DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary
Office of Public Health and Science

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November 27, 2000

Jay H. Stein, M.D.
Senior Vice President and Vice Provost for Health Affairs
University of Rochester
601 Elmwood Avenue
Rochester, New York 14642

Gary L. Chadwick. Pharm.D., M.P.H.
Executive Director
Research Subjects Review Board
University of Rochester
601 Elmwood Avenue, Box 315
Rochester, New York 14642

RE: Human Research Subject Protections Under Multiple Project Assurance (MPA) M-1357

Research Projects: Human Health Effects of Exposure to Ultrafine Particles
Effects of Breathing Ultrafine Particles at Rest (UPREST)
Dose Response to Ultrafine Carbon Particles with Exercise (UPDOSE)
Principal Investigator: Dr. Mark Frampton

Dear Dr. Stein and Dr. Chadwick:

The Office for Human Research Protections (OHRP), formerly the Office for Protection from Research Risks (OPRR), has reviewed the University of Rochester's (UR's) report dated February 29, 2000 regarding the allegations of possible noncompliance with Department of Health and Human Services (HHS) regulations for protection of human subjects (45 CFR 46) involving the above referenced research.

Based upon its review of the materials submitted by Dr. Chadwick, OHRP finds that the UR Institutional Review Board's (IRB's) review and approval of, and the investigator's conduct of,

the research referenced above appears to be in compliance with the requirements of HHS regulations for the protection of human subjects at 45 CFR Part 46.

As a result of the above determination, there should be no need for further involvement of OHRP in this matter. Of course, OHRP must be notified should new information be identified which might alter this determination.

At this time, OHRP would like to provide the following additional guidance:

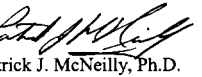
(1) In his February 29, 2000 report, Dr. Chadwick stated that the above referenced research could qualify for expedited review. OHRP notes that research procedures involving inhalation of potentially toxic particles, such as carbon or iron oxide, do not come under any of the categories of research activities eligible for expedited review by the IRB. OHRP acknowledges that the convened IRB reviewed and approved the above referenced research.

(2) For research projects not eligible for expedited review, continuing review by the convened IRB must occur within one year from the date of the last convened IRB review, not from the date revisions required by the convened IRB for approval are accepted (unless the revisions were also reviewed and approved by the convened IRB).

(3) Please note that HHS regulations at 45 CFR 46.115(a)(2) require that minutes of IRB meetings document, among other things, the basis for requiring changes in research. As such, all changes (including "minor changes") to the protocol or informed consent document that are required by the IRB as a condition of approval, and the basis for requiring such changes, should be documented fully in the minutes of IRB meetings.

OHRP appreciates the continued commitment of your institution to the protection of human research subjects. Please do not hesitate to contact me should you have any questions.

Sincerely,



Patrick J. McNeilly, Ph.D.
Compliance Oversight Coordinator
Division of Compliance Oversight

cc: Dr. John E. Loughner, RSRB Chair
Commissioner, FDA
Dr. David Lepay, FDA
Dr. James F. McCormack, FDA
Dr. Greg. Koski, OHRP
Dr. Melody H. Lin, OHRP

Dr. J. Thomas Puglisi, OHRP
Dr. Michael A. Carome, OHRP
Dr. Katherine Duncan, OHRP
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Dr. Clifford C. Scharke, OHRP
Dr. Jeffrey M. Cohen, OHRP
Mr. Barry Bowman, OHRP