

Accord comments on Greens private member bill on animal testing and cosmetics: the need for any such laws remains highly questionable

Sydney, Tuesday 18 March 2014. Accord is yet to see the Greens private member bill initiated by Senator Rhiannon proposing new laws regarding cosmetics and potential safety testing on animals¹.

The need for any such laws remains highly questionable. And there are many complicating factors which would need to ironed out well before the parliament would be in any position to give this matter any serious consideration.

Animal testing of cosmetic products is not undertaken in Australia. There is simply no need.

And additionally, Australia does not generally possess facilities for such toxicology tests.

Such facilities exist mainly in the Northern Hemisphere, primarily in Europe and North America, and are most often used for safety testing of medicines, pesticides and hazardous industrial chemicals.

Some perspective is needed on the actual significance of this issue, as it relates to cosmetics. It is a little known fact that just 0.0125% of the animals used for experimental and other scientific purposes in Europe in 2008 were used for testing cosmetic ingredients. What is being focussed on here is no more than 'the pimple on the pumpkin' when it comes to laboratory animals.

The global cosmetics industry moved decades ago to cease needlessly cruel animal tests. Eye and skin irritation tests, for example, have been replaced with alternative non-animal methods.

Our industry has continued to remain at the forefront of efforts to replace critical safety tests which rely on animals with scientifically-validated alternative test methods.

However, as a responsible industry, we have often cautioned that a process like this needs to march hand-in-hand with the science. No one likes the idea of animal testing. But equally, no one wants to compromise consumer safety.

The requirement for animal safety tests evolved in the past as a legal obligation imposed on our industry by governments.

In some cases these requirements continue in a somewhat modified form, as is the case in Australia – for example, see federal Department of Health 'Choose Cruelty Free' statement at:
<http://www.commcarelink.health.gov.au/internet/main/publishing.nsf/Content/P13000016-choose-cruelty-free>

Cosmetics and their ingredients in Australia are regulated as if they are hazardous industrial chemicals by the chemicals regulator, NICNAS.

Few people realise that the Australian inventory from which our industry can legally access 'allowed' ingredients is a fraction of that available in other leading markets such as the European Union. There are just under 40,000 substances listed on the Australian Inventory of Chemical Substances (AICS). In comparison the European Inventory of Existing Commercial Chemical Substances lists more than 100,000 substances.

What this can mean is that cosmetics formulated either overseas or locally to international formulation standards may contain ingredients 'new' to the Australian regulator, NICNAS.

As a result, in order to gain local approval, the company making this 'new' cosmetic product, despite it containing ingredients allowable under safety regulations of other advanced nations, may be required by NICNAS to submit safety data, including tests performed on animals.

This is a key factor that would need resolution before any bill of this kind could be rationally considered.



Another complicating factor relates to the fact that many substances that may be used in cosmetics could also be used in medicines, animal health products, pesticides, foods or simply general industrial chemical usage. And these may be required to be tested for these uses, *rather than their cosmetic use*. A question arises, would such an Australian law treat these tested ingredients as 'banned' for cosmetics?

And a further question and complication is at what point would you apply the ban? Noting that many substances that have been used in cosmetics for decades were most likely tested on animals at some time in the past.

It is somewhat ironic that in a parliamentary sitting fortnight where the Government has set aside a whole day to disallow redundant laws, The Greens are proposing a new law that is fundamentally unnecessary.

There is no animal testing of cosmetics presently occurring in Australia. And the likelihood of any such testing within Australia in the future is so low that it barely warrants attention. So ultimately what does the new law proposed by The Greens achieve, except create another law?

The Australian cosmetics industry is competitive, innovative and highly responsive to its customers. There is plenty of choice in the Australian market for those consumers seeking products that have strong ethical policies and are cruelty-free.

The cosmetic industry here and overseas remains committed to processes that will ultimately lead to the complete replacement of any need for animal testing. But our approach will continue to be guided by the principles of science, safety and rational policy making, rather than simplistic law-making.

Accord additionally notes that it would appear that The Greens private member bill seeks to amend existing legislation in the form of the *Industrial Chemicals (Notification and Assessment) Act 1989* (INCA Act).

Two further policy complications arise from this approach.

Firstly, a policy review of the regulator NICNAS was commenced several years ago under the former Labor Government in order to more clearly define the role and operations of this statutory body. A conclusion to this reform process is expected to be taken forward by the Coalition Government. And it is anticipated that this would, by necessity, entail amendment of the *INCA Act*.

And secondly, it is strongly doubted that the fundamental provisions and powers within the *INCA Act* could be relied on to deliver the types of outcomes being sought by the Greens private member bill.

The cosmetic industry is ultimately committed to complete phase out of animal testing. Significant investment is being made by the industry internationally to validate critical alternative safety tests.

The goal of this investment is to allow safety regulators, such as those in Australia, to fulfil their statutory obligation of protecting public health with surety, but ultimately without needing to rely on animal tests.

Accord Australasia is the national industry body representing the makers and marketers of hygiene, cosmetic and specialty products in Australia. Our industry's products are used every day across the nation in homes, public places, commercial premises, institutions, industry and agriculture. These products play an important role in: hygiene protection to safeguard public health; promoting personal wellbeing; maintaining clean and comfortable homes and public spaces; self-expression and personal pampering; and in keeping the wheels of commerce and industry turning.

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ⁱ The tests referred to here are those that have traditionally used rodents (such as rats, mice and guinea pigs) and sometimes rabbits.

