



September 8, 1997

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
12420 Parklawn Dr.  
Room 1-23  
Rockville, MD 20857

8994 '97 SEP -8 A9:28

**Food and Drug Administration Request for Comments  
Development of Options to Encourage Animal Drug Use  
Approvals for Minor Species and Minor Uses  
Submitted to Docket No. 97N-0217**

On behalf of our 5 million members and constituents, The Humane Society of the United States (HSUS) offers the following comments on the Food and Drug Administration's request for comments regarding the development of options to encourage animal drug use approvals for minor species and minor uses.

The passage of the Animal Medicinal Drug Use Clarification Act of 1994 (AMDUCA) was an important and necessary step for insuring the continued ability of veterinarians to prescribe extralabel uses of approved animal drugs, and approved human drugs for animals, to treat conditions that are life threatening, to relieve or prevent pain and suffering, and to treat otherwise untreatable conditions, i.e. therapeutic uses.

In contrast, the primary purpose of The Animal Drug Availability Act of 1996 (ADAA) as stated in the 'Request for Comments' is "to facilitate the approval and marketing of new animal drugs and medicated feeds by building "needed flexibility" into the animal drug review processes "to enable more efficient approval and more expeditious marketing of safe and effective animal drugs."

The challenge continues to be to implement the AMDUCA and the ADAA within a regulatory framework that protects animal health and well-being, public health and safety, and the

The Humane Society of the United States  
2100 L Street, NW, Washington, DC 20037  
202.452.1100 • Fax 202.778.6132 • Internet: www.hsus.org

C13

97N-0217

O. J. Ramsey, Esq.  
Chairman of the Board  
David O. Weber, M.D.  
Vice Chairman  
Amy Freeman Lee, LL.M.  
Secretary  
Paul G. Irwin  
President, CEO  
G. Thomas Watts III  
Treasurer  
Paulina A. Fomon  
Executive Vice President  
Roger A. Kincher, Esq.  
Vice President, General Counsel  
STAFF VICE PRESIDENTS  
Marilyn C. Armstrong  
Competition Affairs  
Richard M. Clugston, Ph.D.  
Higher Education  
Michael W. Fox, D.Sc., Ph.D.  
B.Vet.Med., M.M.C.V.S.  
Biologics and Farm Animal Protection  
John W. Grandy, Ph.D.  
Wildlife and Rabbit Protection  
Randall L. Kirkwood, Ph.D.  
Training and Education  
Wayne Pezelle  
Government Affairs and Media  
Deborah J. Salem  
Publications  
Marta L. Stebbins, Ph.D.  
Animal Research Issues  
Richard W. Swain Jr.  
Investigative Services  
Carol S. Thim  
Marketing  
Murdaugh Stuart Madden, Esq.  
Senior Counsel  
DIRECTORS  
Peter A. Berke  
Donald W. Cahoon, Ph.D.  
Anne W. Cooper, Esq.  
Judith Friedman  
Herold H. Gardner  
Alice R. Garay  
Jane Goodall, Ph.D.  
Doris A. Howell, Esq.  
Jennifer Leaning, M.D.  
Amy Freeman Lee, LL.M.  
Eugene W. Lorenz  
Jack W. Lyman  
William F. Mancuso  
Johan Math Brown  
O. J. Ramsey, Esq.  
Jeffery D. Ross  
James D. Ross  
Marilyn G. Boyle  
Paula H. Smith  
John E. Tait  
Robert F. Walker, Esq.  
David O. Weber, M.D.  
Marilyn E. Wilhelm  
K. William Williams  
John A. Ryan  
President Emeritus

Printed on recycled paper

environment, and at the same time provides incentives to minimize extralabel drug use while establishing a workable and efficient drug approval process.

The privilege of extralabel drug use was never intended to allow drugs to be put into routine use by bypassing the drug approval process. The agency should be very clear with the public that this is exactly what is being discussed when proposing expansion of extralabel uses to those of enhanced production and other nontherapeutic uses. Given the current climate with food safety concerns and hormone use issues in the international arena, it would seem a more prudent approach for the agency to direct regulatory energy into setting up an efficient and effective drug approval process in which the public can have confidence.

Extending existing legal authority to permit extralabel use of medicated feeds or reproductive hormones and implants:

It is disconcerting to see these two issues raised again in the context of extralabel use, given the extensive public discussion both topics have received and that extralabel reproductive uses were specifically addressed in the final rule for "Extralabel Drug Use in Animals".

First, regarding the comments advocating extralabel use for all reproductive purposes that were reported in the final rule on Extralabel Drug Use in Animals. The agency did point out that the comment that "all reproductive uses are therapeutic" was indeed incorrect. Additionally, many of the future and growing categories of reproductive uses that would be covered by such an extension of the definition of extralabel use would clearly not be classified as therapeutic, aquaculture uses perhaps being the best example.

The extralabel use of reproductive hormones for aquaculture is for purposes of enhanced production such as spawning and gender reversal processes. Not only is such use outside of the scope of AMDUCA, but drug companies should without a doubt be required to seek FDA approval when dealing with growing industries where economic rewards are likely. The solution is to develop a more efficient drug approval system, not to expand the privilege of and statutory intent for extralabel drug use to facilitate the growth of an industry.

The agency also expressed concern when addressing the initial request of the aquaculture industry to extend extralabel use to nontherapeutic uses such as enhanced animal production: "The agency, in considering the appropriate scope of extralabel use under the statute, is concerned about the possible deterrent effect of such broad extralabel use on the widely-shared goal of increasing the number of approved drugs that are available for animal use." And as stated by the agency: "The new legislation [the ADAA] should decrease the need for

**extralabel use of drugs as more animal drug products for both therapeutic and nontherapeutic uses are approved."**

**Two other reasons given by advocates for expanded extralabel use, "extralabel use of reproductive drugs conserves animal resources, and allows application of new technology (e.g. embryo transfer and artificial insemination)", are completely outside the realm of statutory intent for extralabel use. Furthermore, drug companies should be required to seek FDA approval when dealing with such lucrative and growing industries as those involved with "new technology".**

**Again, the privilege of extralabel drug use was never intended to be used to allow drugs to be put into routine use by bypassing the drug approval process or to facilitate the growth of a particular animal industry.**

#### **Antibiotic resistance and drug use patterns**

**Many comments were received specifically on this issue during the public comment period for Extralabel Drug Use In Animals including concerns expressed by the highly respected experts from The Centers for Disease Control (CDC) and a noteworthy comment from the chair of FDA's Anti-Infective Drugs Advisory Committee and of the Antimicrobial Use and Clinical Trials Committee for Infectious Disease Society of America. These and other concerns centered around the prudent use of antimicrobials to reduce resistance and the CDC concerns that: "...the use of antimicrobial agents in animals presents a risk to the public health as defined in the proposed rule, and [noted that] the proposed rule does not address the hazard caused by the use of antimicrobials at low doses and for prolonged periods."**

**The agency is to be commended for many excellent steps being taken to address some of these concerns. However, other key issues remain largely unaddressed such as the issue of drug use patterns including routine subtherapeutic use, the contribution of such patterns to the extremely serious and growing problem of antibiotic resistance, and the role of the FDA and the drug approval process in addressing these and related concerns.**

**In instances where drugs have lost their potency, or resistance to certain disease agents has become widespread, we should not simply continue to provide new drugs without asking the hard and critical questions about current patterns of drug use.**

**These concerns are equally relevant whether addressing drug use in minor species or in those livestock sectors that are already well-established.**

**In conclusion, while there are indeed unique aspects to be dealt with when addressing drug approvals for minor species and minor uses, these categories of use must clearly be dealt with within the context of the broader issues currently being wrestled with as the AMDUCA and ADAA begin to be implemented.**

**We cannot lose sight of the intent behind the passage of each of these acts and the challenge to implement the AMDUCA and the ADAA within a regulatory framework that protects animal health and well-being, public health and safety, and the environment, and at the same time provides incentives to minimize extralabel drug use while establishing a workable and efficient drug approval process.**