

**Public Comments to 60 Day Federal Register Notice**

| No. | Commenter                                              | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                     | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| 1   | La Jolla<br>Institute for<br>Allergy and<br>Immunology | <p>The rule states "verification that the permittee has implemented biosafety measures commensurate with the hazard posed by the infectious biological agent, infectious substance, and/or vector to be imported and the level of risk given its intended use"</p> <p>How will verification be accomplished? Will this involve CDC inspections? Will this slow the process greatly? Who will bare the burden of expense for inspection?</p> | <p>The question being asked, "4. Has the permittee implemented biosafety measures commensurate with the hazard posed by the infectious biological agent, infectious substance, and/or vector to be imported, and the level of risk given its intended use?" is for the applicant to confirm if the facility has implement these measures. The Program may verify this information by requesting the entity's biosafety plan or more information regarding the implemented biosafety measures. Depending on the response and the program's criteria, an inspection may occur. The criteria used to determine those "high-risk" entities to be inspected include facilities that applied to import infectious biological agents which are capable of causing serious or potentially lethal disease in humans via the aerosol route. Facilities that has been inspected by either HHS/CDC or the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA/APHIS) under the HHS or USDA select agent regulations (42 CFR Part 73, 9 CFR Part 121, or 7 CFR Part 331) will probably not require an additional inspection. Inspections are be conducted to ensure that the importer has biosafety measures in place that are commensurate with the hazard posed by the infectious biological agent, infectious substance, and/or vector to be imported, and the level of risk given its intended use. Based on current operations that include inspections, we have found that this does not slow the import permit process. There are no costs to the applicant associated with the permitting process.</p> |

This e-mail is in response to IP GRAM 09/16/2013: Import Permit Forms Submitted for Public Comment. In particular the changes to Subpart F—Importations—contains provisions for the importation of infectious biological agents, infectious substances, and vectors (42 CFR 71.54); requiring persons that import these materials to obtain a permit issued by the CDC. I have no problem accepting the changes requested except the following. It is not obvious to me how the CDC will verify “that the permittee has implemented biosafety measures commensurate with the hazard posed by the infectious biological agent, infectious substance, and/or vector to be imported, and the level of risk given its intended use”. If this is as simple as a signature than that is OK. If it requires an inspection that seems a bit too much. It seems to me the risk is already stated in the Biological Handbook. For example, Schistosoma sp which is what I work with is a Class 2 agent. It seems redundant to ask for what is already classified by CDC.

Thank you for the opportunity to respond to the proposed changes.

The question being asked, “4. Has the permittee implemented biosafety measures commensurate with the hazard posed by the infectious biological agent, infectious substance, and/or vector to be imported, and the level of risk given its intended use?” is for the applicant to confirm if the facility has implement these measures. The Program may verify this information by requesting the entity’s biosafety plan or more information regarding the implemented biosafety measures.

Depending on the response and the program’s criteria, an inspection may occur. The criteria used to determine those “high-risk” entities to be inspected include facilities that applied to import infectious biological agents which are capable of causing serious or potentially lethal disease in humans via the aerosol route. Facilities that has been inspected by either HHS/CDC or the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (USDA/APHIS) under the HHS or USDA select agent regulations (42 CFR Part 73, 9 CFR Part 121, or 7 CFR Part 331) will probably not require an additional inspection. Inspections are be conducted to ensure that the importer has biosafety measures in place that are commensurate with the hazard posed by the infectious biological agent, infectious substance, and/or vector to be imported, and the level of risk given its intended use.

University of  
Texas Health  
Science Center  
San Antonio

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| 3 | Biologics<br>Clinical<br>Pharmacology | <p>I appreciate this opportunity to provide comments. Comments below are directed to the EAIPP Application Form Only:</p> <p>(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; New Requirements:</p> <ul style="list-style-type: none"> <li>• Name and Address of the person responsible at location where the materials will be stored. No comment.</li> <li>• Verification that the permittee has implemented the biosafety measures indicated on the form (e.g. BSL2). Comment – see below</li> <li>• A 2nd contact as backup for the permittee would be required. No comment.</li> </ul> <p>(b) The accuracy of the agency’s estimate of the burden of the proposed collection of information; Comment – current estimate is 20 minutes per application. However, there is no indication of what form of verification would be acceptable for the BSL. Depending on the requirement for “verification”, it could take more than 20 minutes to complete the application.</p> <p>(c) ways to enhance the quality, utility, and clarity of the information to be collected; Comments –</p> <ul style="list-style-type: none"> <li>• Clarify what would be acceptable as verification for Biosafety measures. Would the requirement apply to the permittee, their</li> </ul> | <p>(a) The accuracy of the agency’s estimate of the burden of the proposed collection of information; Comment – current estimate is 20 minutes per application. However, there is no indication of what form of verification would be acceptable for the BSL. Depending on the requirement for “verification”, it could take more than 20 minutes to complete the application.</p> <p>DSAT Response: The question being asked, “4. Has the permittee implemented biosafety measures commensurate with the hazard posed by the infectious biological agent, infectious substance, and/or vector to be imported, and the level of risk given its intended use?” is for the applicant to confirm if the facility has implement these measures. Based on our experience with previous import permit submissions that addressed Section G (Receiving Laboratory Capabilities) of the permit application, we confirmed that applicants already have implemented biosafety measures in place (e.g., biosafety plan). During the revision of the import permit regulations, we specifically sought comment from the public concerning burden. We did not receive any comments specifically addressing the burden. As part of the revision of the forms, we determined that applicants were able to complete the form within 20 minutes.</p> <p>(c) ways to enhance the quality, utility, and clarity of the information to be collected; Comments –</p> <ul style="list-style-type: none"> <li>• Clarify what would be acceptable as verification for Biosafety measures. Would the requirement apply to the permittee, their backup, the person responsible for the sample storage area, and/or the storage facility?</li> </ul> <p>DSAT Response: The Program may verify this information by requesting the permittee to provide the entity’s biosafety plan or more information regarding the implemented biosafety measures.</p> <p>Depending on the response and the program’s criteria, an inspection may occur. The criteria used to determine those “high-risk” entities to be inspected include facilities that applied to import infectious biological agents which are capable of causing serious or potentially lethal disease in humans via the aerosol route. Facilities that has been inspected by either HHS/CDC or the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (USDA/APHIS) under the HHS or USDA select agent regulations (42 CFR Part 73, 9 CFR Part 121, or 7 CFR Part 331) will probably not require an additional inspection. Inspections are be conducted to ensure that the importer has biosafety measures in place that are commensurate with the hazard posed by the infectious biological agent, infectious substance, and/or vector to be imported, and the level of risk given its intended use.</p> <ul style="list-style-type: none"> <li>• Simplify what is required in section E.2. of the application. Instruction on the form indicate: Detailed description of work to be accomplished with the imported agents ( background, purpose, objectives, methods, etc). We conduct multiple animal research studies each year, with the same ex-U.S. in-life supplier, the sample types are the same, and the purpose is essentially the same, but the assay methodology might change. Per the above requirement, and depending on what level of detail was required in the previous application, that might necessitate a new CDC permit just to change the methodology. The level of detail appears to be dependent upon</li> </ul> |
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|  | <p>backup, the person responsible for the sample storage area, and/or the storage facility?</p> <ul style="list-style-type: none"> <li>• Simplify what is required in section E.2. of the application. Instruction on the form indicate: Detailed description of work to be accomplished with the imported agents ( background, purpose, objectives, methods, etc).</li> </ul> <p>We conduct multiple animal research studies each year, with the same ex-U.S. in-life supplier, the sample types are the same, and the purpose is essentially the same, but the assay methodology might change. Per the above requirement, and depending on what level of detail was required in the previous application, that might necessitate a new CDC permit just to change the methodology. The level of detail appears to be dependent upon the CDC personnel reviewing the application.</p> <p>For example, in some applications, this statement was sufficient in E.2: Gain understanding of relationship between Pharmacokinetics, Pharmacodynamics, or Toxicokinetics for biologic compounds via various dosing regimens with test articles in cynomolgus monkeys.</p> <p>For others, we had to provide more information: To understand distribution of these monoclonal antibodies to the sites of action, i.e. synovial fluid, tissue homogenate and tissues, and their ability to neutralize target at the sites of action. Immunoassays</p> | <p>the CDC personnel reviewing the application.</p> <p>For example, in some applications, this statement was sufficient in E.2: Gain understanding of relationship between Pharmacokinetics, Pharmacodynamics, or Toxicokinetics for biologic compounds via various dosing regimens with test articles in cynomolgus monkeys.</p> <p>For others, we had to provide more information: To understand distribution of these monoclonal antibodies to the sites of action, i.e. synovial fluid, tissue homogenate and tissues, and their ability to neutralize target at the sites of action. Immunoassays will be used to quantify both monoclonal antibodies and PD biomarkers from these samples.</p> <p>DSAT Response: The requested information is currently the same information that we request on the currently approved form. Guidance on the information needed to complete the form is available at: <a href="http://www.cdc.gov/od/eaipp/forms/Guidance_Document_for_Completion_Agents.pdf">http://www.cdc.gov/od/eaipp/forms/Guidance_Document_for_Completion_Agents.pdf</a>.</p> <p>(d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments – a system for knowing where an application is in the process - at a minimum: Received, In Progress, Pending Clarification, Approved.</p> <p>DSAT Response: We appreciate the comment and will review if this type of system is feasible.</p> |
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