§ 73.14 Incident response.

(a) An individual or entity required to register under this part must develop and implement a written incident response plan based upon a site specific risk assessment.2 The incident response plan must be coordinated with any entity-wide plans, kept in the workplace, and available to employees for review.

(b) The incident response plan must fully describe the entity’s response procedures for the theft, loss, or release of a select agent or toxin; inventory discrepancies; security breaches (including information systems); severe weather and other natural disasters; workplace violence; bomb threats and suspicious packages; and emergencies such as fire, gas leak, explosion, power outage, and other natural and man-made events.

(c) The response procedures must account for hazards associated with the select agent or toxin and appropriate actions to contain such select agent or toxin, including any animals (including arthropods) or plants intentionally or accidentally exposed to or infected with a select agent.

(d) The incident response plan must also contain the following information:

1. The name and contact information (e.g., home and work) for the individual or entity (e.g., responsible official, alternate responsible official(s), biosafety officer, etc.),
2. The name and contact information for the building owner and/or manager, where applicable,
3. The name and contact information for tenant offices, where applicable,
4. The name and contact information for the physical security official for the building, where applicable,
5. Personnel roles and lines of authority and communication,
6. Planning and coordination with local emergency responders,
7. Procedures to be followed by employees performing rescue or medical duties,
8. Emergency medical treatment and first aid,
9. A list of personal protective and emergency equipment, and their locations,
10. Site security and control,
11. Procedures for emergency evacuation, including type of evacuation, exit route assignments, safe distances, and places of refuge, and
12. Decontamination procedures.

2Nothing in this section is meant to supersede or preempt incident response requirements imposed by other statutes or regulations.
§ 73.16 Transfers.

(a) Except as provided in paragraphs (c) and (d) of this section, a select agent or toxin may only be transferred to individuals or entities registered to possess, use, or transfer that agent or toxin. A select agent or toxin may only be transferred under the conditions of this section and must be authorized by CDC or APHIS prior to the transfer.4

(b) A transfer may be authorized if:
   (1) The sender:
      (i) Has at the time of transfer a certificate of registration that covers the particular select agent or toxin to be transferred and meets all requirements in this part,
      (ii) Meets the exemption requirements for the particular select agent or toxin to be transferred, or
      (iii) Is transferring the select agent or toxin from outside the United States and meets all import requirements.
   (2) At the time of transfer, the recipient has a certificate of registration that includes the particular select agent or toxin to be transferred and meets all of the requirements of this part.
   (c) Refresher training must be provided annually for individuals with access approval from the HHS Secretary or Administrator or at such time as the registered individual or entity significantly amends its security, incident response, or biosafety plans.
   (d) The Responsible Official must ensure a record of the training provided to each individual with access to select agents and toxins and each escorted individual (e.g., laboratory workers, visitors, etc.) is maintained. The record must include the name of the individual, the date of the training, a description of the training provided, and the means used to verify that the employee understood the training.

4This section does not cover transfers within an entity when the sender and the recipient are covered by the same certificate of registration.