



AUG 05 2009

I-010969-D-0032-OT

U.S. Department of the Interior
Fish and Wildlife Service
Aquatic Animal Drug Approval Partnership Program
Attention: David Erdahl, Ph.D.
Branch Chief, AADAP
4050 Bridger Canyon Road
Bozeman, MT 59715

Re: Amended food-use authorization for fish treated with diquat dibromide

Dear Dr. Erdahl:

You are authorized 10 million fish for human and animal food use. Edible tissues derived from experimental animals treated under the conditions described in this letter may be marketed for human consumption, for use in animal feeds, or released into public waters for possible human consumption. This authorization is in response to your submission dated April 29, 2009, requesting an amended authorization for a repetitive use treatment regimen. This amended authorization for the use of diquat dibromide in fish is consistent with the public health. Previous authorizations are superseded.

We note that your submission included a request for a categorical exclusion from the requirement to prepare an environmental assessment for activities under the INAD. Please note that this letter only addresses the food use authorization request. Your request for categorical exclusion will be addressed in a separate letter (X-0034). Repetitive treatments may not be administered under the INAD until we grant a categorical exclusion for the repetitive use treatment regimen. In the future, please make one request per submission.

AMENDED FOOD-USE AUTHORIZATION

DRUG IDENTITY	Diquat dibromide
Dosage Form	Liquid concentrate
SPECIES	Salmonidae, Ictaluridae, Centrarchidae, Percidae, Cyprinidae, Esocidae, <i>Cyprinodon</i> spp., <i>Gambusia</i> spp., Lake sturgeon, Pallid sturgeon, Gila topminnow, Paddlefish, Razorback sucker, Yaqui sucker
Class	All life stages

Number of Animals	10 Million fish
PERMITTED DOSING REGIMEN Maximum Dose (or range)	Option A: 2-18 mg/L Option B: 19-28 mg/L
Route of Administration	Immersion
Frequency and Duration of Dosing	Option A: 1-4 hr treatment daily or every other day up to 4 times, repeat as needed OR Option B: 30-60 minute treatment daily up to 3 times, repeat as needed
MINIMUM INVESTIGATIONAL WITHDRAWAL PERIOD	5 days for adult Ictaluridae and Esocidae. 30 days for all other species listed above. No holding time is assigned for fish that have a grow-out period that exceeds 30 days. The investigational withdrawal periods may be incorporated into the grow-out period.
MINIMUM INVESTIGATIONAL MILK DISCARD TIME	Not applicable
OTHER RESTRICTIONS OR CONDITIONS	None

This food-use authorization only applies to the treatment regimens stated above. Any change in the dosage regimen or the combining of this treatment with any other drug will require a separate food-use authorization. Drugs given to control animals must be administered in full compliance with the currently approved use. Your investigators should be made aware of their responsibilities under 21 CFR 511.1(b)(7)(ii) and (c)(1).

In addition, we remind you that a sponsor must submit specific information prior to each shipment or other delivery of the drug for clinical investigation in animals (see 21 CFR 511.1(b)(4)). You may file the notice of the drug shipment electronically to the Center for Veterinary Medicine (CVM). Please refer to the Center's electronic submission information on the CVM website at <http://www.fda.gov/cvm/esubstoc.html>. Alternatively, you can send three copies of the completed form to CVM. Furthermore, we note that clinical tests conducted under the provisions of this letter do not exempt investigational animals and

their products from compliance with any other applicable inspection requirements (see 21 CFR 511.1(b)(5)(iii)).

INVESTIGATIONAL LABELING

You provided intended investigational labeling language in the current submission to be included in the file. This labeling is consistent with the requirements set forth in 21 CFR 511.1(b)(1). The investigational labeling should be affixed to your investigational drug product prior to shipment and this investigational label should be affixed to each individual drug container.

COUNTING NUMBERS OF FISH

You should note that this authorization is for a specific number of fish. You should begin counting the number of fish used from the date you receive our letter starting at zero. Previous authorizations are superseded.

Please provide the total number of fish used towards this authorization in your annual reports. We remind you that a fish treated more than once still only counts as a single fish toward the authorization.

Additional numbers of fish may be requested in the future. A request for additional fish should be made with sufficient lead time to allow us to process an amended authorization.

ANNUAL REPORTS

We remind you of the continued necessity to provide annual reports under the FDA/CVM Aquaculture Workload Plan. Your annual report should include: a) a brief summary of the past year's activities and accomplishments in each of the investigational new animal drug (INAD) technical sections; b) certification of accountability of all drugs shipped under the INAD, records maintenance for FDA inspection, and compliance with the provisions of 21 CFR Part 511, including notification of adverse effects relative to humans, target animals, or the environment resulting from the use of the investigational drug; c) a list of all investigators, facilities, and species treated; and d) a copy of the current study protocol(s) noting any modification or revision. We recommend that any changes to pivotal study protocols be reviewed by CVM prior to initiating further investigations.

ADDITIONAL COMMENTS

1. In order for us to complete our files, the disposition of all investigational animals and unused drugs should be reported to this office, as well as adverse reactions observed. Please refer to this letter by date and INAD number when reporting the details of clinical investigations or the disposition of investigational animals.
2. We remind you that the investigational new animal drug must be manufactured, processed, packaged, and labeled in such a way as to maintain appropriate standards of

identity, strength, quality, and purity as needed for safety and to give significance to investigations made with the drug (21 CFR Parts 210 and 211).

3. You should obtain a material safety data sheet (MSDS) for the investigational drug and follow the information in the MSDS to protect all individuals who may be exposed to the investigational drug.
4. We recommend that you request a meeting to further discuss your product development plan with us.
5. The protocol does not specifically describe repetitive treatments in the sections where the treatment regimens are described. In addition, the data capture forms include spaces to record treatments during a 5-day treatment period. Please revise the protocol and data capture forms to specifically describe repetitive treatments and provide data capture forms that can be used to record data during studies with this treatment regimen. The revised protocol can be submitted with an annual report once the environmental concerns have been addressed.

If you submit correspondence relating to this letter, your correspondence should reference the date and the principal submission identifier found at the top of this letter. If you have any questions or comments, please contact Dr. Cindy Burnsteel, Director, Division of Therapeutic Drugs for Food Animals, at 240-276-8341.

Sincerely,



for Steven D. Vaughn, DVM
Office of New Animal Drug Evaluation
Center for Veterinary Medicine