



January 22, 2024

**DELIVERED VIA EMAIL:** [erhsdgeneral-dssergenerale@hc-sc.gc.ca](mailto:erhsdgeneral-dssergenerale@hc-sc.gc.ca)

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Environment and Climate Change Canada  
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351 Saint-Joseph Boulevard  
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**Re: Notice of intent on the development of a strategy to guide the replacement, reduction, or refinement of vertebrate animal testing under the Canadian Environmental Protection Act, 1999 (CEPA)**

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Please accept this submission on behalf of AEL Advocacy in response to the Notice of intent on the development of a strategy to guide the replacement, reduction, or refinement of vertebrate animals in toxicity testing under the Canadian Environmental Protection Act, 1999 (CEPA) (the “Notice”).<sup>1</sup>

### **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.

### **B. Comments on the Notice of Intent**

In 2019, over 210,000 animals were subjected to regulatory testing in Canada.<sup>2</sup> Of these, roughly 97,000 were assigned to “Category E: procedures that cause severe pain near, at, or above the

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<https://www.canada.ca/en/health-canada/programs/consultation-strategy-replace-reduce-refine-vertebrate-animal-testing/notice-intent.html>

<sup>2</sup> [https://sencanada.ca/Content/Sen/Committee/441/ENEV/briefs/CSHS\\_ElizabethOrmandy\\_e.pdf](https://sencanada.ca/Content/Sen/Committee/441/ENEV/briefs/CSHS_ElizabethOrmandy_e.pdf)

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pain tolerance threshold of unanesthetized conscious animals.”<sup>34</sup> Category E is the most severe category of invasiveness in animal experiments and may include, for example, exposure to drugs or chemicals at levels that (may) markedly impair physiological systems and which cause death, severe pain, or extreme distress; use of muscle relaxants or paralytic drugs without anesthetics; and burn or trauma infliction on unanesthetized animals.<sup>5</sup> This level of suffering, especially when viable alternatives exist, is unacceptable.

AEL Advocacy strongly supports the Government of Canada's initiative to devise a strategy for replacing, reducing, or refining the use of vertebrate animals in toxicity testing. To aid in the development of a comprehensive strategy, we present the following comments and recommendations.

## **I. The Strategy Should Include a Clear Goals and Timelines**

Considering the Liberal government's 2021 election platform commitment to ending cosmetic testing on animals by 2023 and phasing out toxicity testing on animals by 2035<sup>6</sup>, AEL Advocacy strongly urges the inclusion of clear goals and timelines within the strategy to ensure its implementation aligns with the 2035 goal.

Given industry change can often come with unanticipated consequences, the goals and timelines must account for room for error. As such, we recommend such goals and timelines seek to eliminate toxicity testing by 2030, which will allow a further five (5) years to adapt to unanticipated changes.

**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. The Strategy Should Prioritize Alternatives**

The Government of Canada's strategy to guide the replacement, reduction, or refinement of vertebrate animal testing under the *Canadian Environmental Protection Act, 1999* (“CEPA”) represents a pivotal opportunity to align with global best practices and international guidance in advancing ethical and scientifically advanced testing methodologies. Prioritizing alternatives to animal testing is imperative in light of the ethical concerns associated with traditional methods,

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<sup>3</sup> [https://sencanada.ca/Content/Sen/Committee/441/ENEV/briefs/CSHS\\_ElizabethOrmandy\\_e.pdf](https://sencanada.ca/Content/Sen/Committee/441/ENEV/briefs/CSHS_ElizabethOrmandy_e.pdf)

<sup>4</sup> [https://ccac.ca/Documents/Standards/Policies/Categories\\_of\\_invasiveness.pdf](https://ccac.ca/Documents/Standards/Policies/Categories_of_invasiveness.pdf)

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[https://ccac.ca/Documents/Standards/Policies/Categories\\_of\\_invasiveness.pdf](https://ccac.ca/Documents/Standards/Policies/Categories_of_invasiveness.pdf)

<sup>6</sup> <https://liberal.ca/our-platform/protecting-animals/>

coupled with the advancements in technology that provide viable alternatives. This commitment not only underscores a progressive stance towards animal welfare but also ensures the reliability and robustness of testing outcomes.

The landscape of alternative testing methods has significantly evolved with technological advancements, sparing animals from needless suffering while providing more precise, efficient, and reliable results. Internationally, leading nations like the United States, Australia, and the European Union have already embraced New Approach Methodologies (“NAMs”) as cost-effective, efficient, and ethically superior alternatives to traditional animal testing. NAM-based approaches have proven to be “as protective of human health and the environment as traditional animal methods” while actively safeguarding animal well-being.<sup>7</sup> Various NAMs, such as in vitro testing, organ-on-a-chip models, and computational modeling, have demonstrated efficacy in predicting human responses to chemicals and substances without resorting to animal testing. Aligning Canada's strategy with these global leaders facilitates the exchange of best practices, encourages collaboration, and positions the nation as a responsible advocate for humane testing methods. By prioritizing these alternatives, the strategy can not only enhance the ethical integrity of toxicity testing but also foster a more robust and scientifically advanced approach in line with global best practices.

Prioritizing alternatives would also position Canada as a nation at the forefront of innovation and sustainable practices in toxicology. As countries worldwide increasingly embrace humane testing methodologies, emphasizing alternative testing approaches not only enhances a nation's international standing but opens avenues for collaboration, knowledge exchange, and the development of shared best practices.

Dedicated funding for the development and validation of non-animal methods further reinforces a commitment to leadership in ethical testing practices, fostering a culture of responsible scientific innovation that transcends the limitations of traditional animal testing. Ultimately, prioritizing alternatives in a toxicity testing strategy is an investment in both ethical progress and scientific excellence.

**RECOMMENDATION NO. 2:** The strategy should prioritize alternatives to animal testing.

**RECOMMENDATION NO. 3:** Dedicated funding should also be allocated toward developing and validating non-animal alternatives.

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7

<https://www.canada.ca/en/health-canada/services/chemical-substances/fact-sheets/use-new-approach-methods-risk-assessment.html>

### III. The Strategy Should Include Meaningful Refinement Measures

In instances where complete avoidance of animal testing is unfeasible, the strategy should emphasize measures to significantly reduce the pain, distress, and suffering experienced by animals involved in experiments. Examples of meaningful refinement, such as humane animal handling, proper use of anesthetics and analgesics, and housing that allows the expression of species-specific behaviours, must be integrated into the strategy.<sup>8</sup>

**RECOMMENDATION NO. 4:** The strategy should include meaningful measures to replace and reduce animals used in testing, and minimize pain and suffering for any animals that continue to be used.

### IV. The Strategy Should Include Measures That Promote Transparency

Canada should ensure accurate public reporting on the number and species of animals used in toxicity testing at all facilities across the country.

In developing the strategy, Canada should consider looking to the European Union, which has made significant efforts to centralize information and promote transparency with regard to toxicity testing on animals. Registration, Evaluation, Authorisation and Restriction of Chemicals (“REACH”), a regulatory authority of the European Union, aims to “provide a high level of protection of human health and the environment from the use of chemicals”<sup>9</sup> while remaining competitive in the chemical industry. REACH regulations require manufacturers and importers to gather the required information on the properties of their chemical substances which are subsequently registered in a central database (European Chemicals Agency (“ECHA”)).<sup>10</sup> This centralization of information allows both consumers and professionals in the industry to find hazard information in order to “ensure a high level of protection of human health and the environment against harmful substances”<sup>11</sup> while promoting alternative methods to animal testing in assessing chemical hazards.

**RECOMMENDATION NO. 5:** The strategy should include measures to ensure accurate public reporting on the number and species of animals used in toxicity testing at all facilities across the country.

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<https://www.nc3rs.org.uk/who-we-are/3rs#:~:text=Examples%20of%20refinement%20include%20ensuring,procedures%20to%20minimise%20any%20distress.>

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[https://www.hsa.ie/eng/your\\_industry/chemicals/legislation\\_enforcement/reach/#:~:text=What%20is%20REACH%3E,from%20the%20use%20of%20chemicals](https://www.hsa.ie/eng/your_industry/chemicals/legislation_enforcement/reach/#:~:text=What%20is%20REACH%3E,from%20the%20use%20of%20chemicals)

<sup>10</sup> [https://environment.ec.europa.eu/topics/chemicals/reach-regulation\\_en](https://environment.ec.europa.eu/topics/chemicals/reach-regulation_en)

<sup>11</sup> [https://environment.ec.europa.eu/topics/chemicals/reach-regulation\\_en](https://environment.ec.europa.eu/topics/chemicals/reach-regulation_en)

### C. Conclusion

Transitioning from vertebrate animal testing aligns Canada with global efforts to eliminate animal testing. A comprehensive strategy to replace, reduce and refine animal testing is a crucial step toward this end. In developing this strategy, 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 2030, to provide sufficient time to correct unanticipated consequences prior to 2035.

**RECOMMENDATION NO. 2:** The strategy should prioritize alternatives to animal testing.

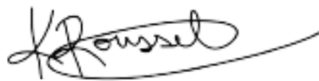
**RECOMMENDATION NO. 3:** Dedicated funding should be allocated toward developing and validating non-animal alternatives.

**RECOMMENDATION NO. 4:** The strategy should include meaningful measures to replace and reduce animals used in testing, and minimize pain and suffering for any animals that continue to be used.

**RECOMMENDATION NO. 5:** The strategy should include measures to ensure accurate public reporting on the number and species of animals used in toxicity testing at all facilities across the country.

Thank you for your attention to this important matter. We welcome the opportunity to discuss the above comments and recommendations.

Sincerely,  
**AEL Advocacy**



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Krystal-Anne Roussel  
Co-Director & Counsel



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Emma Peckham  
Law Student