

Marie A. Dray
Executive Director
Regulatory Agency Relations

Merck & Co., Inc.
Two Bethesda Metro Center
Suite 700
Bethesda MD 20814
Tel 310 941 1400
Fax 310 941 1406
Email: marie_dray@merck.com

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Food and Drug Administration
5630 Fishers Lane
Rm. 1061
Rockville, MD 20852



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RE: [Docket No. 00N-1220] The Future of the International Conference on Harmonization of Technical Requirements for the Registration of Pharmaceuticals for Human USE (ICH)

Merck & Co., Inc, is a leading worldwide, human health product company. Merck's corporate strategy -- to discover new medicines through breakthrough R & D (Research and Development) -- has produced many of the most important pharmaceutical products on the market, today, through a combination of the best science and state-of-the-art medicine.

Merck has always supported regulatory oversight of product development that is based on sound scientific principles and good medical judgment. Regulations must be reasonable, unbiased and efficient to ensure the quality, effectiveness and safety of our products and to ensure that important therapeutic breakthroughs reach patients without unnecessary or unusual delays.

Since the inception of the International Conference on Harmonization (ICH), Merck has participated with health authorities from around the globe in the harmonization of regulatory standards for registration of pharmaceutical products. Merck has supported the key goal of ICH, "to identify and then reduce differences in technical requirements for medical product development ...among regulatory agencies.¹" We continue to monitor the equitable and consistent application of these harmonized standards to product development.

In requesting feedback about the continuation of ICH, FDA has asked for comments about: (1) Administrative and technical issues; (2) Future participation; (3) Global cooperation; and (4) New topic areas. In the paragraphs below, we will address these issues.

(1) Administrative and technical issues

Since 1990, the ICH has developed a process which has been technically sound, consistent and transparent. Scientists from regulated industry and government have worked together to examine the regulatory parameters of quality, efficacy and safety, with different levels of success. These scientists are the most knowledgeable about registration requirements and processes that affect product development worldwide. In addition, the ICH process has

¹ Federal Register Vol. 65, No. 87, Page 25938, Col. 2, para. 5, line 11

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allowed observers to be involved in its process who demonstrate the breadth of experience in science and regulatory law that is necessary to understand, prioritize and balance the risks-vs.-benefits confronted in development of medicines. Through a step-wise process which allows adequate technical discussion among these scientists, then appropriate feedback from other important stakeholders, the ICH process has produced more than 40 guidelines on harmonized technical issues. These guidelines have improved the efficiency of product development within pharmaceutical companies in all participating countries. Through frequent notices in the *Federal Register* (in the United States), public meetings sponsored by regulatory professional groups and bi-annual meetings hosted by ICH, the harmonized guidelines have been communicated to affected constituents and non-participating entities alike. While critics may complain that the ICH process is slow and laborious, constituents agree that being methodical has resulted in very informative dialogue among collaborators and useful guidelines which meet ICH goals.

Merck recognizes the inherent difficulty that ICH assumed in establishing a new organization and allowing *openness* to constituents, while keeping it simple, efficient and able to act without unnecessary bureaucratic constraints. So far, the ICH has been able to maintain such a structure and we applaud that achievement and what has been produced in the way of practical guidance. It will be important to sustain the momentum of this ICH success in a program that will continue to monitor and update these important guidelines and that will continue the vital international dialogue and cooperation among scientists and regulators already started.

(2) Future participation

The success of the ICH process has been communicated worldwide and recognized as a model for harmonization efforts for other disciplines, such as the Veterinary International Conference on Harmonization (VICH). At the same time, many other organizations, governmental and non-governmental, clamor to participate in such a competent and productive organization. Nevertheless, Merck recommends that the ICH will best retain its efficiency and reputation by maintaining its standards for participation and limiting membership to representatives of organizations who are best qualified to understand pharmaceutical sciences and to evaluate the “weight of the evidence” in decisions affecting quality, safety and efficacy of pharmaceutical product development.

The success of the ICH process has been its ability to produce meaningful changes in regulatory and industry standards. Participation in ICH working groups, therefore, should continue to include experts who are able to contribute significantly to the scientific and technical decision-making that will continue to bring about constructive modifications to regulatory and development processes. Adding expertise for the purpose of additional transparency, political correctness or to train representatives of other industries would dilute the effectiveness of the ICH and divert current participants and resources from important ICH goals.

(3) Global cooperation

R & D, medicine and regulation are all multidisciplinary and collaborative enterprises. World-class research scientists can only ensure that the research process produces viable

product candidates and that the development scientists will move the best of these product candidates to the market most efficiently, when worldwide health authorities meet the same high technical standards and collaborate with other world experts when questions arise. The ICH process already allows: teamwork among regulators and industry; consultation with experts from related disciplines; feedback from non-participating constituents; cooperation with other professional organizations, such as VICH; contacts with other interested parties, e.g., the media; and, communication with non-participating regulators from developing countries via the WHO International Congress of Drug Regulatory Authorities (bi-annual meetings).

It is difficult to comment on what other specific *global cooperation* might be necessary that is not already accommodated.

(4) New topic areas

The means by which existing harmonized guidelines will be kept technically state-of-the-art should be established and communicated to all concerned. Then, the ICH working groups should focus on communication of these guidelines, electronically.

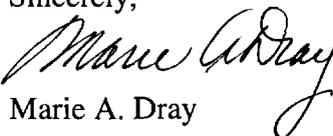
The processes by which the ICH guidelines are implemented and interpreted by participating and non-participating regulators offer many opportunities for harmonized discussions among regulators and industry professionals who have breadth and vision of worldwide experience.

Other topics in safety, efficacy and quality will become obvious with technological advances in informatics and genomics, as well.

In summary, the ICH organization and process have been successful and productive. ICH allows focus in appropriate disciplines, involvement and collaboration of a wide variety of scientists and technical experts, as well as adequate transparency and feed-back to accommodate necessary technical corrections in goals and objectives. Merck continues to support ICH and its objectives. We recommend that a maintenance function be developed and we trust that the ICH Steering Committee will continue to review its progress and evaluate and identify new issues which lend themselves to this harmonization process, as appropriate.

We welcome the opportunity to comment on the progress and future of ICH.

Sincerely,


Marie A. Dray



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Two Bethesda Metro Center • Suite 700 • Bethesda, Maryland 20814

DOCKET MANAGEMENT BRANCH (HFA-305)
FOOD AND DRUG ADMINISTRATION
5630 FISHERS LANE, ROOM 1061
ROCKVILLE, MD 20852