FDA and Industry GDUFA II Implementation Quarterly Meetings – 2Q2018 Meeting
April 10, 2018, 1:30 PM – 3:30 PM
FDA White Oak Campus, Silver Spring, MD
Building 32, Room 1215

Agenda

- Follow up Items from January 2018 Meeting
- Facilities
- Industry Topics for Discussion – GDUFA II Commitment Letter (CRLs, Complex Products, Earliest Possible Approval Date, and Continuous Manufacturing and Generics)

Participants

FDA:		Industry:	
Donald Ashley	CDER	Deborah Autor	AAM (Mylan)
Tiana Barnes	CDER	John DiLoreto	BPTF
Mary Beth Clarke	CDER	Kenneth Drew	EFCG (Flamma SpA)
Francis Godwin	CDER (Facilities)	David Gaugh	AAM
Alonza Cruse	ORA	Kiran Krishnan	AAM (Apotex)
Michael Kopcha	CDER	Matthew Moran	EFCG (BioPharmChem)
Ann Marie Montemurro	ORA (Facilities)	Lisa Parks	AAM
Ellen Morrison	ORA	Andrea Redd	AAM (Fresenius Kabi)
Kathleen Uhl	CDER	Gil Roth	PBOA
		Chhevi Sharma	BPTF (Ashland)
		Cornell Stamoran	PBOA (Catalent)
		Andy Sweet	BPTF (PCI Synthesis)
		Scott Tomsky	AAM (Teva)

Follow Up Items from January 2018 Meeting

Industry presented on challenges facing the generic drugs industry, particularly threats to sustainable competition and drug shortages. Industry noted the passage of the CREATES Act by Congress would prevent brand abuses designated to block generic and biosimilar competition, and address Risk Evaluation Mitigation Strategy with Elements to Assure Safe Use. Industry pointed to the importance of legislative solutions, monitoring IP abuses, and investigation into purchaser consolidation. Industry stipulated: (1) drug shortages within the generic drugs market may also occur due to the consolidation of buyers, and (2) proposed U.S. tariffs on China may have an impact on the market. Also, Industry stated proposed opioid legislation and the mandate of change in packaging could be costly to the generic industry. There is currently no timeline for reference listed generic drugs to come into compliance. Legislation could keep generics out of that space and triple the cost. Lastly, Industry discussed compounding concerns, particularly manufacturing facilities that are also compounders.

Facilities Discussion

FDA provided an update on the process for communication and coordination regarding inspection classifications in a timely, meaningful, way with accurate inspection results. FDA kicked-off Con-Ops and began issuance of 90-day decisional letters, combined with the redacted EIR report for No Action Indicated/Voluntary Action Indicated (VAI) inspections, ending on or after October 1, 2017. FDA indicated a letter template is in development and will

be made public. FDA issued approximately 30 Official Action Indicated (OAI) letters since launch. All inspections are in the public inspections classifications database. Offices are actively working towards the goal of issuing 90% of facility classification letters in under 90 days beginning October 2018.

Facility Classification
Industry is concerned with the major classifications of amendments related to facilities and inspections without clear understanding of the reason for the classification. Industry indicated the draft guidance, *ANDA Submissions – Amendments to Abbreviated New Drug Applications Under GDUFA,* issued in October 2017, is too broad. FDA informed Industry that all comments received to the docket for this draft guidance are currently under review.

Roles and Communication
Industry asked if follow-up with the Office of Manufacturing Quality (OMQ) could take place prior to final disposition/action. FDA stated any information received would be reviewed, but due to the new timeframes implemented under GDUFA II and ConOps, increased communications between classification letter and agency action could hinder the process to achieve faster Agency actions. Industry expressed uncertainty in the roles and standards of Office of Pharmaceutical Quality's (OPQ) Office of Process and Facilities (OPF) and OMQ. FDA stated that OMQ and OPF work together on many inspection reviews, and the focus of each is on different areas: OPF on pending applications and OMQ on marketed products.

Industry Topics for Discussion

GDUFA II Commitment Letter
Industry asked questions related to Section II (B)(6) & (7) of the Commitment Letter, which in part states: FDA will work through a goal date if in FDA's judgment continued work would likely result in an imminent tentative approval or imminent approval and FDA will strive to act prior to a goal date when a review is done and there are no outstanding issues. FDA stated work is ongoing to define "imminent" approval and asked Industry for specific examples of when FDA has not acted before a goal date when the review is complete with no outstanding issues.

Complete Response Letters (CRLs)
Industry expressed concern that CRLs are being used to communicate "easily correctable" deficiencies and may extend approval time. Industry requested FDA issue Information Request (IR) or Discipline Review Letters (DRL) for amendment review. FDA indicated that "easily correctable deficiencies" is not a term used in GDUFA II and that IRs and DRLs in GDUFA II apply only to the review of new, original, ANDAs and not to amendments. FDA may issue IRs and/or DRLs during amendment review for non-GDUFA II ANDAs only, if resources permit.

Continuous Manufacturing and Generics; Single Development of Complex Generics
Industry sought to discuss continuous manufacturing and generics, as well as Single Development for Complex Generics (use of a common reference product for approval in

multiple jurisdictions). Both FDA and Industry agreed that these discussions should be conducted outside the user implementation fee discussion.

Topics for Further Discussion from Industry
Industry stated Issuance of Refuse to Receive (RTR) should be reserved for ANDA applications with significant deficiencies that cannot be resolved through prompt communication and suggested a possible revision of the guidance. FDA asked for examples and specifics as well as time of occurrence. FDA also requested Industry to submit comments to the docket for the RTR Guidance. Industry also noted potential future topics concerning the impact of Pre-Submission Facility Correspondences under GDUFA II, bridging goal dates, and FDARA provisions.

In addition, FDA suggested a policy expert from FDA and industry be included in future GDUFA II implementation discussions. FDA identified a person to fill this role and requested industry select an industry expert to join the implementation discussions. The industry leads indicated that they would work together to identify one policy expert and would communicate to FDA once a selection was made.