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DELIVERED VIA EMAIL: erhsdgeneral-dssergenerale@hc-sc.gc.ca

Environment and Climate Change Canada
Place Vincent Massey Building
351 Saint-Joseph Boulevard
Gatineau, QC K1A 0H3

Health Canada
Address Locator 1801B
Ottawa, ON K1A 0K9

To Whom It May Concern,

RE: Draft Strategy to Replace, Reduce, or Refine Vertebrate Animal Testing under the Canadian Environmental Protection Act, 1999 (CEPA)

Please accept this submission on behalf of AEL Advocacy in response to the *Draft Strategy to Replace, Reduce, or Refine Vertebrate Animal Testing under the Canadian Environmental Protection Act, 1999* (the "**Draft Strategy**"), released in September 2024.[1]

A. About AEL Advocacy

Animal Environmental Legal Advocacy ("AEL Advocacy") is a public interest law practice and not-for-profit organization based in Ontario. Our lawyers understand the important interconnection between humans, animals, and the environment. We combine our in-depth knowledge of the legal and political landscape with a commitment to supporting individuals and organizations working to protect animals and the environments where they live.

In January 2024, AEL Advocacy delivered a submission responding to the Notice of Intent on the Development of a Strategy to Replace, Reduce or Refine Vertebrate Animal Testing under the *Canadian Environmental Protection Act, 1999*.

In this submission, AEL Advocacy made recommendations, which we are deeply concerned to see were not addressed in the Draft Strategy. As such, we reiterate and expand on our recommendations below.

[1] https://www.canada.ca/en/health-canada/programs/consultation-draft-strategy-replace-reduce-refine-vertebrate-animal-testing/document.html

B. Comments on the Draft Strategy

AEL Advocacy continues to support the Government of Canada's initiative to devise a strategy for replacing, reducing, or refining the use of vertebrate animals in testing under the *Canadian Environmental Protection Act, 1999* ("***CEPA***"). To bolster the objective of the strategy, we present the following comments and recommendations.

I. Clear Goals and Timelines Should be Identified

While the strategy is planned to be published alongside the Plan of Priorities by June 2025, any further timelines for the replacement, reduction, or refinement of vertebrate animal testing under the *CEPA* have not been identified under the Draft Strategy.

Canada should follow in the EU's footsteps in establishing a roadmap that would similarly serve as a guiding framework for future actions and allow stakeholders to tangibly track progress.

The European Citizens' Initiative "Save Cruelty-Free Cosmetics – Commit to a Europe without Animal Testing" seeks to transform EU chemicals regulation as one of its three objectives.[2] In pursuit of this objective, the European Commission stated that it would establish a roadmap defining milestones and concrete actions to reducing animal testing, aiming for a transition towards an animal-free system for chemicals legislation. [3]

Examples of suggested milestones to be obtained within the first five years under the EU's roadmap include:

- Further use of new approach methods (NAMs) in toxicokinetics;
- Clear definitions of terminologies e.g. validation, NAM, safe spaces, protection goals; and
- Clear projects with deliverables and measurable milestones allowing targeted progress.[4]

While AEL Advocacy recognizes that scientific innovation takes time and may be unpredictable, vague language (i.e. "as soon as possible", "iterative", "progressive", etc.) regarding anticipated progress creates considerable uncertainty for all stakeholders.

The Liberal government's 2021 election platform boasted a commitment to ending cosmetic testing on animals by 2023 and phasing out toxicity testing on animals by 2035. Having successfully ended cosmetic testing on animals in December 2023, Canada demonstrated the importance of goal setting in attaining policy objectives. AEL Advocacy strongly urges the inclusion of clear goals and timelines aiming for a

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[2] https://ec.europa.eu/commission/presscorner/detail/en/qanda_23_3995

[3] *Ibid.*

[4] https://data.europa.eu/doi/10.2873/34576

2030 implementation, allowing a further five (5) years to grapple unforeseen consequences.

RECOMMENDATION NO. 1: The strategy should include clear goals and timelines to ensure toxicity testing on animals ends by 2035 at the latest. As such, the goals and timelines should seek to end toxicity testing on animals by 2030, to provide sufficient time to correct unanticipated consequences prior to 2035.

II. Improved Transparency Measures

In conjunction with the establishment of clear goals and timelines, the strategy should prioritize the implementation of enhanced transparency measures. Mandatory public reporting on the number and species of animals used in toxicity testing at all research, industrial, and regulatory facilities would provide an essential baseline for understanding the scope of animal use and fostering public trust. Such data would help stakeholders evaluate the impact of NAM adoption over time and promote accountability within the sector.

Further advancing transparency would involve the publication of comprehensive, periodic reports detailing the progress of NAM research, validation, and implementation. These reports should outline significant milestones achieved, challenges encountered, and future objectives, offering valuable insight to the public and interested stakeholders. Importantly, these reports should incorporate metrics on NAM adoption rates, the extent of reductions in animal testing, and an analysis of the efficacy and benefits of NAM integration. By providing a clear picture of how NAMs are progressing, the reports would help inform policy adjustments, funding allocations, and collaborative opportunities.

RECOMMENDATION NO 2: The strategy should include measures promoting transparency on the state of animal testing in Canada, challenges, and progress.

III. Dedicated Funding for NAM Development and Validation

The Draft Strategy is currently focused on peripheral aspects of NAM development such as “strategically addressing scientific barriers to advance the use of NAMs”, and support for future activities. As such, if the scale of direct support for NAM research is dependent on available resources, NAM research effectively becomes an ancillary objective.

AEL Advocacy recognizes the importance of reducing scientific barriers in advancing NAM usage to inform risk assessment activities relevant under the *CEPA*. However,

lowered barriers would nonetheless have limited impact where there are limited NAMs for consideration. It is critical for funds to be dedicated directly to NAM research to ensure the investments supporting future activities have concrete activities to support.

As such, it is critical to incorporate the Canadian Centre for Alternatives to Animal Methods (CCAAM) within the final strategy. CCAAM is currently Canada's only national centre pioneering cruelty-free research methods. The CCAAM plays an indispensable role in advancing national objectives in this field, as highlighted by the Strategy. However, unlike other leading national centers globally, CCAAM has never received public funding. The consequences are now visible, *with the Centre in the process of closing its doors due to lack of funding*.[5] Without dedicated investment to sustain this institution, future-oriented activities outlined in the Strategy may lack the foundational research and innovations necessary for impactful progress.

By ensuring that CCAAM is part of this strategy with robust financial backing, Canada can solidify its commitment to advancing NAMs and align its initiatives with international best practices, securing the development and application of humane, scientifically advanced methodologies for risk assessments.

RECOMMENDATION NO. 3: The strategy should prioritize the development, validation, and integration of non-animal testing methods to ensure they become the primary approach in regulatory and research practices.

RECOMMENDATION NO. 4: Allocate dedicated, sustained funding to the development, validation, and implementation of non-animal alternatives, ensuring continuous progress and innovation in this field though providing immediate funding to the Canadian Centre for Alternatives to Animal Methods to avoid its closure.

C. Conclusion

The elimination of vertebrate animal testing marks Canada's alignment with global efforts to eliminate animal testing. In pursuit of a strategy to replace, reduce, and refine animal testing in Canada, AEL Advocacy makes the following recommendations:

RECOMMENDATION NO. 1: The strategy should include clear goals and timelines to ensure toxicity testing on animals ends by 2035 at the latest. As such, the goals and timelines should seek to end toxicity testing on animals by

[5] https://www.cbc.ca/news/canada/windsor/windsor-canadian-centre-alternatives-animal-testing-1.7370152

2030, to provide sufficient time to correct unanticipated consequences prior to 2035.

RECOMMENDATION NO 2: The strategy should include measures promoting transparency on the state of animal testing in Canada, challenges, and progress.

RECOMMENDATION NO. 3: The strategy should prioritize the development, validation, and integration of non-animal testing methods to ensure they become the primary approach in regulatory and research practices.

RECOMMENDATION NO. 4: Allocate dedicated, sustained funding to the development, validation, and implementation of non-animal alternatives, ensuring continuous progress and innovation in this field though providing immediate funding to the Canadian Centre for Alternatives to Animal Methods to avoid its closure.

AEL Advocacy is grateful for the opportunity to contribute on this important matter. We welcome the opportunity to further discuss the above comments and recommendations.

Sincerely,

ANIMAL ENVIRONMENTAL LEGAL ADVOCACY

Kira Berkeley
Co-Director & Counsel

Chris Ma
Student-at-Law