# Common Discrepancies Observed on the Form 356h with the ANDA Submission

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Generic Drugs Forum 2025 – April 9, 2025

# Learning Objectives

- Describe the purpose of Form 356h
- Why is it important?
  - Formal cover document for submissions
  - Ensures required information is provided
- FDA Guidance for Industry on 356h
- Common Discrepancies Observed
  - Impact on ANDA Submissions
  - Agency Recommendation

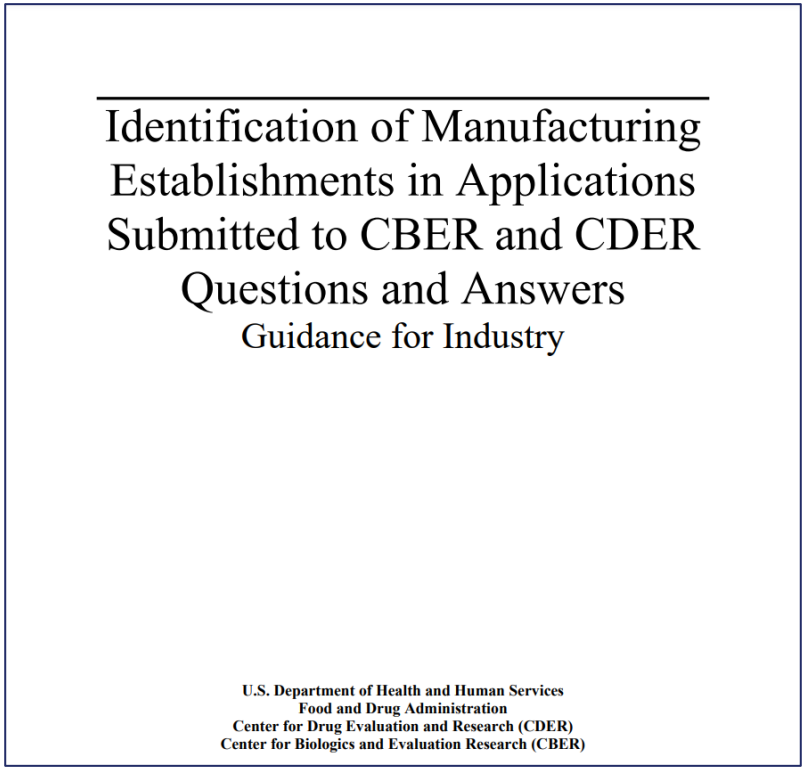
# Introduction

- Purpose of FDA Form 356h in ANDAs
- The role of FDA in reviewing the form
- The importance of accurate and complete submissions

# Key Sections of Form 356h

- Applicant Information
- Product Information
- Establishment Details
- Clinical & Non-clinical data

# FDA Guidance for Industry on Form 356h



Identification of Manufacturing Establishments in Applications Submitted to CBER and CDER
Questions and Answers
Guidance for Industry

U.S. Department of Health and Human Services
Food and Drug Administration
Center for Drug Evaluation and Research (CDER)
Center for Biologics and Evaluation Research (CBER)

# FDA Guidance for Industry on Form 356h

- Consistency in application data
- Common pitfalls and errors identified by FDA
- How to properly complete each section

# Top 10 Most Common Discrepancies Observed

# #10

- **Full version of form 356h with all establishments included in quality-related submissions, but a shortened version is used for non-Quality related submissions.**
- Impact: Facility information request
- Recommendation: Consistently submit the full form 356h

# #9

- **Form 356h is missing in a grouped supplement for non-lead applications**
- Impact: Information request, Delayed start to evaluation
- Recommendation: Confirm a separate form 356h is included for each ANDA listed in group.

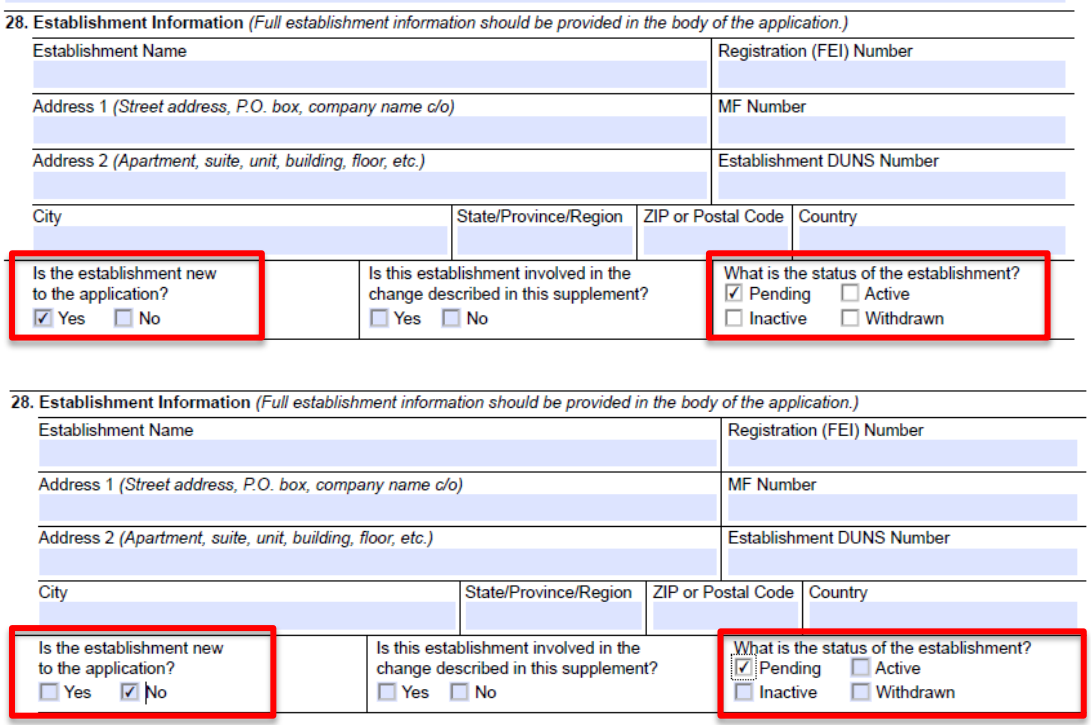
# #8

- **Email address listed for new responsible official, or US agent is not secure**
- Impact: Delay in receiving correspondence from Agency
- Recommendation: Advise every new administrative contact to secure email ASAP - SecureEmail@fda.hhs.gov

# #7

- **In premarket applications, introducing a new facility to the application but omitting the response to "Is the Establishment new to the application?"**
- Impact: Prolonged evaluation, Goal Date Extension
- Recommendation:
  - When introducing a new facility that involves commercial manufacturing or testing, include proposed change on 356h and cover letter.
  - On 356h, check "Yes" to "Is the Establishment new to the application?"; check "No" if facility was already introduced in a prior review cycle.
  - Facilities should be ready for inspection and marked "Pending" until application is fully approved

# Example: Introduction of a Facility in a Pre-market application



**28. Establishment Information** *(Full establishment information should be provided in the body of the application.)*

| Establishment Name | | | Registration (FEI) Number |
|---|---|---|---|
| Address 1 *(Street address, P.O. box, company name c/o)* | | | MF Number |
| Address 2 *(Apartment, suite, unit, building, floor, etc.)* | | | Establishment DUNS Number |
| City | State/Province/Region | ZIP or Postal Code | Country |

| Is the establishment new to the application? | Is this establishment involved in the change described in this supplement? | What is the status of the establishment? |
|---|---|---|
| ☑ Yes ☐ No | ☐ Yes ☐ No | ☑ Pending ☐ Active ☐ Inactive ☐ Withdrawn |

**28. Establishment Information** *(Full establishment information should be provided in the body of the application.)*

| Establishment Name | | | Registration (FEI) Number |
|---|---|---|---|
| Address 1 *(Street address, P.O. box, company name c/o)* | | | MF Number |
| Address 2 *(Apartment, suite, unit, building, floor, etc.)* | | | Establishment DUNS Number |
| City | State/Province/Region | ZIP or Postal Code | Country |

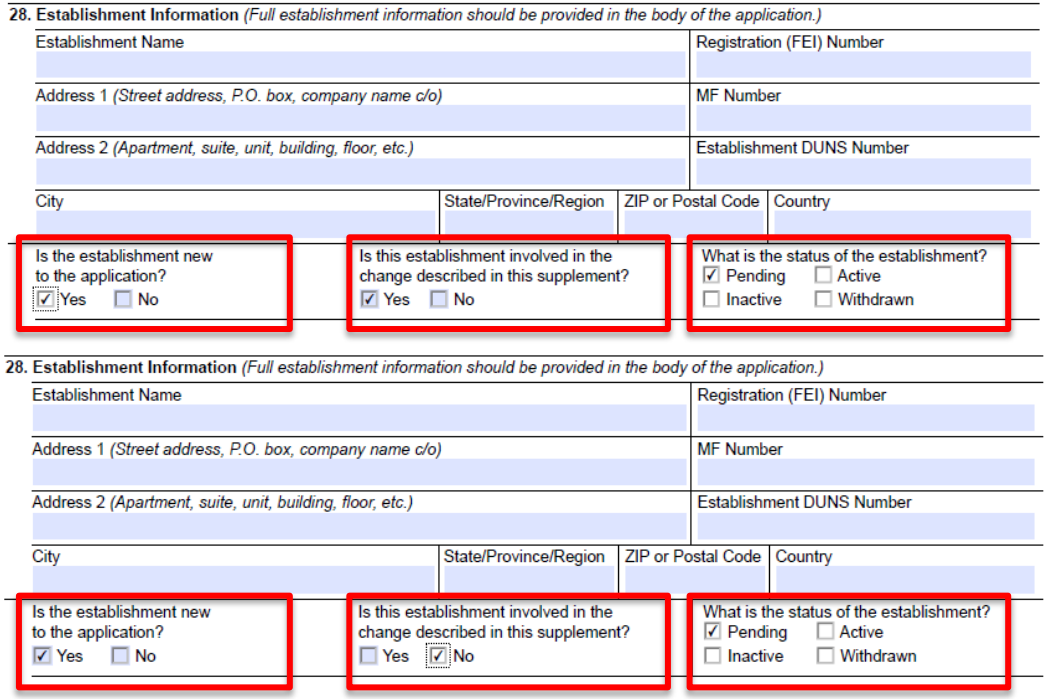
| Is the establishment new to the application? | Is this establishment involved in the change described in this supplement? | What is the status of the establishment? |
|---|---|---|
| ☐ Yes ☑ No | ☐ Yes ☐ No | ☑ Pending ☐ Active ☐ Inactive ☐ Withdrawn |

- New facility introduction with current submission
- Facility previously introduced in prior assessment cycle

# #6

- **In post-marketing applications, multiple facilities are proposed among different supplements and submitted concurrently but response to question “Is this establishment involved in the change described in this supplement?” is omitted.**
- Impact: Prolonged evaluation
- Recommendation:
  - Check "Yes" to "Is the Establishment new to the application?" with every new facility proposal.
  - Check "Yes" if applicable to supplement submission and “No” for all other proposed facilities submitted concurrently in a different supplement
  - Facilities should be ready for inspection and marked "Pending" until supplemental application is approved

# Introduction of a Facility in a Post-market ANDA



**28. Establishment Information** *(Full establishment information should be provided in the body of the application.)*

| Establishment Name | | | Registration (FEI) Number |
|---|---|---|---|
| Address 1 *(Street address, P.O. box, company name c/o)* | | | MF Number |
| Address 2 *(Apartment, suite, unit, building, floor, etc.)* | | | Establishment DUNS Number |
| City | State/Province/Region | ZIP or Postal Code | Country |

| Is the establishment new to the application? | Is this establishment involved in the change described in this supplement? | What is the status of the establishment? |
|---|---|---|
| ☑ Yes ☐ No | ☑ Yes ☐ No | ☑ Pending ☐ Active ☐ Inactive ☐ Withdrawn |

**28. Establishment Information** *(Full establishment information should be provided in the body of the application.)*

| Establishment Name | | | Registration (FEI) Number |
|---|---|---|---|
| Address 1 *(Street address, P.O. box, company name c/o)* | | | MF Number |
| Address 2 *(Apartment, suite, unit, building, floor, etc.)* | | | Establishment DUNS Number |
| City | State/Province/Region | ZIP or Postal Code | Country |

| Is the establishment new to the application? | Is this establishment involved in the change described in this supplement? | What is the status of the establishment? |
|---|---|---|
| ☑ Yes ☐ No | ☐ Yes ☑ No | ☑ Pending ☐ Active ☐ Inactive ☐ Withdrawn |

- New facility proposed in a supplemental ANDA
- For all other proposed facilities submitted concurrently in a different supplement

# #5

- **Facilities on form 356h are not reflected in relevant sections of module 3 or vice versa.**
- Impact: Facility information request
- Recommendation: Update all relevant sections of module 3 to reflect form 356h

# #4

- **Facility is marked as “withdrawn” on 356h but there is no reference to the facility withdrawal request on the cover page**
- Impact: Facility is not withdrawn, CDER collections information request
- Recommendation:
  - Include facility withdrawal request on both 356h **and** cover page
  - In post-market, submit as a standalone CBE-0 or submit with a quality-related supplement

# #3

- **Previously approved facilities still checked "Pending"; Withdrawn facilities still checked "Withdrawn"**
- Impact: Prolonged Evaluation
- Recommendation: Upon receipt of approval action, update facility status to "Active"; Remove withdrawn facility from form

# #2

- **FEI number lists the DUNS and vice versa; FEI number doesn't reflect what Agency has.**
- Impact: Facility information request
- Recommendation: Confirm accuracy on FDA data dashboard

# #1

- **Not all API facilities are listed in the application (356h or Module 3.2)**
- Impact: Facility information request, Goal date extension
- Recommendation:  Applicant should contact DMF holder to identify and include all API facilities which are used to support commercial manufacturing

# Impact of Errors on ANDA Approval

- Potential Refuse-to-Receive (RTR) designation
- Delayed review timelines
- Additional FDA queries and Information requests (IRs)

# Best Practices for Avoiding Discrepancies

- Use FDA's most recent 356h guidance, electronic submission tools (eCTD validation), and the FDA data dashboard for firm resources
- Internally audit by cross-checking details across all submission documents
- Update the 356h to reflect each facility's status prior to a submission
- Have a question? Contact the application's RBPM or submit a controlled correspondence.

# Key Takeaways

- Form 356h is critical and must be accurate
- Accuracy and consistency of Form 356h ensures a smoother ANDA approval process
- Discrepancies lead to more work for the Agency and for the applicant
- Discrepancies delay the review timeline

# Questions?

# Resources

- Identification of Manufacturing Establishments in Applications Submitted to CBER and CDER Questions and Answers Guidance for Industry
- FDA Form 356h: Application to Market a New or Abbreviated New Drug or Biologic for Human Use
- Guidance for Industry: Good ANDA Submission Practices
- Guidance for Industry: ANDA Submissions – Refuse-to-Receive Standards
- Identification of Manufacturing Establishments in Applications Submitted to CBER and CDER: Questions and Answers
- Common Entry Submission Errors
- FDA Data Dashboard

# Closing Thought

Ensure accuracy on your Form 356h. Review, validate, and follow FDA guidance. A thorough submission today leads to a faster approval tomorrow!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