

# Bristol-Myers Squibb Pharmaceutical Research Institute

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February 8, 1999

Food and Drug Administration  
Dockets Management Branch  
Room 1061, HFA-305  
5630 Fishers Lane  
Rockville, MD 20852

Dockets Management Branch Administrator:

Re: Docket Number 98 N-0339

## **Background**

At the January, 1999 NCCLS Subcommittee on Antimicrobial Susceptibility Testing (SAT) meeting, the November 6, 1998 letter written by John V. Bergen, Ph.D. (Executive Director of the NCCLS) to the FDA was shared with members of the Subcommittee. This letter stated that as a stakeholder, the NCCLS could help the FDA by setting breakpoints and quality control ranges of antimicrobial drugs, thereby saving FDA resources. F. Alan Andersen (President Elect of the NCCLS) presented the NCCLS stakeholder position. Representatives from the FDA and the pharmaceutical industry expressed viewpoints that differed from those expressed in the letter. This discussion concluded with acknowledgment that there was no industry input in the formation of the NCCLS letter. Given that the NCCLS organization has a tripartite relationship with industry groups, government (FDA and CDC) and health professionals, the pharmaceutical industry was encouraged to make member-company views known to the FDA on the NCCLS proposal.

## ***Bristol-Myers Squibb views on the FDA vs. NCCLS role in setting breakpoints for antimicrobial agents***

We believe that the FDA is the more appropriate organization for setting breakpoints for antimicrobial agents. Our reasons are expressed as follow, contrasting the approach of the FDA with that of the NCCLS (italicized):

- The FDA is a non-partisan organization, thus ensuring a more level playing field for establishing breakpoints. *Though the NCCLS tries to be non-partisan, funded studies conducted in the laboratories of NCCLS voting members could lead to bias.*
- The interactions between the FDA and the drug sponsor are valued by the industry. These interactions are documented with a paper trail and occur in sufficient frequency to allow for a rapid drug approval process. Questions

from one side to the other are prepared in advance prior to an agreed upon meeting time; this allows for an adequate duration for the preparation of a response. *The NCCLS SAT group meets only twice a year. While the recent trend in drug development is to compress the development time, the infrequency of SAT group meetings can slow down the approval process. It is not uncommon to postpone breakpoint decisions by the SAT group to a subsequent meeting when the drug sponsor lacks ready answers to one of the group's questions. In general, minutes of the SAT meetings are not sufficiently detailed, making it difficult at times to recreate how a particular decision was made. Thus, there are inconsistencies in decision making among drugs and on different days.*

- Moreover, the confidentiality of the NDA and the proprietary nature of the drug compound are important to the sponsor who has invested much time and monies in its discovery and development. Review of the NDA by the FDA maintains this confidentiality. *The NCCLS SAT group includes voting members from other pharmaceutical companies and investigators funded by the industry. Thorough NDA review by this group will breach the confidentiality of this process.*
- The NDA document comprises multi-volumes and considerable detail. At the FDA, reviewers with different expertise are assigned respective sections of the NDA to review. This review process takes several months. *Due to the time constraints at the NCCLS SAT meetings, presentations for breakpoint requests by the drug sponsor are generally 30 to 45 minutes long. The manufacturer must distill the data and present them in a digestible manner. Thus the "NDA review" by the NCCLS is by no means as thorough as that performed by the FDA.*

While the views expressed above are those of the Bristol-Myers Squibb Company, they appear to be the same as those expressed by our industry colleagues at the January, 1999 NCCLS meeting. In conclusion, we feel that the FDA should maintain its responsibilities for establishing the information to be included in the drug label, including setting breakpoints for antimicrobial drugs.

Sincerely submitted,

  
Hugh M. McIlhenny, Ph. D., Director  
Worldwide Regulatory Affairs

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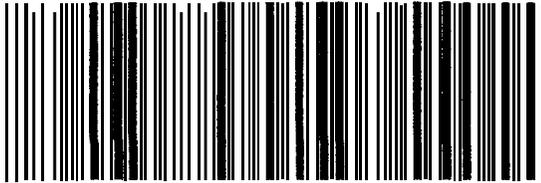
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