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April 28, 1997

Dockets Management Branch (HFA-305)
Food and Drug Administration
12420 Parklawn Drive, Room 1-23
Rockville, MD 20857

Re: Docket No. 96N-0417, CGMP Regulations for Dietary Supplements

Dear Sir or Ma'am,

Below are our specific comments regarding the above mentioned CGMP regulations for dietary supplements:

1) Under definitions, section (a), we believe that the term "Adequate" should include at the end of the sentences "and which are reasonably commercially and economically feasible".

2) Under definitions, section (b), we believe that the definition of "Batch or Lot" should be expanded to clarify that it does not include repackaging or further reprocessing at a date later than the original production of the same manufactured lot.

3) Under definitions, section (j), "Lot Number", we believe a lot number "complete history" is too broad. The lot number should simply refer to the date of production, the lot number that day, and the correct batch records.

4) Under definitions, section (o), "Quality Control Operation", we believe that the term taking "all actions necessary" is inappropriate since the manufacturing department and all other departments share responsibility in quality. This term should be "all actions appropriate to prevent or inform other individuals to prevent a dietary supplement product from being adulterated".

5) Under Personnel, section (d), "Supervision", we believe that the word or should be used for "proper education, training, or experience" instead of the word "and".

6) Under Sanitation of Buildings and Facilities, section (e)(1), "Plumbing", we believe that water to required locations throughout the plant is too vague. Water is not needed in many operations in the plant, and the discretion of the locations and availability of water should be left to management instead of regulations.

7) Under Sanitation of Buildings and Facilities, section (g), "Toilet Facilities", we believe that self-closing doors are an adequate and less expensive substitution for double doors or positive air flow systems.

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8) Under Sanitation of Buildings and Facilities, section (h)(1), "Hand Washing Facilities", we believe the correct phrase should be "wash or sanitize" instead of wash and/or sanitize.

9) Under Sanitation of Buildings and Facilities, section (h)(2), "Hand Washing Facilities", we believe that "Commonly available" hand cleaning and sanitizing preparations." is preferable to the word "Effective".

10) Under Sanitation of Buildings and Facilities, section (h)(3), "Hand Washing Facilities", we believe that paper towels should be added as a choice at the end of the sentence.

11) Under Sanitation of Buildings and Facilities, section (j), "Supervision", we believe that the word "or" should be used for "proper education, training, or experience" instead of the word "and".

12) Under "Quality Control and Laboratory Operations", section (1)(ii), "Approve or Reject" authority, we believe that senior management of the firm should be allowed to override the decision of the quality control department if the decision is justified, documented and involves only cosmetic product issues and not safety considerations. For example, management should have discretion to release a lot of product that has color variation, spotting, different bottle or cap types, and any other cosmetic variation that will not affect the safety of the product.

13) Under "Quality Control and Laboratory Operations", section (2), "Adequate Laboratory Facilities", we believe that the statement "either within the company or by access to laboratory facilities outside the company" should be added in.

14) Under "Quality Control and Laboratory Operations", section (3)(c)(1), "Expiration Dating", we believe that this sentence should read "such date shall be supported by data or rationale" instead of "and" rationale. We also believe that the use of manufacturer's data on the raw material of a finished product or data on a similar product should be allowed to be used. We also believe that with no data, an initial 24 month expiration date until a date may be shown to be safely made longer, is appropriate. Further, we believe that an expiration date should not be required to be present, and that should be stated in this section. Regarding multiple ingredient items, we believe that only one or more ingredients need be used to estimate stability. Alternatively, FDA should also consider the use of "Best if Used by" dates in lieu of expiration dates as a separate category of labeling which requires no stability data, but are simply based on estimates.

15) Under "Production and Process Controls", Section (a)(2)(ii), "Weight or Measure", we believe that the phrase "overages of any raw material may be used at the discretion of the manufacturer" is appropriate. We also believe that any reasonable modification to a master formulation that is necessary to make the product run properly on a tablet press or other production equipment should be allowed to be made as long as it is properly documented. This is necessary to take into account the wide varieties of moisture and other characteristics of herbs and other natural dietary ingredients.

16) Under "Production and Process Controls", Section (c)(7)(i), "Raw Material Specifications", we believe that the phrase "examined against established specifications for adulteration" is too broad since many dietary supplement ingredients have no compendial or other standards. We believe that our own company-established standards sufficient to prevent an adulteration is a more appropriate standard.

17) Under "Manufacturing Operations", Section (14), "Processing of Moisture Sensitive Materials", we believe that this regulation is too restrictive. Any method that has been shown to work correctly and consistently should be allowed.

18) Under "Packaging and labeling operations", section (1), we believe that the end of the sentence should read "which may include:" instead of including. The list that follows should not be restrictive as this is worded.

19) Under "Product Salvaging", we believe that equipment failures as a cause of not reprocessing should be expanded to say "equipment failures that cause the product to be adulterated". Also, we disagree that age should exclude a product from usage. Appropriate retesting to ensure that the product is not adulterated should be employed for products that have been stored for an extended period.

20) Under "Defect Action Levels", we believe that appropriate in-house standards and Acceptable Quality Levels (AQL's) should be allowed and employed for dietary supplements for all organoleptic, chemical and physical properties that are not covered by the current FDA defect action levels. These AQL's should be permitted for raw material and for finished goods.

21) Regarding Economic Issues, we believe that CGMP implementation will be very costly, and will have a substantial effect on our small business firm and on many other small business firms. We estimate a 24 month period needed in order to comply with the regulation as published.

23) Under "Summary and Request for Comments", paragraph 1, "Defect Action Levels", we believe that these should be at the discretion of the manufacturer. Manufacturers can develop their own specification sheets that ensure the safety and wholesomeness of the products.

24) Under "Summary and Request for Comments", paragraph 2, "Positive Identification of Dietary Ingredients", we believe that this can be handled appropriately for herbs by a trained herbalist, book/picture identification against a standard, organoleptic property checks, Infrared Identification, HPLC, TLC, microscopic examination or a combination of those techniques. These techniques are in practice now and work very well for herbs and all other raw materials.

25) Under "Summary and Request for Comments", paragraph 3, "Certification of Filth or Contamination", we believe that a vendor certificate of analysis is adequate to demonstrate this certification requirement.

26) Under "Summary and Request for Comments", paragraph 4, "Documenting CGMP Compliance on a Day to Day Basis", we believe that this would be clearly overstepping the law that requires this regulation to be modeled after the food CGMP's. This is an unnecessary burden on industry and will increase costs.

27) Under "Summary and Request for Comments", paragraph 5, "Evaluation of Illness or Injury by Medical Authorities", we believe that this is totally unnecessary. Most medical personnel know very little about herbs and their constituents or dietary supplements. The best advice in any situation like this is to discontinue use of the product and for the patient to seek their own medical attention. We do believe that complaints with or without injury or illness should be followed up and appropriate corrective action taken.

28) Under "Summary and Request for Comments", paragraph 6, "Evaluation of Safety Issues", we believe that FDA's position on this issue which requires in-depth evaluation and characterization of dietary ingredients is contrary the law as written which specifically allows the industry to market a product unless FDA can prove that the product is not safe. In today's litigious society, it is impossible for a firm to launch a product that is not safe, and still remain in business.

29) Under "Summary and Request for Comments", paragraph 7, "Controls of Computer Assisted Operations", we believe that appropriate testing at suitable intervals will cover computer assisted operations and ensure that these processes occur as desired.

30) Under "Summary and Request for Comments", paragraph 8, "Hazard Analysis (HACCP)", we believe that this is totally unnecessary and extremely burdensome on industry. The issues of safety and quality standards are best left to the individual manufacturers.

31) Under "Summary and Request for Comments", paragraph 9, "Broad CGMP regulations", we believe that the regulations as published are specific enough to cover all the situations where dietary supplements are manufactured, and we do not believe that industry segment specific regulations are necessary.

Respectfully Submitted,

Barry Sugarman, B.S.ENGR.
CGMP Consultant to Threshold Enterprises Ltd.

cc: National Nutritional Foods Association, Council for Responsible Nutrition, Roy Upton, Herbalist