



**HUMANE SOCIETY
INTERNATIONAL**

LUSH



THE BODY SHOP

November 24, 2021

Honourable **Jean-Yves Duclos**
Minister of Health

Re: Animal Testing Ban

Dear Minister Duclos,

Firstly, we wish to offer our congratulations on your re-election to Parliament and appointment as Minister of Health. We recognize that this must be a very busy time for you as you are being briefed on the many files within your new Departments while addressing the continuing public health priorities related to the Covid-19 pandemic.

Our Request – To Move Forward with Addressing Animal Testing and Cosmetics

We greatly appreciated the commitment made by your government to end cosmetic testing on animals by 2023 and we are writing today to propose what we believe is the simplest means to delivering this goal within this timeframe. Specifically, we are recommending that the necessary legislative and regulatory changes be included in the development and implementation of Health Canada's Self-Care Framework which proposes a modernized regulatory structure and an implementation timetable as set out in the Department's Forward Regulatory Plan.

As the regulation of cosmetics is a key part of this new regulatory framework - which contemplates a specific vehicle for approving new ingredients and products which is necessary to implement a ban on cosmetic animal testing - the use of the Self-Care Framework offers the fastest and most effective means of implementation. Furthermore, incorporating provisions for cosmetic animal testing within the Framework would ensure that they are properly operationalized in a manner that prevents unintended consequences or administrative difficulties that could result from "stand alone" legislative initiatives such as private members' bills.

Experience with private members' bills on this issue has demonstrated that the complexities of the Canadian regulatory framework are best addressed if legislative/regulatory changes are drafted by Health Canada, and that the initiative has the full support of the Minister and Government. This said, we are committed to working with the department irrespective of the legislative vehicle that Health Canada may choose.

Who We Represent – A Broad Consensus of Industry, Retailers & Animal Advocates

By way of background, the collective of our organizations represents a broad range of stakeholders including the cosmetics industry and its many member companies, retailers, and animal protection advocates.

Since this issue was first raised in Parliament through a Private Member's Bill in the Senate in 2015, our group of key stakeholder organizations have held many discussions over several years and have been able to come together to establish a consensus based on the following principles:

- Building blocks of a Canadian ban on cosmetic animal testing align with the principles of the European Union ban as well as work within the context of the Canadian regulatory framework; and
- Health Canada draft the necessary legislative/regulatory amendments to ensure that they are administratively workable, do not result in unintended consequences, and are ultimately supported by the Government.

We can further advise that additional work has been undertaken over the past few years by stakeholders on various operational details, many of which are reflected in proposed legislation in the United States – specifically the *Humane Cosmetics Act* - which is now before Congress. We would be most pleased to collectively discuss these details and developments with your officials in their work to develop the ban within the context of the Canadian regulatory framework.

Some Additional Recommendations

In addition to the specific legislative and regulatory changes to implement the ban, we have also come together to encourage the Government to expand this initiative to:

- Amend the *Food & Drugs Act* to include in its preamble, by 2023, a similar provision as recently proposed in Bill C-28, *Strengthening Environmental Protection for a Healthier Canada Act*, which was first introduced in the last Parliament and is expected to be reintroduced shortly in this Parliament. This provision, as outlined in Bill C-28 [clause 2(5)], sets out your government's policy goal of **reducing the reliance on animal testing** as follows: "*Whereas the Government of Canada recognizes the role of science in the process of making decisions related to the protection of the environment and human health, as well as the importance of promoting the development and timely incorporation of scientifically justified alternative methods and strategies in the testing and assessment of substances to reduce, refine or replace the use of vertebrate animals*"; and
- Require Health Canada (either through legislation or policy) to publish and regularly update a list of non-animal testing methods acceptable to Health Canada in determining various safety/health standards as well as allocate funding towards the innovation of non-animal methodologies. This would encourage Health Canada officials to regularly review and consider the use of non-animal testing methods and strategies as they are developed, and so provide valuable guidance to industry and educational institutions on the acceptance of non-animal testing methods by Government regulators.

Additionally, we would encourage your department to conduct a review of its statutory/regulatory requirements where animal testing is specifically prescribed in law to determine if these requirements are still necessary considering the development of many non-animal alternatives. One such example is the *Toy Regulations* under Canada's *Consumer Product Safety Act* which mandates under Schedule 3 testing on "six albino rabbits" for both skin and eye irritation for toys intended for children under 14 years of age. Addressing animal testing for cosmetics without also reviewing these provisions – especially since this one overlaps with the *Cosmetic Regulations* when it comes to "toy cosmetics" –

would seem to be out of step with the cosmetics initiative and set up a regulatory contradiction for certain products to which both regulations would apply.

Timing – Canada to Host the Animal Alternatives World Congress in 2023

The Government's objective of implementing a ban on cosmetic animal testing by 2023 is well placed as Canada - through the Canadian Centre for Alternatives to Animal Methods (CCAAM) at the University of Windsor – will be hosting the Animal Alternatives World Congress on August 23 – 27, 2023, in Niagara Falls, Ontario.

Several of our organizations will be participating in this important international event and we believe there is no better opportunity to showcase Canada as a leader in the development of animal testing alternatives and the banning of unnecessary animal testing on cosmetic products. We would anticipate that senior members of your government will be invited to attend, and this will be an ideal opportunity to highlight Canada's efforts in this area.

Request for a Meeting & Thank You

As we recognize that there are many priorities and demands on your time that may prevent you from meeting with us in the immediate future, we would appreciate have a video-meeting in the next few weeks with the members of your staff assigned to this file and the Self-Care Framework. If your intention is to indeed proceed with this initiative through the new Framework, we would then request an opportunity to have a comprehensive discussion with the Self-Care Team to discuss the details.

Thank you very much for your time and consideration and we look forward to working with you and Health Canada on advancing this important initiative.

Sincerely,

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