



Food and Drug Administration
9200 Corporate Boulevard
Rockville, Maryland 20850

May 27, 2008

Ned Feder, M.D.
Project on Government Oversight
666 11th Street, NW, Suite 900
Washington, DC 20001

Dear Dr. Feder:

This is in response to the letter from you of May 13, 2008, and to the letter from you and Danielle Brian of April 30, 2008, concerning Good Laboratory Practice (GLP) requirements (21 CFR Part 58) and the Center for Devices and Radiological Health's (CDRH) regulation of medical devices intended for human use. CDRH's medical device program incorporates the use of GLPs to provide a level of assurance of the quality and the safety data used to support a premarket submission. GLPs are incorporated by reference in the premarket submission requirements under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the act) [21 U.S.C. 360j(g)]; section 515 [21 U.S.C. 360e]; and section 510(k) [21 U.S.C. 360(k)].

Section 520(g) of the act requires that an investigational device exemption (IDE) contain adequate scientific data to support a premarket approval application. The implementing regulation requires a sponsor to confirm in writing that conduct nonclinical studies complies with GLP regulations. The regulation states,

General. The report of prior investigations shall include reports of all prior clinical, animal, and laboratory testing of the device and shall be comprehensive and adequate to justify the proposed investigation. (21 CFR §812.27(a))

If information on nonclinical laboratory studies is provided, a statement that all such studies have been conducted in compliance with applicable requirements in the good laboratory practice regulations in part 58, or if any such study was not conducted in compliance with such regulations, a brief statement of the reason for the noncompliance. Failure or inability to comply with this requirement does not justify failure to provide information on a relevant nonclinical test study. (21 CFR §812.27(b)(3))

Section 515 of the act requires the approval of a premarket approval application (PMA) to obtain authorization to market a class III device. The implementing regulation for an approved PMA requires, under 21 CFR 814.20(b)(6)), that the sponsor submit results of nonclinical laboratory studies to support a determination by FDA that a device is safe and effective for its intended use. The sponsor must also affirm in writing that each study was conducted in compliance with 21 CFR Part 58. The regulation states,

The following technical sections which shall contain data and information in sufficient detail to permit FDA to determine whether to approve or deny approval of the application; (21 CFR 814.20(b)(6))

A section containing results of the nonclinical laboratory studies with the device including microbiological, toxicological, immunological, biocompatibility, stress, wear, shelf life, and other laboratory or animal tests as appropriate. Information on nonclinical laboratory studies shall include a statement that each such study was conducted in compliance with part 58, or, if the study was not conducted in compliance with such regulations, a brief statement of the reason for the noncompliance. (21 CFR 814.20(b)(6)(i))

Section 510(k) of the act requires the submission of a premarket notification to obtain clearance to market a class II device based on a finding of substantial equivalence to a predicate device. The implementing regulations for a 510(k) require that the applicant submit summary information of nonclinical laboratory studies for which a determination of substantial equivalence is based on an assessment of performance data. The regulation requires,

A brief discussion of the nonclinical tests submitted, referenced, or relied on in the premarket notification submission for a determination of substantial equivalence; (21 CFR 807.92(b)(1))

The conclusions drawn from the nonclinical and clinical tests that demonstrate that the device is as safe, as effective, and performs as well as or better than the legally marketed device identified in paragraph (a)(3) of this section. (21 CFR 807.92(b)(3))

GLPs are intended to assure the quality and integrity of data that support IDE, PMA, and 510(k) premarket submissions. During the review of a premarket submission, CDRH may request additional GLP information and inspect the facility, as appropriate, regarding studies conducted within the scope of part 58. GLPs serve to inform our determination that a device meets the relevant statutory criteria for approval or clearance.

In most cases, where human testing is required, CDRH believes that focusing on the clinical trial phase of the device development process is the optimal strategy for protecting human subjects. CDRH is generally not notified of ongoing animal device research because regulated industry is not required to report such activity until an IDE or marketing application is submitted to CDRH.

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If you know of any specific instances that indicate a link between GLP non-compliance and significant public health issues either in the premarket or postmarket area, you may submit such information to us for review. Based on our assessment of the information submitted by you, we will make an appropriate follow up.

I hope this information clarifies our view on the regulatory role of GLPs and the applicable statutory and regulatory requirements served by GLP requirements. We believe that adherence to the information requirements of IDE's, PMA's, and 510(k)'s provide a sufficient basis to ensure compliance with the intent of GLPs.

Sincerely yours,



Casper E. Uldriks
Associate Director
Regulatory Guidance and
Government Affairs
Center for Devices and
Radiological Health

Cc: Danielle Brian