

1 now, so that's probably where the synthesis  
2 and the professional judgment come in, is how  
3 is that relevant and how can that help shape  
4 your communication strategy in the moment when  
5 you can't go out and test your message, when  
6 you can't, you know, it's just unrealistic.

7           So, at least to my experience,  
8 that's -- and then having your networks,  
9 having the people that you know and trust who  
10 can be sounding boards. And can give you  
11 insights that maybe you haven't thought of,  
12 your warn you of potential missteps you might  
13 be taking. And then, that network does extend  
14 certainly, as you've just said, when it comes  
15 time to communicate, there's some overlap  
16 there in terms of engaging those same people,  
17 or groups as channels of communication.

18           So, -- but with emerging risk, I  
19 think that what you want to do is just  
20 structure it in a way that understanding what  
21 people's process is going to be, forgetting  
22 the information and processing it. Which is

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1 why, you know, the learned intermediary is so  
2 important with emerging risk, is that you just  
3 really want to make sure that if people are  
4 consuming new information about an emerging  
5 risk, that there's a clear pathway for them to  
6 get the whole story, and for there to be good  
7 contacts provided at multiple different touch  
8 points in their world, but especially with  
9 their physician.

10 CHAIRMAN FISCHHOFF: Mike then  
11 Marielos.

12 MR. GOLDSTEIN: So, just to  
13 underline, because I think what AnnaMaria is  
14 saying is so important. This is about a  
15 process. We've talked about evidence, which  
16 is really important, evidence about how best  
17 to convey information. What we're not talking  
18 about a process for communicating when there's  
19 emergent risk, or there's a crisis.

20 And there are some best practices.  
21 They may not be refined to the degree that we  
22 like, but there are some best practices. And

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1 you outline them. They're very clear. And a  
2 lot of them have to do with managing  
3 communication, managing information as it's  
4 coming in, and then managing how its used.  
5 And requires teamwork. That's what I heard at  
6 a deeper level.

7           So, that means having a team that  
8 you could turn to during these points of  
9 crisis that have multiple disciplines. People  
10 who know how to manage communication, people  
11 who know how to implement and act, people who  
12 know how to get feedback about that  
13 information that's gone out, evaluate, and  
14 then re-calibrate.

15           And it's those three steps again.  
16 Keep going back to the simple things, analyze,  
17 design, based on what we know, and then  
18 evaluate. And it's an iterative loop. It  
19 happens over and over again. And it happens  
20 more frequently in an emergent situation.  
21 When it's on-going, you can spread it out a  
22 little bit. You still have to do it.

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1                   So, what I'm hearing -- as a  
2 recommendation, I -- and sometimes I get a  
3 little bit confused because I don't know if  
4 our role is to be individuals on this  
5 committee and just say what our expertise is  
6 and our understanding of the literature, or to  
7 endorse and recommend as a group. I think  
8 it's more powerful if we're seen as a group  
9 that's listening to each other.

10                   So, I can endorse everything that  
11 AnnaMaria just said, and be a valuable thing  
12 to do, to create a process that could be  
13 turned to that has important members of the  
14 team with different expertise and  
15 relationships that are developed in order to  
16 formalize how you move once you have  
17 information and can act on it. I just wanted  
18 --

19                   CHAIRMAN FISCHHOFF: Maybe I can  
20 make an intervention there.

21                   MR. GOLDSTEIN: Yes.

22                   CHAIRMAN FISCHHOFF: So, and I'm

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1 not quite sure about what the answer to that  
2 question is.

3 MR. GOLDSTEIN: Yes.

4 CHAIRMAN FISCHHOFF: We're just an  
5 advisory. We're not -- you know we don't  
6 reach conclusions like some of the other, or  
7 semi-binding conclusions, like some of the  
8 other committees. So, after the meetings, Lee  
9 and I have been taking notes, Nancy as well.  
10 We produce I'm very sure -- they produce and  
11 then I help a little bit, on very short notice  
12 produce sort of what seemed to us the sense of  
13 the meeting that can then be conveyed  
14 upstairs.

15 And I -- you know, from my -- I  
16 understand that you know, it happens and it's  
17 been listened to and we've gotten feedback  
18 suggesting that we've had some impact. We've  
19 typically not had formal resolutions before  
20 us, in part, for the reason that Musa gave us,  
21 that we haven't always had, in another  
22 context, we haven't had a formal resolution, a

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1 full exposition of data, alternative things.

2 In trying to process, you know,  
3 what we're doing in -- so we will certainly do  
4 that here. I've been sort of -- it's kind of  
5 hard to listen to the meeting and process in  
6 real time, so maybe we'll take a lunch break  
7 at some point and then we can think about  
8 that. But let me put out two things that we  
9 might do. One is that I think we've had a  
10 number of suggestions for a kind of strategic  
11 planning that FDA might do. And I think from  
12 our panel yesterday in particular, I felt  
13 there was some receptiveness, maybe this is  
14 happening already.

15 And perhaps we could pull together  
16 our thoughts on what might be, you know, what  
17 the agenda might be for that strategic  
18 planning exercise. That might be one thing  
19 that we would do.

20 Secondly, maybe people have some  
21 specific recommendations that they'd like to  
22 formulate after lunch, bring them to me and

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1 we'll -- we can think about them. So, I have  
2 one that I would like to have us talk about.  
3 And maybe I'd like the staff to tell us, you  
4 know, how you'd even frame this as a  
5 recommendation. So, we've -- you know, I  
6 would put together two suggestions that John  
7 made at his presentation, you know. Resolved:  
8 FDA should quantify, that in its  
9 communications FDA should provide quantitative  
10 risk and benefit information.

11 Now, I recognize that FDA has some  
12 legal constraints on -- there's things that it  
13 has to say, but I don't know that it's  
14 proscribed from saying other things. There  
15 may be ways that it can tier its -- so we  
16 heard a discussion yesterday about how -- the  
17 negotiated settlement on the Gardacil  
18 communication with EPA. So, there's certain  
19 things that had to be said first, and then the  
20 other things could be said.

21 So, I would say, if there were, we  
22 could have -- I would like to figure out how

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1 to present the resolution like that, for which  
2 I think we have -- see whether there's support  
3 for it, and then hear from the staff on you  
4 know, how that would have to be presented, you  
5 know -- in order, how that would have to be  
6 presented to be most effective.

7 And maybe we have some other  
8 concrete suggestions, slightly esoteric in the  
9 world of concrete suggestions. But they're  
10 pretty concrete suggestion.

11 MR. GOLDSTEIN: Yes, that's  
12 correct. I'd love that. I'll sign on that  
13 one.

14 CHAIRMAN FISCHHOFF: Yes. Okay.  
15 So, let me suggest in terms of process. One  
16 possibility, we could break now, and you could  
17 get to the place across the street, if that's  
18 where you want to eat, before the 12:00  
19 o'clock rush. And then I could take  
20 suggestions from people to try to put together  
21 an agenda, and start say, at a quarter to one?  
22 Shall we do that, I think? That make sense?

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1 MR. GOLDSTEIN: Sure.

2 CHAIRMAN FISCHHOFF: Okay. Let's  
3 do that. So, let's break now, until a quarter  
4 to one. If you have suggestions, either now,  
5 or you know, anytime before, if you do, then  
6 we'll try to put together a, you know, more  
7 resolution-like agenda, with at least those  
8 two suggestions. Agenda for strategic  
9 planning and that -- and then take another  
10 look at these -- the suggestion questions that  
11 came from FDA. Okay. Thanks to everyone.

12 (Whereupon, the aforementioned proceeding went  
13 off the record at 11:53 a.m. and  
14 resumed at 12:56 p.m.)

15 CHAIRMAN FISCHHOFF: Everybody,  
16 welcome back. We worked over the break and  
17 have developed a proposal for the agenda for  
18 the remainder of our meeting and see if you  
19 like the agenda. If not, we can change it.

20 First of all, a clarification.  
21 Although I appropriately stated that our  
22 recommendations are non-binding, so are those

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1 of the other FDA advisory committees. So the  
2 positive framing is that ours are every bit as  
3 binding as theirs, and the negative framing is  
4 that ours are as non-binding as theirs. So,  
5 you can choose to look at it the way you want,  
6 and I think there is a research project here.

7           Secondly, that we have as I  
8 mentioned, there are four questions that  
9 everybody got of things that the FDA would  
10 like to have us answer. The minutes from this  
11 -- there is, eventually, there's a full  
12 transcript of the meeting that's presented.  
13 And then there are summary minutes are  
14 presented.

15           Those minutes iterate through the  
16 committee to make certain that we've captured  
17 the sense of the discussion and then a final  
18 version of those then become a public  
19 document. In preparing those minutes, we  
20 will, I think, be able to pull out  
21 -- we will attempt to pull out all of the  
22 comments that people have made relative to

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1 those questions. But we ought to cycle, you  
2 know, you might just take another look and if  
3 there's something you think you didn't say,  
4 that we needed to say, then bring -- we'll --  
5 then bring it up. But you'll also have a  
6 chance, if you, you know, to -- I guess  
7 anything that hasn't been said here, you  
8 should say.

9 If you get the draft and we've  
10 missed it in the minutes, then let us know at  
11 that time, because it will have been  
12 officially said at the meeting. But we'll try  
13 to summarize that. That seems like the sort  
14 of thing that might be -- unless something's  
15 been missed, that seems like something that's  
16 better done bureaucratically.

17 And so, how can we best take  
18 advantage of our being here. So, one thing is  
19 to get out ideas for future meetings. That  
20 again could be done through staff between  
21 that. But one suggestion came up during the  
22 break, would be that we might workshop an

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1 issue for FDA, picking a topic and seeing  
2 whether we can pull together what guidance  
3 might be an "a hoc" topic where guidance  
4 really doesn't exist, is on emerging risks.

5 And my guess -- our guess was, that  
6 there may be -- as concrete -- it would be  
7 good to be as concrete as possible to make us  
8 really think about the complexity of issues.  
9 There probably are problems with taking any  
10 actual issue. And there may be problems with  
11 taking any actual issue, but maybe we can get  
12 an issue.

13 That's -- we could come up with a  
14 case study that's representative of the sort  
15 of things that FDA does, with enough nuance  
16 that they -- FDA could see how we could think  
17 we could force one another to come up with  
18 concrete guidelines, just as in AnnaMaria's  
19 presentation. She made it, she took a -- she  
20 mocked out something that was -- that you  
21 could imagine what a real one looked like.

22 So that was a topic, that was

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1 something that we might do well in a future  
2 meeting. And if you have other suggestions  
3 now, or later, let us know, and then we will  
4 try to do that.

5 As you know, we won't -- the next  
6 meeting -- our next meeting will not be until  
7 early next year. It's possible that members  
8 of the committee will be drawn into other FDA  
9 processes at an individual basis, which would  
10 be outside of the meeting of the committee,  
11 which requires -- there's two of us together,  
12 on committee business, then we've -- then  
13 there's a lot of rigamarole that needs to be  
14 done.

15 It's not impossible that maybe a  
16 task force would be created for something  
17 else. But our next meeting will be in six  
18 months. So we have plenty of time to think  
19 about that and to prepare it in a way that we  
20 would like.

21 MS. ZWANZIGER: We haven't  
22 scheduled meetings yet for 2009. I'll be

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1 polling everybody for their calendars before  
2 then. And then those tentative dates will be  
3 published as always. So, I wouldn't say  
4 precisely six months, but several months in  
5 advance anyway.

6 CHAIRMAN FISCHHOFF: Okay. And so  
7 then

8 -- so I think a good view, or a hypothesis, is  
9 that a good use of our time now is to see  
10 whether we've got some resolutions lurking in  
11 us.

12 And so I came up with four  
13 resolutions. And maybe you have some more.  
14 And if these are all slam dunks, then we can.

15 So, one is -- and you can agree or disagree,  
16 but I thought it was better to have a concrete  
17 hypothesis out and that you could agree or  
18 disagree with. And then you're welcome to  
19 submit more.

20 One, FDA should consider risk  
21 communication as a strategic function to be  
22 considered in designing its core processes.

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1 That's a possible resolution.

2 Two, FDA should engage in strategic  
3 planning of its risk communication activities.

4 That's sort of, if we approve that, then some  
5 topics for that strategic planning might  
6 include some things that we would suggest  
7 here, or things that are already in the notes.

8 Three, FDA should find ways to do  
9 research more efficiently, ensuring the  
10 communications are designed in a timely  
11 fashion to a scientific standard. And that  
12 might include, and we've had various  
13 suggestions about dealing with its  
14 constraints, taking advantage of the research  
15 community.

16 And resolution four, FDA should  
17 routinely present quantitative risk and  
18 benefit information in formats consistent with  
19 its regulatory constraints.

20 So those are four proposals for  
21 resolutions. And we could -- if the -- if  
22 people are happy going the resolution route,

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1 we could talk about each of those, or -- and  
2 entertain other ones that are on your minds.  
3 I think four or five resolutions is probably  
4 what the system could handle. And these may  
5 or may not be the best. Musa.

6 MS. MAYER: This is only partially  
7 formed in my mind, but I'm still back with the  
8 four questions and particularly the fourth  
9 question. And my observation is that the  
10 simple use of the word safe and effective have  
11 created a certain understanding or impression,  
12 mis-impression in the minds of the media and  
13 the public.

14 And so, I would like to propose --  
15 and bearing in mind, there is on the one hand  
16 the need for clarity and simplicity, and on  
17 the other, the need for accuracy in situations  
18 where you have very equivocal information,  
19 which is what led us to this problem in the  
20 first place.

21 That safe, as FDA uses the word, is  
22 a very qualified term. But that's not how

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1 it's transmitted. And I would suggest that  
2 there are a number -- that there is certain  
3 language that the FDA out to examine really  
4 carefully and probably this should be  
5 evaluated and tested very thoroughly. No, I  
6 really agree that it should, with regard to  
7 the meaning and the impact on public  
8 understanding of words like safe and  
9 effective.

10 And likewise, I think the same kind  
11 of approach ought to be given to communicating  
12 information, in any situation, about risk  
13 where it's a developing or emerging process  
14 where there's partial information, partial  
15 knowledge over time.

16 I mean, those are two sort of  
17 different, but related issues. So, this is  
18 really a language prescription about precision  
19 of language and more research into  
20 understanding how media and the public  
21 interpret FDA language.

22 CHAIRMAN FISCHHOFF: How would you

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1 propose that we pursue that?

2 MS. MAYER: Well, that's what I was  
3 hoping that the academic members of the panel  
4 could really help us out with.

5 MS. BRUHN: Actually, I -- this  
6 relates to her. You know, I'm afraid, I'm one  
7 of those visual learners. I need to see your  
8 first two ones, first statements first. But I  
9 believe what you have just said, Musa, would  
10 go under one of his. Because didn't you say  
11 that FDA should consider risk communication as  
12 a strategic process?

13 And isn't examining the meaning of  
14 the words, part of examining the effectiveness  
15 of risk communication? So, I see that as a  
16 sub topic under what has been presented.

17 MS. MAYER: Yes. But I think it's  
18 important to be explicit about the sub topics.

19 MS. BRUHN: I think it's --

20 MS. MAYER: Because other people  
21 might define it quite differently.

22 MS. BRUHN: You know, I agree. And

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1 it should be listed as a sub topic. Because  
2 you are referring to it in the context of  
3 medicine and prescription drugs, but I believe  
4 --

5 MS. MAYER: Not only.

6 MS. BRUHN: Yes. I was thinking it  
7 pertains to other issues as well, including  
8 food. And I didn't have a chance to mention  
9 it before, but when you're in the midst of a  
10 food recall, to have someone say the food  
11 supply's the safest in the world, is  
12 contradictory and it breeds lack of  
13 confidence. Because it's not acknowledging  
14 what is obvious before you.

15 So, this is not limited just to  
16 prescription, but to a broad range of things  
17 and I support the concept that you are  
18 presenting.

19 MS. MAYER: Okay. Thank you. I  
20 think  
21 -- I would dare say that the unifying factor  
22 here is any situation where there is

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1       uncertainty, incomplete knowledge, anything  
2       but, you know, a real clear message. The  
3       question is, how do you transmit a complex  
4       message with nuances, when what I guess the  
5       research is telling us, is that the public can  
6       only absorb simple, direct, clear messages.

7                   How do we make the best of that  
8       that can be possibly made?

9                   CHAIRMAN FISCHHOFF: So, Marielos.

10                  MS. VEGA: I wanted to bring  
11       something to the table that actually was  
12       brought to me by two of the audience members.

13       And I felt it was important enough. They  
14       couldn't bring it to the table, but I could  
15       bring it to the table. And it's related to  
16       the fact there are two types of risk.

17                  And I will use a case example. I  
18       want all my patients who are 50 and older to  
19       get a screen for colorectal cancer. Ideally,  
20       I want them to get a colonoscopy. I have to  
21       explain to them the risk of the procedure  
22       itself. That it's -- there can be

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1 perforation, and there can be risk associated  
2 with anesthesia. But I also have to make them  
3 understand that there is a risk that's  
4 associated if they don't get the procedure  
5 done. They can die.

6 So, it's important for consumers to  
7 understand that. And I think it's different  
8 than benefit. I mean, other the aspect of  
9 benefits. So, I'm not sure how we deal with  
10 that, but it has to be dealt with in terms of  
11 communicating about risk with consumers,  
12 especially the vulnerable populations.

13 CHAIRMAN FISCHHOFF: Okay.

14 MS. LAWSON: On the resolution  
15 number two, I believe, it's that FDA should  
16 engage in the strategic planning of its risk  
17 communication, I would just like -- and I'm  
18 sorry, but I missed part of Linda's  
19 presentation on yesterday that addressed that.

20 But I would suggest that under number two,  
21 that we include as a part of the strategic  
22 planning, that you look at the role, the

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1 important role that organizations that  
2 represent the constituents that we serve, both  
3 patients, consumers, those health professional  
4 organizations, the consumer organizations, and  
5 they represent all of the people we're  
6 serving, that you look at a formalized role  
7 for those organizations in information  
8 sharing.

9 So that if a press release is  
10 issued, you have in place, organizations that  
11 will also, you know, receive whatever  
12 information that's gone out from the agency,  
13 so that they can help to reinforce the  
14 messages that we're putting out there. And  
15 that you have an on-going relationship with  
16 those organizations, so that they really are  
17 considered allies, and they're there to help  
18 you to get your message out.

19 So, I know at one point, you might  
20 have done that. And I think you're doing it  
21 with programs and projects. But I don't know  
22 if there is a formalized structure in place,

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1 where you have partners that cross the board  
2 in the centers that identified, if you know,  
3 if you use one organization, is that  
4 organization considered on the list of this  
5 all centers, that they will share information  
6 with them about what's going out.

7 So I think in looking at your  
8 strategic planning, that you look at the role  
9 of organizations, both professional and  
10 consumer. That could be very supportive of  
11 what you're doing.

12 CHAIRMAN FISCHHOFF: As a matter of  
13 -- just trying to structure things as we go, I  
14 think that -- I've ask Lee to put the -- my  
15 draft resolutions up and again, that can't  
16 hurt.

17 I think in terms of the  
18 relationship, on Musa's suggestion and  
19 Christine's answer, that if FDA was doing this  
20 strategically, they would get to this  
21 particular topic. But I think Musa's claim  
22 would be that this topic is important enough,

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1 it should be gotten to sooner rather than  
2 later.

3 And I think that this -- my guess  
4 is, that this is a topic, you know, this would  
5 be a very good topic for our next meeting, and  
6 we should figure out how to deal with it, you  
7 know, in a systematic way. Because it somehow  
8 overlaps the emerging -- I mean, the emerging  
9 thing is the other thing, the safe is kind of  
10 the brand, and the strategy and maybe if we  
11 just took those two issues, they could be  
12 archetypes of other language issues.

13 I mean, sometimes it's the recall,  
14 the recall issue is in that class of language,  
15 you know, language issues. And maybe we want  
16 to flag that as something to deal with  
17 systemically. Does that make sense?

18 MS. MAYER: It does make sense.  
19 And I wanted to add also, that if you can  
20 envision a drug facts box that presents the  
21 risks and benefits of a particular agent,  
22 side-by-side, right away, you're communicating

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1 something about the equivocal nature of the  
2 word safety, and the word advocate, and  
3 effectiveness, both of them.

4 So, the one approach can sort of  
5 inform the other. But I think that would be  
6 an excellent idea to have a meeting that would  
7 focus on language.

8 CHAIRMAN FISCHHOFF: Yes. It would  
9 get in collaborative, the cultural, you know.

10 MS. MAYER: And furthermore, I  
11 think it might be -- if we don't have the  
12 expertise around the table, it might be really  
13 interesting to get somebody who is an expert  
14 in linguistics to speak to us --

15 CHAIRMAN FISCHHOFF: Yes.

16 MS. MAYER: -- specifically about  
17 medicine, to speak to us. There must be such  
18 an expert.

19 CHAIRMAN FISCHHOFF: There are  
20 experts, yes. That's really good. I forget,  
21 they -- so somebody's keeping track. Mike,  
22 Ellen, Linda and David.

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1 MR. GOLDSTEIN: To respond to  
2 these, I can agree or endorse all four of  
3 these. And I think when we were just talking  
4 about, where parts of the strategic planning,  
5 so I think it was Madeline who said, somebody  
6 said, that the issue of the language, maybe it  
7 was Christine, is one of the levels in a  
8 framework for creating strategic risk  
9 communication.

10 And one of the things I would  
11 suggest that we do, is to help to create that  
12 framework. So, we'd include how we frame  
13 messages, how we define terms. That's one  
14 level. Then there's the level of how we link  
15 to channels of credible partners for the  
16 communication process, which is what Madeline  
17 was talking about.

18 Then there's the level of  
19 evaluation. How messages to the public are  
20 evaluated. Then there's the issue of  
21 training, different levels of training.  
22 Training practitioners who have to participate

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1 in decision-making. Training the public.  
2 It's more of an educational function of  
3 helping them to learn.

4 So there's -- I'm suggesting, I'm  
5 getting specific now. But if we spent a  
6 meeting I bet we could come up with a  
7 framework of the different levels of strategic  
8 risk communication that we could then walk  
9 through as a committee, or say, we're going to  
10 be part of the strategic process, or advise  
11 the strategic process.

12 So, something that would help guide  
13 the strategic process, we can contribute to  
14 because of our unique backgrounds and  
15 expertise.

16 CHAIRMAN FISCHHOFF: So that's sort  
17 of a next meeting topic that -- and although  
18 we might help, that they beat us to the punch  
19 by having the strategic --

20 MR. GOLDSTEIN: Maybe they'll ask  
21 us for that.

22 CHAIRMAN FISCHHOFF: But the

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1 strategic planning group won't wrap everything  
2 up in one meeting, so they won't beat us to  
3 the punch. Okay.

4 MS. PETERS: First I had a comment  
5 about the safe and effective issue that Musa  
6 brought up. There's some -- there's some  
7 experts in choosing words and labels and the  
8 importance of choosing the correct words and  
9 labels. And I tend to think of it from a --  
10 as a marketing function. But I think that  
11 maybe if we were able to get an expert in  
12 this, in the importance of the right word  
13 choices, or the right label choices. Perhaps  
14 in a medical context, perhaps in a different  
15 context. I think that might be quite  
16 educational.

17 Because that choice of words can  
18 guide people's overall gestalt in  
19 understanding of a concept. And the overall  
20 brand name, for example, of the FDA. So that  
21 was one just comment. I can't think of any  
22 names off hand. I might be able to go back in

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1 and find some names of people if you're  
2 interested.

3 The second thing had to do with  
4 what I think is the fourth recommendation from  
5 our esteemed chairman. Which is, quantifying  
6 the risks and benefits. I completely agree  
7 with that. I think that people need  
8 quantitative information. I think that  
9 there's lots of good empirical evidence that  
10 it will help to educate people, both about the  
11 risks and to quell some undue fears perhaps.  
12 But also, about the benefits, and perhaps not  
13 to hope for quite so much sometimes.

14 But, I would say, I have two  
15 comments on it. One is, it's sometimes very  
16 hard to come up with that quantification. So,  
17 because studies disagree on what quantity to  
18 put on the risk, and what quantity to put on  
19 the benefit. And those study themselves can  
20 differ in the quality of the studies as well.

21 So, that's just sort of a --  
22 something to know about quantifying the risks

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1 and benefits when it comes to pharmaceuticals  
2 or potentially food risks as well.

3           The other thing I'd say, and I  
4 would just want to put this as a caveat on  
5 this, is that there are groups of people who  
6 may not do well with that numeric information,  
7 particularly elderly, less numerate people.  
8 And that should be studied. Just, what the  
9 impact of that would be, should be studied.  
10 And it should probably be studied in two ways.

11           One way would be to look at, if you  
12 give them the numbers, what happens? What, do  
13 they understand it, what kind of reactions do  
14 they have to that? So, basically, if you  
15 force the numbers on them, what happens?

16           The second thing would be -- and it  
17 might make the first irrelevant, by the way,  
18 the second one would be, okay, in the real  
19 world, did they look? Do they have contact  
20 with it? Is it really going to make a  
21 difference? Because if you're someone who is  
22 elderly and less numerate, it may not have

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1 much of an impact because I don't care. I'm  
2 not going to look. And so, both of those sort  
3 of research questions could be important  
4 there.

5 CHAIRMAN FISCHHOFF: So, thinking  
6 about this, this is probably not something  
7 that we could do here. If we chose to endorse  
8 this recommendation, I guess I would crash  
9 some supporting language that would -- or  
10 elaborating language that would you know, sort  
11 of capture the spirit of what John and other  
12 people said.

13 And also, via the design should be  
14 supported by research. It might -- it should  
15 reflect the research that's already out there.

16 It should be supported by research to do the  
17 best job. But also, that it should, you know,  
18 it should recognize that the information may  
19 not be used directly.

20 Because I think, I mean, you know,  
21 there's been you know, there's push back for  
22 both legitimate and illegitimate reasons for

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1 providing quantitative information that  
2 couched in terms of people's inability to  
3 understand. So, there's people who are  
4 legitimately afraid that people will be  
5 confused and they'll miss those themselves,  
6 because they understand but don't. And  
7 there's people who don't want to provide the  
8 information and don't want it to be available  
9 to anybody that are saying, well, out there,  
10 there's some people who might be confused, so  
11 we don't want to make it available at all.

12 MS. PETERS: If I could just add to  
13 that. If there is a sub population of people,  
14 where the numbers just don't work very well,  
15 or there's some adverse effects because of  
16 providing them the advice that I would  
17 suggest, if they come in contact with it, with  
18 the numbers, and so those adverse effects are  
19 possible, would be that there are  
20 intermediaries. And that there may be some  
21 additional intervention by intermediaries that  
22 are needed in those cases, whether those

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1 intermediaries be their physicians, or  
2 friends, relatives, et cetera.

3 CHAIRMAN FISCHHOFF: So let me say,  
4 that on all of these, if we will you know, if  
5 we endorse these -- which ever of these  
6 resolutions we endorse, I will produce some  
7 supporting text that will then be circulated,  
8 and people can comment on the supporting text,  
9 and we'll take out anything that people are  
10 particularly allergic to.

11 MS. PETERS: That would be part of  
12 the minutes?

13 CHAIRMAN FISCHHOFF: Yes.

14 MS. ZWANZIGER: Right. It's not a  
15 continuation of the meeting.

16 CHAIRMAN FISCHHOFF: Right. It  
17 would be whether or not I have accurately  
18 captured what has been said in the minutes --  
19 in the meeting. Yes.

20 MS. ZWANZIGER: That's right. Just  
21 explained that what I was just mentioned is  
22 that we can't continue a meeting after the

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1 meeting's been adjourned. We're just  
2 reporting what happened at the meeting.

3 CHAIRMAN FISCHHOFF: That's right.

4 And so my attempt would be to capture what's  
5 been said in the meeting. That's what I was  
6 saying earlier in terms of research topics, or  
7 strategic planning, you know, responses to the  
8 questions. If you haven't said it, make  
9 certain that it's said now, and then we can  
10 make certain that it's captured in the meeting  
11 minutes.

12 MS. MAYER: So to the issue of what  
13 -- I mean, again, I'm using the issue of  
14 drugs. Because drugs have labels that are  
15 approved by the FDA, and a label of a drug  
16 incorporates the evidence from the research  
17 studies that led to the drug's approval. That  
18 is the data that should be incorporated in a  
19 drug facts box. I'd be very -- I mean, I'm  
20 saying that, because I'd be very surprised if  
21 FDA could under any circumstances, include any  
22 other data about drugs.

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1 I think that would be -- am I,  
2 Nancy, tell me if I'm wrong?

3 MS. OSTROVE: Well, there's, I  
4 guess just -- there's a couple things I guess  
5 that I would want to clarify. One, is that I  
6 wish Paul was here, because I don't know  
7 exactly you know, what the context is of the  
8 work that he's doing with the Dartmouth people  
9 in terms of the drug facts box.

10 You know, I'm not sure exactly how  
11 they're anticipating using that. So that's  
12 one piece. So, I'm not sure we can speak  
13 knowledgeably to that.

14 Secondly, FDA in promotion, okay,  
15 for a prescription drug, say, you can make  
16 claims that are not in the labeling. They  
17 just have to be consistent with the labeling  
18 and be supported by substantial evidence. So,  
19 it's not that it must be in the labeling. It  
20 certainly -- we would never say you know, that  
21 something that was inconsistent with labeling  
22 was okay. But it wouldn't necessarily have to

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1 be taken directly from the labeling.

2 MS. MAYER: I guess I was just  
3 making the assumption that the drug facts box  
4 was part of the patient information sheet.  
5 But if that's not the case --

6 MS. OSTROVE: I don't know.

7 MS. MAYER: -- then obviously  
8 different, yes, thank you.

9 MS. OSTROVE: Right. Then that's  
10 what I'm saying. If Paul was here, we could  
11 get more detail about that. But I'm not privy  
12 to that stuff. So, I wouldn't necessarily  
13 make that assumption.

14 MS. NEUHAUSER: Just a comment about  
15 the language person we talked about. There  
16 are people called social linguists. I think  
17 that's the kind of person you want, and  
18 especially someone who specializes in this  
19 kind of area. Ellen, I bet you have come  
20 across somebody in your travels that will pop  
21 up into your brain.

22 But if not, you know, we could all

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1 be thinking. I have worked with a few social  
2 linguists, but in very particular areas. So,  
3 I don't know that they transfer well across,  
4 but they might. If anybody knows more about  
5 this, that would be helpful.

6 So, a couple of suggestions to add  
7 here. One would be, a recommendation to  
8 develop a participatory design and testing  
9 process for FDA communication that would  
10 include vulnerable groups, diverse by reason  
11 of literacy, language and culture. Perhaps  
12 disability too, insofar as it relates to  
13 cognition of communication.

14 So, that specifically to design a  
15 process that would be different than the one  
16 that is going on right now. In my talk, I  
17 outlined about six or seven steps for a  
18 process that I use that could be helpful model  
19 to consider. But it would have to be adapted  
20 to this agency.

21 Another one would be --

22 CHAIRMAN FISCHHOFF: Let me just --

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1 MS. NEUHAUSER: Oh, go ahead.

2 CHAIRMAN FISCHHOFF: Sort of  
3 procedural intervention. I -- let me suggest  
4 that for that, and I'm guess on these things  
5 that come, that this would be language that  
6 would -- this would be elaborating language.  
7 Because I don't think we're in a position --  
8 we haven't gone through a process whereby  
9 we've endorse any framework, or any particular  
10 methodology. But we've certainly had  
11 discussion of how do you address all of those  
12 issues.

13 So, the elaborate -- you know, in  
14 terms of its done, the research is done, these  
15 are the issues that it would need to do.

16 MS. NEUHAUSER: Right. The how part  
17 would have to be figured out.

18 CHAIRMAN FISCHHOFF: That's right.  
19 The how we can't agree on. But that they  
20 ought to do it.

21 MS. NEUHAUSER: Exactly.

22 CHAIRMAN FISCHHOFF: And if they do

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1 it right --

2 MS. NEUHAUSER: Exactly.

3 CHAIRMAN FISCHHOFF: -- it will  
4 include these elements.

5 MS. NEUHAUSER: This outcome would  
6 be such-and-such. You would have a process  
7 developed.

8 MR. GOLDSTEIN: So I think that  
9 word is very important. I know it's a  
10 methodology.

11 CHAIRMAN FISCHHOFF: Yes.

12 MR. GOLDSTEIN: But I would --

13 CHAIRMAN FISCHHOFF: Let me say,  
14 you know, speaking as a social scientist, I  
15 would say, I think of the kind of research  
16 that I do as being participatory, but it's  
17 quite different from what Linda does, and it's  
18 different from what Ellen and Christine, and  
19 you know, and Betsy does, or what, you know,  
20 or what David -- or what David does,  
21 participatory just means different things to  
22 different people.

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1           And I don't -- I think we need to  
2           avoid endorsing any particular methodology or  
3           working out our terminology in the next -- you  
4           know, in the next half hour. So, I think we  
5           can flag the importance of insuring that there  
6           is appropriate inputs from appropriate people.

7           MS. NEUHAUSER:       Yes.       That's  
8           enough to do now, and just to highlight that  
9           although a lot of groups that do, federal  
10          agencies that do communication they often will  
11          at least test the message they've designed  
12          with diverse groups. But they usually look at  
13          diversity as a matter of say, culture,  
14          language, perhaps sometimes income. And I  
15          have really never seen an agency look at the  
16          lower literate group as a specific diversity  
17          group.

18          Now, it may be happening, but I  
19          just wanted to flag that as one aspect of who  
20          would be participating in such a process.

21          CHAIRMAN FISCHHOFF:   Also, could I  
22          ask you I don't know how good Linda's note

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1 taking is, but mine is flagging a little bit  
2 now. So, could I ask you, given that this is  
3 now part of the record, since you've said it,  
4 could you send us your words afterwards?

5 MS. NEUHAUSER: Yes. I will send  
6 you words.

7 A couple other suggestions. One  
8 would be to assess the reading level of a  
9 sample of FDA communication, consumer  
10 communication. And those would be, you know,  
11 there's a whole range of things for consumers.

12 But to sample that, assess the reading level  
13 using the validated tests. And I'll just  
14 clarify here, that Microsoft Word tests, the  
15 one that's available on computers, is not a  
16 well -- it's often used because it's cheap and  
17 available. But it is -- gives falsely low  
18 results. So, just saying that should not be  
19 used. And there are three others that are  
20 good. So that would be one, to assess the  
21 reading level.

22 Right now the communication that

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1 would be helpful to know whether there's a  
2 need to do better in this area, and as an  
3 adjunct to that, to assess the navigational  
4 features of the new website with respect to  
5 the Department of Health and Human Services  
6 usability guidelines. And I can provide that  
7 reference. It's in my slides. But I can  
8 provide that exact reference. I think you  
9 might have it.

10 But it's, you know, there's a set  
11 of guidelines that are published on  
12 usability.gov from NCI, through DHHS, and it  
13 perhaps, a guidebook that's updated about  
14 every year from DHHS.

15 And the third, is to develop, this  
16 is a little bit different from the one you  
17 mentioned, Baruch, about more efficient  
18 research, which by the way, I endorse. But  
19 this would be one to set a research agenda for  
20 priority risk communication issues. Perhaps  
21 those could be linked together. But I think  
22 what you were talking about, was a little bit

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1 different, you know, having efficiently  
2 available.

3 CHAIRMAN FISCHHOFF: I was talking  
4 about mechanisms for --

5 MS. NEUHAUSER: Right. Process.

6 CHAIRMAN FISCHHOFF: -- bringing  
7 people in, reaching out --

8 MS. NEUHAUSER: Exactly.

9 CHAIRMAN FISCHHOFF: -- getting  
10 general clearances. And you're talking about  
11 the content.

12 MS. NEUHAUSER: Yes.

13 CHAIRMAN FISCHHOFF: And so let me  
14 suggest again, procedurally, that, I think  
15 that this research agenda ought to be part of  
16 the strategic planning.

17 MS. NEUHAUSER: Yes. I agree.

18 CHAIRMAN FISCHHOFF: Yes. Okay.  
19 And I will fold it in there. David.

20 MR. SMITH: Living in an  
21 environment where we have to do strategic  
22 planning, and it becomes a onerous task, I'd

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1 just like to actually step back and ask Lee  
2 and Nancy, you know, it -- I think it's a  
3 great idea, but is it a practical idea, and is  
4 it a useful committee time to talk about this?

5 And is that something that's feasible to do?

6 And do it in some sort of reasonable time  
7 frame and with this group? Or, is that  
8 something that needs to come from HHS to FDA,  
9 down the chain and need to be done internally  
10 and held internally?

11 MS. OSTROVE: I think that's  
12 something that we need -- we do strategic  
13 planning, just in general. The agency does  
14 strategic planning. The department does  
15 strategic planning.

16 I guess when you think about  
17 strategic planning, you can think about it,  
18 you know, in the big S and the little s. And  
19 we -- one of our centers, in fact, a couple of  
20 our centers, are in the process of putting  
21 together a strategic plans for communications  
22 for instances.

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1           So, but I think the big question  
2 here is, who should be doing it? And that's  
3 something that I think we need to address with  
4 our management. You know, I'm not sure that  
5 they would necessarily agree that it's  
6 something that the committee should be doing.

7           But rather than it's probably  
8 something that the FDA needs to engage in, and  
9 it's one of the things that, at least I  
10 anticipate that we would then, you know, if we  
11 came -- assuming that we will come up with a  
12 strategic plan, that it would then be  
13 something that we would bring to the committee  
14 for discussion. But it would not be something  
15 that the committee would come up with.  
16 Because frankly --

17           MR. SMITH: No, that's not -- I  
18 agree. I didn't mean that the committee  
19 should do it.

20           CHAIRMAN FISCHHOFF: And that  
21 wasn't the intent.

22           MS. OSTROVE: Oh, okay. All right.

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1 MR. SMITH: It was more, have some  
2 sort of interaction in the process, if that's  
3 even feasible or and is there any precedent  
4 for that in some other group.

5 MS. OSTROVE: That's something that  
6 we would have to -- I'm not sure if there is  
7 precedent for that. We'd have to look into  
8 it. And again, since it would need to be kind  
9 of a public -- since anything we do with the  
10 committee needs to be a public process, there  
11 may be issues that get brought up in strategic  
12 planning that would not necessarily kind of  
13 work, bringing it to a public process.

14 Because you have to think about  
15 priorities and all kinds of other things. So,  
16 I think it's something that I welcome the  
17 resolution. I hope that's not going too far.

18 You know, but it's something that we would  
19 need to kind of work out the details  
20 internally.

21 MR. SMITH: I just had two follow  
22 up comments. I think on the third one, I

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1 don't know, if it's something we do now, or  
2 that's something that you guys do as a  
3 followup. But I think it would be important  
4 to put some kind of parameters on that, rather  
5 than just say, do it more efficiently.

6 I think, it sounds like with the  
7 expertise you have here, you could probably  
8 have a reasonable gauge for what's feasible  
9 that you guys think that 25 percent increase,  
10 or you can do, you can reach twice the amount  
11 of people, or some sort of parameter to gauge  
12 the effectiveness of what does that really  
13 mean, rather than just saying, do it more  
14 efficiently.

15 CHAIRMAN FISCHHOFF: Okay. So,  
16 yes.

17 MR. SMITH: I think that's really  
18 vague.

19 CHAIRMAN FISCHHOFF: So there was  
20 the attempt there, that there would be  
21 explanatory language that --

22 MR. SMITH: Right.

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1                   CHAIRMAN FISCHHOFF:  -- that would  
2                   try to get at that.

3                   MR. SMITH:  Yes.  And similarly in  
4                   the last one, you know, how do you test?  I  
5                   think we got to make sure that we test those  
6                   things and evaluate them and all that.  So,  
7                   they need to be broadened.

8                   CHAIRMAN FISCHHOFF:  Okay.  Mike.

9                   MR. GOLDSTEIN:  We caught up.  This  
10                  is getting at the explanatory language, and I  
11                  assume that's something you still want to do?  
12                  We want to?

13                  CHAIRMAN FISCHHOFF:  Yes, yes.

14                  MR. GOLDSTEIN:  To go down a little  
15                  --

16                  CHAIRMAN FISCHHOFF:  It has to be  
17                  said here so that it can go into that, and it  
18                  will be a lot easier if you say it now, than  
19                  if we do it by correspondence.

20                  MR. GOLDSTEIN:  Right.  At the  
21                  level of the strategic planning, an element of  
22                  that is determining the appropriate audiences

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1 for communication and developing specific  
2 strategic plans for each of those audiences,  
3 general public, people who have a condition  
4 who are at risk, healthcare providers,  
5 industry, there are others that I haven't  
6 mentioned. But, so it's, I think the strategy  
7 needs to be tailored, and then it needs to  
8 take into account the different levels.

9 Second, in terms of the research  
10 part, research question. That we -- it's one  
11 of the questions that we were asked to  
12 address. We need to as a group, refine the  
13 outcomes that are appropriate for the  
14 different levels of research. And I would  
15 make a case that we need to include not only  
16 comprehension, which is really important, but  
17 also assess impact on behavior and that's --  
18 the broader question is, part of the research  
19 agenda, should be identify the appropriate  
20 outcomes and any appropriate measures for  
21 those outcomes.

22 And we can help with that, others

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1 can help with that. As well as the design and  
2 methodologies, we should throw in too, which  
3 has already been said. I would endorse that.

4 CHAIRMAN FISCHHOFF: I have to say  
5 whatever design process produce these  
6 microphones, you know, hid -- makes it  
7 impossible to see where you're looking,  
8 whether you're on or not. And there is a  
9 little light down here. So, I think we could  
10 show leadership in the design of electronic  
11 technology as well, by participating --  
12 anyways.

13 Okay. I think I'm sharing  
14 frustration of other people on the committee.

15 Okay. So, let us -- let's see whether people  
16 -- do people agree with the first  
17 recommendation -- the first resolution. I'll  
18 read it out loud.

19 FDA should consider risk  
20 communication as a strategic function to be  
21 considered in designing its core processes.  
22 People agree? Okay. Thank you. Okay. Thank

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1 you.

2 I was going to make an aside, and  
3 then I turned the mike off. I'm just wearing  
4 down. That's my fault. That's operator  
5 error.

6 Okay. Just make one -- well, I  
7 guess there should be design for tired  
8 operators.

9 One thing that we, you know, my  
10 aside was going to be that both FDA and the  
11 committee has conceptualized our task as  
12 communication generally, not just risk  
13 communication. And I think we should just  
14 leave it as risk communication here because  
15 that's what we're chartered for. But it's  
16 clear by the last resolution -- the last of  
17 these resolutions should it be adopted, that  
18 we're viewing it more broadly and you know, we  
19 should think about some -- you know, we should  
20 think about how to make certain that that's --  
21 somehow people understand what we're talking  
22 about. Okay.

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1                   Second resolution.        FDA should  
2 engage in strategic planning of its risk  
3 communication activities. And just to  
4 followup, David's aside here, this is FDA  
5 should do it, perhaps in consultation with us.

6       But this is our charge to them.

7                   Okay. Do people support? Okay.

8                   MS. ZWANZIGER: I don't think --  
9 are we just taking consensus here?

10                  CHAIRMAN FISCHHOFF: I don't know.  
11 You're the designated federal officer.

12                  (Laughter.)

13                  MS. ZWANZIGER: I've been taking  
14 these as sort of general affirmations.

15                  CHAIRMAN FISCHHOFF: Well,  
16 everybody's whose still here supported them.  
17 And I think we still have a quorum.

18                  MS. ZWANZIGER: Oh, we do, yes.

19                  CHAIRMAN FISCHHOFF: Okay.

20                  MS. ZWANZIGER: I'd let you know if  
21 we didn't.

22                  CHAIRMAN FISCHHOFF: Okay. I

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1 thought everybody had their hand up. But I  
2 should -- okay, as a matter of procedure.  
3 Okay.

4 On the first resolution -- let's  
5 vote again, so that Lee can do it. On the  
6 first resolution, those supporting the first  
7 resolution. Those opposed. Thank you.

8 Second resolution. Those  
9 supporting the second resolution, those  
10 opposed? A couple of hands in the audience.  
11 No.

12 Third resolution. FDA should find  
13 ways to do research more efficiently, insuring  
14 the communications are designed in a timely  
15 fashion to a scientific standard. Those in  
16 favor of that resolution?

17 MS. MAYER: I'm not in favor as  
18 currently worded. It's not specific enough.  
19 What research? Research about what?

20 CHAIRMAN FISCHHOFF: So, it would  
21 be --

22 MS. MAYER: I think it needs to be

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1 risk communication --

2 CHAIRMAN FISCHHOFF: Risk  
3 communication.

4 MS. MAYER: -- research. And  
5 moreover, I think you -- we could avoid  
6 imprecision by adding a consensus definition  
7 of risk communication here to this. Since  
8 it's obvious that different people have  
9 different definitions.

10 CHAIRMAN FISCHHOFF: So, as chair,  
11 I will suggest my intuition that that's a long  
12 discussion, and we would need to -- if we're  
13 not willing to live with this ambiguity, we  
14 should -- we would need to resolve that, and  
15 then go back and revisit the first two  
16 resolutions if we have a specific definition  
17 that may be done there. And I would, unless  
18 there's strong desire to resolve -- I'm  
19 actually not up to that.

20 MS. MAYER: Yes. No, I hear you,  
21 but --

22 CHAIRMAN FISCHHOFF: If you really

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1 think that needs to be done, I would say, vote  
2 against it.

3 MS. MAYER: No, Baruch, the only  
4 reason I brought that up was that I thought  
5 all that we had talked about was a part of  
6 risk communication. But obviously you did  
7 not. So, it just seemed to me, that right  
8 here, there was an expression of two different  
9 --

10 CHAIRMAN FISCHHOFF: So, let's say  
11 that risk communication is -- the term of art  
12 here is risk communication as it is understood  
13 by the members of this committee.

14 MR. GOLDSTEIN: I was just going to  
15 add to that one. You did have some qualifying  
16 comments from the group about having an  
17 appropriate methodology, having that series of  
18 topics, having a set of audiences and set of  
19 evaluation elements. That would help to  
20 clarify a little bit.

21 CHAIRMAN FISCHHOFF: Yes. So, my -  
22 - you know, so I am asking you -- Lee could

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1 you just take out all the stuff you took, just  
2 put in risk communication, R.C., just leave  
3 that there. That would be the resolution we  
4 should vote on, thanks. And no parenthesis.  
5 Thanks. There.

6 So, I withdraw my aside. I mean,  
7 we have this -- the point I was trying to  
8 make, and maybe lost whatever clarity I had,  
9 was that this committee has been called the  
10 risk communication committee, even though, in  
11 as I understand FDA's initial  
12 conceptualization, that we were -- that that  
13 was the term of art for all sorts of -- for  
14 the communication that FDA does. Which, where  
15 FDA regulates on risk, but it regulates on  
16 risk in the context of benefits, so that we  
17 should use the term that's been the term of  
18 the committee. But I just sort of wanted to  
19 flag that it's, you know, it's not a narrowly  
20 construed risk communication.

21 But I think it's -- I think it's a  
22 swamp in general, and I think it's certainly a

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1 -- it's maybe even shaking earth, trembling  
2 earth, to deal with -- it may be trembling  
3 earth to deal with in general, but certainly  
4 in the next 15 minutes.

5 So, I would say, let's say that I never  
6 said it. And if we're using risk communication as  
7 people understand that term and as it will be  
8 understood by FDA who we're asking to act on this.

9 MS. PETERS: And I might add, as it is  
10 in the charter, which talks about risk and  
11 benefit.

12 CHAIRMAN FISCHHOFF: Thank you.

13 MS. BRUHN: I'd suggest that we remove  
14 the word more. Because it implies that FDA is  
15 currently not working efficiently. And I think  
16 what we really feel is that they are being  
17 constrained by factors beyond their control. And  
18 they're doing the best they can within their  
19 constraints. And our focus is, that we're hoping  
20 some of those constraints can be lifted. And I'm  
21 referring of course, to MOB, or OMB. OMB. Thank  
22 you.

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1                   CHAIRMAN FISCCHOFF:       I'm sort of  
2 sometimes thought of as MOB, but hardly. The --  
3 let me as the proposer of the amendment -- we're  
4 not following Roberts Rules of Order, because I  
5 don't think, I don't know if the chair's entitled  
6 to propose.

7                   But let me take that out. Because I  
8 think if this were read out of context -- out of  
9 the context of our discussion, it might be implied  
10 criticism of FDA staff, who I think we've  
11 supported all the way through for doing a  
12 tremendous amount of work, under you know, great  
13 bureaucratic and resource constraints. So, let's  
14 -- before -- so let's take that. We haven't voted  
15 on this. Let's take, I think we should take that  
16 out. Mike.

17                   MR. GOLDSTEIN:       Another friendly  
18 amendment. I'm sorry. We can get a little bit  
19 more specific if we say, FDA should develop a  
20 research agenda and plan to conduct research  
21 efficiently, the rest of the sentence.

22                   CHAIRMAN FISCCHOFF:       No. I would --

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1 so, I as the proposer, I would say, I'd like to  
2 leave the research to the strategic planning. And  
3 this is really just on the process. How do you  
4 get the research done in time. That's what this  
5 is about. You could vote against it. But this is  
6 meant to talk about efficiency.

7 MR. GOLDSTEIN: Just efficiency?

8 CHAIRMAN FISCHHOFF: Yes. Just  
9 efficiency. That is, it's so hard -- so the  
10 rationale is that, we've heard how hard it is for  
11 FDA, there's research they need, that they know  
12 needs to get done. And it takes them forever to  
13 do it. They are Congressionally required to do  
14 studies within period of time that they're unable  
15 to do because of the administrative framework  
16 within their function. Those are efficiency  
17 questions.

18 MR. GOLDSTEIN: Yes.

19 CHAIRMAN FISCHHOFF: Some of those  
20 efficiency questions may be addressed by farming  
21 things out, bringing people in, so there's a range  
22 of solutions. It's not all OMB, but the

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1 efficiency's important. Because if the work  
2 doesn't get done, the American public isn't  
3 protected, industry isn't given clear guidance and  
4 you know, and a fair evaluation. So, this is just  
5 about efficiency.

6 MR. GOLDSTEIN: So what about the other  
7 points?

8 CHAIRMAN FISCHHOFF: So the research  
9 agenda, the priorities would go -- would be in the  
10 expanded language on the strategic planning to  
11 come up with that agenda. We would hope that they  
12 would consult with us, you know -- what's key to  
13 them is what we think hasn't been solved yet, and  
14 could be solved and what they are -- they really  
15 are hungry for.

16 MR. GOLDSTEIN: Yes. I just want to  
17 make sure we say that then.

18 CHAIRMAN FISCHHOFF: Yes. So that  
19 would -- that's, I will try to capture the spirit  
20 of what has been said.

21 MR. GOLDSTEIN: Okay.

22 CHAIRMAN FISCHHOFF: Under there.

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1 John.

2 MR. PALING: Mr. Chairman, I don't want  
3 to obstruct, and will not obstruct what you're  
4 doing in any way. I'd like just to comment about  
5 why I'm being unusually silent. I have a medical  
6 condition which is an allergy to wordsmithing in  
7 committees, which is purely a personal thing. And  
8 I have no experience of it. I've avoided jobs  
9 where I was required that I do that.

10 And I say that in no disparaging way.  
11 I certainly will not obstruct my committee's  
12 doing. I would just however like to say that I am  
13 cautious that if we get too bureaucratic and even  
14 academic in the way we're doing this, we might  
15 lose the punch of a simple message that needs to  
16 be delivered.

17 I mean, to one extreme, there's a trade  
18 off between deciding what we want to say, saying  
19 it clearly as Musa did in my point of view, why we  
20 think it's important, and making it simple,  
21 direct, without being as complicated as this.

22 Clearly, my colleagues have far more

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1 experience in this field than I do. And I  
2 certainly would not object to anything that you  
3 decide to do. But I have no expertise, and I just  
4 want to tell you why, unless there's a need for my  
5 vote, I would go for the down and dirty and say  
6 what you need to say. But that's not the way that  
7 bureaucracies work. So, I'm just explaining my  
8 silence.

9 And I'm sure you're doing the right  
10 thing. I have confidence in you as colleagues.

11 CHAIRMAN FISCHHOFF: Resolved, throw  
12 the bums out.

13 (Laughter.)

14 CHAIRMAN FISCHHOFF: Could I -- yes.

15 MR. GOLDSTEIN: I think what we're  
16 doing now, is making sure we're all on the same  
17 page. So it's the process of clarifying the  
18 meaning of what was in the comment. That I  
19 actually didn't know that Baruch meant efficiency.

20 It was in there as a word. I didn't know that  
21 that was the focus. So,

22 I --

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1 CHAIRMAN FISCHHOFF: And in fact,  
2 neither did, I think, Linda missed it as well.

3 MR. GOLDSTEIN: So what we're doing is,  
4 not word smithing. I think we're checking for  
5 understanding and meaning.

6 MR. PALING: I didn't mean it  
7 disparaging.

8 CHAIRMAN FISCHHOFF: Okay. So we have  
9 a resolution here about efficiency of getting  
10 research done. And we have I think, I would  
11 agree, we have improved language. Let's put it to  
12 a vote. How many people would support this  
13 resolution. How many people would oppose it. And  
14 I guess we have an abstention?

15 MR. PALING: I would vote -- I'm not  
16 against it. I just have no knowledge to assess  
17 this.

18 CHAIRMAN FISCHHOFF: So is that -- Lee  
19 wasn't to know --

20 MR. PALING: I support it. I support  
21 it.

22 CHAIRMAN FISCHHOFF: And then finally,

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1 FDA -- the fourth resolution, FDA should routinely  
2 present quantitative risk and benefit information  
3 in formats consistent with its regulatory  
4 constraints. Additional thoughts? In support,  
5 all those in favor? All those oppose. Thank you.

6 Okay, all present support it, all four  
7 resolutions. Thank you. It's true, but I was put  
8 up to it. Of the record. Let me open up to -- so  
9 we have an additional resolution from Linda, which  
10 let me, a proposal for a resolution, from Linda.  
11 Let me read this out, and then let's have a little  
12 discussion. We could type it in if we wish.

13 FDA should develop a participatory  
14 design and testing process for FDA consumer  
15 communications. The process should include  
16 vulnerable groups with barriers related to  
17 literacy, language, and culture. Is there a  
18 discussion? Musa.

19 MS. MAYER: I believe that should go  
20 under three, although if three addresses only  
21 efficiency, no. Under one. Sorry. It just  
22 strikes me that that's a specific. It's like what

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1 I suggested. It's a specific that should be,  
2 perhaps we could just sketch in as you had it,  
3 topics might include, or something like that.  
4 Where -- as a place marker. Not to vote on this  
5 necessarily, but to indicate our intent.

6 CHAIRMAN FISCHHOFF: My thought  
7 actually was to in the exchange with Linda,  
8 actually was to include some of these concepts,  
9 and perhaps even language in three was well.  
10 Because to a scientific standard would ensure that  
11 you got you know, that you got this kind of  
12 process involved. And that's something that you  
13 have to do in advance. You can't round up,  
14 participate and so on, when you're putting out  
15 fires.

16 So that would be -- and if that had  
17 been my intent, I'm not -- that had been my intent  
18 as well as being part of the research agenda. But  
19 that doesn't speak to whether we want to vote on.

20 We should talk about the resolution as well. I'm  
21 just clarifying my intent.

22 MS. NEUHAUSER: I think it relates to

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1 other resolutions here. Certainly, to the  
2 efficient research one, but the proposal here  
3 really is to set in process a different kind of  
4 process, of participatory process, to develop and  
5 test communication. So, it's a new function, a  
6 new approach of doing work, rather than a general  
7 aspect of doing research.

8 MR. GOLDSTEIN: Yes. Okay. I'd just  
9 underline that it's -- it would go beyond just  
10 research agenda. It would be a part of all that  
11 the committee does. All that the FDA does in  
12 designing and testing communication.

13 CHAIRMAN FISCHHOFF: Other comments.  
14 Let's see. Let me ask --

15 MR. GOLDSTEIN: Are there any other  
16 barriers that we want to put up to there that are  
17 important, like socio-economic status is one that  
18 comes to mind.

19 MS. NEUHAUSER: I would suggest that  
20 socio-economic status in general would be captured  
21 under low literacy.

22 MR. GOLDSTEIN: Okay.

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1 MS. NEUHAUSER: An issue that I thought  
2 about but didn't put in there was the issue of  
3 disability. It could be here. I mean, it would  
4 take some description of what that is. But  
5 certainly for website usage, disability is an  
6 important factor. So I think it should be added  
7 to the list.

8 MS. BRUHN: I don't think you want to  
9 be too specific. I think you're getting the  
10 guideline here. I mean, what if your disability  
11 is, you've got I don't know, you're missing -- you  
12 have one leg instead of two. Really doesn't  
13 affect how you perceive a particular message about  
14 glasses. So, I think vulnerable groups, you're  
15 giving examples, literacy, language, culture. I  
16 think the -- you need to look at what the message  
17 is for. And look at disability only if it would  
18 be specifically relevant to this particular issue.

19 MS. NEUHAUSER: You know, specifically  
20 relevant would be disabilities that prevent people  
21 from using online information, but that's already  
22 covered under Section 508 of the Workforce

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1 Reinvestment Act that requires that federal online  
2 information meet certain requirements. So, that's  
3 really why I didn't put it in there. Because it's  
4 already required.

5 MS. BRUHN: I'm just trying not to  
6 enhance the bureaucracy, you know, by having too  
7 many sub points.

8 MS. PETERS: Could I add -- could I just  
9 very quickly. I actually agree with that. And I  
10 wonder if we should end the sentence at barriers.

11 One group for example, that's been overlooked is  
12 the elderly. It's related to literacy, but there  
13 are other issues as well. And there may be other  
14 groups we're not thinking of. The hearing-  
15 impaired, for example, would -- they may not have  
16 an issue with websites, but they will with -- so  
17 there are groups we may be missing here.

18 MR. GOLDSTEIN: How about access.

19 MS. NEUHAUSER: Perhaps we could say  
20 barriers to access as a general term.

21 MS. BRUHN: And the issue is not just  
22 access. Because you can be a low literate person

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1 who has a lot of information at your disposal, but  
2 you may not understand it. So, I would -- yes.  
3 There you go.

4 MR. GOLDSTEIN: That's good.

5 MS. BRUHN: Yes.

6 CHAIRMAN FISCHHOFF: This is good. Any  
7 other, further discussion? Okay. How many people  
8 support this resolution? Opposed? Okay. I just  
9 don't understand it. I don't feel like I've had  
10 enough discussion to -- I believe I support the  
11 spirit of it, but I don't know what it means  
12 enough to support it, so. So, my opposition.

13 Are there other resolution?

14 MS. LAWSON: This is not a resolution.  
15 I just wondered. Under the -- I had recommended  
16 that we consider the different organizations, the  
17 role of organizations in the strategic planning of  
18 risk communications. And I wondered if that  
19 should be itemized under that, so that there's no  
20 confusion when you're looking at it later.

21 CHAIRMAN FISCHHOFF: So my intent was  
22 that one of the elements of strategic, of the

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1 strategic planning would be coming up with an  
2 appropriate process, including the other groups  
3 with whom FDA should partner, and you know.

4 MS. LAWSON: Okay.

5 CHAIRMAN FISCHHOFF: Partnership in the  
6 full sense in including in its process, decision-  
7 making processes as appropriate.

8 MS. LAWSON: Okay. So, you don't need  
9 to list?

10 CHAIRMAN FISCHHOFF: I don't think it  
11 needs a separate resolution.

12 MS. LAWSON: No, no, no. I didn't  
13 intend separate resolution. I just thought like  
14 under the resolution, that you would say, which  
15 includes, and lists whatever, include any  
16 organizations and any other suggestions that may  
17 have come through it.

18 CHAIRMAN FISCHHOFF: Yes. Thank you.  
19 Yes, Linda.

20 MS. OSTROVE: And I -- this may be  
21 covered under strategic planning, but just about  
22 everybody from the FDA staff who brought up

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1 issues, said that they were having trouble  
2 figuring out who to do evaluation. I mean, I know  
3 resources are a problem. But the design aspect,  
4 you know, how do you actually do this. What  
5 should we do.

6 So, if people think that's a strategic  
7 planning issue, that's sort of across the board,  
8 maybe that's the best place to put it. But I  
9 think it should be acknowledged some place.  
10 Because we really have not discussed that in much  
11 detail here.

12 I don't know. It may be even a sort of  
13 work group-type issue, task force issue.

14 CHAIRMAN FISCHHOFF: I'm thinking  
15 about, given the sort of the variety of challenges  
16 in situations, it may be kind of working if we did  
17 decide to workshop some, you know, one or two  
18 things next time, that insuring that the  
19 evaluation were an important part of it, that  
20 would -- maybe that would be the best way. And  
21 maybe some of the confusion -- the difficulty  
22 comes from thinking that there is a way to

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1 evaluate as opposed to being you know, you get a  
2 PhD learning how to evaluate something.

3           It's not something you can just turn  
4 on. I mean, my observation is that there's --  
5 there are an awful lot of -- you know, there's an  
6 industry of people who do, essentially useless  
7 evaluations on small budgets. You know, the many  
8 social programs, I know from -- there are lots of  
9 programs that are required to do evaluations, are  
10 given no budgets and there's an industry of people  
11 who do evaluations that are of no value, and if  
12 anything distort the programs by reducing them to  
13 countables, rather than the real changes you would  
14 like to have.

15           So, I think, maybe resisting a simple  
16 answer, and giving a complicated one is the best  
17 way we could serve FDA.

18           MS. NEUHAUSER: So, you might consider  
19 in your point number, was it point number three,  
20 the one about research efficiency, you might  
21 consider putting the -- adding the word,  
22 valuation. Because it would probably be helpful.

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1 I don't know the resources available to FDA. But  
2 it would probably be helpful, given what people  
3 are saying, that they also have access to  
4 evaluators of various types, who could help them  
5 think through designs. I mean, obviously, all the  
6 designs have to be fairly specific to the question  
7 or questions that are answered.

8 So, some of these issues relate to  
9 research per se, more basic issues like we  
10 discussed here. And some relate to more every  
11 day, how do we pick an evaluation design that fits  
12 our budget, and for which we would actually get  
13 some useful, rather than useless information, as  
14 you pointed out. It's very easy to get useless  
15 information by counting.

16 But there are probably a lot of  
17 opportunities here that are being missed to do  
18 evaluation of what's going on and it's  
19 effectiveness. And that requires access to people  
20 who know how to do X, Y and Z type of valuation.  
21 There would be some on this committee, of course,  
22 and then there may be other situations for which

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1 other people would be needed, you know,  
2 efficiently.

3 CHAIRMAN FISCHHOFF: Are there other  
4 comments, questions? Mike.

5 MR. GOLDSTEIN: I want to thank you for  
6 engaging us in this process. Because it feels  
7 good to have some specific recommendations that we  
8 have consensus on. It helps me to feel like the  
9 work we're going to be subsequently doing  
10 together, but also, what the FDA is going to be  
11 doing, will be as productive as possible. So,  
12 thanks.

13 CHAIRMAN FISCHHOFF: Well, thank every  
14 body -- thank whoever thought of doing  
15 resolutions. It wasn't me. So, let me thank the  
16 staff for getting us here, and getting all of the  
17 staff here, and all of the staff who came.

18 And thank you in the audience for  
19 having come an engaged some of us in the breaks.  
20 And not knowing exactly who you are, for doing the  
21 work, that you know, makes some value of what  
22 we're bringing to you. So, let me thank

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1 everybody. And Linda.

2 MS. NEUHAUSER: And if we are  
3 adjourning, I just wanted to add my thanks. I  
4 have really enjoyed being on the committee. I'm  
5 just starting to understand what it's all about.  
6 And I appreciate all of you, and all that you've  
7 brought. I think the charge of this committee is  
8 extremely important and that all of Nancy and Lee  
9 and all of the FDA staff are doing fabulous work.

10 So, I am available to help in whatever way you  
11 wish. And just offering my assistance. Thank you  
12 all.

13 CHAIRMAN FISCHHOFF: Thank you. You  
14 haven't heard the last from us. Well, let me  
15 thank everybody. And the meeting is  
16 adjourned. (Whereupon, the meeting in the above-  
17 referenced proceeding was adjourned at 2:05 p.m.)  
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