

Attention Exporters of PPE - New Exemptions from FEMA Export Restrictions

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Our [previous blog post](#) listed the specific types of PPE respirators, masks, and gloves restricted for export from the U.S. on April 10, 2020 by the Federal Emergency Management Agency (FEMA) in response to the COVID-19 pandemic.

On April 21, 2020, FEMA published a list of exemptions to those export restrictions which includes:

- shipments to U.S. commonwealths and territories;
- exports by non-profit or non-governmental organizations solely for donation to foreign charities or governments for free distribution;
- intra-company transfers by U.S. companies to company-owned or affiliated foreign facilities;
- exports for assembly into kits ultimately destined for U.S. sale and delivery;
- sealed, sterile kits where only part of the kit is comprised of covered materials that cannot easily be removed;
- diplomatic shipments from foreign embassies to their home countries;
- shipments to overseas U.S. military and U.S. embassy addresses;
- in-transit merchandise;
- shipments where the final destination is Canada or Mexico; and
- shipments by/on behalf of the U.S. federal government.

It is important to review the entire rule or to consult qualified counsel before relying on an exemption. Moreover, many of these exemptions require the submission of an attestation letter with specific requirements to U.S. Customs and Border Protection.

We are monitoring these developments and are happy to discuss.

COVID-19 Resources

Kelley Drye has been closely monitoring developments related to the COVID-19 outbreak. We created a task force of lawyers and industry experts from core practice areas to address concerns ranging from workplace safety and work from home policies to cancelled events and unmet

contractual obligations. To help clients face these challenges and address questions as they surface, we are providing up-to-date information including advisories, blog posts and webinars about the legal and business implications of the evolving coronavirus pandemic. This content can be found on Kelley Drye's [COVID-19 Resource Center](#).