



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

DATE: June 21, 2007

TO: Randall W. Lutter, Ph.D.
Deputy Commissioner for Policy
Food and Drug Administration

THROUGH: Vince Tolino
Director, Ethics and Integrity Staff
Office of Management Programs
Office of Management

FROM: Igor Cerny, Pharm.D. _____ /s/ _____
Director, Advisors and Consultants Staff
Center for Drug Evaluation and Research

SUBJECT: Conflict of Interest Waiver for Thomas Pickering, M.D.

I am writing to request a waiver for Thomas Pickering, M.D., a temporary voting member of the Endocrinologic and Metabolic Drugs Advisory Committee, from the conflict of interest prohibitions of 18 U.S.C. §208(a). The appointing official may grant waivers under section 208(b)(3) where "the need for the individual's services outweighs the potential for a conflict of interest created by the financial interest involved" and where the individual has made a disclosure of the financial interests at issue. We have determined that you are the appointing official for purposes of section 208. Therefore, you have the authority to grant Dr. Pickering a waiver under 18 U.S.C. §208(b)(3).

Section 208(a) prohibits Federal executive branch employees, including special Government employees, from participating personally and substantially in matters in which the employee, or any other person whose interests are imputed to the employee under 18 U.S.C. §208, has a financial interest. Since Dr. Pickering is a special Government employee, he is under a statutory obligation to refrain from participating in an official capacity in any particular matter having a direct and predictable effect on a financial interest attributable to him, his spouse, minor child, or general partner; an organization or entity for which he serves as an officer, director, trustee, general partner, or employee; and, a person with whom he is negotiating for, or has an arrangement concerning, prospective employment.

Dr. Pickering has been asked to participate in all official matters concerning the cardiovascular ischemic/thrombotic risks of the thiazolidinediones, with focus on rosiglitazone, as presented by the FDA and GlaxoSmithKline. This matter is coming before a joint meeting of the Endocrinologic and Metabolic Drugs and the Drug Safety and Risk Management Advisory Committees. This meeting is a particular matter involving specific parties.

The function of the Endocrinologic and Metabolic Drugs Advisory Committee is to review and evaluate available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of endocrine and metabolic disorders and to make appropriate recommendations to the Commissioner of Food and Drugs.

Dr. Pickering has advised the Food and Drug Administration that he has a financial interest that could potentially be affected by his participation in the matter at issue. Dr. Pickering serves as a member of the _____ Advisory Board on _____. He receives minimal compensation for his participation. _____ and _____ are the manufacturer of several competing products to Avandia, Avandamet and Avandaryl the products at issue.

As a temporary voting member of the Endocrinologic and Metabolic Drugs Advisory Committee, Dr. Pickering potentially could become involved in matters that could affect his financial interest. Under 18 U.S.C. §208(a), he is prohibited from participating in such matters. However, as noted above, you have the authority under 18 U.S.C. §208(b)(3) to grant a waiver permitting Dr. Pickering to participate in such matters as you deem appropriate.

For the following reasons, I believe that it would be appropriate for you to grant a waiver to Dr. Pickering that would permit him to participate in the matters previously described.

First, it is important to consider that Dr. Pickering's role on the Advisory Board is unrelated to the particular matter in which he is being asked to participate, or to the competing products.

Second, Dr. Pickering's interest is not so substantial as to preclude his participation in this matter. He receives modest compensation.

Third, the uniqueness of Dr. Pickering's qualification justifies granting this waiver. According to the review Division, Dr. Pickering is a globally renowned expert in cardiovascular outcomes, with particular focus on hypertension. He is interested in non-pharmacological approaches to control and/or mitigation of cardiac risks, including hypertension, along with judicious medication use. Dr. Pickering founded the Hypertension Network and bloodpressure.com to help individuals with high blood pressure take charge of their condition. He is a leading researcher and educator, as demonstrated by his authorship of over 450 scientific articles and three clinical textbooks. He was an author on the Sixth Report of the Joint National Committee for Prevention, Detection, Evaluation and Treatment of Hypertension (JNC VI). He has served on the National Heart, Lung and Blood Institute's task forces on hypertension and behavioral medicine. The agency is holding a joint meeting because a signal of a cardiovascular ischemic risk has arisen for rosiglitazone. Characterizing that risk has proven complex and challenging. This is due to the variety of data and findings used to inform the risk. However, even were the risk well characterized at present, the correct regulatory action for rosiglitazone in response would greatly benefit from public discussion and outside expert advice. This meeting, therefore, will help the agency more confidently assess the risk and the correct resultant regulatory action given that risk characterization. In addition to having a reasonably minimal conflict, Dr. Pickering is particularly valuable because he is very experienced in the advisory committee setting. He served on the Cardiovascular and Renal Advisory Committee from December 2002 through June of 2006. During his tenure on the committee, Dr. Pickering provided insightful input on a variety of topics. He has shown exceptional leadership acting as chair for the committee during select meetings. His experience, expertise would be invaluable in constituting a balanced committee with adequate cardiology expertise to help inform the discussions by the other experts participating, including the endocrinologists and drug safety experts. The participation of expert cardiologists, particularly those familiar with the Advisory Committee process will be particularly important in conducting a useful meeting.

Additionally, the Agency was unable to find a similarly qualified individual without disqualifying financial interests to serve on the committee. Dr. Pickering is one of six cardiologists screened for participation in this meeting requiring a waiver. Of those, his conflicts were deemed among the least conflicted compared to the others, in that he only serves on related firm's scientific advisory board. The division originally invited an additional four cardiologists to participate in this meeting, but they were unavailable to participate due to scheduling conflicts or self-reported conflicts of interests.

Finally, the Federal Advisory Committee Act requires that committee memberships be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee. Also, the committees' intended purpose would be significantly impaired if the Agency could not call upon experts who have become eminent in their fields, notwithstanding the financial interests and affiliations they may have acquired as a result of their demonstrated abilities. Dr. Pickering is Director, Behavioral Cardiovascular Health and Hypertension Program, Columbia University College of Physicians and Surgeons. He is known for his work in behavioral influences on the recognition of white coat hypertension as a clinically important entity of behavioral origin, the role of job strain in the development of hypertension, and the use of ambulatory and home blood pressure monitoring for evaluating the cause and consequences of hypertension. He is a member of a number of prestigious professional societies, which include the American Society of Hypertension, the Society of Behavioral Medicine, the American Psychosomatic Society, and the Academy of Behavioral Medicine Research. I believe that Dr. Pickering's participation will bring an enormous amount of experience, knowledge, and expertise that is essential to the committees' discussions and will help to provide a foundation for developing advice and recommendations that are fair and comprehensive.

Accordingly, I recommend that you grant Thomas Pickering, M.D., a waiver that will permit him to participate in all official matters concerning the cardiovascular ischemic/thrombotic risks of the thiazolidinediones, with focus on rosiglitazone, as presented by the FDA and GlaxoSmithKline. I believe that such a waiver is appropriate because in this case, the need for the

