U.S. FOOD & DRUG ADMINISTRATION

Controlled Correspondence Program Updates under GDUFA III

Marcia D. Fields, PharmD
Lieutenant Commander, U.S. Public Health Service
Office of Regulatory Operations, Office of Generic Drugs
CDER | U.S. FDA

SBIA Generic Drug Forum – April 12, 2023

Learning Objectives

- Define the types of controlled correspondence
- Describe elements of acceptable correspondence
- Devise an outline for best practices
- Confirm understanding resources and contacts

Poll Question #1

Have you previously attended a SBIA conference that included information related to controlled correspondence?

A. Yes

B. No

Poll Question #2

Are you aware there is a Draft Guidance for Industry Controlled Correspondence Related to Generic Drug Development published in December 2022?

A. Yes

B. No

Definitions

- Controlled Correspondence
- Level 1: previously known as Standard
- Level 2: previously known as Complex
- Clarification of Ambiguity

Level 1 Controlled Correspondence

- Before abbreviated new drug application submission
- After product-specific guidance teleconference
- After complete response letter or tentative approval
- Post approval

Level 2 Controlled Correspondence

- Clinical content
- Alternative bioequivalence (BE) approach
- Consultation with another office or center
- Covered product authorization

Clarification of Ambiguity

- Ambiguity in the controlled correspondence response means the controlled correspondence response or a critical portion of it merits further clarification

Quick Review

- Definitions
- Post conference evaluation
- Resources

Examples of What is **not** a Controlled Correspondence

- General Questions
- Outside of Scope
  - No U.S. approved Reference Listed Drug

What to Include in a Controlled Correspondence

- Documents on corporate letterhead
- Complete contact information
- Letter of Authorization (if submitted by authorized agent)
- Reference listed drug (RLD)

What to Include in a Controlled Correspondence

- Previous related controlled correspondence
- Prior relevant research
- Recommended review discipline
- Concise statement of inquiry
- Statement that the controlled correspondence is related to either a potential or actual ANDA submission to OGD

Inactive Ingredient Evaluation Controlled Correspondence

- Exceed levels in Inactive Ingredient Database
- Three inactive ingredients

Inactive Ingredient (IIG)	Proposed Amount (mg)
A	20
B	20
C	20

- Three proposed amounts

Inactive Ingredient (IIG)	Proposed Amount (mg)
A	20
	30
	40

Inactive Ingredient Evaluation Controlled Correspondence

- Highest proposed amount in range
- Only inactive ingredients in question
- No PharmTox data
- Separate: Different routes of administration

Q1/Q2 Evaluation Controlled Correspondence

- One strength per controlled correspondence
- Three formulations per controlled correspondence
- Avoid ranges
- Composition should reflect ANDA submission

Controlled Correspondence after Issuance of Complete Response Letter (CRL)

- Include a copy of the CRL
- Reference to the specific deficiency in the CRL
- Proposed responses to deficiencies should be submitted to the ANDA

Inquiries Related to a Specific Pending ANDA

- New strength
- New package
- Advice to address deficiency in CRL
- Feedback after product specific guidance Tcon
- Covered Product Authorization (CPA)

FDA Communications to Requestors

- Controlled Correspondence Acknowledgment
- Substantive response
- Missed Goal Date
- Status Request

Helpful Tips

Guide to Distinguish Meeting Request versus Submitting Controlled Correspondence

- RLD information
- Status request after 60 days
- FDA will not pre-review BE Waiver Requests
- inquiry in a controlled correspondence ≠ inquiry in meeting request

Helpful Tips

Related to Clarification of Ambiguities

- Letter of Authorization
- 7 calendar days
- No Q1/Q2 formulation explanation

Helpful Tips

Content Submissions Portal

- U.S. agents
- Use a corporate email address
- Ensure consistency
- Include ANDA
- Control numbers issued

Helpful Tips

Content Submissions Portal

- Invalid controlled correspondence
- Cover letter dated within 7 days of receipt
- 1 year Letter of Authorization (LOA)

Challenge Question #1

How long should you wait to receive acknowledgment that the controlled correspondence was accepted or not?

A. 30 days

B. 7 days

C. 60 days

D. 120 days

Challenge Question #2

After what time period may you request a status if you have not yet received a substantial response/review from the Agency?

A. 7 days

B. 21 days

C. 30 days

D. 60 days

Points of Contact

- General Questions: CDERSBIA@fda.hhs.gov
- For technical support with Portal: EDMSupport@fda.hhs.gov
- Generic Drugs Mailbox genericdrugs@fda.hhs.gov
- ANDA Filing status: ANDAFiling@fda.hhs.gov
- Pre-ANDA Development Meetings:

PreANDAHelp@fda.hhs.gov

Resources

- **Controlled Correspondence Draft Guidance Link (December 2022):**

https://www.fda.gov/media/164111/download

- **GDUFA Reauthorization Performance Goals and Program Enhancements Fiscal Years 2023-2027 (GDUFA III Commitment Letter)**

https://www.fda.gov/media/153631/download

Resources

- **OGD Website:**

http://www.fda.gov/Drugs/DevelopmentApprovalProcess/HowDrugsareDevelopedandApproved/ApprovalApplications/AbbreviatedNewDrugApplicationANDAGenerics/ucm142112.htm

- **GDUFA III Webpage:**

https://www.fda.gov/industry/generic-drug-user-fee-amendments/gdufa-iii

- **Recorded Presentation Highlighting Important GDUFA III Changes Related to Controlled Correspondence (October 2022)**

https://youtube/https://www.youtube.com/watch?v=wfsb6Vvn0eg

Resources

- **Instructions for Creating a Portal Account: https://www.fda.gov/media/128774/download**

- **Portal Link: https://edm.fda.gov**

- **FAQs related to Portal**

https://cdernextgenportal.fda.gov/CDER_FAQ_Page

Summary

- Characterized correspondence
- Distinguished non-controlled correspondence
- Highlighted tips for success
- Aspects of invalid controlled correspondence

FDA U.S. FOOD & DRUG ADMINISTRATION