

4<sup>th</sup> April 2019

[REDACTED]

Regulatory Engagement and Planning Branch  
 Regulatory Practice and Support Division Therapeutic Goods Administration  
 Department of Health  
 PO Box 100  
 WODEN ACT 2606 Australia

[REDACTED]

Dear [REDACTED]

**Re: Review of chemical scheduling in relation to cosmetic and fragrance ingredients**

National Toxics Network (NTN) was alerted to the review document via NICNAS in our capacity as a member of the NICNAS Strategic Consultative Committee (SCC). We were apparently sent an email in relation to it by the DoH but the email never arrived and no follow up was made to contact us.

We understand other key stakeholders in public and worker health organisations were also unaware of the consultation. NTN regards this as a failure of basic consultation principles, which should at the very least ensure equitable access to information to *all* stakeholders, not just industry stakeholders. The timeframe provided for such a significant proposal is also inadequate.

The review document itself is written and presented in a complicated and non-inclusive manner, which only serves to discourage participation by stakeholders who will ultimately be impacted by the proposals it contains.

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.

NTN has participated in extensive consultation processes on the recently passed *Industrial Chemicals Act 2019* (IC Act) and the policy decisions that informed the IC Act. We note that options presented in the TGA consultation paper appear to be contrary to the Government policy decisions made in the creation of that Act.

**Community concerns**

There are extensive community concerns about the health and environmental impacts of cosmetic chemicals and fragrances. Concern is increasing as consumers have greater access to information and as more scientific information becomes available on the toxicological impacts of certain ingredients, chemical mixtures, and endocrine disrupting chemicals that impact at extremely low levels of exposure.

There are a growing number of people in the community who identify as 'fragrance sensitive' who are adversely impacted by exposure to fragrances, which are now pervasive in a plethora of consumer products. They're almost impossible to avoid. Sensitivity to fragrance is not necessarily an allergic response.

According to published research<sup>1</sup> one third of the Australian population report adverse health effects from fragranced products, including respiratory problems, migraine headaches, and asthma attacks.

Regulators should be working to ensure community concerns are assessed and addressed and that regulators are acting in the first instance to protect community and environmental health, not furthering an industry agenda that could ultimately result in less protection of public health. The regulatory system needs to be able to respond to new concerns and to act swiftly on non-compliance.

Specific comments:

- NTN 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.
- The proposal in Option 1 could be used as a precedent for industry self-regulation, which we do not support.
- NTN will not support any proposals that aim to by-pass the assessment of new chemicals by NICNAS/AICIS.
- Consideration of whether cosmetics would be regulated through non-NICNAS mechanisms were considered and rejected through the NICNAS RIS for reforms back in 2014.
- 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.

**Yours sincerely**

  
**Coordinator**

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<sup>1</sup> Anne Steinemann, *Health and Societal effects from exposure to fragranced consumer products*, Preventative Medicine Reports, Vol. 5 March 2017  
<https://doi.org/10.1016/j.pmedr.2016.11.011>

National Toxics Network (NTN) is a NGO (non-government organisation) network working for pollution reduction, protection of environmental health and environmental justice. NTN is the Australian focal point for the International POPs Elimination Network (IPEN) and strives to achieve the full implementation of the Stockholm Convention on Persistent Organic Pollutants (POPs) 2001 and other relevant international and regional chemical and waste treaties. NTN is committed to a toxics free future.

NTN committee members have participated in a range of state and national government advisory bodies including:

- Participant in the UN working groups for PFOS, PFOA, PFHxS
- NGO Observer to the POPs Review Committee
- National Advisory Body on Scheduled Waste
- HCB Management Plan Panel
- Stockholm Convention Reference Group
- Hazwaste Act Policy Reference Group
- Dioxin Consultative Group
- NTN Observer on Hazwaste Technical Advisory Group
- National Industrial Chemicals Notification Assessment Scheme (NICNAS) Technical Advisory Group
- NICNAS Community Engagement Forum
- NICNAS Strategic Consultative Committee
- Australian Pesticides and Veterinary Medicines Authority Advisory Committees