APPMA®
American Pet Products Manufacturers Association, Inc.®

July 22, 2005

Dr. Andrew Beaulieu
Director, Office of Minor Use and Minor Species
Division of Dockets Management (HFA-305)
US Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Comments on MUMS Act Regulations (Docket No. 2004N-0480)

Dear Dr. Beaulieu:

The American Pet Products Manufacturers Association (APPMA) is a trade association representing approximately 850 members of the pet industry. Among our membership are manufacturers of pet foods, pet treats, remedies and other pet care products necessary for the health and welfare of companion animals. An important segment of our membership includes manufacturers of minor species animal remedies. A national survey of pet owners conducted by APPMA shows that there are as many as 280 million pets in the United States and that 62% of American households have at least one pet. The 2005-2006 *APPMA National Pet Owners Survey* shows that: 13% of pet ownership is fresh water fish; 0.8% is salt water fish; 6% is bird; 5% is small animal (mammal); and 4% is Reptile and Amphibians. These survey numbers include a significant number of minor species animals that live in the home of nearly two thirds of American households.

APPMA submits the following comments regarding the rulemaking that will implement the Index drug portions of the Minor Use and Minor Animal Species Health Act of 2004.

A Two-Tiered Index Application System

APPMA believes that a two-tiered approach for sponsorship of Index drug applications will provide a feasible application means to manufacturers of minor species drugs while ensuring FDA's primary objective of safety review. The following are alternative solutions to implement this approach:

> Step 1 – Sharing all costs, a group of manufacturers (Sponsor), who manufacture a minor species drug with a common active ingredient, sponsors an Index application. This Index application may include: individual corporate verification of adherence to best manufacture practices; a request for wavier of an environmental assessment; and data exhibiting lack of human health concerns and scientific data on the active ingredient.
>
> Step 2 – The Sponsor selects a panel of experts (see below "Expert Panel Review Issues") to review the application, assembles the data and drafts label language for inclusion in the final Indexed drug labeling and packaging. Then, the Expert Panel submits a recommendation for the active ingredient to the MUMS Office for consideration and comments. If the MUMS Office approves the active ingredient's use, the application process continues as follows.
>
> Step 3 – Individual manufacturers who have previously participated in a successful group Index application submission would then proceed to request an individual product review in order to complete the Index process. Given that the original group has already selected an expert panel for review, collected data, etc., the group could then proceed to conduct required testing, propose dosage, and commit to other requirements as needed, if the groups constituent manufacturers make a product similar in not only active ingredient, but also in complete formulation, and composition. However, if the group's constituent manufacturers make products that contain varied and sundry inert ingredients, different formulations, etc., then each individual manufacturer could proceed with completion of the application on its own and finance the completion of the submission.

As the Agency has rightly pointed out in the past, other types of drug reviews allow master files to be opened to facilitate multiple applications. Confidential information is stored on behalf of a party, normally an individual company or a consortium of companies, wishing to use that information for several of its own submissions. Parties that avail themselves of this docket management mechanism can also allow other individuals or groups to benefit from the master file by giving FDA permission to extend it to those parties. The Agency has also referred to the public master file used in the aquaculture industry as an example of where the multi-tiered approach has been useful.

Expert Panel Review Issues

APPMA hopes that the MUMS Office will consider allowing the use of an expert panel to review Index applications. While experts may be concerned that they face liability exposure for reviewing animal drugs, these concerns can be addressed in indemnity clauses within the agreements that Index application submitters would have with the experts. APPMA requests that the Agency address expert liability in order to provide the additional assurance to experts that the Agency will support them as well.

"Groupings" for Index drug applications

We believe that expert opinions, existing literature and anecdotal information regarding these drugs bolster this finding and will be the basis for a complete application for an Index designation. However, in order for the application process to be feasible, the Index drug application must necessarily be for multiple minor species animals in contrast to a single target animal species, which is the current method used for conventional animal drug approvals.

Nonfood Ornamental Aquarium and Garden Pond Fish

We believe that expert opinions, existing literature and anecdotal information regarding these drugs bolster the need for groupings and they will be the basis for a complete application for an Index designation. In other words, in order for the application process to be feasible, the Index drug application must necessarily be for several minor species animals in contrast to a single target animal species, *i.e.* the current method used for conventional animal drug approvals.

While FDA/CVM/Office of MUMS is well aware of the diversity of food and nonfood minor animal species that are included in the MUMS Act, it is important to review that diversity as recognized within taxonomic classification. Among those countless classified species are found and listed by various MUMS Coalition members. There are a remarkably few "food" minor animal species in this Coalition list, compared with the vast array of "non-food" minor animal species. These include zoo and aquarium animal education and display, the pet, hobby groups and the "working" species, that are owned and cared for by U. S. families, and by those employed as animal care givers in schools, universities, government and private sector research and other agencies and companies.

For nonfood fish species, APPMA recommends the following as a reasonable approach for Index rulemaking to insure both, target animal species safety and consumer safety as well as availability. APPMA believes that aquatic animal groupings for Index rules on therapeutic agent Listing, should be limited to three basic groups: nonfood cool water fish; nonfood warm water tropical fish; and, nonfood marine fish.

Since there are nearly 54,000 species and subspecies of fishes in the world, 4000 of which are recognized by the Agency as displayed in aquariums, the prospect of any therapeutic agent manufacturer being able to Index an individual product for all fish species is both unrealistically daunting and outright unaffordable. In addition, retail merchants of Indexed therapeutic agents would be unable to manage the numerous shelf facings required for species specific products. Much of the existing cumulative experience and data in the public domain involves treatment in multi-species situations. Since standard habitat, bath and oral treatments are recommended as therapeutic agent application for numerous species of non-food fish with great success, this history must be considered and measured based on the current effectiveness and target animal safety data that exists. Furthermore, known contraindications for all species within the three essential aquatic environments will be identified with the label.

In addition, APPMA suggests that the MUMS Office consider that ornamental aquarium and garden pond fish drugs have been safely and effectively used by owners, hobbyists and practitioners for many years. Therefore, APPMA maintains the position that aquatic fish groupings must be kept as broad as possible for minor species Index rulemaking, as is the intent of the MUMS Act.

Other Non-Food, Minor Species Animals Index Listing

Beyond minor animal fish species, the nonfood terrestrial and aquatic species will be addressed for "grouping" within the more classical taxonomic "class grouping." The APPMA recommends the following as a reasonable approach to rulemaking for these target animal species, thus supporting the animals, the consumers and animal drug manufacturers. Once again, known contraindications for all species within each class will be identified with the label. APPMA recommends the following groupings of minor species:

Amphibia: frogs and toads (Anura), salamanders (Caudata), others.

Reptilia, to be recognized as Orders of:
- Squamata;
  - -Serpentes – all snake species;
  - -Sauria – all lizard species;
- Chelnoia – all turtles, tortoises and other;
- Other Reptilian Orders.

Aves – including, but not limited to, nonfood species of:
- Psittaciformes (parrots);
- Passeriformes (canaries, finches);
- Falconiformes (falcons);
- Columbiiformes (pigeons and doves);
- and other avian orders.

Mammalia – including, but not limited to, nonfood minor species of:
Artiodactyla (deer, goat, camel)**;**
Carnivora (ferrets);
Chiroptera (bats)**;**
Endentata (armadillos);
Investivora (hedgehogs);
Lagomorpha (rabbits)**;**
Primates (lemurs, monkeys)**;**
Rodentia (chinchillas, gerbils, hamsters, mice, rats); and,
others.

Justification for these proposed approaches is based on the following:

- The vast majority of the public maintain one or more of the groupings as described;
- More restrictive groupings would force manufacturers to conduct research on multiple species to develop duplicative data for target animal safety that would be cost prohibitive, would limit competition and reduce available animal drugs needed for nonfood minor species animals;
- Recommendations would not be consistent with the intent of the MUMS Act, which recognizes that most minor species animals do not have legal access to animal drugs due to the exorbitant costs of animal drug approval.

With this proposed approach, APPMA believes that manufacturers can address the significant issues involved with Index Listing (e.g., GMPs, environmental safety, user safety, etc.), and can thus provide acceptable levels of effectiveness and target animal safety in keeping with the intent and purpose of the MUMS Act.

We respectfully submit our views.

Sincerely yours,

Gina Valeri
Director of Legislative Affairs & General Counsel