June 15, 2006

The Animal Health Institute respectfully submits these comments to the Office of Management and Budget (OMB) Proposed Risk Assessment Bulletin". The Animal Health Institute ("AHI") is a national trade association representing manufacturers of animal health products--pharmaceuticals, vaccines and feed additives used in modern food production and medicines that keep pets healthy.

We appreciate the efforts of OMB to develop standards for risk assessment used by Federal Agencies to regulate private industry practices and operations. We are strong proponents of sound risk assessment techniques as effective means of applying appropriate risk management measures to identified hazards and potential risks.

We are interested in this Bulletin since the animal health industry is highly regulated by several Federal Agencies. In particular, recent increased regulatory requirements are being applied by the Food and Drug Administration to all new and approved antimicrobial products marketed for use in animal agriculture, the medicines that are used by veterinarians and producers to maintain healthy food producing animals important to an abundant, affordable, and safe food supply. These new requirements are to assess the risk of antimicrobial resistant bacteria arising from the use of antimicrobials in food animals adversely affecting the treatment of food borne infections in humans.

We have some specific and more general comments on the Proposed Risk Assessment Bulletin:

Page 3, paragraph 4, states that the scope of the document addresses certain technical aspects of risk assessment, but does not encompass how federal agencies should manage or communicate risk.

Comment: consider adding: "as a corollary, risk management provisions and risk communications should not be imbedded within risk assessments, but should be independent and separate parts and clearly identified as risk management or risk communication documents".

Page 16, Section V: Special Standards for Influential Risk Assessments.

Comment: This section generally applies to quantitative risk assessments. Standards for semi-quantitative or qualitative 'influential' analyses could also be included. . Some possible standards for inclusion: 1) All major underlying assumptions used as the basis for qualitative analysis should be stated, reviewed and justified 2) All methods and algorithms used to establish intermediate and overall (qualitative) risk ratings or ranking should be described and justified. Exposition of unique weighting, calculations, integrations, methods or terminology should be included if used in qualitative or semi-quantitative risk assessments. 3) Full descriptions of the limitations of such models should be included. This could include alternative ranking or outputs given different starting assumptions within the qualitative model.

Page 10, 1. Goals related to Problem Formulation.

As stated in this paragraph risk assessors and decision makers should have an iterative dialogue on the objectives, scope, and content of the assessment. We believe this recommendation could be strengthened by clearly stating that there should be a functional separation between risk assessment and risk management. In other words, agency risk managers should not themselves conduct or manage the content of a risk assessment for the purpose of regulation. The risk assessor must be independent and objective in assessing the hazard and risks and not be the same individual or group charged with rendering a risk management decision.

We note that on page 10, OMB proposes an exclusion from the standards of this Bulletin for risk assessments that cover "…*licensing, approval and registration processes for specific development activities."* The exclusion paragraphs go on to say that the Bulletin does not apply to risk assessments used to support a label specifically for pharmaceutical products. However, the Bulletin does indicate that these standards apply to classes of products but leaves the decision of whether or not to apply these standards to the particular agency.

AHI is concerned with such a broad exclusion and is seeking clarification as to the applicability of this Bulletin to agency guidance on the conduct of risk assessments that are required to gain approval of a new antimicrobial pharmaceutical or feed additive product or to maintain approval of such a product. Specifically, the Food and Drug Administration Center for Veterinary Medicine has issued a Guidance for Industry # 152 (http://www.fda.gov/bbs/topics/NEWS/2003/NEW00964.html) portrayed by the agency as a qualitative risk assessment procedure which applies to a whole class of products, namely all antimicrobial products intended for use in food producing animals. However, we believe the document does not meet the basic definition of a risk assessment as estimating the **likelihood and severity** of an adverse event as described on page 1 of the Bulletin. The guidance describes a process which simply assumes a hazard exists and assigns risk by applying subjective categories in lieu of actual data to evaluate exposure and consequence. Although guidance is not formally binding on an agency or a company, the FDA has made it clear that they are evaluating all antimicrobial products under the procedures outlined in the guidance.

While we understand that the Bulletin is to apply to publicly available risk assessments we note several comments in the Bulletin which we believe should be considered in evaluating agency guidance. On page 2, it states that "*OMB, in collaboration with OSTP, has a strong interest in the technical quality of agency risk assessments.* We think that Federal Agencies developing risk assessment models essentially requiring industry to comply with should be adhering to OMB and OSTP standards. On page 9, it states "…*the economic viability of a technology can be influenced by the government's characterization of the risks associated with the use of the technology."* In the case of Guidance for Industry #152, there is a clear impact on all

companies marketing or seeking to market antimicrobial products for animal health by the FDA characterization of the risks of antimicrobials in food animals.

The significance of this new guidance is its effect on innovation in the animal health arena. Animal health antibacterials are a $1.3 billion market in the United States and have been an important agricultural technology in the treatment and control of infections in food animals. Producers and veterinarians rely on these products to ensure the health of our food animal populations which in turn results in a healthful and safe food supply. A risk assessment process using overly conservative assumptions in lieu of more accurate exposure and consequence information could have a dampening effect on research and development of new products to keep up with emerging animal diseases.

We are concerned that FDA could be wholly excluded from having to comply with certain standards for the conduct of risk assessments that will affect the entire industry. The use of guidance that is at best a screening level assessment for hazards and risks, upon which to base final agency decisions on the ability of a company to market or continue to market a product is a potential outcome. The agency has not suggested that more formal quantitative risk assessment, if necessary, would be undertaken based on the results of the screening as described in paragraph 2 on page 4 of the Bulletin.

We request that OMB take into consideration the effect of agency risk assessment procedures that may be related to individual agency permit proceedings and labeling matters but, in effect, have significant ramifications for an entire industry and not permit FDA to be categorically excluded from the standards being developed by your Office.

We thank you for the opportunity to comment on this very important document.

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