DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
9200 Corporate Boulevard
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MAY - 5 2008

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Re: Reclassification Order:
513 (c) Petition for Reclassification of Tissue Adhesive for Topical Skin Approximation
Docket # 2006P-0071
Product Code: MPN

Dear Dr. Norsted:

The Center for Devices and Radiological Health (CDRH) of the Food and Drug Administration (FDA) has completed its review of your petition for reclassification of the tissue adhesive for the topical approximation of skin device type. A tissue adhesive for the topical approximation of skin is a device intended for topical closure of surgical incisions, including laparoscopic incisions, and simple traumatic lacerations that have easily approximated skin edges. Tissue adhesives for the topical approximation of skin may be used in conjunction with, but not in place of, deep dermal stitches. FDA concludes that these devices and substantially equivalent devices of these generic types, should be reclassified from class III into class II. This order, therefore, reclassifies the tissue adhesives for topical skin approximation, and substantially equivalent devices of these generic types into class II, under the generic name "Tissue Adhesive for Topical Skin Approximation", effective immediately. This order also identifies the special controls applicable to the device as the FDA guidance document entitled "Class II Special Controls Guidance Document: Tissue Adhesive for the Topical Approximation of Skin, Guidance for Industry and FDA Staff".

FDA identifies this generic type of device, the subject of this reclassification, as follows:

Identification. A tissue adhesive for the topical approximation of skin is a device intended for topical closure of surgical incisions, including laparoscopic incisions, and simple traumatic lacerations that have easily approximated skin edges. Tissue adhesives for the topical approximation of skin may be used in conjunction with, but not in place of, deep dermal stitches.

Classification. Class II (special controls). The special control for this device is FDA's "Class II Special Controls Guidance Document: Tissue Adhesive for the Topical Approximation of Skin." See § 878.1(e) for the availability of this guidance document.

Tissue adhesives for non-topical uses remain in class III and continue to require premarket approval applications (PMAs).

The Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et. seq.*), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Public Law 94-295), the Safe Medical Devices Act of 1990 (SMDA) (Public Law 101-629), and the Food and Drug Administration Modernization Act of 1997 (FDAMA) (Public Law 105-115), among other amendments, established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) established three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

The 1976 amendments broadened the definition of "device" in section 201(h) of the act (21 U.S.C. 321(h)) to include certain articles that were once regulated as drugs. Under the 1976 amendments, Congress classified all transitional devices, i.e., those devices previously regulated as new drugs, into class III. SMDA amended section 520(l) of the act (21 U.S.C. 360j(l)) to direct FDA to collect certain safety and effectiveness information from the manufacturers of transitional devices still remaining in class III to determine whether the devices should be reclassified into class II (special controls) or class I (general controls). The legislative history of the SMDA reflects congressional concern that many transitional devices were not appropriately regulated in class III (H. Rept. 808, 101st Cong., 2d sess. 26-27 (1990); S. Rept. 513, 101st Cong., 2d sess. 27 (1990)).

Accordingly, in the Federal Register of November 14, 1991 (56 FR 57960), FDA issued an order under section 520(l)(5)(A) of the act, requiring manufacturers of transitional devices to submit to FDA a summary of and a citation to any information known or otherwise available to them respecting the devices, including adverse safety or effectiveness information, that had not been submitted under section 519 of the act (21 U.S.C. 360i). Manufacturers were to submit the summaries and citations to FDA by January 13, 1992. By notice published in the Federal Register of March 10, 1992 (57 FR 8462), FDA extended the reporting period to March 31, 1992.

Section 520(l)(5)(B) of the act provides that, after the issuance of an order requiring manufacturers to submit any information known or otherwise available respecting the devices, but before December 1, 1992, FDA was to publish regulations either leaving transitional class III devices in class III or reclassifying them into class I or II. Subsequently, as permitted by section 520(l)(5)(C) of the act, in the Federal Register of November 30, 1992 (57 FR 56586), the agency published a notice extending the period for issuing such regulations until December 1, 1993, but did not publish the regulations before December 1, 1993.

On February 9, 2006, FDA filed your petition (Docket No. 2006P-0071) requesting reclassification of tissue adhesive for the topical approximation of skin from class III into class II. On May 15, 2006, you amended your petition to include several references from the scientific literature cited in the original petition. On July 18, 2006, you again amended your petition to clarify that the use you were proposing for reclassification was only the topical approximation of the skin. The petition was submitted under section 520(l)(2) of the act (21 U.S.C. 360j(l)(2)), and

21 CFR 860.136 of the Agency's regulations. In accordance with section 520(l)(1) of the act, the tissue adhesive for the topical approximation of skin was automatically classified into class III because the tissue adhesive for the topical approximation of skin was a transitional device, i.e., a device previously regulated as a new drug. In order to reclassify the tissue adhesive for topical approximation of skin device type into class II, it is necessary that the proposed class have sufficient regulatory controls to provide reasonable assurance of safety and effectiveness of the device for its intended use.

Pursuant to 21 CFR 860.125 and 860.136(b)(5), FDA consulted with the General and Plastic Surgery Devices Panel (the Panel) at a public meeting held on August 25, 2006. The Panel unanimously recommended that the tissue adhesive for the topical approximation of skin, intended for topical closure of surgical incisions, including laparoscopic incisions, and simple traumatic lacerations that have easily approximated skin edges, which may be used in conjunction with, but not in place of, deep dermal stitches, be reclassified from class III into class II because the Panel believes that special controls will provide reasonable assurance of the safety and effectiveness of the device. The panel also recommended that a guidance document which includes several voluntary consensus standards be the special control for the device. These recommendations were based on the information and data contained in the reclassification petition, on the summary and analysis of the data as set forth in the petition, on information presented during the open public hearing and open committee discussions of the meeting held on August 25, 2006, and on the Panel member's own personal knowledge of, and clinical experience with, the device.

The report and recommendation of the Panel were published in the Federal Register of July 3, 2007 (72FR 36398), and interested persons were invited to comment by September 4, 2007.

FDA agrees with the Panel's recommendation to reclassify the tissue adhesive for the topical approximation of skin from class III into class II with the FDA guidance document entitled "Class II Special Controls Guidance Document: Tissue Adhesive for the Topical Approximation of Skin, Guidance for Industry and FDA Staff" as the special controls. The special controls guidance document incorporates several voluntary consensus standards and will serve as the special controls for the device type.

After review of the information submitted in the reclassification petition, the transcript and minutes of the August 25, 2006 public meeting of the Panel, the Panel member's individual data sheets containing their recommendations, and all other information identified in this letter, FDA has determined that tissue adhesive for the topical approximation of skin, intended for topical closure of surgical incisions, including laparoscopic incisions, and simple traumatic lacerations that have easily approximated skin edges, which may be used in conjunction with, but not in place of, deep dermal stitches as described and identified herein can be reclassified from class III into class II with the establishment of the FDA guidance document entitled "Class II Special Controls Guidance Document: Tissue Adhesive for the Topical Approximation of Skin,

Guidance for Industry and FDA Staff," which incorporates several voluntary consensus standards and will serve as the special controls for the device type.

The special controls guidance document sets forth the information FDA believes should be included in premarket notification submissions (510(k)s) for the tissue adhesive for the topical approximation of skin. FDA has identified the risks to health associated with the use of the device in the first column of table 1 of this document and the recommended mitigation measures identified in the special controls guidance document in the second column of table 1. FDA believes that addressing these risks to health in a 510(k) in the manner identified in the special controls guidance document, or in an acceptable alternative manner, is necessary to provide reasonable assurance of the safety and effectiveness of the device.

Table 1.

Identified Risk	Recommended Mitigation Measures
Unintentional bonding or product leaks into eyes	Bench testing Labeling
Wound dehiscence	Bench testing Shelf-life testing Animal testing Labeling
Adverse tissue reaction and chemical burns	Biocompatibility Animal testing
Infection	Bench testing Sterility
Applicator malfunction	Bench testing
Delayed polymerization	Bench testing Animal testing

FDA believes that the tissue adhesive for the topical approximation of skin can be reclassified into class II because special controls, in addition to general controls, provide reasonable assurance of safety and effectiveness of the device and because there is sufficient information to establish special controls to provide such assurance. The FDA, therefore, is reclassifying the device into class II and establishing the FDA special controls guidance document entitled "Class II Special Controls Guidance Document: Tissue Adhesive for the Topical Approximation of Skin, Guidance for Industry and FDA Staff" as a special control for the device that provides reasonable assurance of the safety and effectiveness of the device.

A notice announcing this reclassification order will be published in the Federal Register. A copy of this order and supporting documentation are on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Room 1061, Rockville, MD 20852 and are available for inspection between 9 a.m. and 4 p.m., Monday through Friday.

If you have any questions concerning this reclassification order, please contact George J. Mattamal, Ph.D., at 240-276-3619.

Sincerely yours,

Ashley B. Boam, M.S.B.E.
Acting Deputy Director for
Science and Review Policy
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