CVB Inspection and Compliance Policy Concerning Compliance to Title 9 CFR 113.53 – Ingredients of Animal Origin Testing

Background: Title 9 CFR 113.53 requires that each lot of ingredient of animal origin which is not subjected to heat sterilization or other sterilization methods acceptable to the CVB, used to prepare a biological product shall be tested as prescribed in 9 CFR 113.53 by the licensee **or** a laboratory acceptable to the CVB.

- Results of all tests shall be recorded by the testing laboratory **and** made a part of the licensee's records.
- A lot of ingredient found unsatisfactory by any prescribed test shall not be used to prepare a biological product.
- A serial of biological product shall not be released if produced using an ingredient that is found unsatisfactory by any prescribed test.

Title 9 CFR 113.53 is cited in:
1) 113.64 (d), *General requirements for live bacterial vaccines*
2) 113.100(d), *General requirements for inactivated bacterial products*
3) 113.300(d*), General requirements for live virus vaccines*
4) 114.9, *Outline Guide for Diagnostic Test Kits*

This document describes policies and practices the IC Section performs when evaluating the acceptability of compliance to 9 CFR 113.53.

A. Inspection Findings

1. The licensee/permittee must provide evidence of satisfactory testing as required by 9 CFR 113.53 or have been exempted from the requirement and the respective Outline of Production must contain the exemption.

2. The testing may be performed by the licensee/permittee or by an outside laboratory.

3. If exempted from the testing, the acceptable parameters must be detailed in the Outline of Production. Adequate documentation and records must be maintained (if applicable).

Testing Performed by the Licensee/Permittee

1. Records documenting the testing must be in accordance with 9 CFR 116.1, 116.7, and 116.8.

2. See B (below) for violations found.

Testing Performed by an External Laboratory

1. Testing results may be supplied by the testing laboratory in the form of a Certificate of Analysis (C of A).

2. The Biologics Specialist may require the licensee/permittee to provide the bench records documenting the testing.

a. If the licensee/permittee cannot provide the Biologics Specialist the bench records during the inspection and it appears that testing was satisfactory, the inspector may allow the firm a limited amount of time (Inspection *Action* item) to provide the bench records for evaluation.

b. If the licensee/permittee performs periodic audits of the external laboratory and the audit records are provided to the Biologics Specialist, these records may be used to substantiate that the external laboratory is performing the testing in accordance with the regulations.

3. Records documenting the testing must be in accordance with 9 CFR 116.1, 116.7, and 116.8.

Heat Sterilization or Other Sterilization Methods

1. Records documenting the methods must be in accordance with 9 CFR 109.2 and 116.4.

2. The method must be acceptable to the Biologics Specialist.

B. Addressing Violations of 9 CFR 113.53

1. If the Biologics Specialist documents that a violation of the regulations has occurred, a risk assessment must be performed regarding product in the market place and product not released to the market. Other actions taken besides those listed below will be dependent upon the **documented** (inspection notes) risk assessment.

Note: Not having the external laboratory's bench records is not an immediate violation of the regulations. If the licensee/permittee is eventually unable to supply the bench records or has not adequately documented the audit of the external laboratory, then the violation(s) is established.

a. Product released to the market: If the licensee/permittee does not initiate a Voluntary Stop Distribution and Sale action for all affected product, then the inspector must contact the Investigation Manager, an IC Section Leader, or the IC Director to initiate a Mandatory Stop Sale and Distribution.

b. Product not released to the market: The inspector is to contact the IC office and initiate a Hold Release on all unreleased product (have codes and serials ready to relay).

2. If the licensee/permittee cannot provide the inspector the C of A bench records during the inspection and it appears that the testing results were satisfactory, the inspector may allow the firm a limited amount of time (Inspection *Action* item) to provide the bench records for evaluation prior to initiating actions regarding the violation.

3. Also see **ICWI0105**, *Compliance Policy for Issuing Regulatory Actions.*