



November 13, 2008

Ms. Florence Harmon, Acting Secretary
U.S. Securities and Exchange Commission
100 F Street, N.E.
Washington, D.C. 20549-1090

RE: SEC Release No. 34-58809

Dear Ms. Harmon:

On behalf of its members, the Biotechnology Industry Organization ("BIO") is pleased to provide comments on the proposed rulemaking, SEC Release No. 34-58809, by the Securities and Exchange Commission ("SEC" or "Commission").

BIO represents more than 1,200 biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. BIO members are involved in the research and development of innovative healthcare, agricultural, industrial and environmental biotechnologies, thereby expanding the boundaries of science to benefit humanity by providing better healthcare, enhanced agriculture, renewable fuels, and a cleaner and safer environment.

The biotechnology industry has established itself as a leader in raising the standard of living in the United States of America. Through innovations in medicine, energy, defense, and agriculture, biotechnology companies are key players in the ongoing task of achieving public policy goals. However, emerging biotech companies are feeling the strain of the downward turn of the economy. For over a year, these companies have been largely unsuccessful in accessing the capital to fund research and development of promising therapeutics. Just five years ago, investors readily took chances on a small biotech company to develop life-saving products. Today, because of the current capital market crunch, they are looking elsewhere and leaving promising research and development on the shelves of these once promising companies.

BIO commends the Commission and NASDAQ for suspending the enforcement of the listing rules requiring a minimum market value of publicly held shares. As of November 4, 2008, 228 biotechnology companies trading on NASDAQ markets fell below the minimum market capitalization threshold of \$50 million. BIO also appreciates NASDAQ suspending the enforcement of requiring a minimum \$1 closing bid price. 203 biotechnology companies trading on NASDAQ markets are below the \$1 minimum closing bid price as of November 4.

BIO also strongly supports any efforts by the Commission and NASDAQ to extend these policies, as necessary, beyond the termination date of January 16, 2009. With dramatic market fluctuations that have persisted over the last few months, it is difficult to predict where the markets will stand in two months. The possibility of an extension will allow emerging companies to withstand the current crisis, and continue its focus on research and development on new and innovative therapies, knowing that there will be flexibility if the markets have not substantially improved. As we move closer to the deadline of January 16, BIO looks forward to working with the Commission and NASDAQ in reassessing the situation for our member companies.

BIO appreciates the efforts of the Commission and NASDAQ to help our companies deal with the current challenges of this economic crisis. If you have further questions, please contact me or Shelly Mui-Lipnik, Director of Capital Formation and Financial Services Policy, at (202) 962-9200.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan F. Eisenberg". The signature is fluid and cursive, with a prominent initial "A" and a long, sweeping tail.

Alan F. Eisenberg
Executive Vice President
Emerging Companies and Business Development
Biotechnology Industry Organization (BIO)