OFFICE OF NEW ANIMAL PRODUCT EVALUATION AND OFFICE OF GENERIC ANIMAL DRUGS REVIEWER'S CHAPTER

PREPARING MEETING DOCUMENTATION (I.E., EARLY RESPONSE LETTER, MEMORANDUM OF CONFERENCE, ACKNOWLEDGEMENT LETTER, OTHER REVIEW DOCUMENTATION)

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I. PURPOSE

This document:

- defines an Early Response Letter (ERL)
- defines a Memorandum of Conference (MOC);
- describes what information to include in an ERL, MOC, MOC acknowledgement letter, and internal documentation related to meetings;
- explains the responsibilities of the preparer,[1] assigned consulting reviewers (CRs),[2] and other meeting participants;[3,4]
- includes timeframes for preparing, commenting on, and finalizing the ERL and meeting documentation;
- describes how to handle correspondence from the sponsor following the ERL and meeting;
- provides information on presubmission conference agreements; and
- describes options for documenting concurrence on meeting documentation.

[1] The preparer is the primary reviewer (PR) assigned to the Z submission or any other individual designated by office, division, or branch procedures as responsible for preparing the meeting documentation.

[2] A CR is an individual assigned a consulting review through our Submission Tracking and Reporting System (STARS).

[3] Other meeting participants are individuals from CVM who participate in the meeting without having formal consults through STARS.

[4] For meetings with the Division of Biotechnology (DB), see SOP 1243.106.002 "Procedures for Developer Meetings with DB" and ONAPE SOP 1240.106.000 "Animal Biotechnology Risk Review: Review Team Process", as responsibilities and timeframes may differ.

II. DEFINITION OF AN EARLY RESPONSE LETTER

The ERL is a document prepared by Office of New Animal Product Evaluation (ONAPE) and Office of Generic Animal Drugs (OGAD) personnel to provide written responses to questions posed by the sponsor in their virtual presubmission conference (PSC) meeting request. An ERL is provided for virtual PSCs for pioneer new animal drug products only, where the sponsor has chosen to receive a written response from CVM before the meeting is scheduled to take place. The ERL should be issued at least six (6) calendar days prior to the sponsor's scheduled meeting. Responses are commensurate with the level of information and complexity of questions submitted by the sponsor.

After receiving the ERL, the sponsor can opt out of the scheduled PSC meeting. If a meeting is held, an MOC and acknowledgement letter will be provided following the meeting, as described below. The timeline for sponsors to receive the meeting documentation is different from the in-person and virtual PSCs (with no ERL).

III. DEFINITION OF A MEMORANDUM OF CONFERENCE

An MOC is a document prepared by ONAPE or OGAD personnel that documents the nature and substance of a meeting with an outside party[5] (referred to as the sponsor through the remainder of this document). The MOC is the official record of the meeting, and CVM issues a copy to the sponsor accompanied by an acknowledgement letter.

An MOC must provide enough detail to allow individuals reading the MOC at the time of issuance and potentially years later to understand the nature and substance of the meeting. It is not a meeting transcript. The MOC's scope is limited to discussions and information exchanged during the meeting, including any agreements reached and action items identified. Any additional information CVM wishes to transmit to the sponsor is included in the acknowledgement letter that accompanies the MOC, rather than in the MOC itself.

IV. WHEN IS A MEMORANDUM OF CONFERENCE REQUIRED

An MOC is generally required for meeting requests submitted to a generic investigational new animal drug or investigational new animal drug [(J)INAD] file and abbreviated new animal drug or new animal drug [(A)NADA)] file when a meeting is held. Meeting requests are identified in our Submission Tracking and Reporting System (STARS) as Z submissions. There are three meeting types:

1. presubmission conference (PSC),[6]
2. method demonstration (MD), and
3. other ONAPE or OGAD meeting (OO).

An MOC is <u>always</u> required for any PSC (e.g., virtual or in-person) when a meeting is held. As an ONAPE and OGAD employee, you are required to document the substance of any other meeting with a sponsor when you determine that such information will be

[5] An outside party is a person(s) from outside the FDA who has requested a meeting with us. An outside party may be a potential applicant, a representative of industry or a special interest group, or any other external constituent.

[6] See §514.5(f)(1). "Presubmission Conference" means one or more conferences between a potential applicant and FDA to reach a binding agreement establishing a submission or investigational requirement.

useful [see §10.65(e)]. You may document an informal meeting or discussion (i.e., unrelated to a Z submission) with a memo to file (Q submission), or, if the discussion is related to a pending submission, as part of the review prepared for that pending submission. This type of documentation is not considered an MOC and does not fall under this P&P.

Note: If an ERL is provided to the sponsor and the sponsor decides the virtual PSC meeting is no longer needed, the scheduled meeting will be cancelled, and an MOC or acknowledgement letter will not be provided.

V. CONTENT OF THE ERL, MOC, ACKNOWLEDGEMENT LETTER, AND OTHER REVIEW DOCUMENTATION[7]

A. The Early Response Letter (ERL)

The ERL is sent to the sponsor at least six (6) calendar days prior to the scheduled meeting if the sponsor has selected this option when requesting the meeting. Prepare the ERL using the office template and include the following information.

1. CVM's written responses to the questions posed by the sponsor in their meeting request.

2. Background pertinent to the request for the meeting.

   The ERL may briefly describe any background information pertinent to the request for a meeting.

3. Any additional comments from the review branch (e.g., informational items not included as questions in the submission by the sponsor but will help with product development) should appear in a separate section after the responses to the questions posed by the sponsor.

4. If a sponsor requests written confirmation (not for discussion) that a technical section (TS) is complete, this written confirmation should be included in the ERL. Note: The ERL will be submitted in lieu of a TS complete letter in the application for approval (see P&P 1243.3024).

In an ERL, there is no PSC agreement section and no action item section.

B. The Memorandum of Conference (MOC)

Prepare the MOC using the office template and include the following information.

1. List of Attendees with Affiliation

   For CVM attendees, identify their affiliation within CVM at the time of the meeting and include managers' administrative titles (e.g., division director). Do not use acronyms. For sponsor attendees, identify their company or organization affiliation. If the meeting included someone acting as the sponsor's US agent,

[7] See SOP 1243.000.007 for information on grammar standards for final action packages that undergo a quality control review by the Quality Assurance Branch.

identify that person by following their name with the term “US agent.” Delete any unused rows from the table of attendees or add rows if necessary.

2. Background Pertinent to the Request for the Meeting

   In the MOC’s first paragraph, state who requested the meeting and the general discussion topics, including a reference to an ERL if one was issued. Subsequent paragraphs may briefly describe any background information pertinent to the request for a meeting and any other information that is necessary to ensure the completeness of the administrative file. For example, it may be appropriate to include information about other submissions received before the request for the meeting that relate to the meeting agenda, product information, or proposed indications. Do not include information in this section that we cannot share with the sponsor, such as other sponsors’ proprietary information.

3. Summary of Key Points of Discussion

   Use appropriate headings to form an outline and add subheadings as needed (examples of headings include technical sections or the sponsor’s agenda items). For virtual PSCs with an ERL, the MOC will not repeat what was transmitted in the ERL. Briefly summarize the main points discussed at the meeting for each item. For PSCs at which TSs were confirmed to be complete during the meeting, the sponsor provides a copy of the MOC from the meeting in lieu of a TS complete letter when they submit their application for approval (see P&P 1243.3024).

4. PSC Agreements Section

   PSCs are the only meetings in which agreements may result. If the meeting is not a PSC, delete this section from the MOC. Refer to Appendix 1 for additional information about PSC agreements.

   If an agreement on any investigational or submission requirement was reached during the PSC, include enough detail in this section to ensure the terms of the agreement are clear (e.g., include any conditions associated with the agreement). Carefully consider what to include in this section; these must be specific agreements on submission or investigational points that will allow us to make a determination about safety or effectiveness. There are different TSs built into the template in the PSC Agreements section. Delete any that do not apply and add a “Chemistry, Manufacturing, and Controls” TS when needed. Note that human user safety and abuse potential are captured under the “Target Animal Safety” technical section.

   If no agreements were reached during the PSC, replace all template text within the PSC Agreements section with the text, “There were no agreements.”

5. Action Items Section

   List any items requiring further action or clarification. For each item, include the responsible party (CVM or the sponsor) and when/how the action item will be addressed (e.g., in the acknowledgement letter accompanying the MOC, through email following the meeting, etc.). If there were no action items, enter text in this section stating, “There were no action items.”

C. Acknowledgement Letter

Use the office template to prepare the acknowledgement letter that will accompany the MOC. The acknowledgement letter may include additional comments that CVM wishes to communicate to the sponsor following the meeting. For in-person and virtual PSCs in which CVM provides confirmation only through written comments (not during the discussion) that TSs are complete, the sponsor provides a copy of the MOC acknowledgement letter or ERL in lieu of a TS complete letter when they submit their application for approval (see P&P 1243.3024).

D. Submission Summary, Review or Other Internal Review Documentation

The preparer documents concurrence from assigned CRs, as well as other CVM participants if desired, in a review, submission summary, or other review-related document. There are different ways to document concurrence (e.g., record individual email responses and attach those to the review prepared for the Z submission, provide a general statement in the review that says each CVM participant was contacted and concurred on the prepared meeting documentation). The specific way concurrence is documented will vary depending on the level of discussion and editing that ensues following the meeting. Discuss with your supervisor which methodology is best for your particular situation.

A submission summary is typically required, either as a stand-alone document or as part of a review document generated by the preparer. The preparer generates a review if it is needed to ensure the completeness of the administrative file. CRs also write reviews if needed for completeness of the file. In rare instances, review documentation is not required where no internal discussions were held for the meeting and no documentation is needed for FDA's record other than what happened at the meeting with the sponsor.

Reviews should be prepared to include examination of background materials and decisions relating to the meeting that need to be documented, or information related to the meeting that cannot or will not be transmitted to the sponsor in the ERL, MOC or acknowledgement letter. See P&P 1243.3009 for information on format and style conventions for a scientific review. Reviews may include, among other items:

1. a review or summary of background materials examined;
2. background information that cannot be provided in the MOC for proprietary reasons, e.g., recommendations about a specific issue based on previous submissions or related applications belonging to other sponsors;
3. a chronology of relevant events or actions following the meeting, e.g., need for correction of information provided to the sponsor at the meeting, or completion of action items;
4. TS status(es);
5. references to other related meetings, such as pre-meetings;
6. a summary or record of internal discussions that bear on the substance of the MOC or acknowledgement letter or that lead to additional comments or recommendations in the acknowledgement letter;

7. a “Transmit to Sponsor” section, with additional comments to be included in the acknowledgement letter if applicable;

8. the basis for any decision(s) not previously documented; and

9. concurrence on the ERL, MOC, and acknowledgement letter.

VI. PROCESS, RESPONSIBILITIES, AND TIMEFRAMES FOR PREPARING AND REVIEWING MEETING DOCUMENTATION

A. The Early Response Letter

For a virtual pioneer PSC with an ERL, the premeeting is held no earlier than 39 days prior to the scheduled meeting date. While the meetings are being scheduled, the PR also creates the draft ERL and draft submission summary. These documents will be in a central location for the review branches to add their draft text prior to sending the ERL. The ERL is sent to the sponsor at least six (6) calendar days prior to the scheduled meeting date.

1. Determine How the ERL Will be Generated and Reviewed

    a. The PR and any CR(s) determine who is responsible for responding to the questions included in the submission. Generally, CRs prepare the portion of the ERL related to their specialty because their expertise is critical to accurately documenting CVM’s position on the topic.

        i. Determine whether to designate a “lead” consultant.

            The lead consultant works with the other consultants, following branch and division clearance procedures, to confirm the text to be provided to the preparer.

    b. If needed, the PR provides CRs and other meeting participants with a table showing the steps and associated due dates for processing documentation, following the timeframe summary at the end of this section. An Excel timeline template is available on the ONAPE and OGAD templates SharePoint.

2. Generate ERL and Circulate for Review

    a. The PR generally begins drafting the ERL as soon as possible while the premeeting and sponsor meetings are being scheduled.

    b. PRs and CRs provide text to the ERL document no later than 23 days before the scheduled sponsor meeting date.

    c. The PR refrains from making edits to any text other than that which they initially prepared, although the PR may make minor editorial changes such as defining acronyms and ensuring consistency of the sponsor’s or product’s name throughout the ERL. Any proposed substantive changes/revisions to sections prepared by CRs may be recommended using tracked changes or comment bubbles. CRs make any agreed-upon revisions to their own section themselves. CRs, and additional participants if desired, provide concurrence or concurrence after revisions no later than 12 days before the scheduled meeting date.

Note: Typically, the PR sends the ERL to other CRs, copying their branch chiefs (BCs), and the CRs may distribute it to other participants in their branch or division. If a CR has determined that others from their branch or division will comment on the ERL, the CR follows the process established during the premeeting to evaluate the comments received from those branch or division participants to determine which comments they will provide to the PR. These comments will primarily address their area of specialty and be documented in a manner that ensures the completeness of the administrative file (per P&P 1243.2010). In the event that CRs from different groups [e.g., target animal division (TAD), biostatistics, and clinical pharmacology branches; or TAD and Division of Manufacturing Technologies (DMT) branches] need to coordinate text for overlapping or interrelated concepts, they work together to finalize the text before returning concurrence or concurrence with comments.

3. Finalize the ERL in Appian

   The PR sends the ERL through Appian no later than **six (6) days** before the scheduled meeting date. The PR and the appropriate management chain must sign off in the clearance chain for the ERL in Appian [see §10.70(c)(2)].

   Sponsors should submit a notification via the gateway at least three (3) calendar days prior to the sponsor meeting date to inform CVM that they no longer want to hold the virtual meeting or that they still want to meet after receiving the ERL.[8] If no notification is received from the sponsor, the PR sends a notification by email that will serve as a reminder for the sponsor. If the sponsor still does not submit the notification, CVM will hold the virtual meeting as scheduled.

B. Determine How the MOC and Acknowledgement Letter Will Be Generated and Reviewed

If the sponsor requested a virtual PSC with an ERL, CVM has **30 days** from the meeting date to issue the acknowledgement letter and the MOC to the sponsor.[9]

If the sponsor requested an in-person or virtual meeting (without the ERL option), CVM has **45 days** from the meeting date to issue the acknowledgement letter and the MOC to the sponsor [per §514.5(f)(1)(ii)].

Because the times allotted for preparing, circulating, concurring and/or commenting on the documentation and closing out the Z submission are relatively brief, it requires a collaborative effort. Individuals are expected to provide their text and concurrence or comment within the timeframes described below; see the summary table of the timeframes at the end of this section.

Note: If the review branch determines during the pre-meeting that a CR's input is not needed after all, that CR does not contribute to the document preparation and does not need to be included in the review and concurrence stage.

1. The PR and any CR(s) determine who is responsible for writing which portions of the MOC and how comments will be shared. Generally, CRs prepare the portion

[8] Sponsors should choose 'ONAPE Communication' in eSubmitter as the initial submission type to access the response template to note if a meeting is needed following the receipt of the ERL.

[9] Animal Drug User Fee Act (ADUFA) V negotiations

of the MOC related to their specialty because their expertise is critical to accurately documenting the discussion.

a. Determine the role of other meeting participants, if applicable.

i. For other participants from a CR's branch or division, the CR determines with them:

- how they will consolidate and provide information to be included in the documentation (through email or posted in a shared location);
- how they will resolve conflicting comments within their branch or division; and
- who will review the documentation, how they will provide comments to the CR, and how the CR will resolve any conflicting comments before returning concurrence or concurrence with comment to the preparer.

ii. For other participants not from a CR's branch or division, the preparer determines with them whether and how they will contribute to the meeting documentation.

b. Determine whether to designate a "lead" consultant.

In some cases, multiple CRs contribute to a single portion of the MOC. For example, a PSC "Effectiveness" portion may include text from the TAD, biostatistics, and clinical pharmacology branches. In this case, the reviewers may designate a "lead" consultant (here, it would be a TAD reviewer) and other consultants provide their text to the designated lead consultant. The lead consultant works with the other consultants, following branch and division clearance procedures, to confirm the text to be provided to the PR.

2. The PR provides CRs, and other meeting participants if needed, with a table showing the steps and associated due dates for processing the documentation, following the timeframe summary at the end of this section. An Excel timeline template is available on the ONAPE and OGADs templates SharePoint.

C. Generate MOC and Acknowledgement Letter and Circulate for Review

1. The PR generally records the key discussion points, agreements, and action items during the meeting, even if CRs agreed to prepare their portion of the MOC. The PR, using notes taken during the meeting, begins drafting the documentation as soon as possible after the meeting.

If CRs are providing text to a "lead" consultant, they provide that text no later than 10 days from the meeting date.

2. If CRs (and other meeting participants, if desired) are writing their portions of the MOC, they provide the PR with the key discussion points, agreements, action items relating to their area of specialty, and any additional comments they want communicated to the sponsor in the acknowledgement letter.

- For in-person and virtual meetings (with no ERL), this may be done by email or a returned consulting review no later than **21 days** from the meeting date.

- For virtual PSCs with an ERL, they provide that text no later than **14 days** from the meeting date.

The text provided to the PR incorporates comments received from other branch or division participants, as appropriate, and is cleared through the appropriate management chain.

- If a "lead" consultant is working with other consultants to confirm text, the "lead" consultant provides that text to the preparer by the **day 21** deadline for in-person and virtual meetings (with no ERL).

- For virtual PSCs with an ERL, the other consultants provide that text no later than **14 days** from the meeting date.

If CRs are writing a review and have agreed to prepare their section of the MOC, the consulting review includes:

- their portion of the MOC; and

- any additional comments they want transmitted to the sponsor in the acknowledgement letter. These comments are included in the review under the "Transmit to Sponsor" section and identified as "Additional comments to be communicated to the sponsor in the acknowledgement letter."

CRs are returned to the preparer through Appian:

- for in-person and virtual meetings (with no ERL), no later than **21 calendar days** from the meeting date, following the CR's branch and division clearance procedures (consistent with P&P 1243.3029), or

- for virtual PSCs with an ERL, no later than **14 calendar days** from the meeting date.

3. The PR drafts the MOC and acknowledgement letter as described above, incorporating the sections written by CRs when applicable. The preparer generally incorporates the information provided by CRs verbatim, although the preparer may make minor editorial changes such as defining acronyms and ensuring consistency of the sponsor's or product's name throughout the documentation. The preparer must discuss any proposed substantive changes with the appropriate CR(s) before incorporating them.

   - For in-person and virtual meetings (with no ERL), the PR clears the draft documentation through the appropriate management chain, then distributes it to the CRs, and other meeting participants if desired, no later than **28 days** from the meeting date for concurrence or comments.

   - For virtual PSCs with an ERL, this is done no later than **20 days** from the meeting date. Documentation may be distributed for comment by email or posted in a shared location for changes or comments to be entered directly.

D. Review and Concur or Comment on the MOC and Acknowledgement Letter

CRs, and other meeting participants if desired, review the documentation and respond to the preparer that they either:

- concur with the documents as written, or
- concur with the documents if the provided revisions are made.

CRs refrain from making edits to any text other than that which they initially prepared, but may recommend revisions to other sections, using tracked changes or comment bubbles, for the CR's consideration. CRs make any agreed-upon revisions to their own section themselves.

1. Timeframes for Responses

    - For in-person and virtual meetings (with no ERL), CRs, and additional participants if desired, provide concurrence or concurrence after revisions no later than **35 days** from the meeting date.
    - For virtual PSCs with an ERL, this is done no later than **25 days** from the meeting date.

Note: Typically, the preparer sends the MOC only to CRs, copying their BCs, and the CRs may distribute it to other participants in their branch or division. If a CR has determined that others from their branch or division will comment on the MOC, the CR follows the process established before the meeting to evaluate the comments received from those branch or division participants to determine which comments the CR will provide to the preparer. These comments will primarily address their area of specialty and be documented in a manner that ensures the completeness of the administrative file (per P&P 1243.2010). In the event that CRs from different groups (e.g., TAD, biostatistics, and clinical pharmacology branches; or TAD and DMT branches) need to coordinate text for overlapping or interrelated concepts, they work together to finalize the text before returning concurrence or concurrence with comments.

E. Finalize the MOC and Acknowledgement Letter and Close Out the Submission in Appian

1. For In-Person or Virtual Meetings (with no ERL)

    The PR finalizes the meeting documentation, incorporating revisions from CRs as appropriate and making any other necessary final changes to the documentation. The preparer resolves any conflicting revisions with the appropriate CRs and documents the resolution (if needed) to ensure the completeness of the administrative file. The preparer only accepts revisions in sections that were made by the CR assigned to that section. If edits were made by other CRs, the preparer notifies the CR assigned to that section and obtains their concurrence or comments on the revisions before moving forward. The preparer may opt to have an additional round of concurrence with the appropriate CR, if needed.

    The PR closes out the submission through Appian no later than 45 days from the meeting date. The PR generally uploads the following documents into Appian

(consulting reviews returned through Appian are automatically included as part of the final action package):

- the MOC;
- the acknowledgement letter; and
- a submission summary, as a standalone document or as part of a review. This includes supporting documentation as needed to ensure the completeness of the administrative file (e.g., emails documenting resolution to internal discussions) and concurrence from the CRs.

The PR and the appropriate management chain must sign off in the clearance chain for the MOC and acknowledgement letter in Appian (see §10.70(c)(2)). Note that signatures on the MOC are not transmitted to the sponsor but are maintained on an internal copy.

2. For Virtual PSCs with ERL

   a. When No Meeting is Held

      If the sponsor submits notification that the meeting is no longer needed, the PR cancels the meeting and no MOC or acknowledgement letter is issued.

      All CRs return reviews or close out consults by day 14 after the originally scheduled meeting date.

      The PR closes out the submission through Appian no later than 30 days from the originally scheduled meeting date. The PR can upload a submission summary, as a standalone document or as part of a review. This includes supporting documentation as needed to ensure the completeness of the administrative file (e.g., emails documenting resolution to internal discussions). The CRs returned through Appian are automatically included as part of the final action package.

      The final Appian action code is FNR/MEMO.

   b. When a Meeting is Held

      If the sponsor submits notification that the meeting is still needed for further clarification or if CVM receives no notification, the meeting is still held with the sponsor.[10] The preparer finalizes the meeting documentation, incorporating revisions from CRs as appropriate and making any other necessary final changes to the documentation. The preparer resolves any conflicting revisions with the appropriate CRs and documents the resolution (if needed) to ensure the completeness of the administrative file. The preparer only accepts revisions in sections that were made by the CR assigned to that section. If edits were made by other CRs, the preparer notifies the CR assigned to that section and obtains their concurrence or comments on the revisions before

[10] If the sponsor does not join the meeting within 15 minutes after the start of the scheduled meeting, the submission is closed using the steps described above in Section VI.E.2.

moving forward. The preparer may opt to have an additional round of concurrence with the appropriate CR, if needed.

The PR closes out the submission through Appian no later than 30 days from the meeting date. The PR generally uploads the following documents into Appian (the ERL and consulting reviews returned through Appian are automatically included as part of the final action package):

- the MOC;
- the acknowledgement letter; and
- a submission summary, as a standalone document or as part of a review. This includes supporting documentation as needed to ensure the completeness of the administrative file (e.g., emails documenting resolution to internal discussions) and concurrence from the CRs.

F. If Applicable, the PR Reminds Those Assigned Responsibility for Any Action Items to Follow Up on Their Action Items Within the Agreed-Upon Timeframes

G. Responsibility of Branch Chiefs (BCs) and Division Directors (DDs)

BCs and DDs are collectively responsible for ensuring that the final documents are complete and accurately represent the meeting discussion. This is particularly important for a PSC because PSC agreements are binding on the sponsor and CVM. A thorough review of the documents also minimizes the need for sponsors to request MOC revisions.

H. Summary of Timelines

Take note: “Clock Day” refers to the number of calendar days from the scheduled meeting date. The scheduled meeting date is day 0. Negative clock days denote tasks occurring prior to the scheduled meeting date, and positive numbers denote tasks occurring after the meeting date.

Table 1: Timeline following in-person and virtual meetings (with no ERL)

Clock Day	Task
Day 0	Scheduled meeting date
Day 10	Sub consultants (A2, A3, B2, etc.) provide draft text to designated "lead" consultant (A1, B1, etc.; when applicable)
Day 21	CRs provide MOC section, comments for letter to preparer
Day 21	CRs close consult through Appian
Day 28	PR circulates documents to CRs
Day 35	CRs provide concurrence or concurrence after revisions
Day 45	PR closes out final action package

Table 2: Timeline for ERL preparation

Clock Day	Task
Day -39 to -33	Pre-meeting held (this should not be held any earlier than day -39)
Day -23	PR and CRs provide draft text in ERL
Day -16	PR circulates ERL to CRs
Day -12	CRs provide concurrence or concurrence after revisions
Day -6	ERL sent to sponsor
Day 0	Scheduled meeting date

Table 3: Timeline following ERL with no meeting

Clock Day	Task
Day -6	ERL sent to sponsor
Day 0	Scheduled meeting date
Day 14	CRs close consult through Appian
Day 30	PR closes out final action package

Table 4: Timeline following ERL with meeting held

Clock Day	Task
Day -6	ERL sent to sponsor
Day 0	Meeting date
Day 10	Sub consultants (A2, A3, B2, etc.) provide draft text to designated "lead" consultant (A1, B1, etc.; when applicable)
Day 14	CRs provide MOC section, comments for acknowledgement letter to preparer
Day 14	CRs close consult through Appian
Day 20	PR circulates documents to CRs
Day 25	CRs provide concurrence or concurrence after revisions
Day 30	PR closes out final action package

VII. HANDLING CORRESPONDENCE SUBMITTED BY THE SPONSOR

Sponsor correspondence that is directly related to the MOC is coded as a Y submission in STARS. If the sponsor addresses action items that resulted from the meeting or has questions about their next steps, the submission is not considered to be directly related to the MOC and is coded and handled in a manner appropriate to the nature of the submission. The PR determines the appropriate final action based on the purpose of the submission.

A Y submission cannot be used to change information provided in an acknowledgement letter or an ERL. A Y submission is to be used only for clarifying the MOC. If the sponsor has questions about information provided in the ERL, then the sponsor should ask to hold the meeting for clarification. If the sponsor has question(s) after the meeting request is closed out and no meeting was held, the sponsor can ask their question(s) by submitting a submission type commensurate with the topic and requested outcome.

A. Submission of Sponsor Meeting Minutes

If the sponsor submits only their version of the meeting minutes, the PR closes out the submission in Appian using the final action “Submission filed with no review documentation; no letter sent.”

B. Request to Revise the Memorandum of Conference

A request for changes to a PSC MOC must be sent within 30 days of the date that CVM issued the MOC; other meeting types do not have a specified timeframe for requesting changes. If the sponsor requests revisions to the MOC, the preparer routes the submission to the appropriate CRs. CVM has 45 days from receipt of the request to respond to the sponsor [see §514.5(f)(1)(iii)]. Therefore, the preparation and review of an acknowledgement letter responding to the sponsor’s request, and an amended MOC if necessary, follows the procedures and timeframes (using the request receipt date) described for the original MOC.

Use the amended MOC acknowledgement letter template to respond to this submission, either informing the sponsor that CVM has not made any changes to the original MOC or summarizing the changes that were made in response to the request. If changes to the MOC are necessary, the preparer generates an amended MOC with the title, “Amended Memorandum of Conference” and with the appropriate Y submission identifier.

Determine whether to generate a submission summary, review, or other internal documentation according to the principles outlined in Section V.D. As explained in that section, it is important to document concurrence and to ensure the completeness of the file.

VIII. REFERENCES

Code of Federal Regulations

Part 10 – Administrative Practices and Procedures

§10.65, Meetings and correspondence

§10.70, Documentation of significant decisions in administrative file

Part 514 – New Animal Drug Applications

§514.3, Definitions

§514.5, Presubmission conferences

CVM Policies and Procedures Manual – Office of New Animal Product Evaluation (ONAPE) and Office of Generic Animal Drugs (OGAD) Reviewer's Chapter

1243.2010 – Responsibilities for Creating and Maintaining Records

1243.3009 – Format and Style Conventions for Reviews and Submission Summaries

1243.3024 – Scheduling and Holding Meetings with Outside Parties

1243.3029 – Closing Out Consulting Reviews for Submission Tracking and Reporting System (STARS) submissions

1243.3050 – Determining Technical Section Requirements for New Animal Drug Product Approval

ONAPE and OGAD Standard Operating Procedures (SOP)

1243.000.007 – Grammar Standards for Final Action Packages that Undergo a Quality Control Review by the Quality Assurance Branch

IX. VERSION HISTORY

November 10, 2004 – Original version

August 10, 2006 – revised to update and change consulting review timeframe to 21 days, add a Summary of Procedure section, remove the sample letter because the office now uses a template, and make other clarifications agreed upon by ONADE Management.

December 4, 2008 – revised to clarify that there are only two copies of the MOC prepared. One copy on white paper, which serves an enclosure and accompanies the letter, and the other on pink paper. The pink copy contains administrative information and is for the administrative record. Section II. Summary was removed as this is no longer our standard format.

May 11, 2012 – revised to reflect current practice, including changes to the administrative process due to the implementation of Appian and eSubmitter

September 4, 2012 – revised to incorporate minor edits

September 10, 2014 – revised to update the internal timeframes associated with completing an MOC to reflect a single round of review, with more time allotted earlier in the process for consolidating text among different assigned consulting reviewers and clearing text through the appropriate management chain; minor edits made in other portions of the text.

November 4, 2014 – removed text added September 10, 2014, which indicated that attendees' degrees should not be listed.

July 8, 2016 – minor revisions to formatting and content.

September 21, 2017 – revisions to provided information on how to document concurrence using Outlook email, appendix added to provide detailed information on presubmission conference agreements, and other updates. Internal information redacted from internet version.

January 6, 2020 – revised to clarify meeting types, update the P&P reference for written feedback from consultants not expected to attend the meeting, to move Outlook email concurrence steps to an Appendix, and to incorporate overlapping information from different sections into single sections.

January 14, 2020 – revised to clarify current process for preparing documentation for meetings. The title of the P&P was also changed for clarification purposes. Title was changed from “Preparing a Memorandum of Conference (MOC)” to “Preparing Meeting Documentation (i.e., Memorandum of Conference, Acknowledgement Letter, Other Review Documentation)”.

July 19, 2021 – Updated to include the numbering in the list in Appendix 1, section J. Also, updated to fix minor spelling errors.

August 4, 2021 – Updated Appendix 1, Section G to remove the reference to the office policy since it was incorporated into P&P 1243.3024 Scheduling and Holding Meetings with Outside Parties.

July 19, 2022 – Quality systems review for minor formatting updates.

September 29, 2023 – Updated to include virtual PSC meeting with an Early Response Letter (ERL) documentation process, a type of meeting resulting from the ADUFA V negotiations. This update is reflected in edits to all sections of the P&P, with the exception of Definition of an MOC and References. The title of the P&P is updated by adding “Early Response Letter” so that it reads “Preparing Meeting Documentation (i.e., Early Response Letter, Memorandum of Conference, Acknowledgement Letter, Other Review Documentation)”. This update added a new section titled “Definition of an ERL”, added “ERL” to a section title so that it now reads “Content of the ERL, MOC, Acknowledgement Letter, and Internal Documentation”. This update also incorporated minor edits to address review comments from various ONADE Divisions. The P&P was placed into the current format for P&Ps at this time.

October 13, 2023 - Updated to remove the instruction to reissue comments from the original acknowledgement letter in the acknowledgement letter accompanying the amended MOC.

April 5, 2024 – Added a footnote to section V. to reference SOP 1243.000.007 that explains grammar standards for final action packages that go the Quality Assurance Team for quality control review. Reviewers may choose to apply those standards to meeting documentation as well.

July 13, 2026 – Removed Appendix 2 containing procedures on how to document concurrence using Outlook email because the process is no longer used. Updated to reflect division feedback on the ERL process. A footnote was added to state how the sponsor will respond noting if they want to hold the meeting or not following the receipt of the ERL. Clarified day 10 of the timeline following the ERL with a meeting held. These updates were reflected in Section VI of the document titled, “Process, Responsibilities, and Timeframes for Preparing and Reviewing Meeting Documentation”. Updated to add OGAD to the heading and footer. Changes ONADE to ONAPE and OGAD throughout the document, and removed all reference to HFV codes, team leaders, and teams.

APPENDIX 1. PRESUBMISSION CONFERENCE AGREEMENTS

A. Background

Section 512(b)(3) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (incorporated as part of the Animal Drug Availability Act of 1996) establishes an entitlement for a potential applicant (as defined in 21 CFR 514.3) to hold one or more conferences with us to reach agreement as to certain submission or investigational requirements before the application is submitted (hence the name, presubmission conferences or PSCs). These PSC agreements are intended to be binding on both parties unless there is a mutual agreement to make a change to such an agreement or we determine that a substantial scientific requirement (appearing after the agreement was reached) is essential to a determination of safety or effectiveness and issue a written order to that effect.

B. Which Technical Sections (TSs) Are Subject to PSC Agreements

The Act is specific to only those potential agreements that may be reached regarding safety and effectiveness requirements. Language from the preambles to the proposed (65 FR 51782) and final (69 FR 51162) rules clarify that safety can include target animal safety and human safety. Therefore, all aspects of human safety (e.g., human food safety, human user safety and human abuse potential) are subject to PSC agreements. Because the quality of the drug product underlies a product's safety and effectiveness, chemistry, manufacturing and controls (CMC) are also subject to PSC agreements. The PSC requirements in the Act did not extend to any obligations that we have under the National Environmental Policy Act of 1969 (NEPA). Therefore, PSC agreements may be reached for all major TSs except for Environmental Impact.

C. Are Generic New Animal Drugs Subject to PSC Agreements?

Yes, the PSC regulation (21 CFR 514.5) applies to both NADAs and ANADAs. In fact, section 514.5(b) states that "a potential applicant is entitled to one or more conferences prior to the submission of an NADA, supplemental NADA, or an ANADA to reach an agreement establishing part or all of a submission or investigational requirement." Bioequivalence studies act as a proxy for determining the safety and effectiveness of the generic new animal drug, so they are an appropriate subject of PSC agreements.

D. Which Agreements in PSCs Should Be Considered PSC Agreements?

The implementing regulations at 21 CFR 514.5(e) describe PSC agreements as

"… submission or investigational requirement [that] may include, among other things, the number, types, and general design of studies that are necessary to demonstrate the safety and effectiveness of a new animal drug for the intended uses and conditions of use prescribed, recommended, or suggested in the proposed labeling for the new animal drug."

For the purposes of Office-wide consistency and implementation, PSC agreements are considered those high-level agreements on the number and types of studies the potential applicant will submit. Due to the process-driven nature of drug manufacturing, most PSCs will not result in a PSC agreement for CMC but can be used when appropriate (e.g., see example 8 in Section J). While we may reach understandings or agreements with the potential applicant on many other aspects of the major TSs (including environmental impact) and for labeling, indications, etc., documentation of these other agreements is in the body of the MOC and is not included in the PSC Agreement section (see examples below). For

example, an agreement to conduct a particular type of study would typically be a PSC agreement. Study design details may be discussed in the PSC and documented in the body of the MOC but do not typically rise to the level of a PSC agreement.

E. Where Are PSC Agreements Documented?

Agreements regarding the number and types of studies in a PSC must be included in the MOC under a heading entitled "Presubmission Conference Agreement." See the MOC template on the ONAPE and OGAD Templates SharePoint. The reviewer(s) for each TS discussed in the meeting includes with their MOC text any agreements reached for their TS.

F. Can PSC Agreements Be Made in an ERL?

No, agreements can only be made if a meeting is held.

G. Why Pull Out Points Which Have Already Been Discussed and Documented in the Body of the MOC and Repeat Them in the PSC Agreement Section?

The regulation specifically states at 21 CFR 514.5(f)(1)(i): "If the presubmission conference agreement section of the memorandum is silent on an issue, including one that was discussed in the conference or addressed by materials provided for the conference, such silence does not constitute agreement between FDA and the potential applicant on the issue." In other words, anything not pulled out and listed in the MOC's agreements section is not a formal PSC agreement. The goal of this policy is to get Office-wide consistency on how we document PSC agreements in the MOC.

H. What if There Are No PSC Agreements?

The goal of a PSC meeting is to reach agreements, where possible (see P&P 1243.3024 regarding the importance of PSC agreements). If no such agreements are reached, state that there were no agreements in the PSC Agreements section of the MOC.

I. Do We Need Verbal Agreement from the Potential Applicant in the Meeting to Call it an Agreement?

Yes. At the close of each PSC or at the end of a TS discussion (if the CVM participants leave the meeting early), CVM needs to summarize the key points of discussion, any PSC agreements, and action items (see P&P 1243.3024). The PR for the meeting is responsible for ensuring that enough time is allotted in the meeting agenda for this summary. This summary of key points provides the potential applicant with the first and best opportunity to agree, request clarity or disagree and, therefore, ensure that the discussions and any PSC agreements reached will be accurately documented in the MOC.

J. What Should You Do if You Are Not Sure if an Agreement at a Meeting Falls Under the Definition of a PSC Agreement?

Talk with your BC and the PR. Use the examples below as a guide. However, these examples do not cover every situation. If you have a specific situation where there is doubt as to whether an agreement is a PSC agreement, do not include it in the PSC agreements section. The goal of this policy is to get Office-wide consistency on documenting PSC agreements, not to include items in the PSC agreements section that do not rise to the level of a PSC agreement.

K. Examples

Below are several clarifying examples of what should or should not be included in a PSC Agreement portion of the MOC documenting a meeting with a potential applicant.

The following examples would be considered PSC agreements:

1. We agree a standard margin of safety study (e.g., “1, 3, 5X study”) will be conducted.
2. We agree that the standard battery of studies to support human food safety as outlined in GFI #3 will be conducted.
3. We agree that a laboratory model study plus a systematic review of the literature and meta-analysis will be conducted to demonstrate substantial evidence of effectiveness.
4. We agree that a blood-level bioequivalence study will be conducted for a generic new animal drug.
5. We agree a systematic review of the literature will be conducted to support human user safety.
6. We agree a specific battery of studies will be conducted to address human abuse potential.
7. We agree with a potential applicant’s proposal to address a major technical section but only with specific caveats (the PSC agreement section should refer to the list of caveats discussed in the body of the MOC).
8. We agree no new submission is required to support human food safety, target animal safety, effectiveness or CMC (e.g., the TS is not affected by a supplemental change, or a potential applicant can reference a completed TS from another application). Refer to P&P 1243.3050. The potential applicant will submit a copy of the MOC from this meeting in lieu of a technical section complete letter when they submit their application.

The following examples would not be considered PSC agreements but should be documented in the body of the MOC:

1. The potential applicant makes a proposal for demonstrating effectiveness and we believe the potential applicant is on the right track, but we request that the potential applicant provide additional information before we can agree.
2. We have general discussions on human abuse potential but refer the potential applicant to CDER for details on what types of studies will be required.
3. We agree that the potential applicant may submit a request for a categorical exclusion to address environmental impact.
4. We agree with the potential applicant’s proposed proprietary name.
5. We agree with the wording of the potential applicant’s proposed indication.
6. We agree with specific wording for the product labeling.

    We agree to specific details of study design, e.g., number of animals, primary variable, statistical analysis, etc.