific emergency plans for their facilities. Plans will include liaison through proper channels with local emergency groups and with community officials. These plans will include both the building and the individual laboratories. For the building, the plan must describe evacuation routes, facilities for medical treatment, and procedures for reporting accidents and emergencies. The plans will be reinforced by drills. Emergency groups and community officials must be informed of emergency plans in advance of any call for assistance. See AR 385–69.

(b) *General emergency procedures.* The following emergency procedures will be followed for laboratory accidents or incidents—

(1) Using appropriate personal protection, assist persons involved, remove contaminated clothing if necessary, decontaminate affected areas, and remove personnel from exposure to further injury if necessary; do not move an injured person not in danger of further harm. Render immediate first aid if necessary.

(2) Warn personnel in adjacent areas of any potential hazards to their safety.

(3) In case of fire or explosion, call the fire department or community fire brigade immediately. Follow local rules for dealing with incipient fire. Portable fire extinguishers will be made available with instructions for their use. Fire fighters responding to the fire scene will be advised to wear a self-contained positive pressure breathing appartus to protect themselves from toxic combustion by-products.

(4) Laboratories must be prepared for problems resulting from severe weather or loss of a utility service. In the event of the latter, most ventilation systems not supplied with emergency power will become inoperative. All potentially hazardous laboratory work must stop until service has been restored and appropriate action has been taken to prevent personnel exposure to etiologic agents.

(5) In a medical emergency, summon medical help immediately. Laboratories without a medical staff must have personnel trained in first aid available during working hours.

(6) For small-scale laboratory accidents, secure the laboratory, leave the area, and call for assistance.

(7) When handling mixed hazards (for example, a substance or mixture that may be infectious and radioactive, or infectious and chemically toxic), respond with procedures addressing the greater hazard first, and then follow through with those for the lesser hazards to ensure that all appropriate steps have been taken.

(c) *Evacuation procedures.* Building and laboratory evacuation procedures will be established and communicated to all personnel.

(1) Emergency alarm system. (i) There will be a system to alert personnel of an emergency that requires evacuation of the laboratory or building. Laboratory personnel must be familiar with the location and operation of alarm equipment.

(ii) Isolated areas (for example, cold, warm, or sterile rooms) will be equipped with an alarm or communication system that can be used to alert others outside to the presence of a worker inside, or to warn workers inside of an emergency that requires evacuation.

(2) Evacuation routes will be established and an outside assembly area for evacuated personnel must be designated. All individuals should be accounted for.

(3) Shut-down and start-up procedures.

(i) Guidelines for shutting down operations during an emergency evacuation will be available in writing. Those guidelines will include procedures for handling any power failure emergency.

(ii) Written procedures will also be provided to ensure that personnel do not return to the laboratory until the emergency is ended. Those procedures

must also contain start-up operations for the laboratory.

(iii) All shut-down and start-up procedures will be available to personnel and reviewed semiannually.

(4) All aspects of the building evacuation procedur will be tested semiannually with practice drills.

(d) *Spills.* (1) All areas where work with etiologic agents is performed will have designated personnel to respond to a spill and provide protective apparel, safety equipment, and materials necessary to contain and clean up the spill. Protective clothing requirements are described in § 627.21. Also, there will be supplies on hand to deal with the spill consistent with the hazard and quantities of the spilled substance.

(2) The safety officer will be notified immediately of all spills. The first line supervisor will ensure that proper clean-up techniques are employed.

(3) Etiologic agents. (i) A program for responding to spills of etiologic agents will be developed and implemented. This program will contain emergency response procedures for a biological spill, which will be tailored to the potential hazard of the material being used, the associated laboratory reagents involved, the volume of material, and the location of the materials within the laboratory. Generally, the spill should be confined to a small area while minimizing the substance's conversion to an aerosol. The spill will be chemically decontaminated or neutralized, followed by a cleanup with careful disposal of the residue. If the spilled material is volatile and noninfectious, it may be allowed to evaporate but must be exhausted by a chemical hood or ventilation system.

(ii) When a mishap occurs that may generate an aerosol of etiologic agents requiring BL–2 (or higher) containment, the room must be evacuated immediately, the doors closed, and all clothing decontaminated, unless the spill occurs in a class II or class III biological safety cabinet. Sufficient time must be allowed for the droplets to settle and the aerosols to be reduced by the air changes of the ventilation system before decontaminating the area. The area will then be decontaminated to prevent exposure to the infectious agents or toxic substances. Reentry procedures to perform the decontamination will conform to § 627.18(e).

(iii) A spill of biohazardous material within a biological safety cabinet requires a special response and cleanup procedure. Cleanup will be initiated while the cabinet continues to operate, using an effective chemical decontaminating agent. Aerosol generation during decontamination and the escape of contaminants from the cabinet must be prevented. Caution must be exercised in choosing the decontaminant, keeping in mind that fumes from flammable organic solvents, such as alcohol, can reach dangerous concentrations within a biological safety cabinet.

(4) Combined radioactive and biological spills. (i) Both the radiation protection officer (RPO) and the safety officer must be notified immediately whenever there is a spill of radioactive biological material, regardless of its size. Laboratory personnel may be expected to clean up the spill. The RPO will direct the cleanup, in accordance with the NRC license for the facility.

(ii) The spill will be cleaned up in a way that minimizes the generation of aerosols and spread of contamination. All items used in cleaning up the spill must be disposed of as radioactive waste.

(iii) Following cleanup, the area, affected protective clothing, and all affected equipment and supplies must be surveyed for residual radioactive contamination. All potentially affected areas and items that are not disposable will be wipe-tested to verify that unfixed radioactive contamination has been removed. If fixed contamination is found, the RPO will determine the requirements for additional cleanup.

(e) *Reentry procedures.* This section applies when reentry is necessary to clean up a spill outside of a hood or biological safety cabinet, or to decontaminate or service engineering controls that have failed or malfunctioned so that they do not provide the required containment.

(1) When agents requiring BL–1 or BL–1 LS containment are involved, the clothing requirements stated in § 627.30

(a) or (b) as appropriate will be followed. Individuals will remove the required protective clothing when finished and wash their hands before proceeding to other tasks.

(2) When agents requiring BL–2, BL–2 LS, or toxin procedures and containment are involved, personnel will be required to wear the clothing described in §627.30 (c) or (d) as appropriate. Outer protective clothing will be removed and left in the room before exiting and personnel will wash their hands before proceeding on to other activities.

(3) When agents requiring BL–3, or BL–3 LS containment are involved, containers for sealing up inner protective clothing and decontaminant will be placed at the room exit. Personnel will be required to wear the clothing described in paragraph 4–10e. When exiting the area after decontamination procedures, individuals will remove their outer layer of protective clothing just before exiting the room. Once outside the room, the inner layer of protective clothing (for example, coverall) will be removed and placed in the container and the inner gloves will be decontaminated before being removed and placed in the container. Personnel will proceed directly to the shower facility to take a complete shower before exiting the facility.

(4) When agents requiring BL–4 containment are involved, the following applies as appropriate to the type of BL–4 facility:

(i) When a spill requiring clean-up is in an area designed for use with personal positive pressure suits, the entry and exit procedures will be those normally required to enter or exit the area.

(ii) When entering a nonsuit area where a spill of etiologic agent has occurred outside the containment of a Class III biological safety cabinet, personnel will wear the clothing as described in §627.30(f). Before entry, decontamination areas will be established. To accomplish this, two step-in decontamination pans with the appropriate disinfectant will be set up [one just inside the room (where the contamination exists) and the second immediately outside the room]. Immediately outside the room, there will also be a sealable container suitable for sealing up the suit and any air lines (if used).

(iii) When exiting the room, suited individuals will place all equipment and other items in autoclaves or disinfectant, step into the disinfectant pan, and wash down the exterior of their suits with appropriate disinfectant. When completed, the door to the room will be opened and the individual will step through the doorway into the second disinfectant pan. The suit will be thoroughly rinsed with disinfectant again before moving toward the exit from the facility. The suit (but not the respirator) will be placed in the provided container. The individual will proceed through another doorway before removing the respirator and placing it in a closed container for decontamination. The individual will then proceed directly to the shower area and take a full shower before exiting the area. In case they are needed, personnel will be standing by ready to render assistance. Suited individuals will be visually observed, if possible. When visual observation is not possible, a communications system is required.

(f) *Mishap reports and investigations.* (1) Each institution must have a defined system for reporting laboratory injuries, illnesses, and mishaps, as well as for investigating them. These events will be documented and reported to the appropriate safety, supervisory, and occupational health personnel. Those organizations subject to the regulations promulgated by the OSHA will follow the specific requirements for reporting injuries in the work place contained in those regulations. The requirements stated in AR 385–69, State, and local government requirements for similar reporting will be followed.

(2) Form(s) for recording mishaps will be available and completed for all laboratory mishaps. Those reports must include a description of the mishap and any factors contributing to it. In addition, a description of any first aid or other health care given to the employee will be included. Responsibility for completing these forms must be clearly defined in the facility safety

manual. Mishaps will be reviewed periodically by the safety officer, the safety committee, the employee health unit, or other appropriate personnel. Individual reports or a summary must be sent, along with recommended changes in laboratory procedure or policy, to the commander or institute director. Policy or procedural changes must be implemented if deemed necessary by the commander or institute director.

(3) Any mishaps with etiologic agents used under sponsorship of the BDP that result in sero-conversion or a laboratory-acquired illness will be reported.

§ 627.19 Large-scale operations.

(a) *Large-scale.* In addition to the requirements stated in § 627.13, the following applies to research or production activities involving viable etiologic agents in quantities greater than 10 liters:

(1) All large-scale operations will be conducted in facilities described in § 627.47.

(2) Cultures will be handled in a closed system.

(3) Sample collection, the addition of materials, and the transfer of culture fluids shall be done in a manner which minimizes the release of aerosols or contamination of exposed surfaces.

(4) A closed system or other primary containment equipment that has contained viable organisms shall not be opened for maintenance or other purposes unless it has been sterilized.

(5) SOPs will include a section describing and requiring a validation of the process equipment's proper function.

(6) Scientists, technicians, equipment workers, and support personnel with access to the large-scale production area during its operation will be included in the medical surveillance program.

(b) *BL–2—LS.* In addition to the requirements stated in §§ 627.19(a) and 627.14, the following procedures will be employed for BL–2—LS:

(1) Rotating seals and other mechanical devices directly associated with the closed system used for the propagation and growth of viable organisms shall be designed to prevent leakage or shall be fully enclosed in ventilated housings that are exhausted through filters which have efficiencies equivalent to HEPA filters or through other equivalent treatment devices.

(2) A closed system used for the propagation and growth of viable organisms and other primary containment equipment used to contain operations involving viable organisms shall include monitoring or sensing devices that monitor the integrity of containment during operations.

(3) Systems used to propagate and grow viable organisms shall be permanently identified. This identification shall be used in all records reflecting testing, operation, and maintenance and in all documentation relating to the use of this equipment.

(c) *BL–3—LS.* In addition to the requirements stated in §§ 627.19(a) and 617.14, the following procedures apply:

(1) Personnel entry into the controlled area shall be through the entry area specified in § 627.47(c)(1).

(2) Persons entering the controlled area shall exchange or cover their personal clothing with work garments such as jumpsuits, long sleeved laboratory coats, pants and shirts, head cover, and shoes or shoe covers. On exit from the controlled area, the work clothing may be stored in a locker separate from that used for personal clothing, or discarded for laundering. Clothing shall be decontaminated before laundering.

(3) Entry into the controlled area during periods when work is in progress shall be restricted to those persons required to meet program support needs.

(4) Prior to entry, all persons shall be informed of the operating practices, emergency procedures, and the nature of the work conducted.

(5) The universal biohazard sign shall be posted on entry doors to the controlled area and all internal doors. The sign posted on the entry doors to the controlled area shall include a statement of agents in use and personnel authorized to enter.

(6) Equipment and materials required for the management of accidents involving viable organisms shall be available in the controlled area.

(d) *BL–4—LS.* Guidelines for these operations are not established. If these

are needed, they must be established by the United States Army Surgeon General or the NIH on an individual basis.

§ 627.20 Operations with radioactive material.

Operations that combine etiologic agents with radioactive material present unique problems. When this is the case, the following apply:

(a) *Radiation program.* A radiation program meeting the requirements of AR 385–11 and NRC licensing that allows the particular isotope and its use are required. The requirements for acquisition, handling procedures, labeling, storage, training, monitoring, and disposal will be described in an organization policy document.

(b) *Procedure approval.* In addition to the required approvals for work with etiologic agents, the RPO will approve all SOPs involving the use of radioactive materials. Laboratory operators must be fully trained, with annual training updates as required by the existing license.

(c) *Special situations.* (1) The laboratory waste must be segregated as radioactive waste and disposed of as such after it has been decontaminated. Do not mix nonradioactive waste with radioactive waste as the disposal of radioactive waste is much more complex and expensive. When RCRA-listed chemicals are mixed with radioactive waste, it becomes ''mixed waste'' for which there is currently no means of disposal.

(2) Activities conducted with radioisotopes should be confined to the smallest number of areas or rooms consistent with requirements.

(3) Decontamination methods specific to etiologic agents will not always remove radioactivity. Other methods, such as specialized detergents and solvents designed for this use, should be employed to remove residual radioactivity.

Subpart D—Personal Protective Equipment

§ 627.21 Introduction.

Personal protective equipment (PPE) includes clothing and equipment used to protect the laboratory worker from contact with infectious, toxic, and corrosive agents, as well as excessive heat, fire, and other physical hazards. The appropriate PPE for any activity depends upon the proposed operations and the potential hazards associated with them. While PPE is an important item of personal protection, it serves as only a secondary line of protection against hazards in the workplace. Engineering controls (subpart H), combined with common sense, good laboratory techniques, and adherence to SOPs, are the primary barriers to exposure. There are some situations, however, in which it is either impractical or impossible to rely exclusively on engineering controls. In these cases, PPE may form the primary barrier between personnel and the hazardous or infectious materials.

§ 627.22 Minimum laboratory attire for use of etiologic agents.

Individuals required to wear PPE will be trained in its proper use. The PPE listed below is the minimum required when etiologic agents are handled at any biosafety level. Research with etiologic agents usually involves hazards other than those presented by the agents themselves. When PPE is selected, the hazards presented by these other factors must be considered regardless of the biosafety level used. For example, toxic chemicals are commonly used in research involving etiologic agents. The processes may expose personnel to physical hazards, such as heat or animal bites, and the decontamination process may involve the handling of toxic or corrosive materials. When the PPE required to mitigate these hazards exceeds that of the minimum requirements, the necessary PPE will be selected considering all the hazards. Information regarding the additional appropriate PPE worn to protect against these hazards will be available from one of the following sources: MSDS, SOP for the operation, or the safety officer. Deviations from the standards stated in approved SOPs must be approved by the safety officer. All laboratory coats worn to protect the individual should be left in the laboratory when that individual leaves. In each case, the minimum attire will be—

(a) *Laboratory workers.* Street attire is permissible in the laboratory, but must include closed-toe shoes. A full-length, long sleeved, fully fastened laboratory coat, gown, or smock will be worn over the street attire in the laboratory at all times. The laboratory clothing will be removed and left in the laboratory when leaving to enter non-laboratory use areas.

(b) *Animal caretakers.* In addition to the clothing requirements in §627.22(a), animal handlers will be provided with safety shoes or safety boots. The requirements of §627.22(b) should also apply.

(c) *Nonhuman primate rooms.* Personnel entering rooms housing nonhuman primates will wear the clothing stated in §627.22(a) and, if applicable, §627.22(b) in addition to a molded mask or HEPA filtered respirator, latex or vinyl gloves, and eye protection.

§627.23 Biosafety level 1.

This level requires only the minimum attire described in §626.22.

§627.24 Biosafety level 2.

This level requires the following additions to the minimum clothing specified in §627.22:

(a) *Laboratory.* Gloves (type dependent on the application) will be worn when handling etiologic agents or containers of etiologic agents and when handling infected animals.

(b) *Animal rooms.* (1) Protective clothing will be changed completely every day. One- or two-piece laboratory suits or solid-front gowns and wrap-around smocks are preferable. Full-length, long-sleeved, fully fastened laboratory coats are allowed.

(2) Eye protection must be worn when handling nonhuman primates.

(3) Appropriate gloves must be worn.

(4) Molded masks or HEPA filtered respirators will be worn in rooms housing nonhuman primates.

§627.25 Biosafety level 3.

The outer clothing worn in these facilities must never be worn outside the facility. Color-coded clothing that is worn only in the facility is recommended to remind individuals not to wear it outside. The minimum clothing includes—

(a) *Laboratory.* (1) Long-sleeved, solid front, or wraparound gowns, scrub suits, or coveralls over street attire which includes closed-toe shoes. Dedicated shoes, boots, or shoe covers will be worn in the facility.

(2) Appropriate gloves.

(b) Animal rooms. (1) A complete change of protective clothing on a daily basis. Long-sleeved one- or two-piece solid front uniforms, solid-front gown, wrap-around smocks, or solid front coveralls.

(2) Eye protection must be worn when handling nonhuman primates.

(3) Molded masks or HEPA filtered respirators will be worn in rooms housing infected animals.

(4) Shoe covers will be worn and removed before exiting the room; alternatively, disinfectant footbaths will be used for each exit from the room when infected animals are present.

§627.26 Biosafety level 4.

Street clothing must be removed in an outer clothing change room and kept there. Clothing worn in the facility will be removed in an inner change room and a shower taken before replacing the street clothing. Two distinct PPE requirements exist for BL–4 operations:

(a) *Class III biological safety cabinet containment.* Clothing requirements when all etiologic agents and infected animals are housed and manipulated in Class III biological safety cabinets will include—

(1) Complete change of clothing and wet shower upon exit. This includes undergarments, pants and shirts or jumpsuits, and shoes. While it is preferred that the shower include washing the hair, head covers will be worn by those who do not wash their hair on each exit.

(2) Appropriate inner gloves. The inner gloves will be donned in the change room.

(b) *Class I or II biological safety cabinet containment.* Clothing requirements for this level when etiologic agents are contained in Class I or II biological safety cabinets of equivalent partial-

containment caging systems (for infected animals) (See §§ 627.56 and 627.57) include—

(1) Complete change of clothing and wet shower upon exit. This includes undergarments, pants and shirts or jumpsuits, and shoes. While the shower should include washing the hair, head covers will be worn by those who do not wash their hair on each exit.

(2) Appropriate inner gloves will be donned in the change room.

(3) A one-piece positive pressure suit described in § 627.31(g).

(4) Impervious boots fitted over the suit.

§ 627.27 Large-scale (LS) operations.

The clothing requirements for these are the same as for the corresponding biosafety levels for laboratory operations.

§ 627.28 Solutions of toxins and dry forms of toxins in closed containers.

In addition to the minimum clothing specified in § 627.22, disposable gloves or gloves designed to protect against the diluent will be worn when handling these materials.

§ 627.29 Dry forms of toxins handled in open containers.

In addition to the requirements stated in § 627.28, the requirements stated in § 627.18(c) apply.

§ 627.30 Situations specified in § 627.18(e).

The clothing requirements for this section are for the emergency procedures specified in § 627.18(e). Because situations can occur and there is no feasible or available means to mitigate the potential hazard adequately by engineering controls, the clothing requirements exceed those required for a properly conducted laboratory operation at an equivalent biosafety level. The protective equipment required will be selected based upon an assessment of the potential hazards that could be encountered. The following clothing requirements are given as a guide. The selection of PPE will be based upon the highest possible level of contamination that could exist in the room. This will be based upon what is known about the operations that were conducted in the room during and prior to the current incident. In each situation, the aerosols will be allowed to dissipate or settle before entry (approximately 30 minutes). The following clothing requirements apply to these situations:

(a) *BL–1.* (1) Gloves.

(2) Outer complete covering such as a pair of coveralls.

(3) Shoe covers, provided shoes, or safety shoes or boots.

(4) Eye protection (maintenance only).

(b) *BL–1 LS.* The same as described in section 627.30(a) with the following additions:

(1) An impervious apron.

(2) Impervious boots.

(c) *BL–2 and toxins.* (1) Gloves.

(2) Full outer covering such as a coverall.

(3) Shoe covers, provided shoes, or safety shoes or boots (maintenance).

(4) An approved half-face or full-face respirator with HEPA filters (worn).

(5) Eye protection.

(6) An impervious apron (not required for entry only).

(d) *BL–2 LS.* The same as § 627.30(c) with the addition of impervious boots.

(e) *BL–3 and BL–3 LS.* (1) A complete change of clothing.

(2) Gloves.

(3) An approved full-face HEPA or HEPA plus charcoal filtered respirator.

(4) An impervious apron (not required for entry only).

(5) Impervious boots.

(6) Head cover.

(f) *BL–4.*

(1) A full change of inner clothing.

(2) An inner pair of gloves.

(3) A one-piece positive pressure suit as described in § 627.31(g), or a one-piece Xsuit with an approved positive pressure self-contained breathing apparatus (SCBA) and a supplied-air respirator (SAR) or both (see § 627.31(f)).

(4) Appropriate gloves fitted to the suit.

(5) Impervious boots fitted over the suit.

§ 627.31 Specific requirements for individual PPE items.

(a) *Aprons.* Simple plastic or rubber aprons.

(b) *Boots.* When boots must be worn with an apron, the apron should cover

the boot tops sufficiently so that liquids splashed on the apron will not run into the boots.

(c) *Eye and face protection.* Eye protection will meet or exceed the requirements of OSHA found in the 29 CFR 1910.133 and will be worn at all times when required. Special eye wear may be required around ultraviolet (UV) light source.

(d) *Gloves.* (1) No one glove will be satisfactory for all applications. Gloves are fabricated in a wide assortment of materials. The type of glove selected will depend upon the specific activity. The various activities in biocontainment facilities call for gloves to protect against etiologic agents in situations where micro-manipulations are required and excellent tactile feedback through gloves is important, gloves for handling hot glassware and cryogenic materials, and gloves to protect against animal bites, toxic substances, chemical carcinogens, solvents, acids, and caustics. Many of these requirements call for gloves distinctly different from gloves suitable for the other hazards. As a result, the SOP for each operation should address these hazards and specify the appropriate glove required for each operation. Consult MSDSs, manufacturer glove charts, and the safety officer to determine the correct glove type needed.

(2) Before donning a pair of gloves, examine them closely to ascertain that they are in serviceable condition. Check for rips and pin holes. Gloves should over-wrap the cuff and lower sleeve of the laboratory garment.

(3) Operations in open-front biological safety cabinets should be planned so that once the operator has inserted gloved hands into the cabinet, he or she does not have to withdraw them from the cabinet until the work has been completed. If gloves become visibly contaminated, they will be removed and decontaminated. Additional gloves should be available so that work can continue. When wearing gloves for an extended period, change them periodically or decontaminate them. Individual SOPs will designate the appropriate period based upon the hazards.

(4) Gloves will be removed before going from one level of containment to another (remove gloves in a safety cabinet before removing your hands from the cabinet). Take care to ensure that skin is not touched with the outer surface of contaminated or potentially contaminated gloves when they are removed. Gloves will be placed in suitable decontaminant when they are removed. Disposable gloves will be placed in a covered container for decontamination or disposal.

(5) Gloves that are a part of a biological safety cabinet system will be examined initially, after each sterilization of the biological safety cabinet system, and at least annually for leaks using the soap bubble test, followed by the halo-carbon test. Gloves will be tested while still attached to the cabinet.

(6) Sterilization of nondisposable gloves either before use or before reuse is usually done with ethylene oxide or formaldehyde gas. Sterilized gloves must be aerated in flowing sterile (filtered) air at 21 °C or higher for a minimum of 24 hours prior to use to prevent skin burns and irritation from residual decontaminants.

(e) *Laboratory clothing.* Users will check clothing before wearing it, to ensure that it is free from defects that would compromise its usefulness. Laboratory clothing (except BL–1) will be decontaminated before being released for laundering by untrained or unprotected personnel. Protective laboratory clothing that requires the wearer to pull it over the head will not be used. Laboratory clothing will meet OSHA requirements found in the 29 CFR 1910.132.

(f) *One-piece suits.* One-piece suits with a respirator under the suit are not used to any great extent except in certain emergencies. The respirators used with these are supplied air by an approved positive pressure SCBA or SAR. Respirators will be of the pressure-demand or constant flow type. The air provided will meet OSHA requirements found in the 29 CFR 1910.134, the requirements of Grade D breathing air as specified in the Compressed Gas Association pamphlet G–7.1 and American National Standards Institute (ANSI) Z86.1–1973. When used in an area that

does not have a chemical shower to decontaminate the suit, a decontamination station will be set up for this purpose. Suits maintained for emergency use will be inspected at least quarterly and respiratory equipment will be inspected monthly.

(g) *One-piece positive pressure suits.* A life-support system will be provided with alarms and emergency backup breathing tanks. The air provided will be HEPA-filtered meeting OSHA requirements found in the 29 CFR 1910.134, the requirements of Grade D breathing air as specified in the Compressed Gas Association pamphlet G–7.1 and ANSI Z86.1–1973. A HEPA-filter will be in-line between the disconnect on the suit and the breathing space in the suit. When these are used in other than an emergency situation, a chemical shower must be provided to decontaminate the surfaces of the suit as the worker leaves the containment area. Suits will be inspected before each use to check for indications of significant wear or leakage. The suits will be worn with impervious boots over the foot area of the suit and the outer gloves will be attached over the hand portion.

(h) *Respiratory protection equipment.* (1) Respirators and their use will be approved by the safety officer. The selection will be based on the conditions of the activities and the risks involved. In general, National Institute for Occupational Safety and Health (NIOSH) approved respirators that use aerosol filters for dusts and fumes having a Threshold Limit Value (TLV) of less than 0.05 mg/m^3 have been found acceptable for use in microbiological laboratories. Alternatively, the Army M–17 or M–9 masks may be used. Air-supplied hoods are used in situations where greater respiratory protection is required without the need for body protection. One-piece suits are used when total body and respiratory protection are required.

(2) When respirators are used, a respirator protection program will be established that conforms to AR 11–34 and OSHA standards in the 29 CFR 1910.134. In general, a medical authority will designate who is to wear respirators, they will be fitted by individuals trained in their use and limitations, and wearers will be responsible for the proper storage and regular inspection of their assigned respirators. Air-purifying respirators will not be worn in oxygen deficient environments.

(3) Reusable respirators that have been worn in a contaminated area will be decontaminated before reuse. At the end of each workday when a respirator has been worn in an area where it was required, the wearer will wipe it down with an appropriate liquid decontaminant. A damp cloth soaked in the decontaminant, with the excess liquid squeezed out, will be used for the wipe-down process, taking care to ensure that all crevices are reached. The respirator will be rinsed with clean, warm water. Visibly contaminated respirators will be decontaminated and discarded.

(4) Respirator programs will comply with AR 385–10 and AR 11–34.

(i) *Shoes.* All shoes specially issued for use in controlled access areas should be identified so that they can be segregated from other areas. Safety shoes or boots meeting OSHA requirements stated in the 29 CFR 1910.134 will be issued wherever heavy items or corrosive chemicals are handled. These will be sterilized appropriately after visible contamination. In certain situations (excluding BL–4 operations), it is desirable to wear disposable booties over street shoes, especially when product protection is required.

Subpart E—Decontamination and Disposal

§ 627.32 Introduction.

All material or equipment that is potentially contaminated with etiologic agents must be rendered nonhazardous before disposal. This chapter describes the acceptable physical and chemical decontamination methods and the general applicability of each. In general, all infectious materials and all contaminated equipment or apparatus will be sterilized before being washed and stored or discarded.

§ 627.33 Methods of decontamination.

(a) Autoclave. The use of wet heat is the most dependable procedure for destroying all forms of microbial life. An autoclave employs saturated steam under a pressure of approximately 15

pounds per square inch (psi) to achieve a chamber temperature of at least 121 °C for a minimum of 15 minutes. The time is measured after the temperature of the material being sterilized reaches 121 °C. Other combinations of temperature and pressure (some of which are dependent on the equipment used) can be used to accomplish sterilization provided that the efficacy of sterilization is validated as described below. The most critical factor in ensuring the reliability of this sterilization method, other than proper temperature, is preventing entrapped air that is not replaced by stem. Material to be autoclaved must come in contact with steam and heat and, as a result, it may be necessary to add water to a load of waste to aid in the formation and penetration of steam. Autoclaves use either a steam-activated exhaust valve that reamins open during the replacement of air by live steam until the steam triggers the valve to close, or a precycle vacuum to remove air prior to steam introduction.

(b) Sterilization will be verified using biological indicators (for example, *Bacillus stearothermophilus* spores) at locations throughout the autocalve, to include placement in the center of test loads, when the autoclave is first put into service, and after any maintenance or repairs. The primary means of verifying routine sterilization will be through using chemical indicators (for example, autoclave tape or labels) at locations throughout the autoclave. In addition each autoclave will be equipped with a permanent means to record time and the temperature of each operational event as a means of ensuring sterilization. The type of materials being handled must be reviewed and standard conditions for sterilization of each established. As a guide, the manufacturer's manual for the autoclaves will be consulted as a starting point in establishing these conditions. Treatment conditions to achieve sterility will vary in relation to the volume of material treated, the contamination level, the moisture content, and other factors that should be considered and which may cause the times to lengthen. In each case, the conditions will be established based on tests which verify that the conditions selected are effective. In addition to being effective from viable agents, autoclaving effectively inactivates most protein toxins.

(c) Dry heat. Dry heat requires longer times or higher temperatures or both than does wet heat. If used, the specific sterilization times and temperatures must be determined for each type of material being sterilized. In general, sterilization by dry heat can be accomplished at 169–170 °C for periods of 2 to 4 hours. Higher temperatures reduce the time requirements. The heat transfer properties and spatial relation or arrangement of materials in the load are critical in ensuring effective sterilization.

(d) Liquid disinfectants. Liquid disinfectants may be used in surface treatment, in dip tanks, and, at sufficient concentration, as sterilants of liquid waste for final disposal. If liquid disinfectants are used, they must have been shown to be effective against the organisms present. Important considerations include: temperature, time of contact, the negative logarithm of hydrogen ion concentration (pH), concentration and state of dispersion, penetrability, and reactivity of organic material at the site of application. Small variations in these factors may make large differences in the effectiveness of disinfection, so complete reliance should not be placed on liquid disinfectants when the end result must be sterility. If evidence of efficacy under the proposed procedures has not been reported previously, preliminary studies to verify the efficacy of liquid disinfectants must be conducted. Such studies may include attempts to recover and quantitate the agent in question from liquid or swab samples, or sealed patches, by animal inoculation, plaque assay, agar or broth cultivation, and similar methods, following controlled decontamination under the same experimental conditions envisioned for the proposed studies.

(1) *Alcohol.* Ethyl or isopropyl alcohol at the concentration of 70–85 percent by weight will denature proteins but is slow in its germicidal action. Alcohols are effective disinfectants for lipid-containing viruses. These alcohols exhibit no activity against bacterial spores.

(2) *Phenolic compounds.* These are effective disinfectants against vegetative bacteria, including *Mycobacterium tuberculosis*, fungi, and lipid-containing viruses. The phenolics are not effective against bacterial spores or non-lipid-containing viruses. The concentrations used will be in accordance with the manufacturer's recommendations.

(3) *Formaldehyde solutions.* Formaldehyde in solution at a concentration of 8 percent (formalin) is effective against vegetative bacteria, spores, and viruses. It loses considerable disinfectant activity below room temperature. Due to the toxic properties of formaldehyde, the use of formalin is restricted to surfaces or materials that are contained within appropriate engineering controls.

(4) *Quaternary ammonium compounds.* These cationic detergents are strongly surface-active. They lose effectiveness in the presence of proteins and are neutralized by anionic detergents, such as soap. At low concentrations, they are bacteriostatic, tuberculostatic, sporostatic, fungistatic, and algistatic. At medium concentration, they are bactericidal, fungicidal, algicidal, and virucidal against lipophilic viruses. They are not tuberculocidal, sporicidal, or virucidal against hydrophilic viruses, even at high concentrations. The manufacturer's recommended dilution will be used.

(5) *Chlorine.* Sodium hypochlorite is normally used as a base for chlorine disinfectants. Free available chlorine is the active ingredient and, at concentrations of at least 2,500 parts per million (ppm) (0.25 percent), is a disinfectant that is active against most microorganisms and bacterial spores. Chlorine solutions at 2.5 percent free available chlorine are effective against most toxins. Chlorine solutions lose strength if exposed to air, so fresh solutions must be prepared whenever the free chlorine content falls below desired minimums.

(6) *Iodine.* The characteristics of chlorine and iodine are similar. Iodophor compounds with 1,600 ppm free available iodine provide a relatively rapid inactivation of all microorganisms, including some bacterial spores. A commonly available iodophor is Wescodyne. The manufacturer of Wescodyne recommends a range of dilution form 1 to 3 ounces per 5 gallons of water, giving a solution containing from 25 to 75 ppm of free iodine. At these concentrations, available iodine may be rapidly taken up by any extraneous protein present and will not be an effective sporocide. A solution providing 1,600 ppm iodine is recommended for hand washing or for use as a sporocide.

(7) *Mercurials.* Although the mercurials exhibit good activity against viruses, they are toxic and are not recommended for general use. They have poor activity against vegetative bacteria and are totally ineffective sporicides. The dilution recommendations stated by the manufacturer will be followed.

(e) Vapors and gases. Formaldehyde, ethylene oxide, peracetic acid, beta-propiolactone, methyl bromide, and glutaraldehyde have all been used successfully as space sterilants where they can be employed in closed systems and with controlled conditions of temperature and humidity. Of these, methyl bromide, beta-propiolactone, and glutaraldehyde are not recommended because of their toxic properties. Peracetic acid can readily decompose with explosive violence in a concentrated state and must be used only in a diluted state and with extreme care. Formaldehyde and ethylene oxide are both regulated by OSHA for their potential human carcinogenicity, but do have permissible exposure levels (unlike beta-propiolactone, for example) and can be used safely under controlled conditions.

(1) *Formaldehyde.* Formaldehyde gas is, in general, the chemical of choice for space disinfection. Biological safety cabinets and associated effluent air-handling systems and air filters, incubators, laboratory rooms, buildings, or other enclosed spaces can be disinfected with formaldehyde. The procedures found in appendix E of the National Sanitation Foundation Standard Number 49 will be followed for the disinfection of biological safety cabinets. Other enclosures or areas will be disinfected by following the same principles. To disinfect rooms, the generation of formaldehyde gas from heating powdered or flake paraformaldehyde is

the preferred method. When area decontamination is performed, use 0.3 grams of paraformaldehyde for each cubic foot of space to be treated. The room or area must be above 70 °F, the relative humidity above 70 percent, and the exposure time at least 2 hours (overnight is preferred). After the required time for disinfection, the room must be cleared of the formaldehyde gas (a small room with nonporous surfaces and no materials or equipment in the room can be cleared of all detectable formaldehyde by aeration for one hour, while larger areas with equipment in them may take a full day). Before formaldehyde is used as a space disinfectant, the area to be treated must be surveyed to ensure that there are no open containers of any acidic solution containing chloride ion in order to prevent the possible formation of bis (chloromethyl)ether, a human carcinogen. Specific OSHA requirements for posting of rooms and equipment, personnel protection, and other requirements are found in 29 CFR 1910.1048.

(2) *Ethylene oxide (EtO).* EtO sterilization will only be conducted in a sterilizer designed for that purpose and designed to maintain potential exposure levels below the current OSHA standard. EtO is effective against all microorganisms, including spores, molds, pathogenic fungi, and highly resistant thermophilic bacteria. All materials to be used in contact with human skin (for example, clothing, shoes, masks, adhesive tape) must be aerated for at least 24 hours after sterilization and prior to use. Concentrations of 500 to 1000 ppm are required for sterilization. Specific OSHA requirements for the use of ethylene oxide are found in 29 CFR 1910.1047.

(f) UV Radiation. UV radiation at a wave length of 253.7 nanometers is a practical method for inactivating airborne virsuses, mycoplasma, bacteria, and fungi. The usefulness of UV radiation on exposed surfaces is limited by its low penetrating power. UV radiation shall only be relied upon to sterilize surfaces when conventional methods, such as autoclaving or the use of liquid disinfectants, would make the product unusable. An example is data sheets that must be brought out of a biocontainment facility. The UV intensity must be at least 40 microwatts/cm^3 on the surface to be treated. Single sheets of paper may be treated by exposing them to this radiation for a minimum of 15 minutes. A calibrated photoelectric UV intensity meter, capable of measuring UV radiation at a wave length of 253.7 nanometers, will be used whenever a new UV source is installed, and quarterly thereafter, to ensure the UV source is providing at least 40 microwatts/cm^3 at the work surface. Bulbs should be cleaned routinely to remove any accumulated dust and prolong bulb performance and assure proper energy output. Protective eye wear and clothing may be necessary when working around UV radiation.

§ 627.34 Disposal.

Inactivation is the first step in the disposal of etiologic agents or materials that are potentially contaminated with them. All contaminated or potentially contaminated materials must be effectively disinfected or sterilized by an approved procedure discussed in § 627.33. After decontamination, reusable items, such as clothing or glassware, may be washed with other uncontaminated or decontaminated items.

(a) *Combustible items.* Combustible disposable items should be bagged and incinerated in an appropriate approved incinerator or otherwise disposed of in accordance with State and local regulations.

(b) *Noncombustible disposable items.* Items will be packaged as stated in § 626.34(e) and disposed of by a licensed waste hauler.

(c) *Equipment.* Equipment that cannot be autoclaved will be decontaminated by gaseous sterilization or with a suitable liquid disinfectant. Such equipment will be certified as decontaminated by the safety officer.

(d) *Waste.* Materials generated, such as solvents, acids, chemical carcinogens, radioactive isotopes, medical waste, or dead animals must be decontaminated, packaged, and then disposed of in accordance with EPA, NRC, local, State, and Federal regulations.

(e) *Mixed waste.* When two or more hazardous materials are mixed together, the mixture will be decontaminated and disposed of in accordance with EPA, NRC, State, and Federal regulations for the mixture, or for the most hazardous material.

(f) *Packaging.* Solid waste will be placed in cans, sturdy bags, or boxes. Rigid, puncture-resistant, sealable containers will be used for packaging ''sharps.'' When wet materials are packaged for disposal, the materials will be placed in a leak-proof container. Heavy waste will be placed in rigid containers ensuring that the burst strength of the container is not exceeded.

(g) *Labeling.* A method of verifying that all items prepared for disposal have been decontaminated will be established for etiologic agent wastes. Mixed waste will be labeled as appropriate to indicate the hazards that must be addressed after decontamination.

(h) *Recordkeeping.* A manifest will be initiated and maintained, where required, to record the disposition and transfer of waste. Applicable Federal, State, and local ordnances will be followed.

Subpart F—Importation, Shipment, and Transport of Etiologic Agents

§ 627.35 Introduction.

The CDC of the Public Health Service (PHS), the United States Department of Agriculture (USDA), the Food and Drug Administration (FDA), the Department of Transportation (DOT), the United States Postal Service and the International Air Transport Association (IATA) regulate the importation, shipment, and transportation of etiologic agents. This chapter outlines the minimum administrative requirements the commander or institute director are to follow and gives sources for information on the requirements for importation, packaging, labeling, and shipment of etiologic agents.

§ 627.36 Administration.

The commander or institute director will establish the following controls to ensure that etiologic agents are transported with proper authorization, controls, and procedures:

(a) Institute policies will be established in writing to ensure that before etiologic agents are acquired or shipped—

(1) The division chief responsible for the area where work with etiologic agents is to be conducted approves all acquisitions or shipments.

(2) The safety officer is informed in writing of the type and amount of any BL–4 or USDA-restricted etiologic agent (listed in HHS publication No. (NIH) 88–8395 or current edition) being received, and the estimated date of arrival.

(3) The recipient of all etiologic agents shipped from an institute will be documented.

(4) The commander or institute director approves all acquisitions and shipments of BL–4 or USDA-restricted etiologic agents.

(5) The commander or institute director approves all requests for shipments to or from foreign countries and to individuals not affiliated with an institution or agency (for example, physicians in private practice).

(6) The Office of The Surgeon General, United States Army, or the Commander, United States Army Materiel Command (AMC) approves the initial acquisition and use of all reference stocks of etiologic agents and transfers between Army RDTE activities in accordance with AR 70–65.

(7) There is full compliance with the regulatory requirements referenced in §§ 627.37, 627.38, 627.39 and 627.40.

(8) The following information regarding the recipient and the intended use of BL–4 and USDA-restricted animal pathogens, will be kept on file for 10 years. This information will also be kept for all shipments to or from foreign countries and to individuals not affiliated with an institution or agency (for example, physicians in private practice).

(i) The requester's name and address.

(ii) The type and amount of the etiologic agent to be sent.

(iii) The qualifications of the recipient of the etiologic agent.

(iv) The intended use of the etiologic agent.

(v) A statement indicating that the agent is not for human use.

(b) Etiologic agents assigned to biosafety level 1, 2, or 3, approved for shipment, and properly labeled and packaged may be shipped by commercial cargo carriers.

(c) All etiologic agents assigned to BL–4 or USDA-restricted animal pathogens approved for shipment and properly packaged, will be accompanied by a designated courier, or under close supervision of a responsible party who will monitor aspects of the shipment, ensuring that required transfers have been completed and documented and final receipt has been accomplished and acknowledged.

§ 627.37 Importation directives.

Importation of etiologic agents is subject to the Public Health Service Foreign Quarantine Regulations (42 CFR 71.156). Examples of permits authorizing the importation or receipt of regulated materials and specifying conditions under which the etiologic agent is shipped, handled, and used are contained in appendix E to this part.

§ 627.38 Shipment directives.

Shipping unmarked and unidentified etiologic agents is prohibited. Etiologic agents will be packaged, labeled, and shipped according to the requirements found in the Interstate Shipment of Etiologic Agents Regulations (42 CFR part 72) and its amendments. The USDA regulations in 9 CFR parts 102 through 104, 122 and the FDA regulations in 21 CFR parts 312 and 600 through 680 will also be followed as applicable. Packaging and labeling requirements for interstate shipment of etiologic agents are summarized and illustrated in appendix D. Permits authorizing the shipment of regulated materials and specifying conditions under which the etiologic agent is shipped, handled, and used are contained in appendix E to this part.

§ 627.39 Transportation directives.

The packaging and labeling requirements cited above must be followed for the local transport of etiologic agents and diagnostic specimens by courier or by other delivery services. Similar requirements and restrictions applicable to the transport of etiologic agents, diagnostic specimens, and biological products by all modes of transportation (that is, air, motor, rail, and water) are imposed by the Department of Transportation (49 CFR part 173), IATA ''Dangerous Goods Regulations,'' the Air Transport Association ''Restricted Articles Tariff 6–D,'' the International Civil Aviation Organization (ICAO), Postal Bulletin No. 21246 ''International Mail-Hazardous Materials,'' 39 CFR, and, the Domestic Mail Manual. When shipments exceed 4 liters, the requirements found in AR 740–32 will be followed.

§ 627.40 Additional requirements.

Additional requirements for importation, shipment, and transportation of infectious agents and hazardous materials that must be followed are contained in the following directives:

(a) AR 40–12, Medical and Agricultural Foreign and Domestic Quarantine Regulations for Vessels, Aircraft, and Other Transports of the Armed Forces.

(b) AR 70–65, Management of Controlled Substances, Ethyl Alcohol, and Hazardous Biological Substances in Army Research, Development, Test, and Evaluation Facilities.

§ 627.41 Sources for further information on shipment of etiologic agents.

(a) Guide for Transportation of Hazardous Materials, Vol. 4(1), February 10, 1975. Copies are obtainable from the Office of Research Grants Inquiries, NIH, Department of Health and Human Services, 5333 Westbard Avenue, Bethesda, MD 20205.

(b) The CDC, Office of Biosafety, 1600 Clifton Road N.E., Atlanta, Georgia 30333. Telephone (404) 639–3883, or FTS: 236–3883.

(c) The American Type Culture Collection (ATCC), Packaging and Shipping of Biological Materials at ATCC. Copies may be obtained from the ATCC, 12301 Parklawn Drive, Rockville, MD 20852. Phone (301) 881–2600.

(d) National Committee for Clinical Laboratory Standards (NCCLS), Procedures for the Domestic Handling and Transport of Diagnostic Specimens and

Etiologic Agents, (H5–A2), Second edition. Vol. 5, No. 1. Copies are obtainable from the NCCLS, 771 East Lancaster Avenue, Villanova, PA 19085.

Subpart G—Facilities

§ 627.42 Introduction.

The design of the facility is important in providing a secondary barrier to protect individuals inside and outside the facility. Because the hazards presented by various organisms and materials vary, the requirements for the facility will vary accordingly. The minimum facility requirements for the various biosafety levels and toxins are described below. The biosafety levels correspond to those described in the HHS Publication Biosafety in Microbiological and Biomedical Laboratories (HHS No. (NIH) 88–8395), while the large-scale biosafety levels were adapted from those described in the NIH Guidelines for Research Involving Recombinant DNA Molecules.

§ 627.43 Biosafety level 1.

(a) *Laboratories.* Each laboratory used for this level will, as a minimum, have the following features:

(1) A sink for handwashing.

(2) Work surfaces that are impervious to water and resistant to acids, alkalis, organic solvents, and moderate heat.

(3) Fly screens on any windows that can be opened.

(4) Furnishings and surfaces that are sturdy and designed to be easily cleaned.

(5) Spaces between furnishings and equipment that are accessible for cleaning.

(b) *Animal facilities.* Each room will have the following features:

(1) Design and construction to facilitate cleaning and housekeeping.

(2) A sink for handwashing within the facility.

(3) Fly screens on any windows that can be opened.

(4) Ventilation designed so that the direction of airflow in the animal facility is inward, with the exhausted air discharged to the outside without being recirculated.

(5) Self-closing doors that open inward.

§ 627.44 Biosafety level 2.

(a) *Laboratories.* Each laboratory used for this level of hazard will have, in addition to the requirements stated in § 627.43(a), the following:

(1) An autoclave available.

(2) Containment equipment necessary for the operations unless the safety officer approves the use of a compensatory level of personal protective equipment.

(3) An eyewash available near the laboratory.

(b) *Animal facilities.* In addition to the requirements stated in § 627.43(b), facilities will include—

(1) A sink for handwashing in each room where animals are housed.

(2) An autoclave available in the building.

(3) Appropriate containment equipment unless the safety officer approves the use of a compensatory level of personal protective equipment.

§ 627.45 Biosafety level 3.

(a) *General requirements.* Each suite used as a laboratory or in which infected animals are housed will, as a minimum, have the following features:

(1) Physical separation from areas which are open to unrestricted traffic.

(2) All entrances to each laboratory or animal room from the nonlaboratory access corridors will be through two sets of doors. A change room or airlock may be incorporated between the doors.

(3) The interior surfaces of walls, floors, and ceilings will be water resistant so that they may be easily cleaned.

(4) All penetrations into the walls, floors, and ceilings should be sealed or capable of being sealed to facilitate decontamination.

(5) A foot, elbow, or automatically operated sink will be located near the exit door to each laboratory or animal room.

(6) An autoclave should be in each laboratory or animal room and will be available to the facility.

(7) A ventilation system that will—

(i) Create directional airflow that draws air into the laboratory through the entry areas.

(ii) Not recirculate laboratory air.

(iii) Discharge the exhaust air from the laboratory to the outside and disperse the exhaust air away from occupied areas and air intakes.

(iv) Exhaust the HEPA-filtered air from Class I or II biological safety cabinets or other primary containment devices directly to the exterior of the laboratory or through the building exhaust system. Exhaust air from the cabinets may be recirculated within the laboratory if the cabinet is tested and certified at least every 12 months. If the filtered cabinet exhaust is discharged through the building exhaust system, it will be connected to this system in a manner (for example, thimble unit connection) that avoids any interference with the air balance of the cabinets or the building exhaust system.

(8) All windows to the facility will be sealed shut.

(9) Appropriate biological safety cabinets or other specialized containment equipment will be provided.

(10) Any vacuum line in the facility will have a HEPA filter and liquid disinfectant trap.

(11) Bench tops that are impervious to water and resistant to acids, alkalis, organic solvents, and moderate heat.

(12) Furnishings that are sturdy and spaces between benches, cabinets, and equipment that are accessible for cleaning.

(13) An eyewash available in or near the laboratory.

(b) *Additional animal facility requirements.* In addition to the requirements given in §627.44(b) and 627.45(a), all doors to the animal rooms will open inward and be self-closing.

§ 627.46 Biosafety level 4.

The engineering controls within the facility must provide absolute biological containment. All procedures with etiologic agents requiring this biosafety level of facilities, equipment, and procedures must be conducted either in Class III biological safety cabinets, or in a facility that is designed for the use of a personal positive pressure suit as described in §627.46(b) in conjunction with Class I or II biological safety cabinets.

(a) *General requirements.* The facility will have the following features:

(1) A separate building or a clearly demarcated and isolated area within a building which incorporates positive personnel control for access.

(2) All entrances from access corridors incorporate an inner and outer change room.

(3) Inner and outer change rooms separated by a shower facility.

(4) A double-doored autoclave, fumigation chamber, or ventilated airlock for passage of all items which do not enter the facility through the change room.

(5) Interior surfaces of walls, floors, and ceilings resistant to water and chemicals to facilitate cleaning and disinfecting.

(6) Walls, floors, and ceilings of the facility constructed to form a sealed internal shell which facilitates fumigation and is animal and insect proof.

(7) All penetrations into the walls, floors, and ceilings sealed.

(8) All liquid drains in the facility connected directly to a liquid waste decontamination system.

(i) Holding tanks collecting waste from sinks, biological safety cabinets, floors, and autoclave chambers provide decontamination by heat treatment.

(ii) Holding tanks collecting waste from shower rooms and toilets provide decontamination by heat or chemical disinfectant methods.

(9) Sewer and other ventilation vents contain in-line HEPA filters.

(10) Internal facility appurtenances (for example, light fixtures, air ducts, and utility pipes) arranged to minimize the horizontal surface area on which dust can settle.

(11) A foot, elbow, or automatically operated handwashing sink located near the exit door to each laboratory or animal room.

(12) Self-closing and lockable access doors.

(13) A ventilation system that—

(i) Is dedicated to the facility and provides fresh air meeting American Society of Heating, Refrigerating, and Air Condition Engineers, Inc. (ASHRAE) Standard 62.

(ii) Maintains a negative pressure differential and assures flow inward from areas outside of the facility toward areas of highest potential risk.

(iii) Has manometers or magnehelic gauges to provide, sense, and display pressure differentials between adjacent areas maintained at different pressure levels. An alarm will sound when the pressures fall below acceptable levels.

(iv) Has the air supply and exhaust interlocked to ensure that exhaust failure or reduction will not allow the air pressure in the area to become positive to the adjacent areas.

(v) Does not recirculate exhaust air.

(vi) Is HEPA-filtered and discharged to the outside, dispersing the exhaust air away from occupied areas and air intakes.

(vii) Has the HEPA filters on the exhaust located as near to the rooms as is practicable.

(viii) Has the filter chambers designed to allow in-place decontamination before the filters are removed and to facilitate certification testing.

(ix) Contains prefilters and HEPA filters in the air supply system to protect the supply air system should air pressures become unbalanced.

(x) Exhausts the HEPA-filtered air from Class I or II biological safety cabinets directly into the laboratory or to the exterior of the building. If the HEPA-filtered exhaust from these cabinets is recirculated, the cabinets are tested and certified every 6 months. If the filtered cabinet exhaust is discharged through the building exhaust system, it will be connected to this system in a manner (for example, thimble unit connection) that avoids any interference with the air balance of the cabinets or the building exhaust system.

(xi) Passes the treated exhaust air from Class III biological safety cabinets through two sets of HEPA filters in series to the exterior of the facility through the laboratory exhaust air system.

(14) Windows (if present) sealed shut and breakage resistant.

(15) Has a double-doored autoclave for decontaminating materials passing out of the facility. The autoclave door that opens to the area external to the facility is sealed to the outer wall and automatically controlled so that it can only be opened after the autoclave sterilization cycle has been completed.

(16) Has a pass-through dunk tank, fumigation chamber, or an equivalent decontamination method for materials and equipment that cannot be autoclaved.

(17) Has central vacuum systems (if present) that—

(i) Do not serve areas outside the facility.

(ii) Have an in-line HEPA filter placed as near as practicable to each use point or service cock.

(iii) Have filters designed to allow in-place decontamination and replacement.

(18) Liquid and gas services to the facility provided with protective devices that prevent backflow.

(b) *Additional requirements for personal positive pressure suit areas.* If personal positive pressure suits are worn in lieu of using Class III biological safety cabinets for containment, a special suit area will be provided. The suit area will provide the following, in addition to the requirements stated in § 627.46(a):

(1) An exhaust system dedicated to that area that provides filtration by two sets of HEPA filters installed in series. This system will be backed up by a duplicate filtration unit, exhaust fan, and an automatically starting emergency power source. The ventilation system will maintain the suit area under negative pressure relative to the surrounding areas.

(2) An entry area consisting of an airlock fitted with airtight doors.

(3) A chemical shower to decontaminate the surface of the personal positive pressure suit upon exit.

(4) An air supply and distribution system to support the life support system of the personal positive pressure suits.

(5) Emergency lighting and communications systems.

(6) Sealed penetrations into the internal shell of the area.

(7) A double-doored autoclave to decontaminate waste materials to be removed from the suit area.

(c) Additional laboratory requirements. In addition to those given in § 627.45, if water fountains are provided, they will be foot operated and located in the facility corridors outside the laboratory.

(d) Additional animal facility requirements. In addition to those requirements given in § 627.45, all animal facility external doors will be self-locking.

§ 627.47 Large-scale facilities.

The following requirements apply to facilities in which an individual culture of viable etiologic agents exceed 10 liters:

(a) *BL–1 LS.* In addition to the laboratory requirements stated § 627.43(a), the exhaust gases removed from a closed system or other primary containment equipment shall be treated by filters which have efficiencies equivalent to HEPA filters or by other equivalent procedures (for example, incineration) to minimize the release of viable organisms.

(b) *BL–2 LS.* In addition to the requirements stated in §§ 627.44(a) and 627.47(a), these facilities will have—

(1) Rotating seals and other mechanical devices directly associated with a closed system used to contain viable organisms shall be designed to prevent leakage or shall be fully enclosed in ventilated housings that are exhausted through filters which have efficiencies equivalent to HEPA filters or through equivalent treatment devices.

(2) A closed system used to propagate and grow viable organisms shall include monitoring or sensing devices that monitor the integrity of containment during operations.

(3) Closed systems used for the propagation and growth of viable organisms shall be tested operationally for integrity of the containment features. The containment will be rechecked following modification or replacement of essential containment features. Procedures and methods used in the testing shall be appropriate for the equipment design and for recovery and demonstration of the test organism. Records of tests and results shall be maintained on file.

(c) *BL–3 LS.* The requirements stated in §§ 627.45 and 627.57(b) apply, and all closed systems and other primary containment equipment used in handling cultures of viable organisms shall be located within a controlled area which meets the requirements of a BL–3 facility plus the following requirements:

(1) All utilities and service or process piping or wiring entering the controlled area shall be protected against contamination.

(2) A shower facility shall be provided. This facility shall be located near the controlled area.

(3) The controlled area shall be designed to preclude release of culture fluids outside in the event of an accidental spill or release from the closed systems or other primary containment equipment.

(4) The controlled area shall have a ventilation system capable of controlling air movement. The movement of air shall be from areas of lower contamination potential to areas of higher contamination potential. If the ventilation system provides positive pressure supply air, the system shall operate so as to prevent the reversal of air movement or shall be equipped with an alarm that would be actuated if reversal in the direction of air movement were to occur. The exhaust air from the controlled area shall not be recirculated to other areas of the facility. The exhaust air from the controlled area may be discharged to the outdoors after filtration or other means of effectively reducing an accidental aerosol burden, and dispersed clear of occupied buildings and air intakes.

§ 627.48 Toxins.

General requirements for all facilities in which toxins are used are as follows. Such facilities will—

(a) Have a ventilation system that provides three to six air changes per hour, and that provides a directional airflow inward relative to the access halls.

(b) Have a sink for handwashing.

(c) Have an eyewash available.

(d) Have bench tops that are impervious to water and resistant to acids, alkalis, organic solvents, and moderate heat.

(e) Have furniture, furnishings, and surfaces that are sturdy and designed to be easily cleaned.

(f) Be arranged so that items are accessible for cleaning.

(g) Have a quick-drench shower available within the facility.

(h) A fume hood, biological safety cabinet, glove box, or equivalent engineering control equipped with HEPA filters and with charcoal filters if volatile materials are being used.

Subpart H—Engineering Controls

§ 627.49 Introduction.

As required by the OSHA and recommended by the American Industrial Hygiene Association (AIHA) and the CDC, engineering controls and proper microbiological techniques are the primary means of protecting personnel who work with potentially hazardous biological materials. In situations of potentially higher hazard, these engineering controls are supplemented by personal protective clothing and equipment. Thus, the engineering controls discussed in this chapter will be the primary means of personnel and environmental protection when working with etiologic agents. Because of the importance of these engineering controls, this chapter contains not only requirements for the engineering and construction of these controls, but also requirements for their certification and continuous satisfactory performance. These will be described for each engineering control.

§ 627.50 Class I biological safety cabinet.

(a) *Description.* The Class I biological safety cabinet (figure H–I in appendix F to this part) is a ventilated cabinet for personnel protection only. The cabinet provides an uncirculated inward flow of air away from the operator. The exhaust is passed through a HEPA filter. It may be discharged into the laboratory or vented out of the laboratory and dispersed away from occupied spaces or air intakes. When the exhaust is recirculated in a BL–2 or BL–3 facility, the cabinet must be tested and certified annually. In a BL–4 facility, if the exhaust is recirculated, the cabinet must be tested and certified semiannually.

(b) *Uses.* These cabinets are used if personnel protection against the microorganisms is required; for modest quantities of volatile, toxic, or radioactive chemicals (in concentrations and quantities associated with biological systems) if vented to the outside; and when sterility is not required. They are commonly used for housing tabletop centrifuges, in the necropsy of small animals, and for changing animal bedding.

(c) *Prohibitions.* This class of cabinet is not to be used when sterility must be maintained. In addition, volatile, toxic, or radioactive materials can not be used in this class of cabinet when the exhaust air is not exhausted to the exterior.

(d) *Certifications and requirements.* (1) The inward air velocity on these cabinets will be an average of 100 plus or minus 20 linear feet per minute (lfpm). Each cabinet must be certified before use and semiannually thereafter by a face velocity test. Additionally, smoke tests will be performed annually to verify containment.

(2) The exhaust system will have a HEPA filter, which will be tested initially upon installation, after repair or replacement, and every 2 years thereafter (except when required more often). Filters will be certified to be 99.97 percent effective in capturing particulate matter by a leakage test using mineral oil or other appropriate aerosol dispersed as 0.3 micron droplets.

§ 627.51 Class II biological safety cabinet.

All Class II biological safety cabinets (figure H–II in appendix F to this part) are ventilated cabinets for personnel and product protection, having an open front with inward air flow for personnel protection.

(a) *Operating standards.* (1) All of these cabinets must conform and be certified to meet National Sanitation Foundation (NSF) Standard No. 49 revised, June 1987, for the applicable type of cabinet.

(2) After installation and before use, and annually thereafter, the cabinets will be tested in accordance with NSF Standard No. 49 (latest revision June 1987) as follows:

(i) Primary (required) tests—

(A) Velocity profile test.

(B) Work access opening airflow (face velocity) test.

(C) HEPA filter leak test.

(D) Cabinet integrity test (soap bubble test) for cabinets with positive pressure internal plenums.

(ii) Secondary (optional) tests—

(A) Vibration test.

(B) Electrical leakage and ground circuit resistance tests.

(C) Noise level test.

(D) Lighting intensity test.

(E) UV light intensity test.

(3) After repairs or alterations to the cabinetry or ventilation system that affect the cabinet, the tests listed in §627.51(a)(2) will be performed for the relevant parameters.

(4) The work access opening airflow (face velocity) test, as specified in NSF Standard No. 49 (latest revision, June 1987), will be performed to check that the cabinet is within specifications on an annual basis for BL–1 and BL–2 and toxin use. This test will be performed semiannually on cabinets used for BL–3 and BL–4 as well as for work with dry forms of toxins.

(5) When the exhaust is recirculated in a BL–4 facility, the cabinet must be tested and certified semiannually.

(b) *Class IIA biological safety cabinets.*—(1) *Description.* A Class IIA biological safety cabinet is one in which typically 70 percent of the air is recirculated within the cabinet and the exhaust passes through a HEPA filter before discharge. The exhaust may be exhausted into the room and positive-pressure contaminated ducts and plenums within the cabinet are allowed. Type A cabinets shall have a minimum calculated face velocity of 75 feet per minute (fmp).

(2) *Uses.* These cabinets are for working with low-to-moderate risk biological samples and for protecting personnel against biological material while providing a sterile atmosphere in which to handle the material.

(3) *Prohibitions.* Materials that are toxic or volatile must not be used in these cabinets.

(c) *Class IIB_1 biological safety cabinets.*—(1) *Description.* A Class IIB_1 biological safety cabinet is one that maintains a minimum average inflow of air of 100 plus or minus 20 lfpm and in which typically 30 percent of the air is recirculated. All recirculated and exhausted air passes through two HEPA filters in series. All contaminated internal ducts and plenums are under negative pressure. Type B cabinets shall have a minimum calculated face velocity of 100 fpm.

(2) *Uses.* When ultra-sterility is needed, these are the cabinets of choice. The double filtration achieves a cleaner atmosphere. Minute quantities of volatile, toxic, or volatile radioactive materials coincidental to use in biological systems may also be used in these cabinets.

(3) *Prohibitions.* More than minute quantities of toxic, volatile, or radioactive materials must not be used in these cabinets.

(4) *Additional certifications or requirements.* None.

(d) *Class IIB_2 biological safety cabinets.*—(1) *Description.* A Class IIB_2 biological safety cabinet is one that maintains a minimum average of 100 plus or minus 20 lfpm inward flow and in which all air is exhausted directly from the cabinet through a HEPA filter without recirculation within the cabinet. All contaminated ducts and plenums are under negative pressure. Type B cabinets shall have a minimum calculated face velocity of 100 fpm.

(2) *Uses.* These cabinets are recommended when small quantities of volatile, flammable, or toxic chemicals must be used coincidentally with items requiring sterility.

(3) *Prohibitions.* While these cabinets do offer the greatest degree of safety for volatile, toxic, and flammable chemical handling in a sterile environment, they are not to be used in place of a fume hood to prepare stock solutions of hazardous chemicals.

(e) *Class IIB_3 biological safety cabinets.*—(1) *Description.* A Class IIB_3 biological safety cabinet is one that meets all of the requirements of a Class IIB_2 biological safety cabinet except that it recirculates most (typically 70 percent) of the air inside the cabinet. Type B cabinets shall have a minimum calculated face velocity of 100 fpm.

(2) *Uses.* Minute amounts of nonflammable chemicals can be used coincidentally with low-to-moderate risk biological agents.

(3) *Prohibitions.* Flammable materials and more than minute amounts of toxic, radioactive, or volatile chemicals must not be used in these cabinets.

(4) *Additional certifications or requirements.* None.

§ 627.52 Class III biological safety cabinet.

(a) *Description.* These cabinets (figure H–III in appendix F to this part) are totally enclosed, ventilated cabinets of gas-tight construction. Operations are conducted through attached rubber gloves. The supply of air is drawn into the cabinet through HEPA filters. The exhaust air is treated by double HEPA filtration, or by HEPA filtration followed by incineration, and is not allowed to recirculate within the room.

(b) *Uses.* These cabinets provide the ultimate protection for personnel. They are suitable for low, moderate, and high-risk etiologic agents.

(c) *Prohibitions.* More than minute amounts of flammables must not be used in these cabinets.

(d) *Certifications and requirements.* (1) These cabinets will have a manometer or magnehelic gauge that indicates the negative pressure that is maintained inside the cabinet. The pressure inside the cabinet should be a minimum of 0.5 inches water gauge negative to the surrounding room.

(2) These cabinets will be pressure tested by the soap bubble or halogen leak test as prescribed in NSF Standard No. 49, appendix B1 (latest revision, June 1987), and certified, when the HEPA filter units are serviced.

§ 627.53 Fume hood.

Fume hoods in which etiologic agents are handled must use proven technologies to provide optimal containment. Fume hood placement, design, and capture testing requirements for use in designing new laboratories can be found in the latest edition of Industrial Ventilation, A Manual of Recommended Practices, published by the American Conference of Governmental Industrial Hygienists.

(a) *Description.* Fume hoods are common chemical laboratory furnishings designed to capture fumes from chemicals that are used within them. Air is drawn through the opening and vented to the exterior without recirculation.

(b) *Uses.* Fume hoods provide excellent containment for handling hazardous chemicals.

(c) *Prohibitions.* Moderate risk biologicals and open containers of dry forms of toxins must not be used in a fume hood without HEPA filtration. Fume hoods should never be used when sterility is required.

(d) *Certification and requirements.* (1) Inward air flow will be an average of 100 plus or minus 20 lfpm as measured at the face of the fume hood. Proper function of laboratory hoods is not only a function of face velocity. An evaluation of the total operating environment is necessary.

(2) When filters are required, they will be certified by the mineral oil droplet (HEPA) or Freon (Charcoal) leak test as appropriate. Leakage through the filters will be less than 0.05 percent for Freon and 0.03 percent for oil droplets when initially installed.

(3) Fume hoods will be provided with indicator devices to give a warning should the ventilation system fail or if the hood face velocity falls below an average of 80 lfpm

(4) Hood air flow will be certified when installed, when maintenance is performed on the ventilation system, and semiannually thereafter.

§ 627.54 Glove box.

(a) *Description.* A glove box is an enclosure that provides a positive barrier from liquids, solids, and chemical vapors. A glove box has viewing ports and glove ports for access. The box maintains personnel protection through solid barriers and maintenance of a negative pressure relative to its surroundings.

(b) *Uses.* Glove boxes are used when extreme containment is needed for highly toxic chemicals, especially for dry chemicals that can be swept out of containers by the airflow in hoods.

(c) *Prohibitions.* Unventilated boxes must not be used with volatile flammable materials and should be used with volatile toxic materials unless dilution ventilation is provided.

(d) *Additional certifications and requirements.* (1) The glove box will be maintained at a pressure of at least 0.25 inches water guage less than its surroundings.

(2) The pressure differential will be indicated by a manometer or magnehelic guage. Indicator devices

will display a loss of pressure below 0.25 inches water guage.

(3) Gloves will be changed at appropriate intervals (dependent on the box contents) to ensure they provide the protection needed.

(4) Inlets that provide dilution air will be protected by HEPA filters.

§ 627.55 Ventilated balance enclosures.

(a) *Description.* A ventilated balance enclosure is a box that surrounds a balance and has a small open area for access and handling material in the front. Air is exhausted out the rear of the enclosure.

(b) *Uses.* A ventilated balance enclosure is used when containment of a balance is required to weigh hazardous materials that have a low vapor pressure (such as toxins). These enclosures are also used when it is best to use the balance in other than a fume hood (due to the turbulence and vibration) and when biological safety cabinets or glove boxes are inappropriate or unavailable. Dry forms of toxins may be weighed in these enclosures.

(c) *Prohibitions.* Very volatile or highly toxic volatile materials must not be handled in ventilated balance enclosures unless they are placed in closed containers in a properly functioning fume hood before being transferred to the balance enclosure.

(d) *Additional certifications or requirements.* (1) The flow through the openings in the enclosure will be at least 60 lfpm and must average between 60 and 80 lfpm.

(2) Containment will be certified prior to first use and annually thereafter by smoke tubes.

(3) The air flow will be certified initially and semiannually by averaging readings taken from the face of the opening.

§ 627.56 Ventilated cage enclosures.

There are a number of cage-ventilated enclosures in which infected animals may be housed at levels corresponding to the various classes of biological safety cabinets. A brief description of four different types of animal ventilated cages is given below. This is not a complete description of all the different animal ventilated cages available. The proper functioning of these will be tested initially, upon each connection to exhaust sources, and at least annually. The inward flow rates on the partial containment systems and pressure checks on the total containment cages will be performed. Prior to selecting such equipment, an evaluation of the function and the equipment should be made, and the methods for testing and decontamination should be analyzed and documented.

(a) *Filter-top cages.* Small laboratory animal polystyrene or polycarbonate cage bottoms are fitted with a dome shaped glass fiber or polyester filter cage cover. The dome shaped filters help reduce the dissemination of aerosols, and the spread of infectious agents. Adequate ventilation around cages fitted with a dome shaped filter is essential since they may contain elevated ammonia and carbon dioxide levels, and high temperature and humidity. Ventilation recommendations in the NIH publication 86–23, 1985 ''Guide for the Care and Use of Laboratory Animals'' will be followed.

(b) *Forced ventilation cages.* This is a small HEPA-filtered cage connected to a centralized exhaust system. A minimum airflow of 0.03 m^3/min per cage is required. Ventilation rates may vary with the size of the cage, and the number and type of animals being housed.

(c) *Cubicle-type isolation cage.* This is a partial containment unit which holds several animal cages. This unit is a negative pressure HEPA-filtered stainless steel cage. A minimum airflow of 0.3 m^3/min per cage is required for a 0.24 m^3 unit. Ventilation rates may vary with the size of the cage and the number and type of animals being housed.

(d) *Total containment cage.* This unit is a negative pressure or positive pressure HEPA-filtered stainless steel cage which has the filters incorporated into the design. It is halogen gas-leak tight and can be considered a Class III biological safety cabinet. A minimum airflow of 0.3 m^3/min per cage is required for a 0.24 m^3 unit. Ventilation rates may vary with the size of the cage, and the number and type of animals being housed.

§ 627.57 Ventilated cage areas.

Ventilated cage areas within a room that are solid-walled and bottomed areas for containing multiple cages housing infected animals. The containment for these areas is equivalent to the Class I biological safety cabinet. For testing purposes, they will be treated the same as a Class I biological safety cabinet.

APPENDIX A TO PART 627—REFERENCES

Publications referenced in this part can be obtained from the National Technical Information Services, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

REQUIRED PUBLICATIONS

AR 11–34

Army Respiratory Protection Program. (Cited in §§ 627.31(h)(2) and 627.31(h)(4).)

AR 40–5

Preventive Medicine. (Cited in § 627.8.)

AR 40–10

Health Hazard Assessment Program in Support of the Army Materiel Acquisition Decision Process. (Cited in § 627.7(a)(8).)

AR 40–12

Medical and Agricultural Foreign and Domestic Quarantine Regulations for Vessels, Aircraft, and Other Transports of the Armed Forces. (Cited in § 627.40(a).)

AR 40–66

Medical Records and Quality Assurance Administration. (Cited in § 627.9.)

AR 40–400

Patient Administration. (Cited in § 627.8(e).)

AR 70–65

Management of Controlled Substances, Ethyl Alcohol, and Hazardous Biological Substances in Army Research, Development, Test, and Evaluation Facilities. (Cited in §§ 627.36(a)(6) and 627.40(b).)

AR 385–10

Army Safety Program. (Cited in §§ 627.6 and 627.31(h)(4).)

AR 385–69

Biological Defense Safety Program. (Cited in §§ 627.6, 627.7(a), 627.7(a)(8), 627.7(d), 627.11(c), 627.18(a) and 627.18(f)(1).)

AR 740–32

Responsibilities for Technical Escort of Dangerous Materials. (Cited in § 627.39.)

RELATED PUBLICATIONS

A related publication is merely a source of additional information. The user does not have to read it to understand this pamphlet.

AR 40–14

Control and Recording Procedures for Exposure to Ionizing Radiation and Radioactive Materials.

ANSI Z86.1–1973

Breathing Air

ASHRAE Standard 62

Bacterial Toxins: A Table of Lethal Amounts, Gill, D.M., Microbiological Reviews, Volume 46, Number 1; March 1982, pages 86–94.

Biohazards Reference Manual

American Industrial Hygiene Association, 1985, Clinical Medicine Branch, Division of Host Factors, Center for Infectious Disease, Centers for Disease Control, Atlanta, GA 30333, telephone: (404) 639–3356, Compressed Gas Association Pamphlet G–7.1

Grade D Breathing Air

Dangerous Goods Regulations, International Air Transport Association (IATA), Publications Section, 2000 Peel Street, Montreal, Quebec, Canada H3A 2R4, Tel (514) 844–6311. DHEW Pub. No. (NIH) 76–1165

Biological Safety Manual for Research Involving Oncogenic Viruses, Executive Order 12196

Safety and Health Programs for Federal Employees, 26 February 1980

Guide for Adult Immunizations, Published by the American College of Physicians, Guide for Transportation of Hazardous Materials, Vol. 4(1) February 10, 1975. (Copies may be obtained from the Office of Research Grants Inquiries, NIH, Department of Health and Human Services, 5333 Westbard Avenue, Bethesda, MD 20205.)

Guidelines for Laboratory Design, Health and Safety Considerations, L. DiBerardinis, et al., John Wiley and Sons, 1987

Guidelines for Prevention of Herpesvirus Simiae (B Virus) Infection in Monkey Handlers, Kaplan, J.E., et al., Mortality and Morbidity Weekly Report, Volume 36, Number 41; October 23, 1987, pages 680–689.

HHS Publication No. (NIH) 88–8395, Biosafety in Microbiological and Biomedical Laboratories

Industrial Ventilation, A Manual of Recommended Practice Published by the American Conference of Governmental Industrial Hygienists.

Laboratory Safety for Arboviruses and Certain Other Viruses of Vertebrates, The American Journal of Tropical Medicine and Hygiene, 29:1359–1381, 1980.

NIH Guidelines for Research involving Recombinant DNA Molecules (51 FR 16958, May 7, 1986).

NIH publication 86–23, Guide for the Care and Use of Laboratory Animals

NSF Standard #49, National Sanitation Foundation Standard Number 49, Class II (Laminar Flow) Biohazard Cabinetry

Packaging and Shipping of Biological Materials at ATCC, The American Type Culture Collection (ATCC). (Copies may be obtained from the ATCC, 12301 Parklawn Drive, Rockville, MD 20852. Telephone (301) 881–2600.)

Postal Bulletin No. 21246, International Mail-Hazardous Materials

Procedures for the Domestic Handling and Transport of Diagnostic Specimens and Etiologic Agents, National Committee for Clinical Laboratory Standards (NCCLS), (H5–A2), Second edition. Vol. 5, No. 1. (Copies may be obtained from the NCCLS, 771 East Lancaster Avenue, Villanova, PA 19085.)

Restricted Articles Tariff 6–D, Air Transport Association

Technical Instructions for the Safe Transport of Dangerous Goods by Air, International Civil Aviation Organization (ICAO) Intereg Group, 5724 Pulaski Road, Chicago, IL 60646, Tel. (312) 478–0900.

The Centers for Disease Control, Office of Biosafety, 1600 Clifton Road NE., Atlanta, Georgia 30333. Telephone (404) 639–3883, or FTS: 236–3883.

9 CFR Parts 102 Through 104, 122

Animals and Animal products.

10 CFR Chapter 1

Nuclear Regulatory Commission.

21 CFR Parts 312, 600 Through 680

Food and drugs.

29 CFR Part 1910

Occupational Health and Safety Administration Safety and Health Standards.

39 CFR Part 111

Postal Service.

40 CFR Parts 1500 Through 1508

Protection of environment.

42 CFR Parts 71 and 72

Public Health Service Foreign Quarantine Regulations.

49 CFR Parts 172 and 173

The Department of Transportation.

APPENDIX B TO PART 627—RESOURCE LIST FOR IMMUNOPROPHYLAXIS OF PERSONNEL AT RISK

B–1. RECOMMENDATIONS FOR IMMUNOPROPHYLAXIS OF PERSONNEL AT RISK

Description of disease	Product	Recommended for use in	Source of product
Anthrax	Inactivated vaccine	Personnel working regularly with cultures, diagnostic materials, or infected animals.	USAMRIID.[1]
Botulism	Pentavalent toxoid (A,B,C,D,E) (IND).[2].	Personnel working regularly with cultures or toxin	CDC.[3]
Cholera	Inactivated vaccine	Personnel working regularly with large volumes or high concentrations of infectious materials.	Commercially available.
Diphtheria Tetanus (Adult)	Combined toxoid	All laboratory and animal care personnel irrespective of agents handled	Commercially available.
Eastern equine encephalitis (EEE)	Inactivated vaccine (IND)[2]	Personnel who work directly and regularly with EEE in the laboratory	USAMRIID.[1]
Hepatitis A	Immune Serum Globulin [ISG (Human)].	Animal care personnel working directly with chimpanzees naturally or experimentally infected with Hepatitis A virus.	Commercially available.
Hepatitis B	Serum-derived or recombinant vaccine.	Personnel working regularly with human blood and blood components	Commercially available.
Influenza	Inactivated vaccine	(Vaccines prepared from earlier isolated strains may be of little value in personnel working with recent isolates from humans or animals).	Commercially available.
Japanese Encephalitis	Inactivated vaccine (IND)[2]	Personnel who work directly and regularly with JE virus in the laboratory	CDC.[3]
Measles	Live attenuated virus vaccine	Measles-susceptible personnel working with the agent or potentially infectious clinical materials.	Commercially available.
Meningococcal Meningitis	Purified polysaccharide vaccine	Personnel working regularly with large volumes or high concentrations of infectious materials (does not protect against infection with group B meningococcus).	Commercially available.
Plague	Inactivated vaccine	Personnel working regularly with cultures of *Yersinia pestis* or infected rodents or fleas.	Commercially available.
Poliomyelitis	Inactivated (IPV) and live attenuated (OPV) vaccines.	Polio-susceptible personnel working with the virus or entering laboratories or animal rooms where the virus is in use.	Commercially available.
Pox viruses (Vaccinia, Cowpox, or Monkey Pox viruses).	Live (lyophilized) vaccinia virus	Personnel working with orthopox viruses transmissible to humans, with animals infected with these agents, and persons entering areas where these viruses are in use.	CDC.[3]
Q Fever (Phase II) vaccine	Inactivated (IND)[2]	Personnel who have no demonstrable sensitivity to Q fever antigen and who are at high risk of exposure to infectious materials or animals.	USAMRIID.[1]
Rabies	Human diploid line cell inactivated vaccine.	Personnel working with all strains of rabies virus, with infected animals, or persons entering areas where these activities are conducted.	Commercially available.
Rift Valley Fever	Inactivated virus vaccine (IND)[2]	All laboratory and animal care personnel working with the agent or infected animals and all personnel entering laboratories or animal rooms when the agent is in use.	USAMRIID.[1]
Rubella	Live attenuated virus vaccine	Rubella-susceptible personnel, especially women, working with "wild" strains or in areas where these viruses are in use.	Commercially available.
Tuberculosis	Live, attenuated (BCG) bacterial vaccine.	BCG vaccine ordinarily is not used in laboratory personnel in the U.S	Commercially available.
Tularemia	Live attenuated bacterial vaccine (IND).[2].	Personnel working regularly with cultures or infected animals or persons entering areas where the agent of infected animals are in use.	USAMRIID.[1]
Typhoid	Inactivated vaccine	Personnel who have no demonstrated sensitivity to the vaccine and who work regularly with cultures.	Commercially available.
Venezuelan equine (VEE) encephalitis.	Live attenuated (TC83) viral vaccine (IND).[2].	Personnel working with VEE and the Equine Cabassou, Everglades, Mucambo, and Tonate viruses, or who enter areas where these viruses are in use.	USAMRIID.[1]

B–1. RECOMMENDATIONS FOR IMMUNOPROPHYLAXIS OF PERSONNEL AT RISK—Continued

Description of disease	Product	Recommended for use in	Source of product
Western equine encephalitis (WEE)	Inactivated vaccine (IND)[2] with WEE virus.	Personnel who work directly and regularly in the laboratory	USAMRIID.[1]
Yellow Fever	Live attenuated (17D) virus vaccine	Personnel working with virulent and avirulent strains of Yellow Fever virus.	Commercially available.

[1] For information, contact: United States Army Medical Materiel Development Activity, Fort Detrick, Frederick, MD 21701, telephone: (301) 663–7661.
[2] Investigational New Drug (IND).
[3] Clinical Medicine Branch, Division of Host Factors, Center for Infectious Disease, Centers for Disease Control, Atlanta, GA 30333, telephone: (404) 639–3356.
Source: Adapted from recommendations of the PHS Immunization Practices Advisory Committee and Biosafety in Microbiological and Biomedical Laboratories.

APPENDIX C TO PART 627—LABORATORY SAFETY INSPECTION CHECKLIST

C–1. The checklist that follows is not an exhaustive list of the items to consider when inspecting facilities where etiologic agents are used. It does provide some basic guidelines to remind safety and nonsafety professionals of the things that need to be considered in the laboratories they manage. The checklist should be used as follows: All area should be inspected using the general list in C–2. Certain items are optional, such as radiation safety. If no radioactive material is present in the room, then this would not be applicable. For BL–1 facilities the list in C–2 is adequate, while BL–2, BL–3, and BL–4 facilities must use the list in C–2 together with the appropriate list in C–3 to C–5.

C–2. Basic checklist

(a) Housekeeping

(1) Is the room free of clutter?

(2) Are all aisles from the work areas to the available exits maintained clear of obstructions?

(3) Are all safety equipment items unobstructed and ready for use?

(4) Is the room clean?

(b) Fire safety

(1) Is the fire extinguisher hung in its proper place, ready for use, and unobstructed?

(2) Are there excess flammables located outside National Fire Protection Association (NFPA) approved cabinetry?

(3) Are all Class IA flammables that are in breakable containers in pint or smaller containers?

(4) Are all Class IB flammables that are in breakable containers in liter or smaller containers?

(c) Chemical safety

(1) Are the chemicals stored with compatible materials?

(2) Have the chemical fume hoods been certified in the last 6 months?

(3) Are the eyewash and deluge shower unobstructed and ready for use?

(4) Is the eyewash and deluge shower tested regularly to document proper operation?

(5) Is the organic waste container maintained in a closed position?

(6) Are all reagents and solutions properly labeled?

(7) Is a spill kit within a reasonable distance from the work areas?

(8) Is appropriate protective clothing available for the chemical hazards present?

(9) Is there a written hazard communication program?

(10) Have the personnel in the laboratory been trained in the provisions and principles of the hazard communication program?

(11) Are MSDSs located where they are available to the laboratory workers?

(12) Is there a written chemical hygiene plan?

(d) Radiation safety

(1) Are the radioactive materials stored double-contained?

(2) Is the containment for the radiation waste container adequate to preclude the spread of radiation?

(3) Are all containers appropriately labeled with radiation labels?

(4) Are all entrances to the room appropriately labeled?

(e) Electrical safety

(1) Are excess extension cords being utilized?

(2) Are there any frayed cords in the room?

(3) Are there any cords on the floor across normal traffic patterns in the room?

(f) General laboratory safety

(1) Are sharps discarded and destroyed in a safe manner?

(2) Are work surfaces decontaminated daily and after a spill?

(3) Is the appropriate attire worn by everyone in the room?

(4) Is there evidence that personnel eat, drink, smoke, or store food, drinks, or tobacco in the room?

(5) Was mouth pipetting observed?

(6) Are all gas cylinders secured and are all cylinders not in use capped?

(7) Are cylinders of oxidizers stored at least 20 feet from cylinders of flammable gases in the same room?

(8) Are the contents of the cylinders clearly labeled?

(9) Are the cylinders transported on appropriate dollies or hand trucks?

(10) Is there a written respiratory protection program where respirators are used?

(g) Etiologic agents

(1) Are all containers of etiologic agents appropriately labeled?

(i) Are freezers, refrigerators, and similar storage units labeled with the biohazard warning sign?

(ii) Are the storage and shipping containers adequate and properly labeled?

(2) Have all personnel been adequately trained in general microbiological techniques?

(3) Are laboratory doors kept closed when experiments are in progress?

(4) Are all operations conducted over plastic-backed absorbent paper or spill trays?

C–3. Biosafety level 2 supplemental checklist

(a) Are all floor drains filled with water or suitable disinfectant?

(b) Is the SOP for an etiologic agent spill signed by all personnel who work with etiologic agents in the room?

(c) If biological safety cabinets are used, have they been certified within the last year?

(d) Are the appropriate decontaminants available?

(e) Are all entrances to the laboratory posted with—

(1) The appropriate special provisions for entry?

(2) The universal biohazard symbol?

(3) The name and telephone number of the laboratory director or other responsible person?

(f) Is entry limited and restricted?

(g) Are gloves being worn when handling infected animals or infectious or toxic materials?

(h) Is eye and respiratory protection being worn in rooms where nonhuman primates are present?

(i) If materials are being transported offsite for decontamination, is the containment adequate?

C–4. Biosafety level 3 supplemental checklist

(a) Is laboratory clothing decontaminated before being sent to the laundry?

(b) Are all windows and penetrations through the walls and ceilings sealed?

(c) If biological safety cabinets are used, have they been certified within the last year?

(d) Are the appropriate decontaminants available?

(e) Are all entrances to the facility posted with—

(1) The appropriate special provisions for entry?

(2) The universal biohazard symbol?

(3) The name and telephone number of the laboratory director or other responsible person?

(f) Is entry limited and restricted?

(g) Are gloves being worn when handling infected animals or infectious or toxic materials?

(h) Is eye and respiratory protection being worn in rooms where nonhuman primates are present?

(i) Do the monitors indicate that the room is under negative pressure relative to all entrances?

(j) Are all vacuum lines protected with HEPA filters and liquid disinfectant traps?

(k) Is the autoclave being properly maintained and certified?

(l) Is the foot, elbow, or automatic handwash sink operating properly?

(m) Are all operations with etiologic agents being conducted inside biological safety cabinets or other approved engineering controls?

(n) Are all infected animals housed using appropriate primary containment systems?

(o) Do all personnel who enter rooms housing infected animals wear appropriate respiratory protection?

(p) Do personnel who exit rooms having infected animals leave their protective clothing in the animal and laboratory rooms?

(q) If available, has the UV pass box ouput been certified within the last 3 months?

C–5. Biosafety level 4 supplemental inspection checklist

(a) Precautions for all areas.

(1) Are all penetrations through the walls and ceilings sealed?

(2) Are the appropriate decontaminants available and used properly?

(3) Are all entrances to the facility posted with—

(i) The appropriate special provisions for entry?

(ii) The universal biohazard symbol?

(iii) The name and telephone number of the laboratory director or other responsible person?

(4) Is access to the laboratory controlled strictly and documented?

(5) Do the monitors indicate that the room is under negative pressure relative to all entrances?

(6) Are all vacuum lines protected with HEPA filters and liquid disinfectant traps?

(7) Is the autoclave being properly maintained and certified?

(8) Is the foot, elbow, or automatic handwash sink operating properly?

(9) Do the self-closing doors to the facility operate properly?

(10) Do personnel completely exchange street clothing for laboratory clothing before entry and shower upon exiting?

(11) Is the dunk tank disinfectant fresh and appropriate for the agents in use?

(b) Suit areas.

(1) Are all operations with etiologic agents conducted in Class I or II biological safety cabinets?

(2) Do the procedures in place ensure that, as much as possible, the contamination remains inside the cabinets (such as ensuring that everything removed from within the cabinets, such as gloves being worn, instruments, glassware, or similar items, are decontaminated or properly packaged first)?

(3) Are the Class I or II cabinets in the facility certified every 6 months?

(4) Does the suit decontamination shower have adequate appropriate decontaminant available?

(5) Has the suit decontamination shower been used or tested in the last month?

(6) Is the ventilated suit air supply and emergency air supply adequate and working properly?

(7) Is the emergency alarm system working properly?

(8) Are all of the one-piece positive pressure suits available for use in serviceable condition?

(9) Are infected animals housed in appropriate primary containment systems?

(10) Is the static pressure in the suit area negative to all surrounding areas?

(c) Nonsuit areas.

(1) Are all operations with etiologic agents conducted inside Class III biological safety cabinets?

(2) Were the Class III biological safety cabinets certified before initiating the current operation?

(3) Are all infected animals housed in Class III cabinet containment caging systems?

APPENDIX D TO PART 627—PACKAGING AND LABELING REQUIREMENTS FOR SHIPMENT OF ETIOLOGIC AGENTS

D–1. Packaging and Labeling of Etiologic Agents, from HHS publication No. (NIH) 88–8395.

D–2. Guidelines for the Air Shipment of Diagnostic Specimens, from the Air Transport Association of America, Cargo Services Division, 1709 New York Ave., NW., Washington, DC 20006.

APPENDIX E TO PART 627—PERMITS FOR IMPORTATION AND SHIPMENT OF ETIOLOGIC AGENTS

E–1. Permit Application to Import or Transport Agents or Vectors of Human Disease. Department of Health, Education and Welfare, PHS, CDC, Office of Biosafety, Atlanta, Georgia 30333.

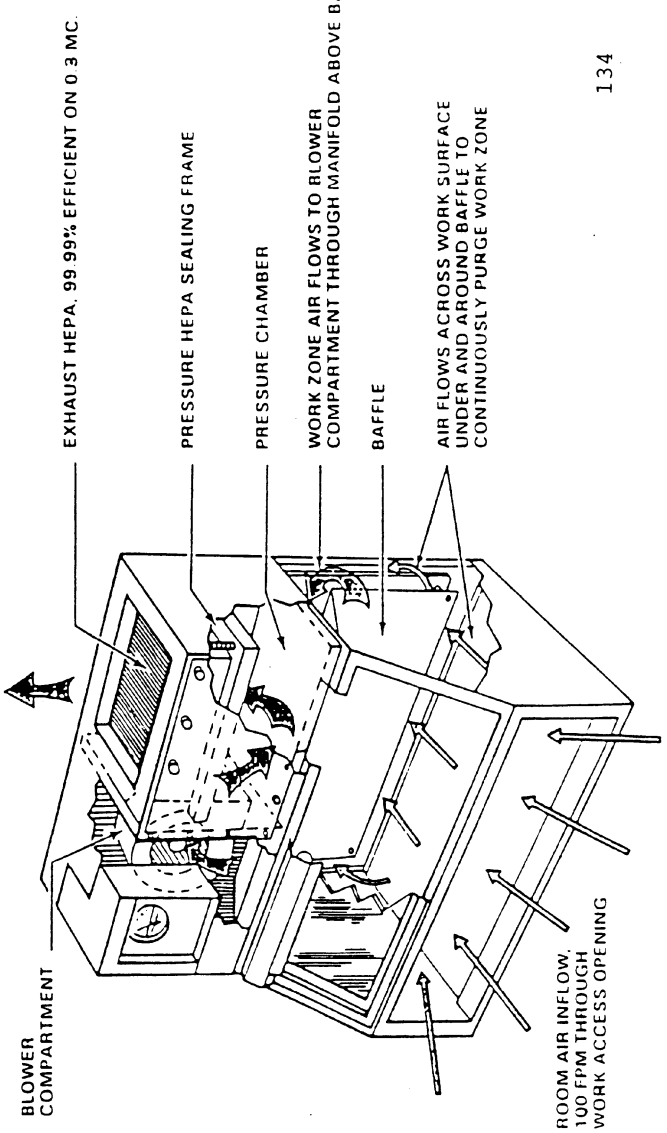
E–2. Permit Application to Import Controlled Material; Import or Transport Organisms or Vectors. U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Federal Building, Hyattsville, Maryland 20782.

APPENDIX F TO PART 627—DRAWINGS, BIOLOGICAL SAFETY CABINETS

Appendix F to Part 627—Drawings, Biological Safety Cabinets

FIGURE H-1

CLASS I BIOLOGICAL SAFETY CABINET



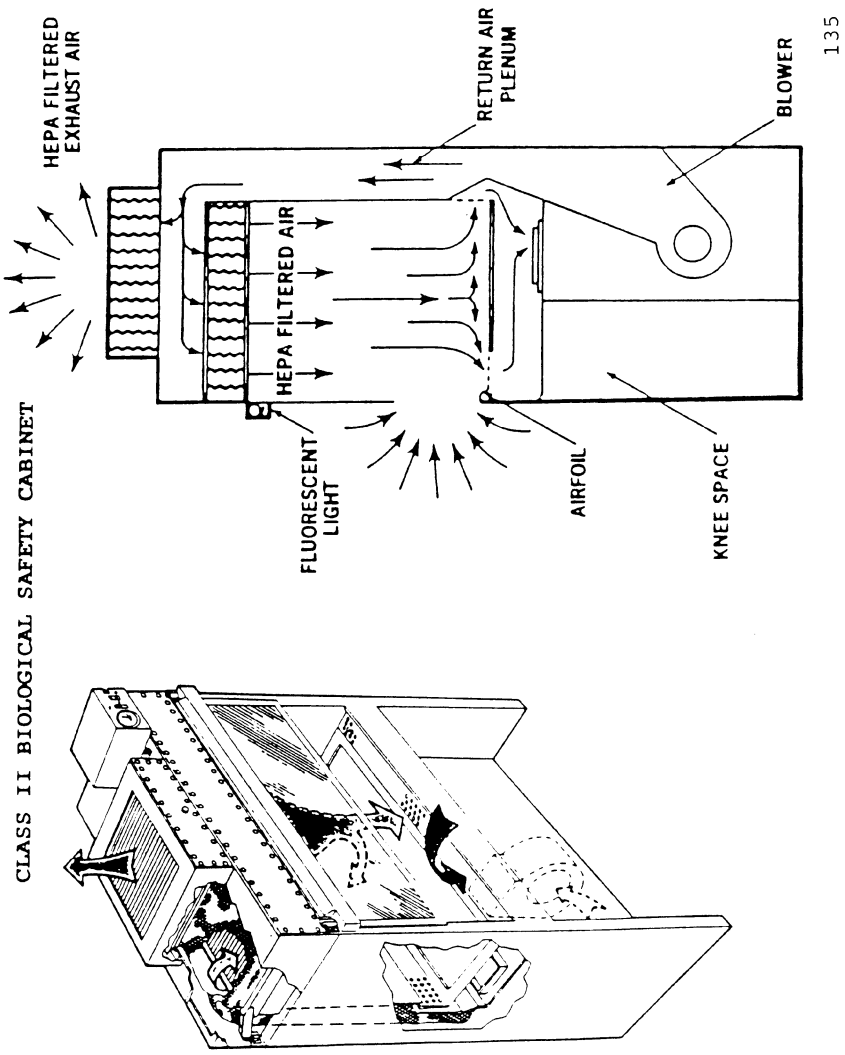
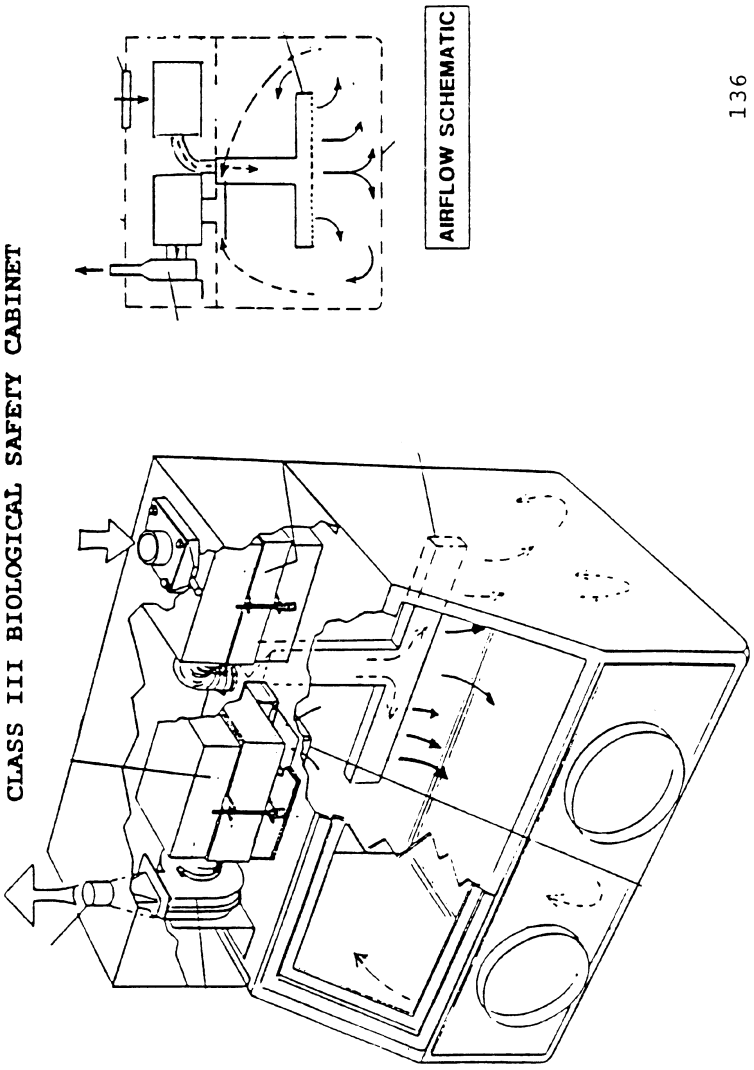


FIGURE H-2

CLASS II BIOLOGICAL SAFETY CABINET

FIGURE H-III

CLASS III BIOLOGICAL SAFETY CABINET



APPENDIX G TO PART 627—GLOSSARY

ABBREVIATIONS

AIHA	American Industrial Hygiene Association
AMC	United States Army Materiel Command
ANSI	American National Standards Institute
AR	Army Regulation
ATCC	American Type Culture Collection
ASHRAE	American Society of Heating, Refrigerating, and Air Condition Engineers, Inc.
BDP	Biological Defense Program
BL	biosafety level
CDC	Centers for Disease Control
CFR	Code of Federal Regulations
DA PAM	Department of Army Pamphlet
DHEW	Department of Health, Education, and Welfare
DOD	Department of Defense
DOT	Department of Transportation
DNA	deoxyribonucleic acid
EPA	Environmental Protection Agency
EtO	ethylene oxide
FDA	Food and Drug Administration
fpm	feet per minute
HEPA	high efficiency particulate air

ABBREVIATIONS—Continued

HHS	Health and Human Services
IATA	International Air Transport Association
IBC	Institutional Biosafety Committee
ICAO	International Civil Aviation Organization
lfpm	linear feet per minute
LS	large-scale
m	meter
min	minute
MSDS	Material Safety Data Sheets
MSHA	Mine Safety and Health Administration
NCCLS	National Committee for Clinical Laboratory Standards
NCI	National Cancer Institute
NEPA	National Environmental Policy Act
NFPA	National Fire Protection Association
NIH	National Institutes of Health
NIOSH	National Institute for Occupational Safety and Health
NRC	Nuclear Regulatory Commission
NSF	National Sanitation Foundation
OSHA	Occupational Safety and Health Administration
pH	the negative logarithm of hydrogen ion concentration
PHS	Public Health Service
PPE	personal protective equipment
ppm	parts per million
psi	pounds per square inch
RCRA–Listed	Resource Conservation Recovery Act of 1976 Listed Hazardous Waste
RDTE	research, development, test, and evaluation
RPO	Radiation Protection Officer
SALS	Subcommittee on Arbovirus Laboratory Safety
SAR	supplied-air respirator
SCBA	self-contained breathing apparatus
SOP	Standing Operating Procedure
TD	to deliver
TLV	threshold limit value
USDA	United States Department of Agriculture
UV	ultraviolet

TERMS

Approved respiratory protection

Equipment which is tested and listed as satisfactory according to standards established by a competent authority (such as NIOSH, Mine Safety and Health Administration (MSHA), or host country agency) to provide respiratory protection against the particular hazard for which it is designed. For military agent protection, DA and Department of Defense (DOD) are the approval authorities. (Approval authority may be specified by law.)

BIOCONTAINMENT AREA

An area which meets the requirements for a BL–3 or BL–4 facility.
The area may be an entire building or a single room within a building. See subpart G for details.

BIOLOGICAL SAFETY CABINETS

Engineering controls designed to enable laboratory workers to handle infectious etiologic agents and to provide primary containment of any resultant aerosol. There are three major classes of cabinets (I, II, and III) and several subclasses of class II cabinets. Each type of cabinet provides a different degree of protection to personnel and to the products handled inside them. The various classes of cabinets are described in detail in subpart H.

BIOSAFETY LEVEL 1

The facilities, equipment, and procedures suitable for work involving agents of no known or of minimal potential hazard to laboratory personnel and the environment.

BIOSAFETY LEVEL 2

The facilities, equipment, and procedures applicable to clinical, diagnostic, or teaching laboratories, and suitable for work involving indigenous agents of moderate potential hazard to personnel and the environment. It differs from BL–1 in that (1) laboratory personnel have specific training in handling pathogenic agents, (2) the laboratory is directed by scientists with experience in the handling of specific agents, (3) access to the laboratory is limited when work is being conducted, and (4) certain procedures in which infectious aerosols could be created are conducted in biological safety cabinets or other physical containment equipment.

BIOSAFETY LEVEL 3

The facilities, equipment, and procedures applicable to clinical, diagnostic, research, or production facilities in which work is performed with indigenous or exotic agents where potential exists for infection by aerosol, and the disease may have serious or lethal consequences. It differs from BL–2 in that (1) more extensive training in handling pathogenic and potentially lethal agents is necessary for laboratory personnel; (2) all procedures involving the manipulation of infectious material are conducted within biological safety cabinets, other physical containment devices, or by personnel wearing appropriate personal protective clothing and devices; (3) the laboratory has special engineering and design features, including access zones, sealed penetrations, and directional airflow; and (4) any modification of BL–3 recommendations must be made only by the commander.

BIOSAFETY LEVEL 4

The facilities, equipment, and procedures required for work with dangerous and exotic agents which pose a high individual risk of life-threatening disease. It differs from BL–3 in that (1) members of the laboratory staff have specific and thorough training in handling extremely hazardous infectious agents; (2) laboratory personnel understand the primary and secondary containment functions of the standard and special practices, containment equipment, and laboratory design characteristics; (3) access to the laboratory is strictly controlled by the institute director; (4) the facility is either in a separate

building or in a controlled area within a building, completely isolated from all other areas of the building; (5) a specific facility operations manual is prepared or adopted; (6) within work areas of the facility, all activities are confined to Class III biological safety cabinets or Class I or Class II biological safety cabinets used in conjunction with one-piece positive pressure personnel suits ventilated by a life support system; and (7) the maximum containment laboratory has special engineering and design features to prevent microorganisms from being disseminated to the environment.

BUILDING

A structure that contains the requisite components necessary to support a facility that is designed according to the required biosafety level. The building can contain one or more facilities conforming to one or more biosafety level.

CONFIRMED EXPOSURE

Any mishap with a BDP agent in which there was direct evidence of an actual exposure such as a measurable rise in antibody titer to the agent or a confirmed diagnosis of intoxication or disease.

ETIOLOGIC AGENTS

Any viable microorganism, or its toxin which causes or may cause human disease, including those agents listed in 42 CFR 72.3 of the Department of Health and Human Services regulations, and any agent of biological origin that poses a degree of hazard similar to those agents.

FACILITY

An area within a building that provides appropriate protective barriers for persons working in the facility and the environment external to the facility, and outside of the building.

HEPA FILTER

A filter which removes particulate matter down to submicron sized particles from the air passed through it with a minimum efficiency of 99.97 percent. While the filters remove particulate matter with great efficiency, vapors and gases (for example, from volatile chemicals) are passed through without restriction. HEPA filters are used as the primary means of removing infectious agents from air exhausted from engineering controls and facilities.

HUMAN LETHAL DOSE

The estimated quantity of a toxin that is a minimum lethal dose for a 70 kilogram individual based upon published data or upon estimates extrapolated from animal toxicity data.

COMMANDER OR INSTITUTE DIRECTOR

The commander or institute director of an Army activity conducting RDTE with BDP etiologic agents, or the equivalent, at a research organization under contract to the BDP.

INSTITUTION

An organization such as an Army RDTE activity (institute, agency, center, and so forth) or a contract organization such as a school of medicine, or research institute that conducts RDTE with BDP etiologic agents.

LABORATORY

An individual room or rooms within a facility that provide space in which work with etiologic agents can be performed. It contains all of the appropriate engineering features and equipment required at a given biosafety level to protect personnel working in it and the environment external to the facility.

LARGE-SCALE OPERATIONS

Research or production involving viable etiologic agents in quantities greater than 10 liters of culture.

MAXIMUM CONTAINMENT AREA

An area which meets the requirements for a BL–4 facility. The area may be an entire building or a single room within the building. See chapter 7 for details.

MOLDED MASKS

Formed masks that fit snugly around the mouth and nose and are designed to protect against a nontoxic nuisance level of dusts and powders. These do not require approval by NIOSH or MSHA. Masks made of gauze do not qualify.

POTENTIAL ACCIDENTAL EXPOSURE

Any accident in which there was reason to believe that anyone working with a BDP agent may have been exposed to that agent, yet no measurable rise in antibody titer or diagnosis of intoxication or disease was made. However, the high probability existed for introduction of an agent through mucous membranes, respiratory tract, broken skin, or the circulatory system as a direct result of the accident, injury, or incident.

RESOURCE CONSERVATION RECOVERY ACT OF 1976 LISTED HAZARDOUS WASTE

The waste materials listed by the Environmental Protection Agency under authority of the RCRA for which the agency regulates disposal. A description and listing of these wastes is located in 40 CFR part 261.

SUITE

An area consisting of more than one room, designed to be a functional unit in which entire operations can be facilitated. Suites may contain a combination of laboratories or animal holding rooms and associated support areas within a facility that are designed to conform to a particular biosafety level. There may be one or more suites within a facility.

TOXIN

Toxic material of etiologic origin that has been isolated from the parent organism.[1]

[1] The publication ''Bacterial Toxins: a Table of Lethal Amounts,'' (Gill, D.M. (1982) Microbiological Reviews, *46*:86–94) contains a useful table of mammalian toxicities of numerous toxins.