

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

In the Matter of:)
)
Becton, Dickinson and Company)
One Becton Drive)
Franklin Lakes, NJ 07417)
)
Respondent)

ORDER RELATING TO BECTON, DICKINSON AND COMPANY

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) has notified Becton, Dickinson and Company, on behalf of itself and its Singapore foreign branch office (“Becton, Dickinson”), of its intention to initiate an administrative proceeding against Becton, Dickinson pursuant to Section 766.3 of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2005)) (the “Regulations”),¹ and Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (the “Act”),² through issuance of a proposed

¹ The violations alleged to have been committed occurred between 1999 and 2002. The Regulations governing the violations at issue are found in the 1999 through 2002 versions of the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (1999-2002). The 2005 Regulations establish the procedures that apply to this matter.

² From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12,924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13,222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 2, 2005 (70 Fed. Reg. 45,273, Aug. 5, 2005), has continued the Regulations in effect under IEEPA.

charging letter to Becton, Dickinson that alleged that Becton, Dickinson committed 36 violations of the Regulations. Specifically, these charges are:

1. *One Violation of 15 C.F.R. § 764.2(a) – Engaging in Prohibited Conduct by Exporting a Biomedical Research Product without the Required License:* On one occasion on or about December 18, 1999, Becton, Dickinson engaged in conduct prohibited by the Regulations by exporting a biomedical research product, which is designated as an EAR99 item³ and previously had been exported from the United States, from Singapore to an Indian organization on the Entity List,⁴ without the Department of Commerce license required by Section 744.11(a) of the Regulations. The organization on the Entity List that received Becton, Dickinson's shipment was Saha Institute of Nuclear Physics, in Calcutta, India.

2. *33 Violations of 15 C.F.R. § 764.2(a) – Engaging in Prohibited Conduct by Exporting Biomedical Research Products and Labware for Tissue Culture and Fluid Handling without the Required License:* On 33 occasions between on or about January 5, 2000 and on or about April 21, 2002, Becton, Dickinson engaged in conduct prohibited by the Regulations by exporting biomedical research products and labware for tissue culture and fluid handling, which are designated as EAR99 items and previously had been exported from the United States, from Singapore to an Indian organization on the Entity List⁵ without the Department of Commerce licenses required by Section 744.11(a) of the Regulations. The organization on the Entity List that received Becton, Dickinson's

³ EAR99 is a designation for items subject to the Regulations but not listed on the Commerce Control List. 15 C.F.R. § 734.3(c) (1999-2002).

⁴ Supplement No. 4 to 15 C.F.R. Part 744 (Nov. 19, 1998 to Mar. 17, 2000).

⁵ Supplement No. 4 to 15 C.F.R. Part 744 (June 30, 1997 to present).

shipments was the Directorate of Purchase and Stores, Department of Atomic Energy, in Mumbai, India. The items were destined for use by the Bhabha Atomic Research Center, Department of Atomic Energy, in Trombay, India.

3. *One Violation of 15 C.F.R. § 764.2(a) – Engaging in Prohibited Conduct by Exporting Reagent Systems for Life Sciences Research without the Required License:*

On one occasion on or about March 7, 2000, Becton, Dickinson engaged in conduct prohibited by the Regulations by exporting reagent systems for life sciences research, which are designated as EAR99 items and previously had been exported from the United States, from Singapore to an Indian organization on the Entity List⁶ without the Department of Commerce license required by Section 744.11(a) of the Regulations. The organization on the Entity List that received Becton, Dickinson's shipment was the Defence Institute of Physiology & Allied Sciences, Defence Research and Development Organization, in New Delhi, India.

4. *One Violation of 15 C.F.R. § 764.2(a) – Engaging in Prohibited Conduct by Exporting Reagent Systems for Life Sciences Research without the Required License:*

On one occasion on or about March 15, 2000, Becton, Dickinson engaged in conduct prohibited by the Regulations by exporting reagent systems for life sciences research, which are designated as EAR99 items and previously had been exported from the United States, from Singapore to an Indian organization on the Entity List⁷ without the Department of Commerce license required by Section 744.11(a) of the Regulations. The

⁶ Supplement No. 4 to 15 C.F.R. Part 744 (Nov. 19, 1998 to Mar. 17, 2000).

⁷ *Id.*

organization on the Entity List that received Becton, Dickinson's shipment was the Tata Institute of Fundamental Research, Department of Atomic Energy, in Mumbai, India.

WHEREAS, BIS and Becton, Dickinson have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and

WHEREAS, I have approved of the terms of such Settlement Agreement;

IT IS THEREFORE ORDERED:

FIRST, that a civil penalty of \$123,000 is assessed against Becton, Dickinson, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

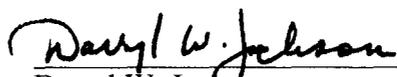
SECOND, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. §§ 3701-3720E (2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Becton, Dickinson will be assessed, in addition to the full amount of the civil penalty and interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

THIRD, that the timely payment of the civil penalty set forth above is hereby made a condition to the granting, restoration, or continuing validity of any export license, license exception, permission, or privilege granted, or to be granted, to Becton, Dickinson. Accordingly, if Becton, Dickinson should fail to pay the civil penalty in a timely manner, the undersigned may enter an Order denying all of Becton, Dickinson's export privileges for a period of one year from the date of entry of this Order.

FOURTH, that Becton, Dickinson shall perform an audit of its internal compliance program within 24 months from the date of entry of this Order. Said audit shall be in substantial compliance with the Export Management Systems audit module, which is available from the BIS website at <http://www.bis.doc.gov/complianceandenforcement/ExportManagementSystems.htm>, which is incorporated by reference. A copy of said audit shall be transmitted to the Office of Export Enforcement, 1200 South Avenue, Suite 104, Staten Island, New York 10314-3420 no later than 25 months from the date of entry of the Order.

FIFTH, that the proposed charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.



Darryl W. Jackson
Assistant Secretary of Commerce
for Export Enforcement

Entered this 28th day of December, 2005.

PROPOSED CHARGING LETTER

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Becton, Dickinson and Company
One Becton Drive
Franklin Lakes, NJ 07417

Attention: *Edward J. Ludwig*
President, Chairman of the Board and Chief Executive Officer

Dear Mr. Ludwig:

The Bureau of Industry and Security, U.S. Department of Commerce (“BIS”), has reason to believe that Becton, Dickinson and Company (“BD”), through its foreign branch office Becton, Dickinson and Company, Singapore Branch, 30 Tuas Avenue 2, Singapore 639461, committed 36 violations of the Export Administration Regulations (the “Regulations”),¹ which are issued under the authority of the Export Administration Act of 1979 (the “Act”).² Specifically, BIS charges that BD has committed the following violations:

¹ The Regulations are currently codified in the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (2004). The violations charged occurred between 1999 and 2002. The Regulations governing the violations at issue are found in the 1999, 2000, 2001, and 2002 versions of the Code of Federal Regulations (15 C.F.R. Parts 730-774 (1999-2002)). The 2005 Regulations govern the procedural aspects of this case.

² 50 U.S.C. app. §§ 2401- 2420 (2000). From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which was extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized by Pub. L. No. 106-508 (114 Stat. 2360 (2000)) and it remained in effect through August 20, 2001. Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 6, 2004 (69 *Fed. Reg.* 48763, Aug. 10, 2004), continues the Regulations in effect under the IEEPA. The Act and Regulations are available on the Government Printing Office website at: <http://www.access.gpo.gov/bis/>.

Charge 1 (15 C.F.R. § 764.2(a) – Exporting Items Subject to the Regulations Without the Required License)

On one occasion, on or about December 18, 1999, BD engaged in conduct prohibited by the Regulations by exporting a biomedical research product, which is designated as an EAR99 item³ and had been previously exported from the United States, from Singapore, to an Indian organization on the Entity List⁴ without the Department of Commerce license required by Section 744.11(a) of the Regulations. Specifically, this item was shipped by BD's Singapore Branch from Singapore to Saha Institute of Nuclear Physics in Calcutta, India ("Saha"). See the attached Schedule of Violations, which is incorporated by reference. In so doing, BD committed one violation of Section 764.2(a) of the Regulations.

Charges 2-34 (15 C.F.R. § 764.2(a) – Exporting Items Subject to the Regulations Without the Required License)

On 33 occasions, between on or about January 5, 2000 and on or about April 21, 2002, BD engaged in conduct prohibited by the Regulations by exporting or causing to be exported U.S.-origin biomedical research products and labware for tissue culture and fluid handling, which are designated as EAR99 items and had been previously exported from the United States, to an Indian organization on the Entity List⁵ without the Department of Commerce license required by Section 744.11(a) of the Regulations. Specifically, these items were shipped by BD's Singapore Branch from Singapore to the Directorate of Purchase and Stores, Department of Atomic Energy, in Mumbai, India ("DPS") for use by the Bhabha Atomic Research Center, Department of Atomic Energy, in Trombay, India ("BARC"). See the attached Schedule of Violations, which is incorporated by reference. In so doing, BD committed 33 violations of Section 764.2(a) of the Regulations.

Charge 35 (15 C.F.R. § 764.2(a) – Exporting Items Subject to the Regulations Without the Required License)

On one occasion, on or about March 7, 2000, BD engaged in conduct prohibited by the Regulations by exporting or causing to be exported U.S.-origin reagent systems for life sciences research, which are designated as EAR99 items and had been previously exported from the United States, to an Indian organization on the Entity List⁶ without the Department of Commerce license required by Section 744.11(a) of the Regulations. These items were shipped by BD's

³ EAR99 is a designation for items subject to the Regulations but not listed on the Commerce Control List. 15 C.F.R. § 734.3(c) (1999-2005).

⁴ Supplement No. 4 to 15 C.F.R. Part 744 (Nov. 19, 1998-Mar. 17, 2000).

⁵ Supplement No. 4 to 15 C.F.R. Part 744 (June 30, 1997-present).

⁶ Supplement No. 4 to 15 C.F.R. Part 744 (Nov. 19, 1998-Mar. 17, 2000).

Singapore Branch from Singapore to Defence Institute of Physiology & Allied Sciences, Defence Research and Development Organization, in New Delhi, India (“DIPAS”). See the attached Schedule of Violations, which is incorporated by reference. In so doing, BD committed one violation of Section 764.2(a) of the Regulations.

Charge 36 (15 C.F.R. § 764.2(a) – Exporting Items Subject to the Regulations Without the Required License)

On one occasion, on or about March 15, 2000, BD engaged in conduct prohibited by the Regulations by exporting or causing to be exported U.S.-origin reagent systems for life sciences research, which are designated as EAR99 items and had been previously exported from the United States, to an Indian organization on the Entity List⁷ without the Department of Commerce license required by Section 744.11(a) of the Regulations. These items were shipped by BD’s Singapore Branch from Singapore to Tata Institute of Fundamental Research, Department of Atomic Energy, in Mumbai, India (“Tata”). See the attached Schedule of Violations, which is incorporated by reference. In so doing, BD committed one violation of Section 764.2(a) of the Regulations.

* * * * *

Accordingly, BD is hereby notified that an administrative proceeding is instituted against it pursuant to Section 13(c) of the Act and Part 766 of the Regulations for the purpose of obtaining an order imposing administrative sanctions, including any or all of the following:

- The maximum civil penalty allowed by law of up to \$11,000 per violation;⁸
- Denial of export privileges; and/or
- Exclusion from practice before BIS.

If BD fails to answer the charges contained in this letter within 30 days after being served with notice of issuance of this letter, that failure will be treated as a default.⁹ If BD defaults, the Administrative Law Judge may find the charges alleged in this letter are true without a hearing or further notice to BD. The Under Secretary of Commerce for Industry and Security may then impose up to the maximum penalty on each of the charges in this letter.

⁷ Supplement No. 4 to 15 C.F.R. Part 744 (Nov. 19, 1998-Mar. 17, 2000).

⁸ See 15 C.F.R. § 6.4(a)(1) (2005).

⁹ See 15 C.F.R. §§ 766.6 and 766.7 (2005).

Becton Dickinson and Company
Proposed Charging Letter
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BD is further notified that it is entitled to an agency hearing on the record if BD files a written demand for one with its answer.¹⁰ BD is also entitled to be represented by counsel or other authorized representative who has power of attorney to represent BD.¹¹

The Regulations provide for settlement without a hearing.¹² Should BD have a proposal to settle this case, BD or its representative should transmit it through the attorney representing BIS named below.

The U.S. Coast Guard is providing administrative law judge services in connection with the matters set forth in this letter. Accordingly, BD's answer must be filed in accordance with the instructions in Section 766.5(a) of the Regulations with:

U.S. Coast Guard ALJ Docketing Center
40 S. Gay Street
Baltimore, Maryland 21202-4022

In addition, a copy of BD's answer must be served on BIS at the following address:

Chief Counsel for Industry and Security
Attention: Thea D. R. Kendler
Room H-3839
United States Department of Commerce
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230

Thea D. R. Kendler is the attorney representing BIS in this case; any communications that BD may wish to have concerning this matter should occur through her. Ms. Kendler may be contacted by telephone at (202) 482-5301.

Sincerely,

Michael D. Turner
Director
Office of Export Enforcement

¹⁰ See 15 C.F.R. § 766.6 (2005).

¹¹ See 15 C.F.R. §§ 766.3(a) and 766.4 (2005).

¹² See 15 C.F.R. § 766.18 (2005).

UNITED STATES DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY
WASHINGTON, D.C. 20230

In the Matter of:)
)
Becton, Dickinson and Company)
One Becton Drive)
Franklin Lakes, NJ 07417)
)
Respondent)

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made by and between Becton, Dickinson and Company, on behalf of itself and its Singapore foreign branch office (“Becton, Dickinson”), and the Bureau of Industry and Security, U.S. Department of Commerce (“BIS”) (collectively, the “Parties”), pursuant to Section 766.18(a) of the Export Administration Regulations (currently codified at 15 C.F.R. Parts 730-774 (2005)) (the “Regulations”),¹ issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (2000)) (the “Act”),²

¹ The violations alleged to have been committed occurred between 1999 and 2002. The Regulations governing the violations at issue are found in the 1999 through 2002 versions of the Code of Federal Regulations at 15 C.F.R. Parts 730-774 (1999-2002). The 2005 Regulations establish the procedures that apply to this matter.

² From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12,924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701-1706 (2000)) (“IEEPA”). On November 13, 2000, the Act was reauthorized and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13,222 of August 17, 2001 (3 C.F.R., 2001 Comp. 783 (2002)), as extended by the Notice of August 2, 2005 (70 Fed. Reg. 45,273, Aug. 5, 2005), has continued the Regulations in effect under IEEPA.

WHEREAS, Becton, Dickinson filed a voluntary self-disclosure with BIS's Office of Export Enforcement in accordance with Section 764.5 of the Regulations concerning the transactions at issue herein;

WHEREAS, BIS has notified Becton, Dickinson of its intention to initiate an administrative proceeding against Becton, Dickinson, pursuant to the Act and the Regulations;

WHEREAS, BIS has issued a proposed charging letter to Becton, Dickinson that alleged that Becton, Dickinson committed 36 violations of the Regulations, specifically:

1. *One Violation of 15 C.F.R. § 764.2(a) – Engaging in Prohibited Conduct by Exporting a Biomedical Research Product without the Required License:* On one occasion on or about December 18, 1999, Becton, Dickinson engaged in conduct prohibited by the Regulations by exporting a biomedical research product, which is designated as an EAR99 item³ and previously had been exported from the United States, from Singapore to an Indian organization on the Entity List,⁴ without the Department of Commerce license required by Section 744.11(a) of the Regulations. The organization on the Entity List that received Becton, Dickinson's shipment was Saha Institute of Nuclear Physics, in Calcutta, India.

2. *33 Violations of 15 C.F.R. § 764.2(a) – Engaging in Prohibited Conduct by Exporting Biomedical Research Products and Labware for Tissue Culture and Fluid Handling without the Required Licenses:* On 33 occasions between on or about January 5, 2000 and on or about April 21, 2002, Becton, Dickinson engaged in conduct prohibited

³ EAR99 is a designation for items subject to the Regulations but not listed on the Commerce Control List. 15 C.F.R. § 734.3(c) (1999-2002).

⁴ Supplement No. 4 to 15 C.F.R. Part 744 (Nov. 19, 1998 to Mar. 17, 2000).

by the Regulations by exporting biomedical research products and labware for tissue culture and fluid handling, which are designated as EAR99 items and previously had been exported from the United States, from Singapore to an Indian organization on the Entity List⁵ without the Department of Commerce licenses required by Section 744.11(a) of the Regulations. The organization on the Entity List that received Becton, Dickinson's shipments was the Directorate of Purchase and Stores, Department of Atomic Energy, in Mumbai, India. The items were destined for use by the Bhabha Atomic Research Center, Department of Atomic Energy, in Trombay, India.

3. *One Violation of 15 C.F.R. § 764.2(a) – Engaging in Prohibited Conduct by Exporting Reagent Systems for Life Sciences Research without the Required License:*

On one occasion on or about March 7, 2000, Becton, Dickinson engaged in conduct prohibited by the Regulations by exporting reagent systems for life sciences research, which are designated as EAR99 items and previously had been exported from the United States, from Singapore to an Indian organization on the Entity List⁶ without the Department of Commerce license required by Section 744.11(a) of the Regulations. The organization on the Entity List that received Becton, Dickinson's shipment was the Defence Institute of Physiology & Allied Sciences, Defence Research and Development Organization, in New Delhi, India.

4. *One Violation of 15 C.F.R. § 764.2(a) – Engaging in Prohibited Conduct by Exporting Reagent Systems for Life Sciences Research without the Required License:*

On one occasion on or about March 15, 2000, Becton, Dickinson engaged in conduct

⁵ Supplement No. 4 to 15 C.F.R. Part 744 (June 30, 1997 to present).

⁶ Supplement No. 4 to 15 C.F.R. Part 744 (Nov. 19, 1998 to Mar. 17, 2000).

prohibited by the Regulations by exporting reagent systems for life sciences research, which are designated as EAR99 items and previously had been exported from the United States, from Singapore to an Indian organization on the Entity List⁷ without the Department of Commerce license required by Section 744.11(a) of the Regulations. The organization on the Entity List that received Becton, Dickinson's shipment was the Tata Institute of Fundamental Research, Department of Atomic Energy, in Mumbai, India.

WHEREAS, Becton, Dickinson has reviewed the proposed charging letter and is aware of the allegations made against it and the administrative sanctions which could be imposed against it if the allegations are found to be true;

WHEREAS, Becton, Dickinson fully understands the terms of this Agreement and the Order ("Order") that the Assistant Secretary of Commerce for Export Enforcement will issue if he approves this Agreement as the final resolution of this matter;

WHEREAS, Becton, Dickinson enters into this Agreement voluntarily and with full knowledge of its rights;

WHEREAS, Becton, Dickinson states that no promises or representations have been made to it other than the agreements and considerations herein expressed;

WHEREAS, Becton, Dickinson neither admits nor denies the allegations contained in the proposed charging letter;

WHEREAS, Becton, Dickinson wishes to settle and dispose of all matters alleged in the proposed charging letter by entering into this Agreement; and

WHEREAS, Becton, Dickinson agrees to be bound by the Order, if entered;

NOW THEREFORE, the Parties hereby agree as follows:

⁷ *Id.*

1. BIS has jurisdiction over Becton, Dickinson, under the Regulations, in connection with the matters alleged in the proposed charging letter.

2. The following sanction shall be imposed against Becton, Dickinson in complete settlement of the alleged violations of the Regulations relating to the transactions specifically detailed in the proposed charging letter and voluntary self-disclosure:

a. Becton, Dickinson shall be assessed a civil penalty in the amount of \$123,000, which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of the Order.

b. The timely payment of the civil penalty agreed to in paragraph 2.a is hereby made a condition to the granting, restoration, or continuing validity of any export license, permission, or privilege granted, or to be granted, to Becton, Dickinson. Failure to make timely payment of the civil penalty set forth above may result in the denial of all of Becton, Dickinson's export privileges for a period of one year from the date of imposition of the penalty.

c. Becton, Dickinson shall perform an audit of its internal compliance program within 24 months of the date of entry of the Order. Said audit shall be in substantial compliance with the Export Management Systems audit module, which is available from the BIS website at <http://www.bis.doc.gov/complianceand enforcement/ExportManagementSystems.htm>, which is incorporated by reference. A copy of said audit shall be transmitted to the Office of Export Enforcement, 1200 South Avenue, Suite 104, Staten Island,

New York 10314-3420 no later than 25 months from the date of entry of the Order.

3. Subject to the approval of this Agreement pursuant to paragraph 8 hereof, Becton, Dickinson hereby waives all rights to further procedural steps in this matter (except with respect to any alleged violations of this Agreement or the Order, if entered), including, without limitation, any right to: (a) an administrative hearing regarding the allegations in any charging letter; (b) request a refund of any civil penalty paid pursuant to this Agreement and the Order, if entered; (c) request any relief from the Order, if entered, including without limitation relief from the terms of a denial order under 15 C.F.R. § 764.3(a)(2); and (d) seek judicial review or otherwise contest the validity of this Agreement or the Order, if entered.

4. Upon entry of the Order and timely payment of the \$123,000 civil penalty, BIS will not initiate any further administrative proceeding against Becton, Dickinson in connection with any violation of the Act or the Regulations arising out of the transactions identified in the proposed charging letter and voluntary self-disclosure.

5. BIS will make the proposed charging letter, this Agreement, and the Order, if entered, available to the public.

6. This Agreement is for settlement purposes only. Therefore, if this Agreement is not accepted and the Order is not issued by the Assistant Secretary of Commerce for Export Enforcement pursuant to Section 766.18(a) of the Regulations, no Party may use this Agreement in any administrative or judicial proceeding and the Parties shall not be bound by the terms contained in this Agreement in any subsequent administrative or judicial proceeding.

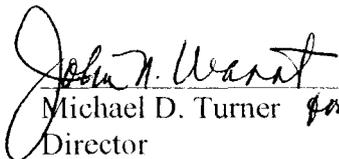
7. No agreement, understanding, representation or interpretation not contained in this Agreement may be used to vary or otherwise affect the terms of this Agreement or the Order, if entered, nor shall this Agreement serve to bind, constrain, or otherwise limit any action by any other agency or department of the U.S. Government with respect to the facts and circumstances addressed herein.

8. This Agreement shall become binding on the Parties only if the Assistant Secretary of Commerce for Export Enforcement approves it by entering the Order, which will have the same force and effect as a decision and order issued after a full administrative hearing on the record.

9. Each signatory affirms that he has authority to enter into this Settlement Agreement and to bind his respective party to the terms and conditions set forth herein.

BUREAU OF INDUSTRY AND SECURITY
U.S. DEPARTMENT OF COMMERCE

BECTON, DICKINSON AND COMPANY



Michael D. Turner
Director

Office of Export Enforcement

Date: December 23, 2005



Vincent A. Forlenza
President

BD Biosciences

Date: Dec 20, 2005