PETA Urges FDA Commissioner Nominee To Reverse Agency Position On Animal Testing

28 Feb 2025 • By Eileen Francis

People for the Ethical Treatment of Animals (PETA) is applying pressure to the nominee for commissioner of the US Food and Drug Administration, Martin Makary, to reverse the agency's position on animal testing for sunscreens, while bringing more attention to the issue ahead of his confirmation hearing in March.

In a 27 February release, the animal welfare organization railed against a public statement the agency reportedly made to publication Beauty Matters in late February on the subject of animal testing and sunscreens, stating "the current science does not allow for the replacement of all animal studies with non-animal methods."

A PETA representative confirmed its actions are in response to that interview, saying the agency has dodged the question until now, noting "it hasn't been willing to come to the table" on the issue.

"PETA calls on the incoming Commissioner to change the course set by the previous administration," the organization says.

"Requiring tests on animals that, by the FDA's own admission, do not translate to human health and safety takes science back to the dark ages," says PETA UK Science Advisor Jeffrey Brown in the release.

Last July, PETA accused the agency of insisting on animal tests in closed-door meetings with sunscreen manufacturers, while sending a different message publicly. They cited meetings and notes between manufacturers and FDA.

Makary, nominated by President Trump on 22 November, will face a confirmation hearing on 6 March in front of the Senate Health, Education, Labor and Pensions (HELP) Committee. Makary is a physician and is chief of pancreatic islet transplant surgery at the Johns Hopkins School of Medicine. He is also a member of the National Academy of Medicine and former leader of the World Health Organization Patient Safety Program.

Ahead of the hearing, PETA will remove all non-mineral sunscreens from its Beauty Without Bunnies list – the program that identifies cruelty-free cosmetics and personal care brands and includes about 6,300 firms in total – in response to what it sees as confirmation the agency requires animal testing for "so-called" chemical sunscreen actives.

Industry has been working to provide the agency with data on existing sunscreen active ingredients since 2021 when FDA designated mineral UV filters zinc oxide and titanium dioxide as GRASE, but found that other "chemical" sunscreen actives – including avobenzone, homosalate, octinoxate, octisalate, octrocrylene, oxybenzone and others – lack data to support GRASE status, as part of a proposed order to amend the OTC sunscreen drug monograph.

Martin Makary FDA Commissioner nominee Martin Makary's confirmation hearing with the Senate HELP Committee is on 6 March. (Source: Martin Makary)

Some of the tests required by FDA for sunscreens include developmental and reproductive toxicity tests that expose thousands of animals to a chemical over multiple generations, in addition to carcinogenicity tests, which expose hundreds of animals to a chemical for their entire lives, PETA said.

"The results of these tests often don't translate to humans and FDA experts themselves have noted major scientific drawbacks inherent in them. The animals are killed and dissected when the tests are complete."

Instead, PETA and its supporters call on FDA to "rely on superior, human-relevant approaches instead of using archaic methods to assess these life-saving sunscreen products."

FDA Position Counter To FDA Modernization Act 2.0

PETA has accused the agency of going against its own advice from its 2017 Predictive Toxicology Roadmap and Congress' work to encourage modern test methods through the FDA Modernization

Act 2.0, which set an expectation the FDA would seek the expertise needed to accept non-animal replacements for tests on animals.

Senator Corey Booker D-NJ, wrote to former FDA Commissioner Robert Califf ahead of the presidential transition questioning the agency's rationale for insisting on animal tests for sunscreen ingredient safety. He also asked the agency direct questions: whether it "explicitly" requires manufacturers and/or ingredient suppliers to test existing and novel sunscreen ingredients on animals; whether FDA officials reviewed documentation submitted by industry that details the safety of sunscreen ingredients without the use of animal tests; and what non-animal approaches FDA would recommend.

In January, Booker and other senators including Rand Paul R-KY, Sheldon Whitehouse D-RI and John Kennedy R-LA, reintroduced the FDA Modernization Act 3.0, a bi-partisan legislation to reduce unnecessary animal testing while advancing scientific innovation.

"The FDA Modernization Act 3.0, currently before Congress, recognizes the FDA is failing to meet the expectations of this law and seeks to strengthen it," said PETA. They quote Paul who commented, "Americans deserve a regulatory system that embraces innovation, not one stuck in the past.'"

A possible vehicle to compel the agency to consider non-animal methods for safety comes in the form of the reauthorization of the OTC monograph user fee program, dubbed OMUFA. Current OMUFA authorization will expire 30 September and reauthorization through OMUFA II would cover fiscal years 2026-2030. The FDA Office of Nonprescription Drugs says in an OMUFA commitment letter it will focus on collecting fees in the next iteration of the measure.

User fee reauthorization bills can often serve as a platform for other FDA-related initiatives. Comments submitted following a November agency public meeting on OMUFA II urged comprehensive changes in how the FDA assesses sunscreen filter safety.