



July 18, 2006

Ms. Robin Schulze
Defense Acquisition Regulations System
OUSD (AT&L) DPAP (DARS)
IMD 3C132
3062 Defense Pentagon
Washington, DC 20301-3062

RE: Defense Acquisition Regulations System, 48 CFR Parts 211 and 252, RIN 0750-AF31, Defense Federal Acquisition Regulation Supplement; Radio Frequency Identification (DFARS Case 2006-D002) [71 Fed. Reg. 29084, May 19, 2006]

Dear Ms. Schulze:

The Healthcare Distribution Management Association (HDMA) appreciates this opportunity to provide public comments on the interim rule: *“Defense Federal Acquisition Regulation Supplement; Radio Frequency Identification (DFARS Case 2006-D002).”*

HDMA represents the nation’s primary, full-service healthcare distributors. Our members are large national companies and regional, family-owned businesses. Each day, HDMA member companies safely and efficiently deliver nine million healthcare products to more than 142,000 pharmacies, hospitals, nursing homes, physician offices, and clinics, including Department of Defense (DoD) facilities, across the United States.

This interim rule, known as the Defense Acquisition Regulation Supplement (DFARS) amends the existing rule to include additional commodities and DoD locations that require package marking with passive radio frequency identification (RFID) tags at the case and palletized unit load levels when shipping. Among the commodities described as now subject to the RFID requirement are “medical materials.”

Prescription drug products, biological products, and reagents are not subject to the rule’s requirements and hence are excluded from the definition of “medical materials”. Therefore, the requirement to affix the RFID tags does not apply to these materials. However, the rule does not specifically address circumstances where a single shipment (typically, a tote or “case”) contains both medical materials that are excluded from the rule along with other products that are covered by the rule, i.e., a “mixed” product case/shipment. Through discussions with DoD’s Supply Chain Integration policy staff, it is HDMA’s understanding that the rule was not intended to apply to such shipments where prescription drugs, or biologics or reagents are mixed in with other materials covered by the rule.

Thus, HDMA requests that DoD clarify, either in a final rule or by other appropriate notification to affected parties, that the RFID requirement does not apply to cases or pallets where excluded and included products are “mixed.”

HDMA appreciates the opportunity to provide our comments on this proposal. Should you have any questions about this letter, please feel free to contact me at 703-885-0240 or at aducca@hdmanet.org or John Howells, Director, Industry Relations at 703-885-0277 or at jhowells@hdmanet.org.

Sincerely,

A handwritten signature in cursive script that reads "Anita T. Ducca".

Anita T. Ducca
Senior Director, Regulatory Affairs and Healthcare Policy