



Eli Lilly and Company

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February 11, 2000

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

Re: Docket No. 99N-1852; Postmarketing Studies for Human
Drugs and Licensed Biological Products; Status Reports;
Proposed Rule; Federal Register, Wednesday, December
1, 1999 (64FR67207)

Dear Sir/Madam:

Eli Lilly and Company is pleased to have the opportunity to comment on the subject proposed rule, and we offer our comments with respect to status reports in general and Chemistry, Manufacturing, and Control (CMC) status reports in particular that are required under the proposed rule:

Comments:

It is the opinion of Eli Lilly and Company that FDA's proposal for status reports on postmarketing studies published on December 1, 1999, does not meet the intent of the Food and Drug Administration Modernization Act. Lilly believes that the scope of the requirement as set out by FDAMA was limited to those postmarketing studies which have been **agreed to** by the applicant.

Section 130(a) of FDAMA amended the Federal Food, Drug, and Cosmetic Act to include section 506B, Reports of Postmarketing Studies. Section 506B states that "a sponsor of a drug that has entered into an **agreement** with the Secretary to conduct a postmarketing study of a drug shall submit to the Secretary, within 1 year after the approval of such drug and annually thereafter until the study is completed or terminated, a report of the progress of the study..."

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Proposed section 314.81(b)(2)(viii) does not limit the scope of these postmarketing reports to studies which have been agreed to, but instead has expanded this requirement to include “**any** postmarketing study”. Furthermore, Part II.B of the supplementary information for the proposed regulation has expanded “**any**” to include “postmarketing studies ... **whether or not** the studies are required or subject to commitments”. The proposed regulation introduces an increased regulatory burden beyond what was intended by FDAMA.

For CMC reporting in particular, the proposed regulation and the accompanying supplementary information do not meet the spirit of FDAMA and require a broader level of reporting than currently required. While Lilly acknowledges that current section 314.81(b)(2)(vii) for status reports does use the terminology of “any” postmarketing study, existing regulation and guidance have previously established a more narrow definition of the CMC reporting requirements:

- Currently approved 21 CFR 314.81(b)(2)(iv), “Chemistry, manufacturing, and controls changes”, states that “these reports are only required for new information that may affect FDA’s previous conclusions about the safety or effectiveness of the drug product.”
- “Guidance for Industry: Format and Content for the CMC Section of an Annual Report” specifies only the need to include stability data under the current section 314.81(b)(2)(vii).

It is Lilly’s further opinion that inclusion of a separate status report on CMC studies in a section of the annual report apart from the information provided under section 314.81(b)(2)(iv) would serve no purpose. Per the proposed rule, information on CMC status reports is exempt from reporting obligations under section 506B of the act (annual report in the Federal Register) and section 130(b) of FDAMA (report to congressional committees by October 1, 2001).

In addition, CMC information reported under proposed section 314.81(b)(2)(viii) would be disjointed from the remaining CMC information which is provided under section 314.81(b)(2)(iv). It is Lilly’s opinion that existing regulation 314.81(b)(2)(iv) adequately addresses the reporting requirements for postmarketing CMC studies. Furthermore, it has been Lilly’s practice to capture all agreed-to CMC study commitments, including stability reports, in the CMC portion of the annual report. This consolidates all the information pertinent to the chemistry review in a single section.

Recommendation:

Lilly recommends that proposed section 314.81(b)(2)(viii), “Status of other postmarketing studies” be deleted from the final rule. Alternatively, Lilly recommends that CMC information be exempted from inclusion in proposed section 314.81(b)(2)(viii) and that the scope of this section be limited to postmarketing studies which have been agreed to by the applicant.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Miner". The signature is written in a cursive, flowing style.

David J. Miner, Ph.D.
Director, Regulatory Affairs
US Marketed Products

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