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Overview: BsUFA III Commitments

June 7, 2022

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Office of Therapeutic Biologics and Biosimilars

AGENDA

- BsUFA Background and Reauthorization Process
- BsUFA III Agreement Highlights
- Closing

BsUFA
Background and Reauthorization Process

Basic User Fee Construct

- Congress directed FDA to establish a user fee program for the process for the review of biosimilar biological product applications. Fee funds are added to non-fee appropriated funds and are intended to increase staffing and other resources to speed and enhance review process.
- User fees pay for services that directly benefit fee payers.*
- Fee discussions with industry focus on desired enhancements in terms of specific aspects of activities related to review of biosimilar biological products.
  - What new or enhanced process will the FDA want or industry seek to include in the next 5 years?
  - What is technically feasible?
  - What resources are required to implement and sustain these enhancements?
  - **No discussion of policy** (e.g., FDA does not discuss what its policy decisions will be in guidance)
- Fee discussions also include mechanics of user-fee program (e.g., how fees are collected, fee types, products covered by each fee).
- Medical product user fee programs must be reauthorized every 5 years.

** OMB Circular A-25; direct benefit distinguishes user fees from tax*

BsUFA I to BsUFA II

BsUFA I (FDASIA) | 2013-2017

- Referenced PDUFA fee amounts and included fees for products in the development phase in order to generate fee revenue to support FDA's review work during development and enable sponsors to have meetings with FDA early in development.
- Introduced predictable timelines and review process performance goals, primarily modeled on PDUFA, that increased over the course of BsUFA I.

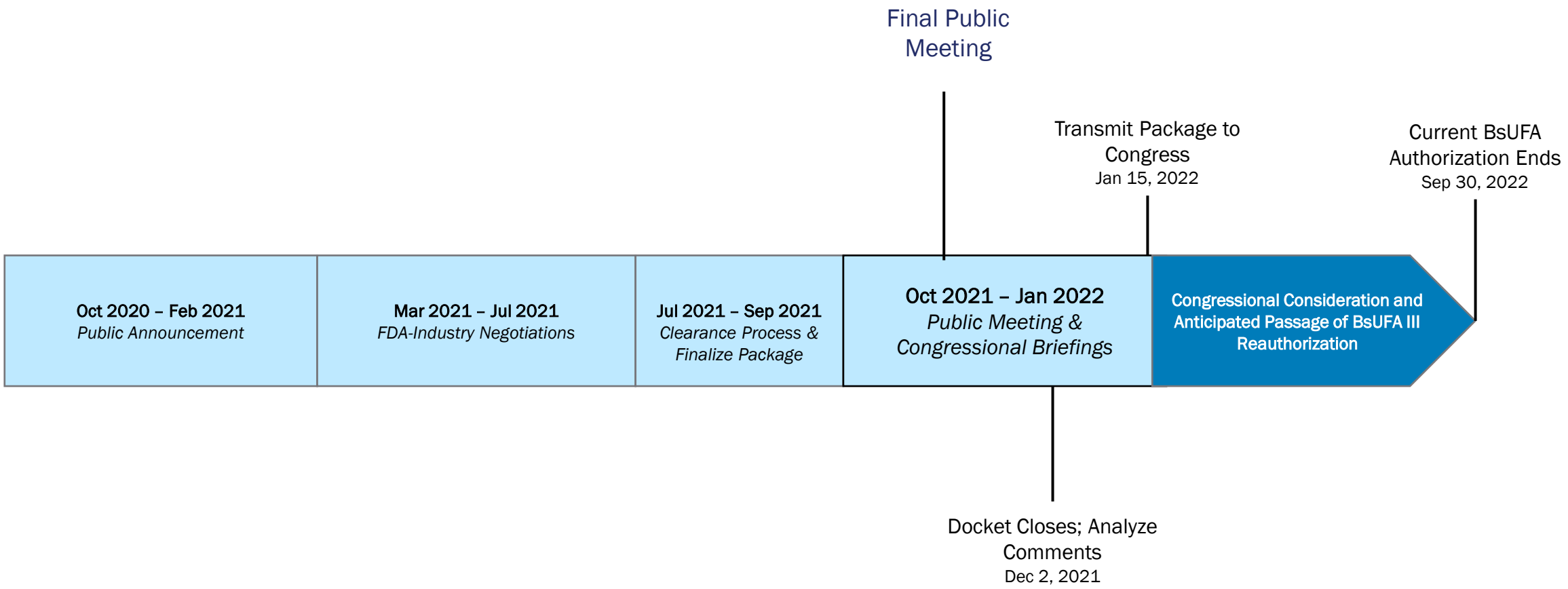
BsUFA II (FDARA) | 2018-2022

- Established an independent, efficient user fee structure based on program costs.
- Implemented a review program ("the Program") to promote the efficiency and effectiveness of the first review cycle and minimize the number of review cycles necessary for biosimilar approval.
- Added commitments to assess the Program, clarify the regulatory pathway, and enhance staff capacity.

BsUFA is still a relatively new program.

- The Biologics Price Competition and Innovation Act of 2009 (BPCI Act) directed FDA to develop recommendations for a user fee program for 351(k) applications for FY 2013 – FY 2017.
- After consultation with regulated industry and public stakeholders, FDA transmitted recommendations to Congress on January 13th, 2012. The Food and Drug Administration Safety and Innovation Act (FDASIA) of 2012 included the first authorization of BsUFA.
- In 2011-2012, there were no marketing applications or products on the market, established drug development process or history related to biosimilar biological products.
- BsUFA is in its 9th year.
- Since its creation, BsUFA facilitated the approval of 35 biosimilar biological products for the American public.

BsUFA III Reauthorization Timeline



BsUFA III
Agreement & Highlights

BsUFA III Enhancement Areas

Supplements | Introducing new supplement types and expedited review timelines

Meeting Management | Enhancing communication and feedback during the biosimilar biological development process

Best Practices| Implementing best practices in communication during application review

URRA and Human Factors Timelines | Introducing timelines for review of URRA and Human Factors studies

Inspections| Enhancing pre-licensure inspection communication and clarifying use of alternative tools

Interchangeable Products| Introducing focused effort to advance the development of interchangeable products

Regulatory Science | Introducing new pilot program to enhance regulatory decision-making and facilitate science-based recommendations

Finance | Enhancing financial management and transparency

Hiring and Retention | Focusing on the strategic hiring and retention of world-class technical and scientific staff

Information Technology| Investing in modern technology to support enhanced and streamlined biosimilar product development and review

New Supplements

- Introduces new supplement categories and timelines to expedite the review of supplements as of October 1, 2022 (FY23).
- Includes faster review timelines for safety labeling updates and labeling updates to add or remove an indication where FDA does not need to review efficacy data.
- Depending on the content of the supplement submission, the new timelines are 3 months, 4 months, 6 months, and 10 months from the supplement receipt date.

Supplements: Categories

Category	Goal
Category A Supplements	Supplements seeking to update the labeling for a licensed biosimilar or interchangeable product with regards to safety information that has been updated in the reference product labeling and is applicable to one or more indications for which the biosimilar or interchangeable product is licensed.
Category B Supplements	Supplements seeking licensure for an additional indication for a licensed biosimilar or interchangeable product when the submission does not include new data sets (other than analytical in vitro data obtained by use of physical, chemical and/or biological function assays, if needed to support the scientific justification for extrapolation), provided that: 1) The supplement does not seek a new route of administration, dosage form, dosage strength, formulation or presentation; and 2) If the supplement is subject to section 505B(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), the supplement contains an up-to-date agreed initial pediatric study plan (iPSP).

Supplements: Categories

Category	Goal
Category C Supplements	Supplements seeking to remove an approved indication for a licensed biosimilar or interchangeable product.
Category D Supplements	Supplements seeking licensure for an additional indication for a licensed biosimilar or interchangeable product when the submission: 1) Contains new data sets (other than efficacy data, data to support a supplement seeking an initial determination of interchangeability, or only analytical in vitro data obtained by use of physical, chemical and/or biological function assays); or 2) Does not contain new data sets (other than analytical in vitro data obtained by use of physical, chemical and/or biological function assays) but is subject to section 505B(a) of the FD&C Act, and the supplement does not contain an up-to-date agreed iPSP.
Category E Supplements	Supplements seeking licensure for an additional indication for a licensed biosimilar or interchangeable product and containing efficacy data sets.
Category F Supplements	Supplements seeking an initial determination of interchangeability.

Supplements: Review and Performance Goals

Category	Goal
Original Biosimilar Biological Product Applications	90% in 10 months of the 60 day filing date
Resubmitted Original Biosimilar Biological Product Applications	90% in 6 months of the receipt date
Category A Supplements (original and resubmitted)	• FY 2023: 70% in 3 months of the receipt date • FY 2024: 80% in 3 months of the receipt date • FY 2025-2027: 90% in 3 months of the receipt date
Category B and C Supplements (original and resubmitted)	• FY 2023: 70% in 4 months of the receipt date • FY 2024: 80% in 4 months of the receipt date • FY 2025-2027: 90% in 4 months of the receipt date
Category D Supplements (original and resubmitted)	• FY 2023: 70% in 6 months of the receipt date • FY 2024: 80% in 6 months of the receipt date • FY 2025-2027: 90% in 6 months of the receipt date
Original Category E and F Supplements	90% in 10 months of the receipt date
Resubmitted Category E and F Supplements	90% in 6 months of the receipt date

New Supplements: Guidance/MAPP

- FDA will issue guidance and/or a MAPP on classifying supplements to a licensed 351(k) BLA for purposes of determining review timelines.
- FDA will publish a draft guidance for public comment and/or a MAPP no later than the end of **FY 2023**.

Meeting Management

Meeting Management changes as of October 1, 2022 (FY23)

Biosimilar Initial Advisory (BIA):

- Modifies the Biosimilar Initial Advisory (BIA) meeting to specify that preliminary comparative analytical data is not required to meet with FDA.
- BIA meetings are an initial assessment limited to a general discussion regarding whether licensure under the 351 (k) pathway may be feasible for a particular product.
- Only one BIA meeting may be granted per program

Type 2a and 2b Meetings:

- Introduces a new BPD meeting type, Type 2a, focused on a narrow set of issues requiring input from no more than 3 disciplines or review divisions. The new meeting type reduces the meeting scheduled or written response time from 90 to 60 calendar days compared to traditional Type 2 meetings under BsUFA II.
- Maintains the traditional type 2 meetings, now called Type 2b meetings in BsUFA III.

Meeting Management

Meeting Type	Response Time (calendar days)
Biosimilar Initial Advisory	21
BPD Type 1	14
BPD Type 2a, 2b, 3 and 4	21

Meeting Management

Meeting Type	Meeting Scheduling or Written Response Time
Biosimilar Initial Advisory	75 calendar days from receipt of meeting request and background package
BPD Type 2a	60 calendar days from receipt of meeting request and background package
BPD Type 2b	90 calendar days from receipt of meeting request and background package

	Meeting Scheduling Time
BPD Type 1	30 calendar days from receipt of meeting request and background package
BPD Type 3	120 calendar days from receipt of meeting request and background package
BPD Type 4	60 calendar days from receipt of meeting request*

*Note the background package for BPD Type 4 meetings must be received no later than 14 calendar days after FDA receipt of the meeting request.

Meeting Management

- For **BPD Type 4** meetings: background packages may be submitted up to 14 days after FDA receipt of the written meeting request (previously packages were submitted with the written request).
- BsUFA III introduces a new follow-up opportunity for sponsors to submit clarifying questions after meetings or Written Response Only (WRO) responses to ensure sponsors' understanding of FDA feedback.
  - Request for clarification should be in writing to the FDA within 20 calendar days following receipt of meeting minutes or a WRO.
- Includes updating meetings guidance, MAPPs, and SOPPs accordingly.

Best Practices in Communication During Application Review

- Building on lessons learned during BsUFA II, commits to **updating relevant guidances, MAPPs, and SOPPs** to reflect best practices in communication during application review.

Improving Predictability in Human Factors (HFs) and Use-Related Risk Analyses (URRAs) Reviews

- New procedures and review timelines (FY 2023) for use-related risk analysis and human factor validation study protocols to advance the development of biosimilar biologic-device combination products.
  - Within 60 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor

- On or before the end of FY 2024, FDA will publish new draft or revised guidance for review staff and industry describing considerations related to biosimilar biologic-device combination products

Enhancing Inspection Communication and Alternative Tools

- Includes goal for FDA to notify sponsors at least 60 days in advance and no later than mid-cycle of the pre-licensure inspections for applications, not including supplements, where FDA needs to see the product being manufactured.
- FDA reserves the right to conduct inspections at any time during the review cycle, whether or not they've communicated to the facility the intent to inspect.
- FDA commits to a guidance on or before September 30, 2023, on the use of alternative tools to assess manufacturing facilities named in pending applications beyond the COVID-19 pandemic.
    - The guidance will incorporate best practices, including those in existing published documents, from the use of such tools during the COVID-19 pandemic.

Advancing the Development of Interchangeable Products

- Introduces focused effort to further advance the development of safe and effective interchangeable biosimilar biological products.
  - Leverages the BsUFA III Regulatory Science Pilot Program *(covered in upcoming slide).*
- **Stakeholder engagement**:
  - Includes a scientific workshop on the development of interchangeable products to help identify future needs.
  - Issuance of draft and final strategy documents that outline the specific actions the agency will take to facilitate the development of interchangeable biosimilar biological products.

Advancing the Development of Interchangeable Products

- **Foundational guidance development:**
  - Includes 4 draft guidances, with revised/final guidances published within 18 months after the close of the public comment period.
    1. Guidance describing considerations for developing presentations, container closure systems and device constituent parts for proposed interchangeable biosimilar biological products
    2. Guidance on labeling for interchangeable biosimilar biological products
    3. Guidance on promotional labeling and advertising considerations for interchangeable biosimilar biological products
    4. Guidance on the nature and type of information, for different reporting categories, a sponsor should provide to support post-approval manufacturing changes to approved biosimilar and interchangeable biosimilar biological products

Regulatory Science

- Pilots a BsUFA regulatory science program broadly applicable to biosimilar and interchangeable biological product development, with project goals not specific to a product or product class.
- **Two demonstration projects:**
  - Advancing the Development of Interchangeable Products
    - Investigate and evaluate the data and information (including Real World Evidence) needed to meet the safety standards for determining interchangeability under section 351(k)(4) of the PHS Act.
  - Improving the Efficiency of Biosimilar Product Development
    - Research to advance the efficiency of biosimilar product development, enhance regulatory decision-making based on the latest scientific knowledge, and advance the use of innovative scientific methodologies and experience with biosimilars.

Regulatory Science

- **Stakeholder engagement:**
  - Includes a public meeting to be held on or before October 31, 2025, to review progress and solicit input on future priorities and issuing an interim report on project progress, in advance of the meeting.
  - Includes publishing a final summary report on pilot outcomes.
- **Deliverables:**
  - Includes publication of a comprehensive strategy document within 12 months of completing the projects.

For More Information

Visit:

BsUFA III: Fiscal Years 2023-2027 | FDA

www.fda.gov/industry/biosimilar-user-fee-amendments/bsufa-iii-fiscal-years-2023-2027

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THANK YOU