FRANK PALLONE, JR., NEW JERSEY
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RANKING MEMBER

ONE HUNDRED SIXTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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January 8, 2020

Janet Woodcock, M.D.
Director, Center for Drug Evaluation and Research
U.S. Food and Drug Administration
10903 New Hampshire Avenue, Building 51, 5th floor
Silver Spring, MD 20993

Dear Dr. Woodcock:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, December 10, 2019, at the hearing entitled "Securing the U.S. Drug Supply Chain: Oversight of FDA's Foreign Inspection Program." We appreciate the time and effort you gave as a witness before the Subcommittee on Oversight and Investigations.

Pursuant to Rule 3 of the Committee on Energy and Commerce, members are permitted to submit additional questions to the witnesses for their responses, which will be included in the hearing record. Attached are questions directed to you from myself and members of the Committee. In preparing your answers to these questions, please address your responses to the member who has submitted the questions using the Word document provided with this letter.

To facilitate the publication of the hearing record, please submit your responses to these questions by no later than the close of business on Wednesday, January 22, 2020. As previously noted, your responses to the questions in this letter, as well as the responses from the other witnesses appearing at the hearing, will all be included in the hearing record. Your responses should be transmitted by email in the Word document provided with this letter to Benjamin Tabor with the Committee staff (benjamin.tabor@mail.house.gov). A paper copy of your responses is not required. Using the Word document provided for submitting your responses will also help maintain the proper format for incorporating your answers into the hearing record.

Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Mr. Tabor at (202) 225-2927.

Sincerely,

Frank Pallone, Jr.
Chairman

Attachment

cc: Hon. Greg Walden, Ranking Member, Committee on Energy and Commerce
Hon. Diana DeGette, Chair, Subcommittee on Oversight and Investigations
Hon. Brett Guthrie, Ranking Member, Subcommittee on Oversight and Investigations

Committee on Energy and Commerce
Subcommittee on Oversight and Investigations

Hearing on
"Securing the U.S. Drug Supply Chain: Oversight of FDA's Foreign Inspection Program"

December 10, 2019

Janet Woodcock, M.D.
Director, Center for Drug Evaluation and Research,
U.S. Food and Drug Administration

The Honorable Frank Pallone, Jr. (D-NJ)

1. A previous report from the Government Accountability Office raised certain concerns about post-inspection processes, such as delays in the Center for Drug Evaluation and Research (CDER) receiving inspection reports and subsequently taking action against firms if necessary. This report also indicated that CDER sometimes did not verify that foreign firms took the corrective actions mandated by the Food and Drug Administration (FDA) after an inspection.

    a. When results from an inspection of a foreign firm indicate that corrective action is needed, does FDA always conduct a follow-up inspection to determine whether that firm took those corrective actions? If not, under what circumstances does FDA decide not to conduct a follow-up inspection?

    b. What actions other than follow-up inspections does FDA take to confirm whether a foreign firm has instituted necessary corrective actions?

2. During the hearing, Ranking Member Guthrie asked you about whether FDA had evaluation criteria to determine the effectiveness of its foreign drug inspection program. You indicated that FDA needs to address this issue. Does FDA have plans to create evaluation criteria for its foreign drug inspection program? If so, when does FDA plan to implement such criteria, and what types of factors will be included in this criteria?

3. During the hearing, you indicated that you would prefer that FDA use a predictive model, as opposed to the site selection model currently used by FDA. Please explain what type of predictive model you envision and why you prefer this type of model to the site selection model currently used by FDA.

The Honorable Brett Guthrie (R-KY)

1. Foreign firms are able to ship over-the-counter drugs and raw materials into the U.S. without FDA registration or inspection. Does FDA see that process as a vulnerability and, if so, what is being done to evaluate that process to make any necessary changes?

2. With regard to the Site Selection Model used to select drug firms by prioritizing those with the highest risk, how has the FDA validated that this model to ensure that FDA is properly scoring the firms with the highest risk?

3. Would adding source information to drug labels to include all information about where the ingredients were manufactured raise consumer awareness and better help put pressure on manufacturers to ensure the purity and safety of their drugs? Has the FDA considered funding studies to determine the usefulness to consumers and physicians of adding sourcing information to drug labels?

4. The FDA just added a data field this month to its data system to capture when inspections are announced or unannounced. Does FDA plan to populate that data historically and if so, to what date?

    a. What other data fields were added for collection?

5. Does FDA think there is a conflict of interest when the firm being inspected provides the translator for FDA's inspection?

6. What resources does FDA have to pay for its own translators? How much of these overall resources are used to support translators in foreign drug inspections?

7. FDA reported to GAO that a primary data source used to calculate the inspection risk model included nearly 1000 firms that did not actually require FDA inspection. FDA called those firms "washouts." How were the nearly 1000 "washout" drug manufacturers FDA discovered when the risk model scores were calculated? In your slide presentation, did the baseline data used for the information include "washouts"? If so, please explain washouts. How much greater risk weight in the risk model is given to manufacturers of finished drug products than to manufacturers of APIs?

8. The FDA believes that its system for inspecting foreign drug plants – which involves reviewing company-submitted data and conducting pre-announced inspections – is adequate for ensuring quality. Yet that system failed to detect the presence of carcinogens in blood-pressure medicine taken by millions of Americans and potential carcinogens in the diabetes treatment drug Metformin. Should the FDA begin to verify quality, for example by launching a system of chemical testing more imported pharmaceuticals for purity, API amount, and dissolution rate?

9. After September 11, 2001, then-HHS Secretary Tommy Thompson asked Congress to add 600 more inspectors and laboratory personnel,[1] increasing the total FDA field staff to about

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[1] Government Accountability Office, *Food Safety: FDA's Imported Seafood Safety Program Shows Some Progress, but Further Improvements Are Needed* (Jan. 2004) (GAO-04-246).

4,000 in 2002. In 2007, the *New York Times* reported that the FDA budget did not keep up with inflation and the field staff decreased 13% to 3,488, even fewer than the 3,500 original staff totals in 2002 before the hiring increase.[2] The 2012 enactment of the Generic Drug User Fee Act added resources for FDA to support the hiring of more drug inspectors, and yet in the last few years there has been a sharp decrease in the number of drug inspectors down from 245 inspectors to 188 since 2016. FDA historically has struggled to hire more inspectors, even with user fees. Given this problem over almost 20 years, why did the FDA wait until 2019 to request direct-hire authority for inspectors?

a. The hiring and retention of FDA inspectors has been a longstanding problem. Does FDA plan to commission an outside consultant to study the problem and recommend solutions and if so, when will that occur and what is the anticipated date of completion?

10. Earlier this year, the Committee sent FDA a bipartisan letter asking, in part, about the FDA's India pilot program and why the program was not extended. In response, FDA told the Committee that the FDA's drug inspection initiative in India was not extended "based on a lack of protocols and evaluation criteria. No formal report or evaluation was completed." Republican Committee staff subsequently asked that FDA provide information about the evaluation criteria for its foreign drug inspection program. To date, FDA has not provided this information. Does FDA have evaluation criteria for the effectiveness of its foreign drug inspection program? What are they?

11. Your written testimony states that to help ensure that safe and effective drugs are sold in the United States, the FDA tests selected drugs in state-of-the-art FDA laboratories. What state-of-the-art FDA laboratories do this testing?

    a. What kinds of testing are conducted?

    b. How the drugs selected for testing?

12. Has FDA management interviewed FDA drug inspectors to get their perspectives on relying on translators provided by the firm being inspected?

13. FDA has recently entered into mutual reliance agreements with the European Union. How will these agreements help provide more staffing and resources for FDA to focus more on higher risk foreign drug inspections?

    a. How long will it take until FDA realizes these kinds of benefit from the mutual reliance agreements?

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[2] *Food Imports Often Escape Scrutiny*, The New York Times (May 1, 2007).

a. How can the FDA work with friendly foreign regulatory counterparts to help improve oversight of higher risk foreign drug facilities?

The Honorable H. Morgan Griffith (R-VA)

1. Has FDA considered issuing public statements to encourage drug producers to inquire about whether the API that they purchase is sourced from a manufacturer that has been inspected by FDA or another regulatory agency recognized under a Mutual Recognition Agreement? And to purchase API from facilities that have been recently been inspected?

2. Has FDA considered publishing the investigator's establishment inspection report and any Form FDA-483 issued or regulatory action taken for foreign API manufacturers that the Agency has inspected so that API repackers and drug producers can make informed decisions about whether to purchase from those entities?

3. Besides banning imports to the United States, how can FDA protect the supply chain when a foreign facility refuses an FDA inspection? When an importation ban is placed on a manufacturer, what does FDA do about API it has already introduced into the United States?