

Bayer HealthCare Pharmaceuticals

April 5, 2004



1215 04 APR -6 15:17

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852-1448

Allen H. Heller, M.D.
Vice President Regulatory
North America

Re: Docket No. 2004D-0041
Comments to Draft Guidance for Industry on "Providing Regulatory
Submissions in Electronic Format – Content of Labeling"

Bayer Pharmaceuticals Corporation (Bayer Pharma) has reviewed the Draft Guidance for Industry, "Providing Regulatory Submissions in Electronic Format – Content of Labeling," published on February 5, 2004. Bayer Pharma appreciates the usefulness of providing labeling content in electronic format as a tool, with potential to help the pharmaceutical industry and the FDA provide information to the public in an improved process and format. Additionally, Bayer Pharma welcomes labeling content in electronic form as an improvement to the review and approval process for new labeling and labeling changes.

Bayer Pharmaceuticals
Corporation
400 Morgan Lane
West Haven, CT 06516

We have performed a review of this draft guidance and have the following comments:

Bayer Pharma finds that the April 5, 2004, deadline to submit comments on this draft guidance does not allow enough time to understand the full impact on business practices. Bayer Pharma requests that the comment period be extended until May 24, 2004. The extended comment period will allow for the required cost analysis of hardware, software, and personnel resources required to support the Clinical Document Architecture (CDA) in extensible markup language (XML) (i.e. Structured Product Labeling (SPL)).

Phone: 203 812-2789
Fax: 203 812-5364
Other: 203 430-0834 (c)
allen.heller.b@bayer.com

The FDA's intention to transition to the SPL standard for content of labeling submissions by the end of 2004 is not practical for implementation by Bayer Pharma. The budget for the 2004 operational year has been established and implemented without the expectation for effecting the SPL standard. According to the Final Rule, published in the Federal Register (FR Vol. 68, No. 238) December 11, 2003, 21 CFR Parts 314 and 601 require electronic submission of the content of labeling. The Rule states, "Electronic format submissions must be in a form that FDA can process, review, and archive. FDA will periodically issue guidance on how to provide the electronic submission (e.g., method of transmission, media, file formats, preparation and organization of files)." In Section II of FR Vol. 68, No. 238, "At this time, portable document format (PDF) is the only type of electronic file format that we have the ability to accept for processing, reviewing, and archiving.... Software to convert electronic files to PDF is commercially available at a cost of approximately \$100 to \$300." Bayer Pharma is prepared to submit labeling content to FDA in PDF by the effective date of June 8, 2004. However, as the guidance document proposes new technology for processing labeling and labeling changes, Bayer Pharma would need additional time to assess what economic and technological impact the CDA and XML format would have to our business.

An implementation date in mid to late 2005 would allow for the following required actions:

- Hardware and software vendor – identification, analysis, contracting, installation, validation, and implementation including upgrades and/or additions to our electronic systems
- Business practices - impact analysis, modification planning, and implementation of existing labeling content in new format
- Management and control of these systems through written procedures and personnel training

A mid to late 2005 implementation date would allow for the necessary fiscal planning and business practice changes for such a program.

Additionally, the text of the draft guidance can be improved, specifically in the following two areas:

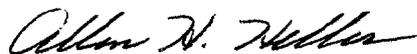
1. In section III. A. - File Formats for Providing Content of Labeling, the first sentence should be revised to reflect the intent of the FDA to no longer accept PDF file format once the SPL format transition is complete. In the previous section II. B, New Technology for Processing Labeling and Labeling Changes, it is suggested the CDA and XML systems are proposed and not required. This clarification is key to business planning for regulatory activities involving labeling.

2. Section III. B. - Creating the Content of Labeling File is too vague. The URL provided in the draft guidance for the SPL specifications leads to a zip file with multiple attached files within the Health Level 7 (HL7) website. The draft guidance should provide direction on how to interpret the information found at that URL. For example, there is no guidance on the 90-page document titled "Structure Product Labeling, Release 1.0, Draft Standard for Trial Use Ballot – December 2003." Guidance from the FDA on using the SPL standard, especially if a 2004 implementation date is enforced, is critical. Furthermore, this referenced SPL standard is also in draft form and it is unclear if our comments should also be provided on this document. The level of detail and technical aspects of the SPL document would require additional time and experts within Bayer Pharma to assess impact and provide feedback to FDA.

In summary, Bayer Pharma has reviewed the draft guidance document and acknowledges there will be a requirement to provide labeling content in electronic format, specifically PDF, effective June 8, 2004. Since this new rule and draft guidance are now requiring for the first time that labeling submissions be provided to FDA electronically, Bayer Pharma believes that the transition from PDF to a new technology (end of 2004) within a 6 month time period is too soon. Bayer Pharma will be revising our internal systems and procedures to adapt to the PDF requirement. Moving to a completely new technology may affect multiple areas within our organization, and we will need adequate time to properly plan and implement these changes into our current systems.

Thank you for the opportunity to comment on the draft guidance, "Providing Regulatory Submissions in Electronic Format - Content of Labeling."

Sincerely,



Allen H. Heller, M.D.
Vice President Regulatory Affairs, North America