§ 500.84 Conditions for approval of the sponsored compound.

(a) On the basis of the results of the chronic bioassays and other information, FDA will determine whether any of the substances tested are carcinogenic.

(b) If FDA concludes that the results of the bioassays do not establish carcinogenicity, then FDA will not subject the sponsored compound to the remainder of the requirements of this subpart.

(c) For each sponsored compound that FDA decides should be regulated as a carcinogen, FDA will either analyze the data from the bioassays using a statistical extrapolation procedure as outlined in paragraph (c)(1) of this section or evaluate an alternate procedure proposed by the sponsor as provided in §500.90. In either case, paragraphs (c)(2) and (3) of this section apply.

(1) For each substance tested in separate bioassays, FDA will calculate the concentration of the residue of carcinogenic concern that corresponds to a maximum lifetime risk of cancer in the test animals of 1 in 1 million. FDA will designate the lowest value obtained as $S_n$.

(2) For each substance tested in separate bioassays, FDA will calculate the concentration of the residue of carcinogenic concern in the total human diet that represents no significant increase in the risk of cancer to the human consumer. For the purpose of §500.84(c)(1), FDA will assume that this $S_m$ will correspond to the concentration of residue in a specific edible tissue that corresponds to a maximum lifetime risk of cancer in the test animals of 1 in 1 million.

(3) FDA will designate the concentration of a residue of carcinogenic concern in the total residue of a demonstrated carcinogen excluding any compounds judged by FDA not to present a carcinogenic risk as $S_{so}$.
Because the total diet is not derived from food-producing animals, FDA will make corrections for food intake. FDA will designate as $S_m$, the concentration of residue in a specific edible tissue corresponding to a maximum lifetime risk of cancer in test animals of 1 in 1 million.

(2) From the appropriate residue chemistry data FDA will calculate the $R_m$, as described in §500.86(c). The sponsor must provide a regulatory method in accordance with §500.88(b). FDA will calculate the LOD of the method from data submitted by the sponsor under §500.88. The LOD must be less than or equal to $R_m$.

(3) FDA will conclude that the provisions of this subpart are satisfied when no residue of the compound is detectable (that is, the marker residue is below the LOD) using the approved regulatory method under the conditions of use of the sponsored compound, including any required preslaughter withdrawal period or milk discard time.

§500.88 Regulatory method.

(a) The sponsor shall submit for evaluation and validation a regulatory method developed to monitor compliance with FDA’s operational definition of no residue.

(b) The regulatory method must be able to confirm the identity of the marker residue in the target tissue at a minimum concentration corresponding to the $R_m$. FDA will determine the LOD from the submitted analytical method validation data.

(c) FDA will publish in the Federal Register the complete regulatory method for ascertaining the marker residue in the target tissue in accordance with the provisions of sections 409(c)(3)(A), 512(d)(1)(I), and 721(b)(5)(B) of the act.

§500.90 Waiver of requirements.

In response to a petition or on the Commissioner’s own initiative, the Commissioner may waive, in whole or in part, the requirements of this subpart except those provided under §500.88. A petition for this waiver may be filed by any person who would be adversely affected by the application of the requirements to a particular compound. The petition shall explain and document why the requirements from which a waiver is requested are not reasonably applicable to the compound, and set forth clearly the reasons why the alternative procedures will provide the basis for concluding that approval of the compound satisfies the requirements of the anticancer provisions of the act. If the Commissioner determines that waiver of any of the requirements of this subpart is appropriate, the Commissioner will state the basis for that determination in the regulation approving marketing of the sponsored compound.

(Approved by the Office of Management and Budget under control number 0910–0228)