TO: Veterinary Services Leadership Team  
Directors, Center for Veterinary Biologics  
Biologics Licensees, Permittees, and Applicants

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SUBJECT: Potency Testing by Unlicensed Facilities

I. PURPOSE

This Memorandum provides guidance to Licensees and license applicants for engaging unlicensed facilities to conduct potency testing of products.

II. BACKGROUND

Licensees must maintain testing expertise in order to properly assess their products, as described in title 9, Code of Federal Regulations (9 CFR), parts 114.3(a) and 113.5(b). Consequently, potency testing of a Licensee’s product by an unlicensed facility has not been allowed.

Knowledge of the nature and identity of active components found in biologic products has expanded, and the bioanalytical tools available to study and quantify these components have improved significantly. The Center for Veterinary Biologics (CVB) understands that good bioanalytical tools are important for evaluating the potency and stability of biological products. These same methods may be used as replacements for testing in animals, resulting in the reduction of animal use.

In order to facilitate the use of better potency testing methods and take advantage of expertise in the development and validation of these methods, CVB considers it permissible and prudent to allow Licensees to contract with unlicensed testing laboratories to perform serial release potency testing.

III. SCOPE

Potency testing by unlicensed laboratories is restricted to bioanalytical methods other than standard microbiological titrations.
IV. POLICY

This document provides guidance to Licensees and license applicants for engaging unlicensed testing laboratories to perform potency testing. Classical culture and titration methods used for live agent serial release potency testing will not be considered.

Regardless of the site where serial release potency testing is performed, the Licensee retains responsibility for ensuring that the testing is conducted according to the approved Outline of Production and must maintain records as described in 9 CFR, parts 113.5 (c), 115.1(a), and 116.

V. IMPLEMENTATION/APPLICABILITY

The guidance for potency testing by unlicensed laboratories is appended to this Memorandum. Implementation is as of the date of this Memorandum.

Appendices
Appendix

Guidelines for Implementation of Potency Testing by Unlicensed Facilities

Licensees and license applicants may contract with unlicensed testing laboratories to have products tested for potency but not for other serial release testing. The unlicensed testing laboratory must be located in the United States, District of Columbia, the Territories, or any other place under the regulatory jurisdiction of the United States. The Licensee or applicant is responsible for all testing and test reporting. In addition, the U.S. Veterinary Biological Product License will carry a restriction indicating that the unlicensed testing laboratory may be inspected by APHIS at any time. It is the responsibility of the Licensees to obtain this permission from the unlicensed testing laboratory.

1. **Submissions Necessary for Implementation of Testing by Unlicensed Testing Laboratory.**
   The following information must be submitted to the firm’s Reviewer in order to obtain approval to contract out potency testing to an unlicensed testing laboratory:
   
   a. **Proposal.** The Licensee should submit a proposal to their Reviewer that includes the name, address, and phone number of the unlicensed testing laboratory, the primary and alternate site contact at the unlicensed facility, and the type of testing performed (break out into types of test per product code).
   
   b. **Audit.** Licensees who have conducted due diligence and audited the unlicensed facility must provide the audit report with audit plan and descriptions of the facility, testing capability, quality assurance program, sample quarantine, sample tracking system, sample disposal procedure, and qualifications of personnel. If the audit has not been conducted at the time of the proposal submission, it must be submitted before commencing potency testing by the unlicensed testing laboratory. The audit plan must describe the plan for subsequent audits and identify who will perform the audits as part of ongoing quality control at the unlicensed testing laboratory.
   
   c. **Authorization of Inspection.** The Licensee must provide a letter from the unlicensed testing laboratory authorizing APHIS to inspect the facility and review all records relevant to the testing of veterinary biologic products.
   
   d. **Verification of Test Method Transfer.** If the Licensee developed and validated the test method, he or she must provide a report verifying that the test method has been satisfactorily transferred from the Licensee to the unlicensed testing laboratory. If the unlicensed testing laboratory develops and validates the test method, the licensee must provide a copy of the validation report to CVB for review and approval.
   
   e. **Outline of Production.** The Licensee must submit a revised Outline of Production containing the following information in Section V.C:
      
      (1) Laboratory Name, Address.
      (2) Identification of the Potency Test.
(3) Conditions for shipment of product to the testing site including the number of samples per test, volume, mode of transportation, and environmental (temperature, insulated packaging, etc.) conditions.

(4) The CVB approval date for the potency testing to be performed by the unlicensed testing laboratory (each test).

(5) Detailed description of test method or reference to a Special Outline and to the unlicensed testing laboratory’s Quality Control Document (e.g., standard operating procedure) for each potency test.

f. Notification of Approval of the Unlicensed Testing Laboratory by CVB. CVB-Policy, Evaluation, and Licensing (PEL) will notify the Licensee by letter that testing by the unlicensed testing laboratory is approved. The notification letter will indicate the facility’s name, address, phone number, primary and alternate contact, the Product Codes affected, and the testing procedures approved. CVB-PEL will issue a revised product license containing a statement authorizing CVB to inspect unlicensed testing laboratories that perform potency tests contracted by the Licensee. The filed, revised Outline of Production will be sent separately.

Once the Licensee receives the letter of approval, Product License, and Outline of Production, the firm may begin using the unlicensed testing laboratory for potency testing.

2. License Restriction Authorizing CVB to Inspect the Unlicensed Testing Laboratory. The Product License shall indicate that each unlicensed testing laboratory performing potency testing is subject to inspection by CVB as per 9 CFR 115.1.

3. Geographical restriction on unlicensed testing laboratories. Unlicensed testing laboratories performing potency testing for Licensees are restricted to the United States, District of Columbia, the Territories, or any place under the regulatory jurisdiction of the United States.

4. Licensee Responsibilities. As described in 9 CFR parts 113, 114, 115, and 116, the Licensee is responsible for compliance with the regulations for all steps involved in the preparation of the product. The Licensee must maintain records of all written, electronic, and oral communication with the unlicensed testing laboratory as they pertain to potency testing of licensed product and product in the prelicense stage. The Licensee must have procedures describing how samples are shipped to the unlicensed testing laboratory, tracked, and disposed.

Unsatisfactory test results (per 9 CFR 116.5 and Veterinary Services Memorandum No. 800.57), changes in the testing procedure, or changes at the unlicensed testing laboratory affecting potency testing must be communicated to CVB-Inspection and Compliance immediately.
5. *Unlicensed Testing Laboratory Responsibilities.*

The unlicensed facility must provide a letter to the Licensee signed by an officer of the laboratory indicating the unlicensed facility is subject to inspection under the Virus Serum Toxin Act. They must store the samples and perform testing according to the procedure described in the Licensee’s filed Outlines of Production and Special Outlines and must inform the Licensee of any proposed changes in testing methodology. These changes must be approved by CVB prior to implementation as per 9 CFR 114.8.

Unlicensed testing laboratories must maintain sample storage and original testing records on site and available for inspection by CVB and provide exact copies of these records to the Licensee.