CPSC/OFFICE OF
THE SECRETARY

1998 NOV 13 A 11:50

United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

VOTE SHEET

DATE: NOV 12 1998

TO : The Commission
Sadye E. Dunn, Secretary

FROM : Jeffrey Bromme, General Counsel
Stephen Lemberg, Assistant General Counsel
Daniel L. Jennings, Attorney, OGC

SUBJECT: Final PPPA Rule to Exempt Sucraid from Child-Resistant Packaging Requirements

Ballot Vote Due: NOV 20 98

Attached is a staff briefing package recommending that the Commission issue a final rule exempting the drug Sucraid from special packaging requirements under the Poison Prevention Packaging Act. Tab C of the package contains a draft Federal Register notice finalizing the exemption.

Please indicate your vote on the following options.

I. Approve the Federal Register notice as drafted.

_____ _____
(Signature) (Date)

II. Approve the draft Federal Register notice with the following changes (please specify).

_____

_____

_____

_____ _____
(Signature) (Date)

CPSA 6 (b)(1) Cleared 11/12/98
___ No Mfrs/PrvtLblrs or Products Identified
___ Excepted by

Notice has been reviewed and has been reviewed by the Commission.
Initial SA Date 11/12/98

III. Do not approve the draft Federal Register notice.

_____ _____
(Signature) (Date)

IV. Take other action (please specify).

_____

_____

_____

_____ _____
(Signature) (Date)

Attachment

Briefing Package

Final Rule to Exempt Sucraid™ from the Special Packaging Requirements for Oral Prescription Drugs

For Information Contact:
Jacqueline Ferrante, Ph.D.
Directorate for Epidemiology & Health Sciences
(301) 504-0477

CPSA 6 (b)(1) Cleared
No Mfrs/Prvtlblrs or Products Identified
Excepted by
Firms Notified,

NOTE: This document has not been reviewed or accepted by the Commission.
Initial SD Date 11/12/98

TABLE OF CONTENTS

Executive Summary

Orphan Medical petitioned the Commission to exempt Sucraid™ from the special packaging requirements for oral prescription drugs under the Poison Prevention Packaging Act. The Commission granted the petition and proposed a rule for the exemption on June 12, 1998. No public comments were received.

The FDA recently approved Sucraid™, an orphan drug, for the treatment of congenital sucrase-isomaltase deficiency (CSID). Patients with CSID cannot metabolize sucrose because of reduced or absent endogenous sucrase activity. Sucraid™ is a liquid formulation of sacrosidase, a yeast derived form of the sucrase enzyme. It is an enzyme replacement therapy for patients with CSID.

There is no evidence that Sucraid™ causes significant toxicity. The enzyme in Sucraid™ is a glycoprotein that will be digested to amino acids similar to other dietary proteins. Clinical studies showed that adverse events considered to be possibly related to Sucraid™ were generally minor and are frequently associated with CSID. No adverse reaction reports have been filed and there have been no reports of intentional or accidental overdose of Sucraid™.

The staff concluded that an exemption for Sucraid™ will not significantly impact the environment or a substantial number of small businesses. Orphan Medical is the sole marketer of Sucraid™ and has marketing exclusivity for seven years. The staff recommends that the Commission issue a rule to exempt Sucraid™, and similar products that contain the enzyme sacrosidase (sucrase) in a solution of glycerol and water, from the special packaging requirements of the PPPA.

United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

NOV 12 1998

To: The Commission
Sadye E. Dunn, Secretary

Through: Jeffrey S. Bromme, General Counsel
Through: Pamela Gilbert, Executive Director

From: Ronald L. Medford, Assistant Executive Director for Hazard Identification and Reduction RLM
Jacqueline N. Ferrante, Ph.D., Pharmacologist, Directorate for Epidemiology and Health Sciences, Division of Health Sciences

Subject: Final Rule to exempt Sucraid™ from the special packaging requirements for oral prescription drugs

Background

Orphan Medical petitioned the Commission to exempt Sucraid™ from the special packaging requirements for oral prescription drugs under the Poison Prevention Packaging Act (PPPA). The Commission granted the petition and proposed rulemaking for the exemption on June 12, 1998 (Tab A). No comments were received in response to the proposal. Detailed information was provided to the Commission in a briefing package dated May 20, 1998.

Sucraid™ is an orphan drug that was approved by the Food and Drug Administration on April 10, 1998. Orphan drugs are intended to be used for rare diseases. Sucraid™ is indicated for patients with congenital sucrase-isomaltase deficiency (CSID), a rare, inherited condition characterized by a reduction or absence of sucrase and isomaltase. Patients with CSID are unable to break down and absorb sucrose (table sugar) and isomaltose. Chronic malabsorption of sucrose and other disaccharides may lead to malnutrition and CSID patients may fail to thrive. Symptoms associated with CSID include gastrointestinal (GI) effects such as diarrhea, bloating and abdominal pain.

Sucraid™ is an oral solution of sucrase derived from baker's yeast. The enzyme in Sucraid™ is a glycoprotein that is digested in the GI tract to polypeptides and amino acids. Toxicity is not expected because amino acids are normally used to synthesize new protein or are burned for energy. The enzyme in Sucraid™ is dissolved in a 50:50 solution of glycerol (or glycerin) and water. Human toxic or lethal doses of glycerol have not been defined.

CPSA 6 (b)(1) Cleared
No Mfrs/PrvtLblrs or Products Identified
11/12/98

NOTE: This document has not been reviewed or accepted by the Commission.
Initial SD Date 11/12/98

The Handbook of Common Poisonings in Children[1] categorizes glycerol as a laxative and states that "acute exposure to most laxatives produces nausea, vomiting, and diarrhea, which are usually mild and self-limiting." Typically, the only treatment required after a single severe exposure to laxatives is observation and fluid replacement, if needed.

There is no evidence that Sucraid™ causes significant toxicity. No adverse reaction reports were filed under 21 CFR 314.80 when the petition was submitted and there have been no reports of intentional or accidental overdose of Sucraid™. Human clinical trials showed that adverse effects with Sucraid™ treatment were generally minor and frequently associated with CSID. Most patients tolerated the enzyme well enough to complete the trial. Only one patient, a 48-month-old male who experienced an allergic reaction probably related to Sucraid™, withdrew from the trial.

Regulatory Flexibility and Environmental Issues

The staff concludes that an exemption for liquid sacrosidase (sucrase) products like Sucraid™ will not have a significant impact on the environment or on a substantial number of small businesses (Tab B). Orphan Medical is the sole marketer of Sucraid™ and has seven years marketing exclusivity.

Effective Date

When the Commission issues an exemption under the PPPA it typically becomes effective upon publication of the final rule in the Federal Register.

Options

1. The Commission may issue a rule to exempt liquid sacrosidase (sucrase) products from special packaging requirements if it concludes that exempting these products will not present a risk of serious personal injury or illness to young children.

2. The Commission may decline to issue this rule if it concludes that these products may be hazardous to young children.

Conclusion and Recommendation

There is no evidence that Sucraid™ would cause serious personal injury or illness to children. There are no reports of intentional or accidental overdose of Sucraid™. Clinical experience with Sucraid™ in patients five months and older has not shown evidence of significant toxicity or intolerance. Moreover, Sucraid™ is used for a relatively small patient population, limiting the number of children exposed. The Commission did not receive any

[1]Handbook of Common Poisonings in Children, American Academy of Pediatrics, Third Edition, Rodgers, G.C. and Matyunas, N.J. (Eds.), 1994.

comments following publication of the proposed rule (63 FR 32159). Given all of the available information the staff recommends that the Commission issue a rule to exempt products with the enzyme sacrosidase (sucrase) in a solution of glycerol and water. A draft FR notice is at Tab C.

TAB A

No. 11-2A which describes the application procedure.

The Proposal

The FAA proposes to amend 14 CFR part 71 by revising the Class E airspace at Unalakleet, AK, due the establishment of a GPS instrument approach to RWY 14. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Unalakleet, AK.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as an 700/1200 foot transition area are published in paragraph 6005 in FAA Order 7400.9E, *Airspace Designations and Reporting Points*, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1 (62 FR 52491; October 8, 1997). The Class E airspace listed in this document would be revised and published in the Order.

The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, *Airspace Designations and Reporting Points*, dated September 10, 1997, and effective September 16, 1997, is to be amended as follows:

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Unalakleet, AK

Unalakleet Airport, AK
(Lat. 63°53'18"N., long. 160°47'56"W.)
Unalakleet VORTAC
(Lat. 63°53'31"N., long. 160°41'04"W.)
Unalakleet Localizer
(Lat. 63°52'52"N., long. 160°47'42"W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Unalakleet Airport and within 2 miles each side of the 289° radial of the Unalakleet VORTAC extending from the 6.7-mile radius to 14.1 miles west of the VORTAC and within 3 miles east and 3 miles west of the Unalakleet Localizer front course extending from the 6.7-mile radius to 12.9 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the Unalakleet VORTAC extending clockwise from the 165° radial to the 322° radial and within 4 miles east and 8 miles west of the Unalakleet Localizer front course extending from the Localizer to 22 miles north of the airport and within 4 miles north and 8 miles south of the Unalakleet VORTAC 289° radial extending from the VORTAC to 27 miles west of the VORTAC.

* * * * *

Issued in Anchorage, AK, on June 4, 1998.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 98-15714 Filed 6-11-98; 8:45 am]

BILLING CODE 4910-13-U

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Poison Prevention Packaging Requirements; Proposed Exemption of Sucraid

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to exempt from its child-resistant packaging requirements the oral prescription drug Sucraid. Sucraid is a new liquid formulation of sacrosidase, a yeast derived form of the sucrase enzyme, used for the treatment of congenital sucrase-isomaltase deficiency. The Commission proposes this exemption because human experience has shown no evidence of serious toxicity.

DATES: Comments on the proposal should be submitted no later than August 26, 1998.

ADDRESSES: Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814-4408, telephone (301) 504-0800. Comments may also be filed by telefacsimile to (301) 504-0127 or by email to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: Jacqueline Ferrante, Ph.D., Division of Health Sciences, Directorate for Epidemiology and Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0477 ext. 1199.

SUPPLEMENTARY INFORMATION:

A. Background

The Poison Prevention Packaging Act of 1970 ("PPPA"), 15 U.S.C. 1471-1476, provides the Commission with authority to establish standards for the "special packaging" of household substances, such as drugs, when child resistant packaging is necessary to protect children from serious personal injury or illness due to the substance and the special packaging is technically feasible, practicable, and appropriate for such substance. Accordingly, the Commission requires that oral prescription drugs be in child resistant ("CR") packaging. 16 CFR 1700.14(a)(10).

The Commission's regulations allow companies to petition the Commission for exemption from CR requirements. 16 CFR Part 1702. Possible grounds for granting the exemption are that:

(a) The degree or nature of the hazard to children in the availability of the substance by reason of its packaging, is such that special packaging is not required to protect children from serious personal injury or serious illness resulting from handling, using or ingesting the substance, or

(b) Special packaging is not technically feasible, practicable, or appropriate for the subject substance, or

(c) Special packaging is incompatible with the particular substance.16 CFR 1702.17.

On July 10, 1997, Orphan Medical, Inc. ("Orphan Medical") petitioned the Commission to exempt its product, Sucraid, from the special packaging

requirements for oral prescription drugs. The petitioner stated that the exemption is justified because of lack of toxicity and lack of adverse human experience with the drug. The petitioner also stated that CR packaging is not technically feasible, practicable and appropriate for Sucraid. Because, as explained below, the Commission concludes that Sucraid lacks sufficient toxicity to justify special packaging, the Commission did not consider the technical feasibility, practicability, and appropriateness of special packaging for Sucraid.

Sucraid is a liquid formulation of sacrosidase, a yeast derived form of the sucrase enzyme. It is used to treat patients with congenital sucrase-isomaltase deficiency ("CSID"). The petitioner estimates that there are approximately 3000 to 10,000 cases of CSID in the United States. CSID is a condition characterized by absent or low levels of sucrase and isomaltase, two enzymes in the small intestine. Sucrase breaks down sucrose (table sugar) so that it can be absorbed. Persons with CSID have such symptoms as diarrhea, abdominal pain, bloating, and gas. Patients with severe CSID may require hospitalization for diarrhea, dehydration, malnutrition, weakness and muscle wasting. Sacrosidase is an enzyme replacement therapy that reduces the symptoms of CSID

B. Toxicity Data

Sacrosidase is derived from bakers yeast. It is Generally Recognized as Safe ("GRAS") for use in food by the Food and Drug Administration ("FDA"). 21 CFR 170.30. Sucraid contains about 1.5 milligrams per milliliter of the enzyme in a 50:50 solution of glycerol and water.

One bottle of Sucraid contains 150 mg of protein, 59 ml of water and 59 ml of glycerol. Similar to dietary proteins, the protein component of Sucraid is digested to amino acids which are used to make new protein and are not expected to cause toxicity. Glycerol is a sweet liquid used as a solvent, preservative, and moisturizer. FDA recognizes glycerol as GRAS for use as a food. 21 CFR 182.1320. It is also used as a drug, for example, to reduce intraocular and intracranial pressure. It also can be used as a laxative.

Possible adverse effects associated with glycerol include nausea, vomiting, headache, and dehydration. Less commonly reported effects include diarrhea, thirst, dizziness, and mental confusion. Some more serious effects have been reported with intravenous administration of glycerol and with certain high risk patients. However, the Hazardous Chemicals Desk Reference indicates that glycerol is only mildly toxic by ingestion. In addition, the Handbook of Common Poisonings in Children characterizes glycerol as a laxative, stating that "acute exposure to most laxatives produces nausea, vomiting, and diarrhea, which are usually mild and self-limiting."

The CPSC staff found three cases in the National Electronic Injury Surveillance System ("NEISS") of children under five years old ingesting products containing glycerol. The products involved were a glycerol suppository, a baby enema preparation, and an ear solution. In all three cases the child was treated and released or examined and released without treatment.

Thus, based on the information discussed above, the glycerol component of Sucraid is not likely to cause significant toxicity to children.

C. Human Experience Data

According to the petitioner, there have been three clinical trials of Sucraid, two of which are complete. The clinical investigators conducting the trials did not rate any of the adverse effects encountered as probably or definitely related to the drug. Some effects were considered to be possibly related to the drug.

The investigators considered most of the adverse effects to be unrelated to Sucraid and due to illnesses common to children (e.g., flu, ear infection and strep throat). Unrelated effects included sore throat, fever, cough, runny nose, diarrhea, cramping and abdominal pain.

The clinical investigator did rate some adverse events in the second trial as possibly related to Sucraid. These symptoms included abdominal pain, diarrhea, nausea, vomiting, constipation, dehydration, cramps, headache, insomnia, nervousness, and wheezing. The petitioner noted that many of these were gastrointestinal symptoms typical of CSID. Thus, the dose of Sucraid given may not have been adequate to alleviate all symptoms of the disease. An asthmatic child had an acute hypersensitivity reaction (wheezing) to Sucraid that resolved without sequelae. This patient was withdrawn from the trial.

D. Action on the Petition

After considering the information provided by the petitioner and other available toxicity and human experience data, the Commission preliminarily concludes that the degree and nature of the hazard to children presented by the availability of Sucraid do not require special packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting the substance. Therefore, the Commission voted to grant the petition and begin a rulemaking proceeding to exempt Sucraid from the special packaging requirements for oral prescription drugs.

E. Regulatory Flexibility Act Certification

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, an agency that engages in rulemaking generally must prepare proposed and final regulatory flexibility analyses describing the impact of the rule on small businesses and other small entities. Section 605 of the Act provides that an agency is not required to prepare a regulatory flexibility analysis if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities

The Commission's Directorate for Economic Analysis prepared a preliminary assessment of the impact of a rule to exempt Sucraid from special packaging requirements. The staff reports that because of the small number of cases of CSID (3,000 to 10,000 in the U.S.), the market for Sucraid is expected to be small. The petitioner, Orphan Medical, is a small manufacturer based on its employment and sales. Orphan Medical has marketing exclusivity for Sucraid for seven years. The exemption from special packaging requirements will allow the company to avoid costs associated with obtaining CR packaging.

Based on this assessment, the Commission preliminarily concludes that the proposed amendment exempting Sucraid from special packaging requirements would not have a significant impact on a substantial number of small businesses or other small entities.

F. Environmental Considerations

Pursuant to the National Environmental Policy Act, and in accordance with the Council on Environmental Quality regulations and CPSC procedures for environmental review, the Commission has assessed the possible environmental effects associated with the proposed PPPA amendment

The Commission's regulations state that rules requiring special packaging for consumer products normally have little or no potential for affecting the human environment. 16 CFR 1021.5(c)(3). Nothing in this proposed rule alters that expectation. (3) Therefore, because the rule would have no adverse effect on the environment, neither an environmental assessment

nor an environmental impact statement is required.

G. Executive Orders

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations.

The PPPA provides that, generally, when a special packaging standard issued under the PPPA is in effect, "no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the [PPPA] standard." 15 U.S.C. 1476(a). A State or local standard may be excepted from this preemptive effect if (1) the State or local standard provides a higher degree of protection from the risk of injury or illness than the PPPA standard, and (2) the State or political subdivision applies to the Commission for an exemption from the PPPA's preemption clause and the Commission grants the exemption through a process specified at 16 CFR Part 1061. 15 U.S.C. 1476(c)(1). In addition, the Federal government, or a State or local government, may establish and continue in effect a non-identical special packaging requirement that provides a higher degree of protection than the PPPA requirement for a household substance for the Federal, State or local government's own use. 15 U.S.C. 1476(b).

Thus, with the exceptions noted above, the proposed rule exempting Sucraid from special packaging requirements would preempt non-identical state or local special packaging standards for the substance.

In accordance with Executive Order 12612 (October 26, 1987), the Commission certifies that the proposed rule does not have sufficient implications for federalism to warrant a Federalism Assessment.

List of Subjects in 16 CFR Part 1700

Consumer protection, Drugs, Infants and children, Packaging and containers, Poison prevention, Toxic substances.

For the reasons given above, the Commission proposes to amend 16 CFR part 1700 as follows:

PART 1700—[AMENDED]

1. The authority citation for part 1700 continues to read as follows:

Authority: Pub. L. 91-601, secs. 1-9, 84 Stat. 1670-74, 15 U.S.C. 1471-76. Secs 1700.1 and 1700.14 also issued under Pub. L. 92-573, sec. 30(a), 88 Stat. 1231, 15 U.S.C. 2079(a).

2. Section 1700.14 is amended by republishing paragraph (a) introductory text and paragraph (a)(10) introductory text, and by adding new paragraph (a)(10)(xx) to read as follows:

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* The Commission has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging meeting the requirements of § 1700.20(a) is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(10) *Prescription Drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

* * * * *

(xx) Sacrosidase (sucrase) preparations in a solution of glycerol and water.

Dated: June 4, 1998.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

List of Relevant Documents

1. Briefing memorandum from Jaqueline Ferrante, Ph.D., EH, to the Commission, "Petition (PP 97-1) to Exempt Sucraid from the Special Packaging Requirements for Oral Prescription Drugs," May 20, 1998.

2. Memorandum from Jaqueline Ferrante, Ph.D., EH, to Mary Ann Danello, Ph.D., Associate Executive Director, EH, "Sucraid Review" April 1, 1998.

3. Memorandum from Marcia P. Robins, EC, to Jacqueline Ferrante, Ph.D., EH, "Economic Considerations: Petition for Exemption from PPPA Requirements for Oral Prescription Drug Sucraid," April 2, 1998.

[FR Doc. 98-15493 Filed 6-11-98; 8:45 am]

BILLING CODE 6355-01-P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 416

RIN 0960-AE77

Denial of Supplemental Security Income Benefits for Fugitive Felons and Probation and Parole Violators

AGENCY: Social Security Administration.

ACTION: Proposed rules.

SUMMARY: These proposed regulations would change our rules to reflect an amendment to the Social Security Act (the Act) made by Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The amendment prohibits payment of Supplemental Security Income (SSI) benefits to certain fugitives and probation and parole violators.

DATES: To be sure that your comments are considered, we must receive them no later than August 11, 1998.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, MD 21235, sent by telefax to (410) 966-2830; sent by E-mail to "regulations@ssa.gov"; or delivered to the Office of Process and Innovation Management, Social Security Administration, L2109 West Low Rise, 6401 Security Boulevard, Baltimore, MD 21235, between 8:00 A.M. and 4:30 P.M. on regular business days. Comments may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Teresa Robinson, Policy Analyst, Office of Program Benefits Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-7960 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1-800-772-1213.

SUPPLEMENTARY INFORMATION:

Background

Section 202(a) of Public Law 104-193 added section 1611(e)(5) of the Act to preclude eligibility for SSI benefits for certain fugitives and probation and parole violators. In general, section 1611(e)(5) of the Act provides that a person shall not be considered an eligible individual or eligible spouse for purposes of the SSI program for any month during which the person is—

- Fleeing to avoid prosecution for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees (or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of that State);
- Fleeing to avoid custody or confinement after conviction for a crime or an attempt to commit a crime, which is a felony under the laws of the place from which the person flees (or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of that State); or

TAB B

United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE: 15 SEP 1998

TO : Jacqueline N. Ferrante, Ph.D.
Project Manager, Sucraid

Through: Warren J. Prunella, AED, EC WJP

FROM : Marcia P. Robins, EC
(504-0962)

SUBJECT: Exemption From Child-Resistant Packaging Requirements for Preparations Containing Sacrosidase (sucrase): Small Business Effects

The Regulatory Flexibility Act (RFA [PL 96-3451]) generally requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis describing the impact of the rule on small businesses and other small entities, when a notice of proposed rulemaking is published in the *Federal Register* (FR). However, under section 605, no such analysis is required if the Commission certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities.

On June 12, 1998, CPSC published a Notice of Proposed Rulemaking (NPR) to exempt from child-resistant (CR) packaging requirements, preparations containing sacrosidase (sucrase). Available information provides no evidence the product, sold under the name Sucraid, would cause serious personal injury or illness to children who handle, use, or ingest it.

Sucraid will be marketed by only one company, Orphan Medical, Inc., for a minimum of seven years under the Food and Drug Administrations's Orphan Drug program. Orphan Medical meets the Small Business Administration's definition of a small business. The proposed exemption from PPPA requirements was requested by Orphan Drug and will allow the company to avoid costs associated with obtaining CR packaging. There were no public comments on the proposed exemption. Therefore, this exemption is not expected to have any significant adverse economic effects on a substantial number of small entities.

TAB C

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Poison Prevention Packaging Requirements; Exemption of Sucraid

AGENCY: Consumer Product Safety Commission

ACTION: Final rule

SUMMARY: The Commission is issuing a rule to exempt from its child-resistant packaging requirements the oral prescription drug Sucraid. Sucraid is a new liquid formulation of sacrosidase, a yeast derived form of the sucrase enzyme, used for the treatment of congenital sucrase-isomaltase deficiency. It was approved by the Food & Drug Administration on April 10, 1998. The Commission has determined that this product is exempt because human experience has shown no evidence of serious toxicity. The Commission takes this action under the authority of the Poison Prevention Packaging Act of 1970.

DATES: The rule will become effective on _____ [insert date of publication in Federal Register].

FOR FURTHER INFORMATION CONTACT:

Laura Washburn, Office of Compliance
Consumer Product Safety Commission,
Washington, D.C. 20207;
telephone (301) 504-0400 ext.1452.

SUPPLEMENTARY INFORMATION:

A. Background

1. Relevant Statutory and Regulatory Provisions

The Poison Prevention Packaging Act of 1970 ("PPPA"), 15 U.S.C. 1471-1476, authorizes the Commission to establish

standards for the "special packaging" (also referred to as child-resistant (CR) packaging) of household substances, such as drugs, when CR packaging is necessary to protect children from serious personal injury or illness due to (1) handling, using, or ingesting such substance and (2) the special packaging is technically feasible, practicable, and appropriate for the substance. Accordingly, the Commission requires that oral prescription drugs be in CR packaging. 16 CFR 1700.14(a)(10).

The Commission's regulations allow companies to petition the Commission for exemption from CR requirements. 16 CFR Part 1702 On July 10, 1997, Orphan Medical, Inc. ("Orphan Medical") petitioned the Commission to exempt its product, Sucraid, from the special packaging requirements for oral prescription drugs. The petitioner stated that the exemption is justified because of lack of toxicity and lack of adverse human experience with the drug. The petitioner also stated that CR packaging is not technically feasible, practicable and appropriate for Sucraid. Because, as explained below, the Commission concluded that Sucraid lacks sufficient toxicity to justify special packaging, the Commission did not consider the technical feasibility, practicability, and appropriateness of special packaging for Sucraid.

2. The Proposed Rule

On June 12, 1998, the Commission issued a notice of proposed rulemaking (NPR) to exempt Sucraid from CR packaging requirements. 63 FR 32159. The Commission did not receive any

comments on the proposed exemption.

3. Sucraid

Sucraid is a liquid formulation of sacrosidase, a yeast derived form of the sucrase enzyme. It is used to treat patients with congenital sucrase-isomaltase deficiency ("CSID"). The petitioner estimated that there are approximately 3,000 to 10,000 cases of CSID in the United States. CSID is a condition characterized by absent or low levels of sucrase and isomaltase, two enzymes in the small intestine. Sucrase breaks down sucrose (table sugar) so that it can be absorbed. Persons with CSID have such symptoms as diarrhea, abdominal pain, bloating, and gas. Patients with severe CSID may require hospitalization for diarrhea, dehydration, malnutrition, weakness and muscle wasting. Sacrosidase is an enzyme replacement therapy that reduces the symptoms of CSID.

B. Toxicity Data

Sacrosidase is derived from bakers yeast. It is Generally Recognized as Safe ("GRAS") for use in food by the Food and Drug Administration ("FDA"). 21 CFR 170.30. Sucraid contains about 1.5 milligrams per milliliter of the enzyme in a 50:50 solution of glycerol and water.

One bottle of Sucraid contains 150 mg of protein, 59 ml of water and 59 ml of glycerol. Similar to dietary proteins, the protein component of Sucraid is digested to amino acids that are used to make new protein and are not expected to cause toxicity. Glycerol is a sweet liquid used as a solvent, preservative, and

moisturizer. FDA recognizes glycerol as GRAS for use as a food. 21 CFR 182.1320 It is also used as a drug, for example, to reduce intraocular and intracranial pressure. It also can be used as a laxative.

Possible adverse effects associated with glycerol include nausea, vomiting, headache, and dehydration. Less commonly reported effects include diarrhea, thirst, dizziness, and mental confusion. Some more serious effects have been reported with intravenous administration of glycerol and with certain high risk patients. However, the Hazardous Chemicals Desk Reference indicates that glycerol is only mildly toxic by ingestion. In addition, the Handbook of Common Poisonings in Children characterizes glycerol as a laxative, stating that "acute exposure to most laxatives produces nausea, vomiting, and diarrhea, which are usually mild and self-limiting."

The CPSC staff found three cases in the National Electronic Injury Surveillance System ("NEISS") of children under five years old ingesting products containing glycerol. The products involved were a glycerol suppository, a baby enema preparation, and an ear solution. In all three cases the child was treated and released or examined and released without treatment.

Thus, based on the information discussed above, the glycerol component of Sucraid is not likely to cause significant toxicity to children.

C. Human Experience Data

Investigators conducting clinical trials of Sucraid did not

rate any of the adverse effects encountered as probably or definitely related to the drug. Some effects were considered to be possibly related to the drug.

The investigators considered most of the adverse effects to be unrelated to Sucraid and due to illnesses common to children (e.g., flu, ear infection and strep throat). Unrelated effects included sore throat, fever, cough, runny nose, diarrhea, cramping and abdominal pain.

The clinical investigator rated some adverse events as possibly related to Sucraid. These symptoms included abdominal pain, diarrhea, nausea, vomiting, constipation, dehydration, cramps, headache, insomnia, nervousness, and wheezing. The petitioner noted that many of these were gastrointestinal symptoms typical of CSID. Thus, the dose of Sucraid given may not have been adequate to alleviate all symptoms of the disease. An asthmatic child had an acute hypersensitivity reaction (wheezing) to Sucraid that resolved without sequelae. This patient was withdrawn from the trial.

D. Action on the Petition

After considering the information provided by the petitioner and other available toxicity and human experience data, the Commission concludes that the degree and nature of the hazard to children presented by the availability of Sucraid do not require special packaging to protect children from serious personal injury or serious illness resulting from handling using, or ingesting the substance. For these reasons, the Commission has

decided to issue the proposed exemption on a final basis.

E. Effective Date

Because the rule issued below provides an exemption, the provisions of 5 U.S.C. 553(c) requiring a delay in the effective date is not applicable. Accordingly, the exemption issued below shall become effective on _____ [insert date of publication in Federal Register].

F. Regulatory Flexibility Act Certification

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, an agency that engages in rulemaking generally must prepare proposed and final regulatory flexibility analyses describing the impact of the rule on small businesses and other small entities. Section 605 of the Act provides that an agency is not required to prepare a regulatory flexibility analysis if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

In the proposed rule, the Commission's Directorate for Economic Analysis prepared a preliminary assessment of the impact of a rule to exempt Sucraid from special packaging requirements. The staff reports that because of the small number of cases of CSID (3,000 to 10,000 in the U.S.), the market for Sucraid is expected to be small. The petitioner, Orphan Medical, is a small manufacturer based on its employment and sales. Orphan Medical has marketing exclusivity for Sucraid for seven years. The exemption from special packaging requirements will allow the company to avoid costs associated with providing CR packaging.

Based on this assessment, the Commission concludes that this regulation exempting Sucraid from special packaging requirements would not have a significant impact on a substantial number of small businesses or other small entities.

G. Environmental Considerations

The Commission's regulations governing environmental review procedures state that exemption of products from requirements for CR packaging under the PPPA normally has little or no potential for affecting the environment. (See 16 CFR 1021.5(c)(3).) The Commission does not foresee any special or unusual circumstances surrounding the exemption issued below. For this reason, the Commission concludes that neither an environmental assessment nor an environmental impact statement is required in this proceeding.

H. Executive Orders

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations.

The PPPA provides generally that when a special packaging standard issued under the PPPA is in effect, "no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the [PPPA] standard." 15 U.S.C. 1476(a). Upon application to the Commission, a State or local standard may be excepted from this preemptive effect if the State or local standard

(1) provides a higher degree of protection from the risk of injury or illness than the PPPA standard and (2) does not unduly burden interstate commerce. In addition, the Federal government, or a State or local government, may establish and continue in effect a non-identical special packaging requirement that provides a higher degree of protection than the PPPA requirement for a household substance for the Federal, State or local government's own use. 15 U.S.C. 1476(b).

Thus, with the exceptions noted above, the final rule exempting Sucraid from special packaging requirements preempts non-identical state or local special packaging standards for the substance.

In accordance with Executive Order 12612 (October 26, 1987), the Commission certifies that this regulation does not have sufficient implications for federalism to warrant a Federalism Assessment.

List of Subjects in 16 CFR Part 1700

Consumer protection, Drugs, Infants and children, Packaging and containers, Poison prevention, Toxic substances.

For the reasons given above, 16 CFR part 1700 is amended to read as follows:

PART 1700--[AMENDED]

1. The authority citation for part 1700 continues to read as follows:

Authority: Pub. L. 91-601, secs. 1-9, 84 Stat. 1670-74, 15 U.S.C. 1471-76. Secs. 1700.1 and 1700.14 also issued under Pub.

L. 92-573, sec 30(a), 88 Stat. 1231, 15 U.S.C. 2079(a).

2. Section 1700.14 is amended by republishing paragraph (a) introductory text and paragraph (a)(10) introductory text, and by adding new paragraph (a)(10)(xx) to read as follows:

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* The Commission has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging meeting the requirements of § 1700.20(a) is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(10) *Prescription Drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15(a), (b), and (c), except for the following:

* * * * *

(xx) Sacrcsidase (sucrase) preparations in a solution of glycerol and water.

Dated:

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

List of Relevant Documents

(**Note.** This list of relevant documents will not be printed in the Code of Federal Regulations.)

1. Briefing memorandum from Jacqueline Ferrante, Ph.D., EH, to the Commission, "Petition (PP 97-1) to Exempt Sucraid from the Special Packaging Requirements for Oral Prescription Drugs," May 20, 1998.

2. Memorandum from Jacqueline Ferrante, Ph.D., EH, to Mary Ann Danello, Ph.D., Associate Executive Director, EH, "Sucraid Review," April 1, 1998.

3. Memorandum from Marcia P. Robins, EC, to Jacqueline Ferrante, Ph.D., EH, "Economic Considerations: Petition for exemption from PPPA Requirements for Oral Prescription Drug Sucraid," April 2, 1998.

4. Briefing memorandum from J. Ferrante to the Commission, "Final rule to Exempt Sucraid from CRP requirements, November __, 1998."

5. Memorandum from Marcie Robins to J. Ferrante, "Exemption from CRP requirements for Preparations containing sacrosidase (sucrase): Small Business Effects," September 15, 1998.