Proposed Human Studies Rule

Pesticide Policy Dialogue Committee – Session II

October 20, 2005

Proposed Rule

- Published September 12, 2005
- 90 Day public comment period, closes December 12, 2005
- Text and background information available at: http://www.epa.gov/oppfead1/guidance/human-test.htm

Outline of Presentation

- Explanation of key terms
- Background and context of proposal
- Summary of key provisions of proposal
- Future plans
- Questions and answers; discussion

Key Terms – "Human Research"

- Human research defined broadly
- Types of human research:
  - Observational studies
  - Intentional dosing / intentional exposure studies
    - Non-toxicity studies
    - Toxicity studies

Key Terms – "Common Rule"

- Promulgated in 1991
- Followed by 17 federal agencies and departments, including EPA
- Major provisions:
  - Requirement for written informed consent
  - Requirement for approval of proposed research by Institutional Review Board (IRB)

Key Terms – 1st, 2nd, & 3rd Party

- First parties = investigators who work for a Common Rule (CR) agency
- Second parties = investigators when they receive support from a CR agency
- Third parties = investigators when they are not first or second parties

Background

- EPA's statutory duty with respect to evaluating pesticide safety
- Public debate & request for NAS' guidance
- EPA goals for rulemaking
- Focus on third-party, intentional dosing human studies for pesticides

Proposed Rule

- Based on NAS' 2004 Report
- Contains requirements applying to:
  - third-party investigators regarding the conduct of new human studies
  - first- and second-party investigators regarding the conduct of new human studies
  - EPA regarding the review of completed human studies

Prohibitions on new intentional dosing studies with pregnant women or kids – Third parties

- Prohibition covers studies that are:
  - New
  - Intentional dosing studies
  - With pregnant women or kids
  - Intended for submission under FIFRA or FFDCA
- Prohibition applies to third parties

Prohibitions on new intentional dosing studies with pregnant women or kids – 1st & 2nd parties

- Prohibition covers studies that are:
  - New
  - Intentional dosing studies
  - With pregnant women or kids
  - With any environmental substance
- Applies to EPA-conducted or EPA-supported research

Prohibitions on EPA considering intentional-dosing studies with pregnant women or kids

- The proposal would prohibit EPA from relying on the results from intentional dosing studies performed on pregnant women or children.
- The Notice proposes a very narrowly drafted exception to this prohibition that we will discuss later.

Extending the EPA Common Rule to Third Parties

- All of the provisions of the CR that now apply to EPA and its contractors and grantees who conduct human research would apply to third parties who conduct:
  - Intentional dosing human studies with adults
  - Intended for submission under FIFRA or FFDCA

Establishing a Human Studies Review Board (HSRB)

- Recommended by the NAS
- HSRB would review both proposals for new human research and detailed reports on completed studies:
  - Conducted by a third party,
  - Involving intentional dosing, and
  - Intended for submission under FIFRA or FFDCA
- Review both science and ethics

Establishing a Human Studies Review Board (HSRB)

- HSRB would have no EPA employees and members would be free of any conflicts of interest
- HSRB review of proposed research would follow review by local IRBs
- Other operating details to be decided later

Standards for EPA Reliance on Human Research (1)

Standard depends on when the study was completed.

New Studies: accepted only if information is available to demonstrate that the research complies with the CR

Old Studies: accepted if there is no clear evidence that they were fundamentally unethical, or significantly deficient with respect to standards prevailing when they were conducted

Standards for EPA Reliance on Human Research (2)

- Proposed exception allows EPA to rely on a scientifically sound and relevant study which does not meet applicable ethical standards only if to do so would be crucial to protection of public health
- EPA would seek public comment and HSRB review before using this exception

Implementation Steps

- Proposed rule complies with the FY 2006 Appropriations Act requirements
- OPP is complying with requirements not to "accept, consider, or rely on" "third party, intentional dosing, human toxicity studies for pesticides" until EPA issues a final rule
- Final rule is due January 29, 2006

Summary

EPA's proposal:

1. Prohibits third parties from conducting intentional dosing human studies for pesticides with children or pregnant women
2. Prohibits EPA from conducting intentional dosing human studies for any substance with children or pregnant women
3. Prohibits EPA from relying in its pesticide-decision making on intentional dosing human studies with children or pregnant women

Summary

EPA's proposal also:

4. Extends the ethical standards of the Common Rule to all third-party intentional dosing human studies for pesticides intended for submission to EPA
5. Establishes a Human Studies Review Board to conduct a rigorous review of all intentional dosing studies for pesticides, both before they are conducted and after they are complete
6. Is consistent with the principles of the Nuremberg Code and of the 2004 NAS report