

Attachment C: Targeted Consultation Review of Fragrances: Summary of Submissions Received

Submission (TRIM reference)	Date received	Comments
1. Safe Work Australia (D19-5386444)	2/04/2019	No comments received as options presented have minimal impact on work health & safety & workers' compensation policy, for which they are responsible.
2. Australian Council of Trade Unions (ACTU) (D19-5386456)	4/04/2019	<ol style="list-style-type: none"> 1. Does not support the use of industry standards as proposed in Option 1. This would appear to be a reversal of the policy position in the Health Ministers Criteria. The IFRA is not an independent regulator. The proposal in Option 1 could be used as a precedent for change in other areas of chemical regulation. Any move in this direction would be unacceptable. 2. Does not support any proposal which would allow the bypassing of the assessment of new chemicals by NICNAS/AICIS. 3. The introduction of the IC Act was preceded by considerable public consultation and opportunities for various stakeholders to comment. As we have been unable to find this consultation paper on the TGA website we assume that the consultation is very targeted. The ACTU has always supported broad consultation for any regulatory change. 4. The IC Act includes a provision for risk communication between risk managers. During consultation on the IC Act the ACTU supported a more rigorous and binding linkage between NICNAS/OCS and risk managers. Any changes which diminish the provisions in the IC Act cannot be supported. 5. Consideration of whether cosmetics would be regulated through non-NICNAS mechanisms were considered and rejected through the NICNAS RIS in 2014. There does not appear to be any reason to change that position, especially when this is 'hot on the heels' of the passage of the IC Act. 6. Skin sensitization is of significant importance in the work setting. Hairdressers have a high prevalence of contact and allergic dermatitis due to both wet work and chemical exposures. Skin sensitization can have huge impact on a worker's employment – it often means that the worker is no longer able to work in an industry where any exposures, no matter how small, may occur.
3. Chemistry Australia (D19-5386463)	4/04/2019	Submission focused on identification of scheduled substances, low level impurities, derivatives and scheduling adequacy – supported Options 2-4; no comment on Options 1 and 5.

4. Public Health Association of Australia (PHAA) (D19-5386339)	4/04/2019	<p>Supports Options 2-4 but opposes Options 1 & 5:</p> <ol style="list-style-type: none"> 1. While recognising the EU is a comparable regulator, states IFRA is industry-associated, is not a comparable regulator. 2. IFRA standards prepared using model not validated by any government regulator as pointed out by the European advisory committee on health and safety risks, the Scientific Committee on Consumer Safety (SCCS). 3. Does not support adoption by reference, or incorporation in the Poisons Standards, the EU Cosmetics Regulation or the establishment of an Australian standard that references these. 4. Expressed concerns that regulatory reviews could lead to lowering of risk management standards that protect people and the environment.
5. National Toxics Network (D19-5429781)	4/04/2019	<ol style="list-style-type: none"> 1. The review document lacks context and it's difficult to understand where the impetus for it arises, other than it appears to be a bid by industry stakeholders to effectively exclude NICNAS risk assessments from consideration in the scheduling of cosmetic and fragrance ingredients by the automatic adoption of EU regulations and industry standards. 2. Appears to support Options 2-4. 3. Does not support Option 1- Policy improvements. The use of industry standards as proposed is not in line with the Government's policy position in the Health Ministers Criteria. The IFRA is not an independent regulator nor does it generate information or standards on new chemicals. 4. The proposal in Option 1 could be used as a precedent for industry self-regulation, which we do not support. 5. NTN will not support any proposals that aim to by-pass the assessment of new chemicals by NICNAS/AICIS. 6. Consideration of whether cosmetics would be regulated through non-NICNAS mechanisms were considered and rejected through the NICNAS RIS for reforms back in 2014. 7. We note that the analysis conducted on the level of concordance of scheduling decisions with international approaches was limited in scope since it only compared to the EU and was also a very small sample size.
6. CropLife (D19-5386433)	5/04/2019	Happy to rely on ACCORD's submission; suggested agricultural chemicals should be de-regulated.

7. ACCORD (D19-5386356)	5/04/2019	Supportive of Options 1-5. They are supportive of the proposed policy and process improvements given the positive impacts these will deliver once implemented.
8. JOINT SUBMISSION (D19-5386375)	5/04/2019	<p>Supports Options 2-4; do not support Options 1 & 5 because:</p> <ol style="list-style-type: none"> 1. They do not adequately take into account the broader policy and regulatory implications for other parts of the Australian Government's framework for chemicals regulation, such as NICNAS/AICIS, the Australian Pesticides and Veterinary Medicines Authority (APVMA) and the Australian Competition and Consumer Commission (ACCC). They consider that there is a lack of critical higher-level policy analysis of how the options will interact effectively with other new and more contemporary schemes within the Australian Government's regulatory framework for chemicals such as AICIS, which will commence on 1 July 2020. 2. They do not align with current government policies on adopting international standards and risk assessment materials (i.e. do not recognise the Minister's criteria governing these issues. The Department has assessed the IFRA standards and the EU Cosmetics Annexes as not suitable and this option is inconsistent with the position in AICIS on the use of such standards). 3. They have the potential to lower the levels of public health protection that result from delays in addressing risk management recommendations due to misalignment between the functions of different regulatory schemes, and reduced flexibility to update/revise risk management controls as new toxicological information or epidemiological data become available. 4. In some instances, for example the proposal that the management of some cosmetic ingredient hazards could be managed through the ACCC, the options go beyond the scope of a review of chemical scheduling and raise broader policy issues for government that have recently been settled.
9. Chair of Joint ACMS/ACCS (D19-5429700)	26/4/2019	<p>Supported all options – will go a long way to streamline scheduling process.</p> <p>Added comments re quality of data submitted by applicants: data inadequate to allow ACCS to make an informed opinion to advise the delegate.</p>