

COSMETICS ALLIANCE CANADA**Appearance Before The****SENATE STANDING COMMITTEE ON SOCIAL AFFAIRS, SCIENCE, & TECHNOLOGY****October 5, 2017****OPENING REMARKS****1. INTRODUCTION**

Good afternoon Mr. Chair and Members of the Committee.

My name is Darren Praznik and I am President and CEO of Cosmetics Alliance Canada (formerly the Canadian Cosmetic, Toiletry & Fragrance Association). I am joined today by Laura Gomez, Legal counsel from Gowling WLG.

We are pleased to have the opportunity to appear before you to provide our perspective with respect to Bill S-214 – the *Cruelty-Free Cosmetics Act*. We are supportive of affirming in legislation what is today, in fact, the reality with respect to animal testing in our sector.

We also welcome the opportunity to provide some important background information to give context to the regulatory framework that the bill proposes to amend, as well as the status of animal testing in the cosmetics industry.

Who Are We?

Cosmetics Alliance Canada is the national trade association for the cosmetics and personal care products industry in Canada and our over 150 member companies who include manufacturers, distributors, retailers and suppliers of goods and services to the industry. We represent annual retail sales of some \$10 billion and employ tens of thousands of Canadians throughout the industry.

What Are our Products?

Products in our category include cosmetics and personal care products (including those with therapeutic benefits) such as: soaps and cleansers; moisturizers; sunscreens; anti-acne and other skin care products; deodorants and anti-perspirants; shampoos (including medicated shampoos); hair styling products; hair colour; toothpastes; mouthwash and other oral care products; shaving products; and anything else that Canadians may use in their daily regimes of hygiene and personal care.

2. BACKGROUND TO ANIMAL TESTING IN CANADA**a) The Reality of Animal Testing and Cosmetics**

As has been recognized by the Bill's sponsor, Senator Stewart Olsen, the reality today is that the use of animal testing with respect to cosmetics is virtually non-existent in Canada, as well as most of the world. The vast majority of safety testing in the cosmetics industry - more than 99%

- does not use animal testing. There is no animal testing required to develop cosmetic products, nor is there any regulatory requirement or scientific necessity for animal testing on finished cosmetic products.

Another reality is that the ingredients used in cosmetics are generally used in other consumer products including food and drugs. They have a history of safe use and so already have well known safety profiles that rarely require additional safety testing. Only new ingredients, or new uses of existing ingredients, may require additional safety testing to meet regulatory requirements for human safety, the environment, or workplace health and safety regulations. In some of these cases, regulators may require data on specific toxicological endpoints where no non-animal test has yet been developed or accepted by regulatory authorities. A new health or environmental concern may also require further testing. In these cases, as ingredients are rarely if ever used in just cosmetics, the data would be required for a wide variety of uses and would not be performed specifically for cosmetics. (e.g. a new preservative).

b) Development of Alternative Methods to Animal Testing

Cosmetics Alliance Canada and its members have always supported the use of alternative methods to animal testing that are supported by scientific evidence and accepted by regulatory bodies to ensure human safety. The research to find acceptable alternatives is ongoing and must continue to be a priority for all who are committed to the eventual elimination of the use of animals in safety testing for any products, not just cosmetics.

For more than three decades, the cosmetics and personal care products industry internationally, including ingredient suppliers, have been leaders in the research and development of alternatives to animal testing and have made greater advances in their development and use than other sectors. To date, significant progress has been made in the development of cell and tissue cultures which has allowed industry to conduct safety tests for skin and eye irritation, dermal penetration and absorption, phototoxicity and genotoxicity without the use of animal testing. Despite this reality, the public perception as it relates to cosmetics is often misleading; for example, the Draize test (eye irritation study) was developed in the 1940's using rabbits but has long been replaced by non-animal alternatives.

Research into further alternatives in areas such as chronic toxicity, reproductive and developmental toxicity, and pharmacokinetics and metabolism is ongoing. In fact, the Canadian Centre for Alternatives to Animal Methods (CCAAM) just launched this week with a Strategic Visioning Workshop held October 3rd and 4th at the University of Windsor. This is Canada's first centre dedicated exclusively to alternatives with a vision to replace animals in Canadian regulatory testing, biomedical research, and education. The Centre allows Canada to now join the European Union and the United States where similar institutions that have been carrying a sizable part of these efforts over the past decades

3. HOW THE INDUSTRY IS NOW REGULATED (Context for Amendments)

In Canada, cosmetics and other personal care products are regulated under the *Food & Drugs Act* through one of three differing sets of regulations: the *Cosmetics Regulations*, the *Natural Health Product Regulations*, or the *Drug Regulations*. "Cosmetic-like" drugs or NHP's (not a definition recognized in the statute) include lipsticks and other cosmetics making a secondary SPF claim, primary sunscreens, acne products, fluoridated toothpastes, diaper rash and other

medicated cosmetics and personal care products. The applicable regulation is determined by the claim(s) being made on the product label, as well as the “active” ingredient(s) providing any “therapeutic” benefit.

Each set of regulation has different routes to market (notification versus pre-approval), along with different requirements and penalties, and are administered by two different branches of Health Canada – the Consumer Products Safety Directorate and the Natural and Nonprescription Health Products Directorate.

In addition to the *Food & Drugs Act*, ingredients used in cosmetics are subject to the *Canadian Environmental Protection Act*, which includes the ongoing review of in-commerce substances for human health and environmental safety under Canada’s world leading Chemicals Management Plan (CMP), and various workplace safety and health legislation (as to safety testing for those handling substances as bulk raw materials or in manufacturing).

4. REGULATORY REFORM NOW UNDERWAY (Health Canada’s Self-Care Framework)

This complex legislative, regulatory, and administrative environment that is currently applicable to cosmetics and other personal care products (which also includes a host of related consumer product categories including over-the-counter drugs, natural health products, cleaning products, etc.) has resulted in a major effort by Health Canada to reform this entire area.

What is now referred to by Health Canada as the Self-Care Regulatory Framework, was initiated by former Health Minister Rona Ambrose and embraced by the new Government in 2015 with the assignment of a five-member team dedicated solely to this project. Since 2016 there have been numerous consultations and stakeholder sessions held across Canada which have received many stakeholder presentations on the regulation of cosmetics and other self-care products.

We understand that the framework is in the final stages of development and is expected to require legislative amendments to the *Food & Drugs Act*, and its regulations. Any provisions with respect to animal testing on a specific category of statutorily defined products will need to take into account the new legal and regulatory framework being developed as part of this major reform initiative.

5. COSMETICS ALLIANCE CANADA & BILL S-214

Cosmetics Alliance Canada has always supported the development of alternative methods to animal testing and their adoption by regulatory authorities to meet regulatory requirements for human, environmental and workplace safety and health. We are proud of the reality that animal testing has been virtually eliminated in our sector. We will continue to support and encourage efforts to expand this success to other sectors, especially with the new Canadian Centre for Alternatives to Animal Methods (CCAAM) at the University of Windsor.

We appreciate the efforts of Senator Stewart Olsen, the Humane Society, and Animal Alliance, all of who we have met with respect to this Bill. We are also very much prepared to work



**COSMETICS
ALLIANCE**
CANADA

The Voice of Canada's
Personal Care
Products Industry

420 Britannia Road East, Suite 102
Mississauga, ON L4Z 3L5
T. 905 890 5161
cosmeticsalliance.ca

collaboratively with them, and with this Committee, to recognize in Canadian legislation what has already been achieved in practical reality.

Given the complexity of the current Canadian *Food & Drugs Act*, the interplay with Environmental and Workplace Health & Safety requirements, and the major reform of the “Self-Care Products Framework” currently underway, we believe that Bill S-214 and any amendments must have the engagement of Health Canada. To do otherwise would be to miss an opportunity to “get this right” and avoid a host of further inconsistencies and unintended consequences that are now part of the current regulatory framework for cosmetics.

In conclusion, we look forward to the opportunity to work with this Committee, the Bill’s sponsor Senator Stewart Olsen, Health Canada, as well as other stakeholders like the Humane Society and Animal Alliance to produce a Bill that we all support and which will increase the prospects of its adoption by the House of Commons. To this we are committed.