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DG HEALTH CONSULTATION

Public consultation on fragrance allergens in the framework of Regulation (EC) No. 1223/2009 of the European Parliament and of the Council on cosmetic products

Response from the UK Government Chemist

As UK Government Chemist, I am responsible under certain Acts of Parliament¹ for providing independent analytical measurement and expert opinion to help avoid or resolve the disputes over scientific data which arise from time to time between local authorities and the businesses that they regulate. My public remit also covers wider advice to UK government and other affected parties on the role of analytical measurement in effective policy, standards and regulations. My staff liaise with regulatory services involved in sampling, analysis and product testing linked to the investigation of alleged non-compliances. I am pleased to be able to respond to this consultation particularly as many of the aspects covered appear frequently as the subject of referee casework². I have looked at the consultation and can respond to those questions where there is an analytical measurement dimension.

I support the proposal to exclude the three fragrance allergens HICC, atranol and chloratranol from cosmetic products. However, I am concerned that such regulation would be very difficult to enforce due to the lack of a suitable validated standard method of analysis for these substances. EN 16274:2012 (Methods for analysis of allergens — Quantification of suspected fragrance allergens in consumer products — Step 1: GC analysis of ready-to-inject sample) is the only CEN standard method in this area, but it can only be applied effectively to the perfume type/eau de cologne, and it only applies to ten recognized fragrance allergens. Therefore, effective enforcement could only be achieved following the successful development of a validated standard CEN method which would be able to accurately determine these three substances at the maximum level. I would therefore recommend that urgent action is taken to develop such a procedure through the appropriate CEN Working Group.

In addition, I note that oak moss and tree moss extracts are currently not permitted in cosmetic products, as they usually contain atranol and chloratranol as active ingredients. It would be sensible in my opinion to remove this restriction if atranol and chloratranol are

¹ Boley, N. Government Chemist Legislation, Annual Statement of Statutory Scope, January 2014, available at <http://www.governmentchemist.org.uk/News.aspx?m=2&amid=1790>

² Michael J Walker and Kirstin Gray, 2013, *Quis custodiet* – a Review of the Resolution of Disputed Chemical Results in the UK Official Feed and Food Control System 2010 – 2011, *J Assoc Public Analysts* (Online) 2013, 41, 1-27



restricted, in order not to control oak moss or tree moss when no, or minimal quantities of, active substance are present.

Thank you for this opportunity to comment.

Yours sincerely



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