RCC2.950224.066

DISPOSITION FORM

For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office.

File

REFERENCE OR OFFICE SYMBOL	SUBJECT
SAREA-BL-O	Clarification of Approval of Protocols Involving Human Subjects

TO
THRU Dir, Biomed Lab
FROM Ch, Med Vol Ofc
DATE 1 Jul 76
CMT 1
Dr.Sidell/ldr/3333

TO Tech Dir, Edgewood Arsenal

1. Reference is made to:

a. AR 70-25, 31 July 1974.

b. AR 40-38, 23 February 1973.

c. AR 40-7, 4 April 1975.

d. USAMRDC Regulation No. 70-25, 8 October 1975.

e. Letter, SGRD-EDE, Environmental Quality Research, 17 Nov 75, subject: Application for Clinical Investigation Project. (Incl 1)

f. Letter, DAAG-PAP-A (M) DASG-ZA, The Adjutant General, 1 Oct 75, subject: Use of Volunteers and Human Subjects in Research and Testing. (Incl 2)

g. 1st Ind, AMCMM, HQ, US Army Materiel Command, 24 Oct 75, subject: Use of Volunteers and Human Subjects in Research and Testing. (Incl 3)

h. Memorandum of Understanding, DRCMM-S, HQ, US Army Materiel Development and Readiness Command, 27 Apr 76. (Incl 4).

1301-07c

2. Reference 1 states prescribed "policies and procedures governing use of volunteers as subjects in Department of the Army Research, wherein human beings are deliberately exposed to unusual or potentially hazardous conditions." For the purposes of this regulation "unusual and potentially hazardous conditions" are those which may be reasonably expected to involve the risk beyond the normal call of duty of privation, discomfort, distress, pain, damage to health, bodily harm, physical injury or death. However, this regulation seems to be interpreted in a different light in references f and g (see below).

3. Reference 1b provides "guidance for the clinical investigations funded other than RDTE appropriations." Further "The provisions of this regulation are applicable to all Army medical facilities and activities." Although we have been asked (reference 1e) to use the procedures in this regulation, it seems that this regulation is not applicable because we are not an Army medical facility.

4. Reference 1c is "applicable worldwide to include all Army medical facilities and activities." It also "prescribes Department of the Army policies and procedures applicable to the use of investigational drugs in humans." This regulation is applicable to some work of Biomedical Laboratory and may be applicable to the work of the DPE office.

DA FORM 1 FEB 67 2496 REPLACES DD FORM 96 EXISTING SUPPLIES OF ARMY WILL BE ISSUED AND USED UNTIL 1 FEB 63 UNLESS SOONER EXHAUSTED

SAREA-BL-O 1 July 1976
SUBJECT: Clarification of Approval of Protocols Involving Human Subjects

5. Reference 1d is not applicable to this post because it is a USAMRDC Regulation. However, it does state,"This regulation is applicable worldwide including in-service, grant, and contract work wherever human subjects are used in research or clinical investigations regardless of Army appropriation source." Also reference 1e points out that this regulation is sent to us for "clarification of the entire human subject research review system and amplification of AR 70-25."

6. Reference 1e is a letter to this laboratory describing the methods of submitting protocols and procedures to be followed.

7. Reference 1f states, "It is mandatory that every research, development, test, and evaluation experimental protocol sponsored by the Army involving the use of volunteers or human subjects, inservice or under contract or grant regardless to the source of funds be submitted to TSG for review and action."

8. Reference 1g states "Basic letter (reference 1f) represents a significant change in the interpretation by TSG of the scope of coverage of AR 70-25. IAW paragraph 5, basic letter, all research, development, test and evaluation experimental protocols involving human subjects will be submitted to TSG for review and evaluation, regardless of risk of exposure."

9. Reference 1h states, "The Director of the Biomedical Laboratory by direction of the Secretary of the Army has professional, ethical, civil and military responsibility for planning, controlling and safety of experiments involving volunteers utilized in research performed at or under the control of BML, subject to review by TSG."

10. The applicability of all or portions of references 1a thru 1d to the work of this Laboratory and/or other elements of Edgewood Arsenal with human subjects is in some cases in doubt. However, references 1f and 1g leave very little room for interpretation or misinterpretation. They very clearly state that all proposals involving human subjects shall go to the Surgeon General's Office. One could take issue with the meaning of the terms "volunteers" and "human subjects" in some types of tests, but it would seem that the references are worded in such a way to leave no doubt as to the intent of the words. We should make no effort to circumvent this intent.

Frederick R. Sidell

4 Incl
as

Frederick R. Sidell, M.D.
Chief, Medical Volunteer Office
Biomedical Laboratory

17 NOV 1975

SGRD-EDE

Colonel Claude McClure, M.D.
Director, Biomedical Laboratory
Edgewood Arsenal
Aberdeen Proving Ground, MD 21010

Dear Colonel McClure:

The guidance that the Human Use Review Office (HURO) would have you use in preparing research protocols involving human subjects is contained in AR 40-38 (Incl 1) and AR 40-7 (Incl 2).

Appendix B of AR 40-38, entitled, "Application for Clinical Investigation Project," is a format which HURO feels adequately covers the information they need for review. The funding implications (Item 11) is not necessary for their purpose.

For investigational drug application, the Executive Secretary, Army Investigational Drug Review Board (AIDRB), has recommended that the guidelines in Appendix B to AR 40-7 be closely followed. Appendix B is set up so that AIDRB can more easily transmit the information you furnished to the Food and Drug Administration. A copy of FD Form 1572, Statement of Investigator, is inclosed (Incl 3) for your use with investigational or new drugs.

A copy of US Army Medical Research and Development Command Regulation No. 70-25 (Incl 4) is included for clarification of the entire human subject research review system and amplification of AR 70-25.

The staff of HURO have stated that they will be available to assist you or give instruction to your personnel if you have need of them. They may be contacted at AUTOVON 22-38065.

Sincerely,

CHESTER L. WARD, M.D.
Colonel, MC, MFS
Director of Environmental
Quality Research

4 Incl
as

CF:
HURO

Incl 1

Med Vol 4

DEPARTMENT OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
WASHINGTON, D.C. 20310

IN REPLY REFER TO

DAAG-PAP-A (M) DASG-ZA

1 October 1975

SUBJECT: Use of Volunteers and Human Subjects in Research and Testing

Commander, US Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, Virginia 22333
Assistant Chief of Staff for Intelligence, Department of the Army, Washington, DC 20310
Deputy Chief of Staff for Personnel, Department of the Army, Washington, DC 20310

1. Reference is made to:

a. Memorandum, CS:385, 30 June 1953, subject: Use of Volunteers in Research (Incl 1).

b. AR 70-25, 31 July 1974, which superseded original regulation of 26 March 1962 (Incl 2).

c. FDA-MOU 75-3, 24 October 1974, Memorandum of Understanding Between the Food and Drug Administration and the Department of Defense Concerning Investigational Use of Drugs by the Department of Defense (Incl 3).

d. AR 40-7, 4 April 1975 (Incl 4).

2. Reference 1a prescribes policies and procedures governing the use of volunteers in research in defense against atomic, biological and chemical warfare.

3. Reference 1b continues the implementation of the policies defined in reference 1a and provides that all proposals for research in volunteers will be submitted to The Surgeon General (TSG) in writing. Proposals for research with human subjects involving nuclear and chemical warfare agents will be forwarded by TSG with his recommendations on medical aspects to the Secretary of the Army (SA) for approval. TSG has final approval authority for all other research using volunteers.

4. Reference 1c establishes policy to insure that the requirements of the Federal Food, Drug, and Cosmetic Act and the investigational drug regulations issued under that Act are met

Incl 2

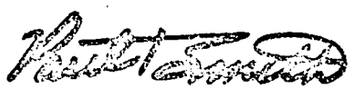
without jeopardizing the requirements of national security or the requirements of Federal laws and regulations relating to such use of drugs. In keeping with this agreement, TSG established the Army Investigational Drug Review Board (AR 40-7) which considers each research proposal involving the use of volunteers in the clinical investigation of new drugs and assists TSG in exercising his responsibility under this agreement. TSG will decide which substances are drugs.

5. It is mandatory that every research, development, test, and evaluation experimental protocol sponsored by the Army involving the use of volunteers or human subjects, inservice or under contract or grant, regardless of the source of funds, be submitted to TSG for review and action as defined in paragraph 3 above. All prior approvals, either written, implied or assumed, of protocols, classes of protocols, or classes of test compounds involving the use of human subjects in relation to chemical agents and potential antidotes are hereby revoked.

6. Experimental work involving human subjects will not be initiated until these requirements have been satisfied in writing.

7. The use of chemical agents or drugs in tests, experiments, and operations related to intelligence interrogation is prohibited.

BY ORDER OF THE SECRETARY OF THE ARMY:



PAUL T. SMITH
Major General, United States Army
The Adjutant General

4 Incl
as

AMCMM (1 Oct 75) 1st Ind
SUBJECT: Use of Volunteers and Human Subjects in Research and Testing

HQ, US Army Materiel Command, 5001 Eisenhower Ave., Alex., VA 22333

TO: SEE DISTRIBUTION

24 OCT 1975

1. Reference is made to:

a. Telephone conversation between BG Dirks, Commander, US Army Medical Research and Development Command, and Colonel Hernandez, Surgeon, USAMC, on 24 October 1975.

b. Letter, AMCMM, 9 September 1975, subject: Use of Volunteers in Research.

2. Basic letter is forwarded for immediate action.

3. Basic letter represents a significant change in the interpretation by TSG of the scope of coverage of AR 70-25. IAW paragraph 5, basic letter, all research, development, test and evaluation experimental protocols involving human subjects will be submitted to TSG for review and evaluation, regardless of risk of exposure.

4. Written proposals will be submitted through this headquarters, ATTN: AMCMM, to HQDA (DASG-ZA), Washington, DC 20310, IAW paragraph 6, AR 70-25.

FOR THE COMMANDER:

wd all incl

ROBERT L. KIRWAN
Brigadier General, USA
Chief of Staff

DISTRIBUTION:
A, B, C

CF:
HQDA (DASG-ZA)
Cdr, USAHSC, ATTN: HSZA

Encl 3

MEMORANDUM OF UNDERSTANDING
ON RESPONSIBILITIES FOR THE
CONDUCT OF RESEARCH AND DEVELOPMENT FOR
DEFENSE AGAINST CHEMICAL AGENTS
BETWEEN THE
COMMANDER, US ARMY MATERIEL DEVELOPMENT
AND READINESS COMMAND
AND
THE SURGEON GENERAL, DEPARTMENT OF THE ARMY

1. Reference is made to:

a. DoD Instruction 5160.5, 7 February 1964.

b. AR 70-1, 1 May 1975.

c. AR 70-55, 18 May 1970.

d. PL 92-463, 6 October 1972.

e. AR 360-5, 28 May 1971.

f. AR 40-7, 30 September 1969.

g. AR 70-25, 31 July 1974.

h. AR 15-1, 15 February 1971.

i. LOI, VCSA, Biomedical Laboratory, Edgewood Arsenal, 23 December 1975.

2. General. a. Under the provisions of reference 1b, the Commander, US Army Materiel Development and Readiness Command (DARCOM) is charged with the prime responsibility for research and development for chemical weapons defense and The Surgeon General (TSG) is charged with the attendant responsibility for research and development for the medical aspects of chemical weapons defense. TSG is charged with prime responsibility and the Commander, DARCOM, is charged with attendant responsibility for research and development in toxicology. Aspects in common to the responsibilities set forth herein are pursued primarily at the Biomedical Laboratory (BML), Edgewood Arsenal.

b. The Memorandum of Understanding (MOU) between the Commander, DARCOM, and TSG clarifies and delineates specific roles of each in the conduct of research and development on the defensive aspects of chemical weapons. This MOU does not imply modification of the Department of the Army assigned responsibilities of the Commander, DARCOM, or of TSG in research and

development matters. Also, this MOU does not prohibit direct communication on technical matters between the Office of The Surgeon General and the BML.

c. Program guidance and budget review on medical research for defensive aspects of chemical operations will be carried out jointly by TSG and the Commander, DARCOM. This guidance and funding will be implemented through DARCOM channels. Annual program planning and evaluation of technical progress of the program will be made jointly by TSG and the Commander, DARCOM.

d. The Assistant Surgeon General for Research and Development, (ASG/R&D) who is also the Commander, US Army Medical Research and Development Command (USAMRDC), will be the point of contact for TSG for all matters concerning the BML.

3. Personnel. a. Under the provisions of reference 1c, TSG will assign two senior Army Medical Department officers, as mutually agreed upon between TSG and the Commander, DARCOM, to serve as Director and Deputy Director of the BML. The senior Medical Corps officer, in addition to directing the research program of the BML, will serve on the staff of the Technical Director of Edgewood Arsenal as the Associate Technical Director for Medical Activities. In the absence of the Director of the BML, the Deputy Director will assume the above responsibilities.

b. The Director of the BML will be appointed as Consultant to TSG on Medical Defense Against Chemical Agents. He will keep TSG informed of the current status of the program on medical defense against chemical agents. He will in turn receive professional medical advice and guidance from TSG through ASG/R&D.

c. The efficiency report of the Director of the BML will be rated by the Technical Director, Edgewood Arsenal. The Commander, Edgewood Arsenal, will attach a letter of comment to the report. The report will be indorsed by the ASG/R&D. The Deputy Director will be rated by the Director, indorsed by the Commander, Edgewood Arsenal, and reviewed by the ASG/R&D.

d. TSG will assign to the BML other Army Medical Department personnel as are required and authorized by the appropriate Tables of Distribution and Allowances as mutually agreed upon by TSG and the Commander, DARCOM. The ASG/R&D will monitor these Army Medical Department personnel positions and assist TSG in the selection of personnel to fill them.

e. TSG will review all civilian and military medical professional staff positions at BML and provide advice and guidance relative to professional utilization of personnel.

4. Use of Volunteers as Subjects of Research. a. The Director of the BML, by direction of the Secretary of the Army (SA), has professional, ethical, civil and military responsibility for planning, controlling and safety of experiments involving volunteers utilized in research performed at or under the control of BML, subject to review by TSG.

b. All research task plans utilizing volunteers must be approved by the Edgewood Arsenal Medical Review Board. After approval by this board, the research task plan will be submitted for approval to a local Human Use Committee constituted in accordance with TSG human use policy.

c. Prior to initiation of research utilizing volunteers as subjects for investigation, the Director of the BML will submit research protocols (detailed proposals for studies) to TSG for review. If investigational drugs or chemicals are involved, provisions of AR 40-7 will be followed. In accordance with AR 70-25 and current governmental policy on human experimentation, TSG has final approval authority for all research using volunteers except with nuclear or chemical warfare agents. Proposals for research with nuclear or chemical warfare agents will be forwarded by TSG with recommendations on medical aspects to the SA for approval. Research in which volunteers are used will not be initiated prior to obtaining written approval from TSG or the SA as appropriate.

d. After approval of the research protocol and during the execution of the research, reports of research utilizing volunteers will be submitted to TSG for review and inclusion in official files at no less than yearly intervals.

e. When TSG is informed that operational considerations require a rapid response, the review and approval process will be accelerated to the maximum extent consistent with sound judgment and legal requirements.

f. When feasible, volunteer testing at the BML will be unclassified.

5. Liaison. a. The interdependence of all phases of chemical warfare research necessitates the full collaboration and timely exchange of information between the Commander, DARCOM, and TSG. Effective coordination will be maintained and any needed adjustments to the program, priorities, and facilities will be made when required.

b. The Commander, DARCOM, through the Surgeon, DARCOM, will establish and maintain liaison with the staff of TSG.

c. TSG, through the Medical Toxicology Research Officer, Environmental Protection Research Division, Environmental Quality Research Directorate, USAMRDC, will establish and maintain liaison with the staff of the Commander, DARCOM.

d. Where appropriate, TSG will seek participation of the medical services of the US Navy, US Air Force and US Public Health Service in providing qualified technical and professional personnel for either duty or training assignments to the BML.

6. Publications. a. All scientific and professional articles, speeches and presentations originating in the BML will be cleared in accordance with AR 360-5, Army Information, General Policies, or other applicable regulations published subsequently.

b. DARCOM reports containing recommendations concerning medical defense against chemical agents will be submitted to TSG for concurrence before publication or transmittal to higher headquarters.

c. Timely declassification of results of all volunteer testing at Edgewood Arsenal will be pursued as a matter of policy.

7. Ad Hoc Study Group for Medical Defense Against Chemical Agents: A Subgroup of the US Army Medical Research and Development Advisory Panel.

a. The purpose of the above Study Group will be:

(1) To review and evaluate the in-house and contract research and development programs conducted under this agreement at least semi-annually.

(2) To evaluate the procedures for use of volunteers as subjects of research to insure maximum safety and most efficient procedures in human experimentation.

(3) To advise the Director, BML, in areas of their expertise when requested.

b. The Study Group will consist of six civilian members who are recognized authorities in appropriate technical fields. Three members will be appointed as consultants to the Commander, DARCOM, and three members will be appointed as consultants to TSG. Other experts may be called in from time to time if the need arises for expertise not represented by other Ad Hoc members. Liaison representatives from the Commander, DARCOM, and from TSG will meet with the Study Group and serve as coordinators. Representatives of the US Navy, US Air Force and US Public Health Service will be invited to attend the Study Group's working sessions as observers.

c. The Study Group will meet at the call of the Commander, DARCOM, TSG, or the Director, BML. Notification and arrangements for a called meeting will be coordinated with all parties. Administrative support will be provided by the command at which the meeting takes place. Payment of honoraria, travel expense and associated consultant expense will be funded by the Commander, DARCOM, and TSG for their respective consultants.

d. Records of the Study Group's meetings, reports and recommendations emanating from the Study Group will be submitted to the Director, EML, and to the liaison representatives of TSG and the Commander, DARCOM.

8. Review and Revision. This MOU will be reviewed annually, during January, or upon request of either party, and will be revised by joint action as often as necessary by the liaison officers specified in paragraphs 5b and 5c. The Medical Toxicology Research Officer, Environmental Protection Research Division, Environmental Quality Research Directorate, USAMRDC, will be responsible for initiating the annual review of this MOU.

RICHARD R. TAYLOR, M.D.
Lieutenant General
The Surgeon General

13 April 1976
Date

JOHN R. DEANE, JR.
General, United States Army
Commanding
US Army Materiel Development
and Readiness Command

23 April 76
Date