



PPE export restrictions — Multiple exceptions announced

By John Sandweg and Rachel Winkler

A recently released U.S. Customs and Border Protection (CBP) memo provides additional insight into the restrictions being placed on the export of personal protective equipment (PPE) by the Federal Emergency Management Agency (FEMA) and CBP pursuant to the president's [Memorandum on Allocating Certain Scarce or Threatened Health and Medical Resources to Domestic Use](#).

Pursuant to the declaration, restrictions will be effective for four months and currently apply to five categories of PPE, including N95 respirators, other filtering or air-purifying respirators, surgical masks, and surgical and exam gloves—additional materials may be added based on domestic scarcity.

Based on the [internal CBP memorandum](#), the prohibition on PPE exports will only apply to “Commercial Quantities” of PPE, defined as shipments valued at or above \$2,500 and containing more than 10,000 units of covered PPE.

Exports of commercial quantities of PPE that fall under the following exceptions will also not be detained or delayed:

- Exports to Canada or Mexico
- Exports to U.S. government entities such as U.S. military installations overseas
- Exports by U.S. government agencies
- Exports by U.S. charities
- Exports by critical infrastructure industries for the protection of their workers
- Exports by the 3M Company
- Express or mail parcels that do not meet the commercial quantity definition
- In-transit shipments
- Exports made by or on behalf of U.S. manufacturers that have had continuous export agreements with customers in other countries since at least January 1, 2020, as long as at least 80% of the U.S. manufacturer's domestic production of covered materials, on a per-item basis,

was distributed in the United States in the preceding 12 months.

Comprised of former DHS officials with experience across the agency, Nixon Peabody's [Cross-Border Risk](#) team is uniquely positioned to assist with issues concerning CBP, FEMA, and DHS. For more information about whether your PPE shipment may be impacted by this rule, please reach out to the Cross-Border Risk team, your Nixon Peabody attorney, or:

- John Sandweg at jsandweg@nixonpeabody.com or 202-585-8189
 - Rachel Winkler at rwinkler@nixonpeabody.com or 202-585-8027
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