

September 18, 2017

Food and Drug Administration  
Division of Dockets Management  
5630 Fishers Lane, Rm. 1061  
Rockville, MD 20852

**Attn: Docket No. FDA-2017-N-3615, Administering the Hatch-Waxman Amendments: Ensuring a Balance Between Innovation and Access; Public Meeting; Request for Comments**

**Electronically filed.**

Dear Sir/Madam,

USP welcomes the opportunity to provide comments requested by the Food and Drug Administration (FDA) in conjunction with the July 18, 2017 meeting on “Administering the Hatch-Waxman Amendments: Ensuring a Balance Between Innovation and Access” and to share our perspective on the topic of facilitating increased competition in the market for prescription drugs through the approval of generic medicines. Our comments are an extension of testimony presented on July 18.

USP applauds the Agency for convening a forum for this important dialogue and for its commitment to prioritizing the intended balance between encouraging innovation in drug development and helping to ensure acceleration of mechanisms that foster greater access to important medical therapies, including lower cost alternatives to originator drugs for America's patients. We support efforts to broaden access to safe and effective generic medicines and welcome opportunities to work with FDA, industry, and other stakeholders to achieve this important objective.

For more than three decades, generic medicines have significantly increased patient access to quality treatment, while lowering healthcare costs in the United States. We believe that such medicines continue to hold similar promise for the future and congratulate FDA's effort to modernize and enhance the Abbreviated New Drug Application (ANDA) process created by the Hatch-Waxman amendments. Better access to generic medicines will facilitate the availability of life-saving therapies, while helping to ensure costs to patients and the health care system remain affordable and sustainable, and upholding FDA's standard for evidence-based, science-based regulation.

## **USP public standards support accessibility of quality medicines**

For nearly 200 years, USP has been building foundations essential for a healthier world by developing public standards now embodied in statute and enforced by regulators. Today, USP sets public standards for the identity, strength, quality, purity, packaging, and labeling of medicines; and as the standards have significantly evolved over time, our mission of ensuring quality medicines remains the same. We are an independent non-profit governed by a Convention representing over 450 of the leading institutions and organizations in health and science from the public sector; academia; industry and the healthcare practitioner, consumer and patient communities.

USP develops public standards through a collaborative and transparent process that brings together the voices and leadership of patients, practitioners, regulators, academics, and industry. It is important to emphasize that such standards are independent and separate from regulatory determinations; instead, USP's public standards speak to an ingredient or a product's identity and integrity. Such standards can be particularly useful to detect the presence of adulterants, contaminants, or other impurities throughout a product's lifecycle and as they move through the supply chain. And, in fact, these standards are used by regulators at the Federal and State levels, as well as internationally.

USP's quality standards for medicines are published in the form of monographs and general chapters in the official compendium – the *United States Pharmacopeia-National Formulary (USP-NF)* and are complemented with reference standards (physical material that support the written standards) each of which serves to ensure the quality of medicines and protect patients. These public standards help ensure the quality of medicines by defining the critical key quality attributes of active pharmaceutical ingredients and products.

## **Public standards play a critical role in advancing quality, innovation, and supporting industry and regulators**

Public standards provide common benchmarks, which help define the target for quality medicines for industry, also contributing to practitioner and patient confidence in the integrity of these products. In particular, generic drug manufacturers use USP standards to establish the key quality attributes of their products. FDA has long indicated that meeting USP standards for identity will be accepted as part of the required demonstration that an active ingredient in a generic drug product is the same as that of a reference listed drug under FDCA.<sup>1</sup> In this way, manufacturers' use of USP's public standards to set forth the quality,

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<sup>1</sup> See preamble to FDA's final rule implementing Title I of the Hatch-Waxman amendments, 57 FR 17950, 17959 col. A (April 28, 1992).

purity, and strength of their product or substance minimizes the necessity to establish these themselves—advancing the availability of lower cost, beneficial medicines for patients.

Public standards also support industry and regulators as they navigate the complex analytical environment for products. Consider for example, the category of products frequently referred to as nonbiologic complex drugs (NBCD). These NBCDs consist of closely related, yet different structures and their composition and quality can be impacted by manufacturing process and controls--generic versions of these drugs have presented challenges to industry and the agency. USP can and has been contributing in a positive way to the development of generic versions of these drugs. In certain cases, USP has been able to bring together scientific experts from the manufacturers and the agency to work collaboratively. Through such efforts, common analytical solutions have been identified and agreed upon by manufacturers, and these have led to public standards development that define critical product quality attributes.

### **The standards-setting process is transparent and flexible, supporting change**

Supporting this progression is USP's standards-development processes that are built to adapt and respond to stakeholders' needs: the paradigm is an iterative construct to be flexible and evolve with public health needs and advances in quality expectations.

USP's product specific standards are flexible to evolve with public health needs and advances in quality expectations. USP's standards are reflective of the approved medicine in the marketplace and can be modified as the quality specifications for products advance over time to accommodate alteration to established ingredient and product specific specifications. One example is USP's monograph for the drug enoxaparin sodium, which has been revised several times to accommodate subsequent US market product entries.

Furthermore, USP has worked closely with FDA and other stakeholders to create additional agility in responding to the need for amending quality specifications. The USP Pending Monograph process was created as a pathway to allow for the development of monographs or monograph revisions for drugs awaiting approval by FDA. This approach helps reconcile the timing overlap of certain FDA generic approvals with USP standards.

FDA and USP work closely with industry to realize improvements in quality and advance public health—such improvements are equally helpful to industry in maintaining sound, reputable products. For example, in the case of enoxaparin sodium (trade name Lovenox), the collaborative efforts of FDA, industry and USP led to modernized standards and incorporated new scientific learnings in response to a public health need.

Enoxaparin sodium is an anticoagulant drug that is derived from heparin. USP worked very closely with the FDA on safeguarding the US supply of heparin after the 2007–2008

adulteration crisis. This work resulted in the world's most advanced heparin standard, which continues to be the country's front-line defense against contaminated heparin. This same standard also protects enoxaparin sodium, because USP incorporated appropriate requirements into this standard while it was being developed. The standard, which has been official since 2009, has been actively and swiftly revised since then with the continued close collaboration of FDA, industry, and USP to accommodate and support changes in technology and public health needs.

## Conclusion

The resolution of complex scientific issues surrounding the balance of innovation and making quality medicines accessible to the nation's patients is challenging and requires participation by all impacted stakeholders. USP supports FDA's efforts in increasing patient access to affordable quality generic medicines and believes development of public standards is one important part of the solution to this effort. USP acknowledges FDA Commissioner Dr. Scott Gottlieb's action plan to address accessibility of quality prescription drugs; revising FDA policy on prioritization to expedite agency review of generic drug applications when competition is limited, and issuing the list of off-patent, off-exclusivity drugs without approved generics. USP is evaluating these novel Agency approaches to more fully understand what role we can have. USP stands ready to assist in any way that would be helpful.

Again, thank you for the opportunity to comment. Please feel free to contact Elizabeth Miller, Vice President, U.S. Public Policy and Regulatory Affairs, at [ehm@usp.org](mailto:ehm@usp.org); (240) 221-2064.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Venema', written in a cursive style.

Jaap Venema, Ph.D.

Executive Vice President and Chief Science Officer

[jpv@usp.org](mailto:jpv@usp.org)

(301) 230-6318