



FACT SHEET

This fact sheet provides information on the relevance of NICNAS registration requirements to the cosmetics and toiletries industry. These notes also assist in estimating the total value of introduction (ie. import and/or manufacture) of industrial chemicals.

COSMETICS AND TOILETRIES

NICNAS regulates cosmetics and toiletries

Cosmetics and toiletries (for example, soaps, shampoos, hair colourants, lipsticks, mascaras, creams and lotions) are made up of industrial chemicals; they are subject to certain requirements under the *Industrial Chemicals (Notification and Assessment) Act 1989* (the Act), including NICNAS registration requirements.

These requirements apply if you:

- import packaged cosmetic products or toiletries for retail sale;
- import chemicals which will be used in the formulation of cosmetic products. Examples are essential oils, plant extracts, fatty acids, surfactants, mineral salts, colouring agents, antioxidants and preservatives; and/or,
- manufacture chemicals which are then used to formulate cosmetic products.

Relevance to the cosmetics and toiletries industries

Cosmetics and toiletries, including perfumes and fragrances, are subject to NICNAS registration considerations. This includes finished products packaged for retail sale, eg. soaps, shampoos, hair colourants, lipsticks, mascaras, creams and lotions.

If you are solely a cosmetics ‘formulator’ **using ingredients that are purchased from an Australian supplier**, you are unlikely to be affected by NICNAS registration requirements.

For more information on which chemicals are within the scope of NICNAS registration refer to the Fact Sheet on [Relevant Industrial Chemicals](#).

Product of natural origin

‘Naturally-occurring chemicals’ are excluded from NICNAS registration requirements. A naturally-occurring chemical is very narrowly defined under the Act. Many chemicals do come from natural origins, but this does not mean they meet the definition of naturally-occurring.

What has to be considered is the process involved in deriving or extracting these substances. Under the Act, only mechanical processes (eg., dissolution in water, cold-pressing, etc.) are allowed if substances are to retain their naturally-occurring status. If a chemical process (eg., fractional precipitation) was used, then the substance derived would no longer qualify as naturally-occurring.

For example, extracts of fragrance and flavour substances such as essential oils and resinoids are derived from plants; however, they are usually not considered to be naturally-occurring because of most of the methods used in their extraction. Oils obtained by mechanical separation (pressing) are considered to be naturally - occurring whereas those obtained by steam distillation or solvent extraction are not deemed to be naturally occurring.

All synthetic equivalents of naturally-occurring substances are, by definition, relevant industrial chemicals.

NICNAS registration

NICNAS registration requirements apply to persons/companies importing and/or manufacturing relevant industrial chemicals or products containing relevant industrial chemicals.

All importers and/or manufacturers of relevant industrial chemicals for commercial purposes must register with NICNAS, regardless of the amount of relevant industrial chemicals imported or manufactured in that registration year. A registration year runs from 1 September to 31 August in the following year.

There are three levels of registration. Your registration level and hence registration cost is based on the total value of relevant industrial chemicals imported and/or manufactured each year. [Further details such as fees and charges can be found in the NICNAS Registration brochure.](#)

If you import cosmetic products or chemicals used in formulating cosmetic products, the import value of the products should be included in assessing your NICNAS registration Tier level. The import value is the customs value in Australian dollars, plus the duty paid, and the cost of insurance and freight.

The Act does not distinguish between imported chemicals by the way they are packaged or shipped. NICNAS registration provisions cover chemicals imported in bulk and those imported as finished products.

If you manufacture any of the chemicals used in formulating cosmetic products, then these manufactured chemicals, as industrial chemicals, should be included in assessing your NICNAS registration assessment. NICNAS registration requirements apply whether these manufactured chemicals are on-sold or used to formulate cosmetic products within the same company.

You are unlikely to be affected by these requirements if you only formulate cosmetics or toiletries using ingredients purchased from an Australian supplier. (When you formulate, you mix and blend chemicals without changing them.)

For further information on NICNAS registration obligations refer to NICNAS registration available at www.nicnas.gov.au.

Australian Inventory of Chemical Substances (AICS)

AICS is a key tool which lists chemicals available for use in Australia without notification and assessment by NICNAS. Some chemicals may only be available for specified/conditional use. It is important that you are aware of any conditions or

restrictions that may apply to chemicals you import and/or manufacture or plan to export.

An industrial chemical is considered to be a new industrial chemical if it is not listed on AICS or whose introduction is subject to a condition of use. By law, all new industrial chemicals must be notified and assessed by NICNAS before they can be imported or manufactured in Australia. If you introduce (that is, import or manufacture) a chemical or chemical product, you need to ensure the chemical, or all the ingredients in the product, are listed on the AICS and comply with the conditions of use where relevant.

AICS is composed of two sections: non-confidential and confidential section. To find out if a chemical is listed on the non-confidential section of AICS, you can search AICS online available at www.nicnas.gov.au or request NICNAS to carry out the search for you. A service charge applies only to requests for NICNAS to search the non confidential section.

For further information about notification and assessment requirements, please refer to the *Handbook for Notifiers* available at www.nicnas.gov.au/publications/handbook/

If you have any queries about assessment and NICNAS registration requirements for cosmetic products and toiletries, please contact NICNAS on 1800 638 528 or 02 8577 8800 or email to info@nicnas.gov.au.