

04 April 2019

[REDACTED]  
[REDACTED]  
Regulatory Engagement and Planning Branch  
Regulatory Practice and Support Division  
Therapeutic Goods Administration  
Department of Health  
PO Box 100  
Woden ACT 2606

Via email: [REDACTED]

Dear [REDACTED]

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

The ACTU appreciates the opportunity to comment on the chemical scheduling of cosmetics. The ACTU limits our comment to areas that may directly affect people whilst at work.

The ACTU did comment on the recently passed *Industrial Chemicals Act 2019* (IC Act) and the policy decisions that informed the IC Act. Options presented in the TGA consultation paper appear to be contrary to the Government policy decisions made in the creation of that Act.

The ACTU makes the following comment:

1. The ACTU 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. The ACTU 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. A 2012 review of occupational contact dermatitis (OCD)<sup>1</sup> noted that:

*while the highest rate of OCD was seen in hair and beauty workers. While our rates are not true incidence rates, they nevertheless provide relative information, particularly with respect to occupations experiencing OCD and the causative allergens and irritants in our population referred for diagnostic patch testing. The rates calculated in this study are likely to be a substantial underestimation of the true levels.*

Work-related contact dermatitis is under diagnosed and often the link is not made even in high risk occupations:<sup>2</sup>

*In a Canadian study of patients with occupational contact dermatitis, in 17% of cases dermatologists recommended that patients with occupational dermatitis change work, however, only 5% had enquired about the history of exposure. Similarly, in 12% of cases, GPs had recommended job change, but only 5% had taken an exposure history. Workers who do not know the cause of their skin condition may change jobs and encounter the same allergen in subsequent employment, so it is important to make as accurate a diagnosis as possible.*

Please contact us if you have any questions.

Yours sincerely,



Assistant Secretary

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<sup>1</sup> [https://www.safeworkaustralia.gov.au/system/files/documents/1702/occupational\\_contact\\_dermatitis.pdf](https://www.safeworkaustralia.gov.au/system/files/documents/1702/occupational_contact_dermatitis.pdf) page 1

<sup>2</sup> <https://www.racgp.org.au/afpbackissues/2005/200505/200505nixon.pdf> page 329