

Email: nicnas.reforms@nicnas.gov.au

Consultation on proposed changes to Industrial Chemicals (General) Rules arising from the passage of the Industrial Chemicals Act 2019

Dear NICNAS,

Humane Research Australia (HRA) is a not for profit organisation that challenges the use of animal experiments and promotes more humane and scientifically-valid non-animal methods of research.

As part of the **Be Cruelty Free** campaign which has, for the past several years, focused on ending cosmetics testing on animals in Australia, HRA is heartened to have seen the passage of the Industrial Chemicals Bill 2017 in February this year. We understand however, that in order for this legislation to be effective, the Ministerial Rules must provide the detail of its processes. We therefore appreciate this opportunity to contribute our submission on this issue.

Our comment relates to page 4 of your consultation paper where it is stated:

“We are proposing that the General Rules restrict the use of new animal test data for these introductions where the chemical has multiple end uses, including in cosmetics, unless certain exceptions apply to maintain human health and environment protection.”

HRA considers it to be absolutely essential that the restriction on animal test data be extended to chemicals which have multiple end uses (including cosmetics) and therefore support this proposal. We note however, that the Rules provide for exceptions and we do not consider exceptions to be necessary for the following reasons:

- Reliance on animal data is misleading. Animals are recognised as not being sufficiently predictable of human reactions, and many systematic reviews support this. For example, more than nine out of ten drugs deemed “successful” in animal tests fail in human clinical trials. Reliance on such data could therefore prove costly in terms of providing misleading data and subsequent risk to human safety.
- Only chemicals already known to be safe should be used. There is an abundance of chemicals previously accepted as being safe already available to the cosmetics industry. The safety of new formulations should therefore be established by computational and

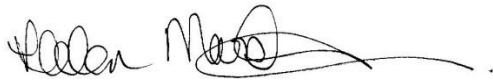
mathematical analysis – based on existing data that has already demonstrated human safety.

- Prohibition of the use of any chemicals for which there are no known safety tests can serve to expediate the development of non-animal tests which are more likely to provide accurate data to ensure human safety. Since the adoption of the EU ban on cosmetics testing on animals, the development of non-animal tests has accelerated. Disallowing the use of chemicals based on there being insufficient safety data can therefore provide greater incentive for our government and research community to invest further resources into the development of non-animal (and subsequently, human-relevant) tests.

There is overwhelming support both politically and within the community to ban cosmetics testing on animals. A strong and robust ban will not only prevent harm to animals and ensure better public safety, it will also send a clear message to the world that Australia is a progressive nation in this regard. The Ministerial Rules will be an essential and effective mechanism to ensure that the new legislation can best serve its intended purpose - so Australia can then be seen as committed to genuinely ending cosmetics cruelty.

HRA is therefore grateful for this opportunity to provide our input on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Helen Marston', with a long horizontal flourish extending to the right.

Helen Marston
Chief Executive Officer.
13 May 2019