

On February 4, 2020, pursuant to Section 564(b)(1)(C) of the Act, the Secretary of the Department of Health and Human Services (HHS) determined that there is a public health emergency that has a significant potential to affect national security or the health and security of United States citizens living abroad, and that involves the virus that causes COVID-19.

Pursuant to Section 564 of the Act, and on the basis of such determination, the Secretary of HHS then declared that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of the virus that causes COVID-19 subject to the terms of any authorization issued under Section 564(a) of the Act.⁷

FDA considered the totality of scientific information available in authorizing the emergency use of your product for the indication above. A summary of the performance information FDA relied upon is contained in the EUA Summary (identified below).

Having concluded that the criteria for issuance of this authorization under Section 564(c) of the Act are met, I am authorizing the emergency use of your product, described in the Scope of Authorization of this letter (Section II), subject to the terms of this authorization.

I. Criteria for Issuance of Authorization

I have concluded that the emergency use of your product meets the criteria for issuance of an authorization under Section 564(c) of the Act, because I have concluded that:

1. The SARS-CoV-2 can cause a serious or life-threatening disease or condition, including severe respiratory illness, to humans infected by this virus;
2. Based on the totality of scientific evidence available to FDA, it is reasonable to believe that your product may be effective in diagnosing COVID-19, and that the known and potential benefits of your product when used for diagnosing COVID-19, outweigh the known and potential risks of your product; and
3. There is no adequate, approved, and available alternative to the emergency use of your product.⁸

II. Scope of Authorization

I have concluded, pursuant to Section 564(d)(1) of the Act, that the scope of this authorization is limited to the indication above.

Authorized Product Details

Your product is a direct-to-consumer product for testing individual anterior nasal swab specimens collected at home using the Amazon COVID-19 Test Collection Kit DTC by any

⁷ U.S. Department of Health and Human Services, *Determination of a Public Health Emergency and Declaration that Circumstances Exist Justifying Authorizations Pursuant to Section 564(b) of the Federal Food, Drug, and Cosmetic Act*, 21 U.S.C. § 360bbb-3. 85 FR 7316 (February 7, 2020).

⁸ No other criteria of issuance have been prescribed by regulation under Section 564(c)(4) of the Act.

diagnosing COVID-19, when used consistent with the Scope of Authorization of this letter (Section II), pursuant to Section 564(c)(2)(A) of the Act.

FDA has reviewed the scientific information available to FDA, including the information supporting the conclusions described in Section I above, and concludes that your product (as described in the Scope of Authorization of this letter (Section II)) meets the criteria set forth in Section 564(c) of the Act concerning safety and potential effectiveness.

The emergency use of your product under this EUA must be consistent with, and may not exceed, the terms of this letter, including the Scope of Authorization (Section II) and the Conditions of Authorization (Section IV). Subject to the terms of this EUA and under the circumstances set forth in the Secretary of HHS's determination under Section 564(b)(1)(C) of the Act described above and the Secretary of HHS's corresponding declaration under Section 564(b)(1) of the Act, your product is authorized for the indication above.

III. Waiver of Certain Requirements

I am waiving the following requirements for your product during the duration of this EUA:

- Current good manufacturing practice requirements, including the quality system requirements under 21 CFR Part 820 with respect to the design, manufacture, packaging, labeling, storage, and distribution of your product but excluding Subpart H (Acceptance Activities, 21 CFR 820.80 and 21 CFR 820.86), Subpart I (Nonconforming Product, 21 CFR 820.90), and Subpart O (Statistical Techniques, 21 CFR 820.250).

IV. Conditions of Authorization

Pursuant to Section 564(e) of the Act, I am establishing the following conditions on this authorization:

STS Lab Holdco (a subsidiary of Amazon.com Services LLC) (You) and Authorized Distributor(s)⁹

A. Your product must comply with the following labeling requirements pursuant to FDA regulations: the intended use statement (21 CFR 809.10(a)(2), (b)(2)); adequate directions for use (21 U.S.C. 352(f)), (21 CFR 809.10(b)(5), (7), and (8)); appropriate limitations on the use of the device including information required under 21 CFR 809.10(a)(4); and any available information regarding performance of the device, including requirements under 21 CFR 809.10(b)(12).

B. You and authorized distributor(s) must make available on your website(s), if applicable, the authorized Fact Sheet for Healthcare Providers and Fact Sheet for

⁹ “Authorized Distributor(s)” are identified by you, STS Lab Holdco (a subsidiary of Amazon.com Services LLC) (“Amazon”), in your EUA submission as an entity allowed to distribute your Amazon COVID-19 Test Collection Kit DTC.

Individuals.

- C. You and authorized distributor(s) must make available all instructions related to the at home collection of anterior nasal swab specimens using the Amazon COVID-19 Test Collection Kit DTC and the Fact Sheet for Individuals both in the shipped kit using the “Amazon COVID-19 Test Collection Kit DTC” box label and on your website(s).
- D. Through a process of inventory control, you and authorized distributor(s) must maintain records of the numbers and locations to which the Amazon COVID-19 Test Collection Kit DTC is distributed.
- E. You and authorized distributor(s) must maintain customer complaint files on record. You must report to FDA any significant complaints about usability or deviations from the established performance characteristics of the product of which you become aware.
- F. You and authorized distributor(s) are authorized to make available additional information relating to the emergency use of your product that is consistent with, and does not exceed, the terms of this letter of authorization.

STS Lab Holdco (a subsidiary of Amazon.com Services LLC) (You)

- G. You must notify FDA of any authorized distributor(s) of your product, including the name, address, and phone number of any authorized distributor(s).
- H. You must make your product available with the authorized labeling to authorized laboratories.
- I. You must inform authorized distributor(s), authorized laboratories and relevant public health authorities of this EUA, including the terms and conditions herein, and any updates made to your product and authorized labeling.
- J. You will maintain records of the laboratories you designate as authorized laboratories and you will also maintain records of test usage by all such authorized laboratories.
- K. You must have lot release procedures and the lot release procedures, including the study design and statistical power, must ensure that your product released for distribution has the clinical and analytical performance claimed in the authorized labeling.
- L. If requested by FDA, you must submit lot release procedures to FDA, including sampling protocols, testing protocols, and acceptance criteria, that you use to release lots of your product for distribution in the U.S. If such lot release procedures are requested by FDA, you must provide them within 48 hours of the request.
- M. You must comply with the following requirements pursuant to FDA regulations: 21 CFR 820 Subpart H (Acceptance Activities, 21 CFR 820.80 and 21 CFR 820.86), Subpart I (Nonconforming Product, 21 CFR 820.90), and Subpart O (Statistical Techniques, 21

CFR 820.250).

- N. You must ensure that the authorized laboratories using your product have a process in place for reporting test results to the relevant public health authorities, as appropriate.
- O. You must have a process in place for reporting all test results to individuals who use the Amazon COVID-19 Test Collection Kit DTC. This process must include 24/7 access to customer support to provide general information and recommend consulting with their healthcare provider, as appropriate. This process must ensure the Fact Sheet for Individuals and the Fact Sheet for Healthcare Providers are made available to individuals with the test result, for example via weblink.
- P. You must collect information on the performance of your product. You must report to the Division of Microbiology (DMD)/Office of Health Technology 7 (OHT7)-Office of In Vitro Diagnostics and Radiological Health (OIR)/Office of Product Evaluation and Quality (OPEQ)/Center for Devices and Radiological Health (CDRH) any suspected occurrence of false positive and false negative results and significant deviations from the established performance characteristics of your product of which you become aware.
- Q. You may request changes to this EUA for your product, including to the Scope of Authorization (Section II in this letter) or to the authorized labeling, including requests to make available additional authorized labeling specific to an authorized distributor. Such additional labeling may use another name for the product but otherwise must be consistent with the authorized labeling, and not exceed the terms of authorization of this letter. Any request for changes to this EUA should be submitted to DMD/OHT7-OIR/OPEQ/CDRH and require appropriate authorization from FDA prior to implementation.
- R. You must evaluate the analytical limit of detection and assess traceability¹⁰ of your product with any FDA-recommended reference material(s). After submission to and concurrence with the data by FDA, you must update your labeling to reflect the additional testing. Such labeling updates will be made in consultation with, and require concurrence of, DMD/OHT7-OIR/OPEQ/CDRH.
- S. You must have a process in place to track adverse events, including any occurrence of false results with your product, including the Amazon COVID-19 Test Collection Kit DTC, in accordance with 21 CFR Part 803. Serious adverse events, especially unexpected biosafety concerns, should immediately be reported to DMD/OHT7-OIR/OPEQ/CDRH (via email: CDRH-EUA-Reporting@fda.hhs.gov).
- T. You must evaluate the impact of SARS-CoV-2 viral mutations on your product's performance. Such evaluations must occur on an ongoing basis and must include any additional data analysis that is requested by FDA in response to any performance concerns you or FDA identify during routine evaluation. Additionally, if requested by FDA, you must submit records of these evaluations for FDA review within 48 hours of

¹⁰ Traceability refers to tracing analytical sensitivity/reactivity back to an FDA-recommended reference material.

the request. If your evaluation identifies viral mutations that affect the stated expected performance of your device, you must notify FDA immediately.

- U. If requested by FDA, you must update your labeling within 7 calendar days to include any additional labeling risk mitigations identified by FDA, such as those related to the impact of viral mutations on test performance. Such updates will be made in consultation with, and require concurrence of, DMD/OHT7-OIR/OPEQ/CDRH.
- V. You must provide a summary report of the results obtained from the first 1000 anterior nasal swab specimens that are collected from minors (aged < 18 years) with the Amazon COVID-19 Test Collection Kit DTC and tested individually using the Amazon DTC Test. The report will include analysis of positivity rate (including Ct values), as well as the failure rate for the β -actin endogenous control. You will also provide a summary of calls to Amazon customer service and any complaints received regarding either the Amazon COVID-19 Test Collection Kit DTC or the results obtained with the Amazon DTC Test.

Authorized Laboratories

- W. Authorized laboratories using your product must include with test result reports, all authorized Fact Sheets. Under exigent circumstances, other appropriate methods for disseminating these Fact Sheets may be used, which may include mass media.
- X. Authorized laboratories using your product must use your product as outlined in the authorized labeling. Deviations from the authorized procedures, including the authorized instruments, authorized extraction methods, authorized clinical specimen types, authorized control materials, authorized other ancillary reagents and authorized materials required to use your product are not permitted.
- Y. Authorized laboratories that receive your product must notify the relevant public health authorities of their intent to run your product prior to initiating testing.
- Z. Authorized laboratories using your product must have a process in place for reporting test results to individuals whose specimens are tested and relevant public health authorities, as appropriate.
- AA. Authorized laboratories must collect information on the performance of your product and report to DMD/OHT7-OIR/OPEQ/CDRH (via email: CDRH-EUA-Reporting@fda.hhs.gov) and you (amazon-dx-labs@amazon.com) any suspected occurrence of false positive or false negative results and significant deviations from the established performance characteristics of your product of which they become aware.
- BB. All laboratory personnel using your product must be appropriately trained in RT-PCR techniques and use appropriate laboratory and personal protective equipment when handling this kit and use your product in accordance with the authorized labeling.

- CC. Authorized laboratories testing specimens self-collected using the Amazon COVID-19 Test Collection Kit DTC must follow the sample accessioning procedures provided with your product when accepting specimens for testing.
- DD. Authorized laboratories using specimen pooling strategies when testing patient specimens with your product must include with negative test result reports for specific patients whose specimen(s) were the subject of pooling, a notice that pooling was used during testing and that *“Patient specimens with low viral loads may not be detected in sample pools due to the decreased sensitivity of pooled testing.”*
- EE. Authorized laboratories implementing pooling strategies for testing patient specimens must use the “Specimen Pooling Implementation and Monitoring Guidelines” available in the authorized EUA Summary to evaluate the appropriateness of continuing to use such strategies based on the recommendations in the protocol.
- FF. Authorized laboratories must keep records of specimen pooling strategies implemented including type of strategy, date implemented, and quantities tested, and test result data generated as part of the Protocol for Monitoring of Specimen Pooling Testing Strategies. For the first 12 months from the date of their creation, such records must be made available to FDA within 48 business hours for inspection upon request. After 12 months from the date of their creation, upon FDA’s request such records must be made available for inspection within a reasonable time.

STS Lab Holdco (a subsidiary of Amazon.com Services LLC) (You), Authorized Distributor(s) and Authorized Laboratories

- GG. You, authorized distributor(s), and authorized laboratories using your product must ensure that any records associated with this EUA are maintained until otherwise notified by FDA. Such records will be made available to FDA for inspection upon request.

Conditions Related to Printed Materials, Advertising and Promotion

- HH. All descriptive printed matter, advertising, and promotional materials relating to the use of your product shall be consistent with the authorized labeling, as well as the terms set forth in this EUA and meet the requirements set forth in section 502(a), (q)(1), and (r) of the Act, as applicable, and FDA implementing regulations.
- II. No descriptive printed matter, advertising, or promotional materials relating to the use of your product may represent or suggest that this test is safe or effective for the detection of SARS-CoV-2.
- JJ. All descriptive printed matter, advertising, and promotional materials relating to the use of your product shall clearly and conspicuously state that:
- This product has not been FDA cleared or approved, but has been authorized for emergency use by FDA under an EUA for use by authorized laboratories;

- This product has been authorized only for the detection of nucleic acid from SARS-CoV-2, not for any other viruses or pathogens; and
- The emergency use of this product is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of COVID-19 under Section 564(b)(1) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 360bbb-3(b)(1), unless the declaration is terminated or authorization is revoked sooner.

The emergency use of your product as described in this letter of authorization must comply with the conditions and all other terms of this authorization.

V. Duration of Authorization

This EUA will be effective until the declaration that circumstances exist justifying the authorization of the emergency use of in vitro diagnostics for detection and/or diagnosis of COVID-19 is terminated under Section 564(b)(2) of the Act or the EUA is revoked under Section 564(g) of the Act.

Sincerely,

Jacqueline A. O'Shaughnessy, Ph.D.
Acting Chief Scientist
Food and Drug Administration

Enclosure

REVOKED