May 5, 2020

VIA ELECTRONIC SUBMISSION

Division of Dockets Management
Department of Health and Human Services
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20552

CITIZEN PETITION

Dear Sir or Madam:

Lachman Consultant Services, Inc. ("Lachman Consultants") is electronically submitting this Citizen Petition pursuant to 21 CFR 10.30 and in accordance with the regulations of 21 CFR 314.161, on behalf of a client, to request the Commissioner of the Food and Drug Administration determine whether any variations and/or strengths of a listed drug have been voluntarily withdrawn for safety or effectiveness for reasons as outlined below.

A. Action Requested

The petition requests the Commissioner of the Food and Drug Administration ("the Agency") determine that all discontinued formulations of all strengths of Cytoxan® (cyclophosphamide) Injection approved under NDA 012142 were not withdrawn for reasons of safety or efficacy. This request specifically includes the dry powder excipient free formulation of the 500 mg/vial, 1gm/vial, and 2gm/vial strengths and any other Cytoxan Injection formulation for any strength not already covered in a Federal Register Safety and Effectiveness determination notice.

B. Statement of Grounds

- NDA 012142 for Cytoxan® (cyclophosphamide) Injection, now held by Baxter Healthcare Corp., was originally approved by the FDA on November 16, 1959. The NDA is approved for the following strengths: 100 mg/vial, 200 mg/vial, 500 mg/vial, 1 gm/vial and 2 gm/vial. The product was first approved as a dry powder formulation with subsequent product variations approved under the NDA, including lyophilized and dry powder excipient free versions approved in 1984 and 2003 respectively.

- Baxter has discontinued marketing all formulations and all strengths of Cytoxan Injection. The *Approved Drug Products with Therapeutic Equivalence Evaluations* ("The Orange Book") lists NDA 012142, which is designated as a Reference Listed Drug (RLD), in the Discontinued section of the Orange Book (as of May 5, 2020, copy as Attachment I).

- FDA previously determined that certain Cytoxan formulations and strengths were not discontinued for reasons of safety or efficacy, but has not made this determination for all formulations and strengths. The previous determinations for NDA 012142 are described below:

- In a Federal Register Notice published on August 5, 2013, 78 Fed. Reg. 47321, which responded to a citizen petition filed in Docket No. 2013-P-0241, "FDA… determined under §314.161 that Cytoxan (cyclophosphamide) for Injection (lyophilized formulations), 100mg/vial, 200mg/vial, 500 mg/vial, 1 g/vial, and 2 g/vial, and Cytoxan (cyclophosphamide) for Injection, 100 mg/vial and 200 mg/vial, were not withdrawn for reasons of safety or effectiveness." (copy included, Attachment II).

- In a Federal Register Notice published on March 1, 2004, 69 Fed. Reg. 9630, which responded to a citizen petition filed in Docket No. 01P-0333, "FDA… determined that although Bristol Meyers Squibb (Bristol) has discontinued marketing Cytoxan, 2 gram/vials (cyclophosphamide for injection), this formulation was not withdrawn from sale for reasons of safety or effectiveness." (copy included, Attachment III).

- There is no evidence any Cytoxan product formulation or strength approved at any time under NDA 012142 was discontinued for reasons of safety or effectiveness.

- The regulations require an abbreviated new drug application ("ANDA") seeking approval of a generic product referencing a discontinued product be accompanied by a Citizen Petition for FDA's determination that the discontinued reference listed drug was not voluntarily withdrawn for safety or efficacy reasons (21 CFR 314.122) and the Agency must make a determination as to whether a listed drug is withdrawn from sale for reasons of safety or effectiveness before an ANDA that refers to that listed drug may be approved (21 CFR 314.161(a)(l)).

- Accordingly, Lachman Consultant Services respectfully requests that for any and all formulations and strengths of Cytoxan Injection for which FDA has not previously made a determination as to the reasons for discontinuation, including, but not limited to, the dry powder excipient free formulation, that FDA determine the product was not discontinued for reasons of safety or efficacy.

C. Environmental Impact

A claim for categorical exclusion of the requirements for an environmental assessment is made pursuant to 21 C.F.R. § 25.31.

D. Economic Impact

Pursuant to 21 C.F.R. § 10.30(b), economic impact information is submitted only when requested by the Commissioner. This information will be promptly provided, if so requested.

E. Certification

The undersigned certifies that, to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes representative data and information known to the petitioner which is unfavorable to the petition.

If there are any questions concerning this citizen petition, please contact the undersigned by telephone at (516) 860-5770 or via email at d.sloane@lachmanconsultants.com.

Respectfully submitted,

D.Sloane@LachmanConsultants.com
Digitally signed by D.Sloane@LachmanConsultants.com
Date: 2020.05.05 14:44:23 -04'00'

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Attachments:

I. Orange Book: Approved Drug Products with Therapeutic Equivalence Evaluations listing for Cytoxan, NDA 012142, accessed 05/05/2020.

II. Federal Register Notice for Docket No. FDA–2013–P–0241, Aug 5, 2013 [78 Fed. Reg. 47321]

III. Federal Register Notice for Docket No. 01P–0333, Mar 1, 2004 [69 Fed. Reg. 9630]