

Animal Protection Index / Protecting animals used in scientific research

Canada

Animals used in research are covered by the general stipulations in the Criminal Code regarding suffering, but there are no specific regulations at federal level regarding this use of animals and the Criminal Code refers only to 'unnecessary' pain, suffering and injury.

The Canadian Council on Animal Care (CCAC) is an autonomous and independent body, which was created to oversee the ethical use of animals in science in Canada; it is an organization made up of industry representatives that publishes standards in the form of guidelines and policy statements regarding the treatment and care of animals used in research, in academic and related institutional settings. It is a non-profit organization financed primarily by the Canadian Institutes of Health Research (CIHR) and the Natural Sciences and Engineering Research Council of Canada (NSERC), with additional contributions from federal science-based departments and agencies and private institutions participating in its programmes. It is governed by a Council of representatives from 22 national organizations and up to three limited term member organizations. The CCAC sets voluntary standards and produces information and reports for public dissemination. The CCAC also develops and makes available educational opportunities and reference materials to support the training and educational needs of animal users.

The CCAC has various fundamental principles and guidelines; compliance with CCAC guidelines and policies is a requirement to receive a certificate of Good Animal Practice. In the 'Ethics of animal investigation', the CCAC acknowledges the importance of the Three Rs principles in research – Replacement, Reduction, Refinement. Namely, animals should be used only if the researcher's best efforts to find an alternative have failed (Replacement). Those using animals should employ the most humane methods (Refinement) on the smallest number of appropriate animals required to obtain valid information (Reduction). Eight Canadian provinces – Alberta, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, Quebec and Saskatchewan – have amended their regulations to refer to CCAC standards, either in their animal protection legislation or separate animal research regulations. Ontario has specific legislation called the Animals for Research Act.

Since the API was first published in 2014, Canada has progressed towards banning animal testing for cosmetics, since the Cruelty Free Cosmetics Act (Bill S-214) was approved by the Senate in June 2018. This Bill would amend the Food and Drugs Act by prohibiting both domestic animal testing for cosmetics as well as the sale of cosmetics that have undergone any form of new animal testing after the ban comes into effect. The Senate amended the Bill to include a phase-in period to allow industry time to comply with the legislation. However, the Bill did not pass in time before Parliament ended before the federal election in 2019.

Analysis

Guidance for animal care and use is important to regulate the conduct of appropriate animal-based science and to protect the welfare of animals used in science. However, the CCAC is not an official regulatory body or part of the Government. This area relies on industry to self-regulate and the CCAC standards are not proactively enforced by any legislated enforcement body. Notably, institutions which experiment on animals can choose to not participate in the CCAC programmes and not to have an animal care committee. The only legal implication of the CCAC standards is that the Federal

Government must withhold federal funding from institutions that are non-compliant. However, this seems to have never happened. Private research institutions, on the other hand, have no incentive to submit themselves to the CCAC standards.

Although it is practical to refer to a specific body of industry standards, the references of provincial legislation to these standards leaves little room for the establishment of effective policy and legislation that exclusively focuses on animal welfare issues for this category of animals. The Government is therefore encouraged to introduce specific regulation and to refer to the existing industry standards as a complementary measure of protection.

Animal Care Committees, which are set up in each participating institution, are responsible for ensuring that the CCAC standards are adhered to. The Animal Care Committee membership is varied but does not contain a representative from any animal welfare organization. Membership of this kind could provide another perspective on animal welfare of research animals which current members may not have.

Bill S-214 intended to ban the use of animal testing for cosmetics is a positive development for animal welfare, which should bring Canada in line with the many other countries having already banned animal testing for cosmetics. In addition, this ban is in accordance with a 2012 public opinion survey finding that 88% of Canadians agree that testing new cosmetic products is not worth the animals' pain and suffering.

Enforcement Mechanisms

The Canadian Council on Animal Care (CCAC) does not have the power to enforce any of its standards by legal measure. Administrators, veterinarians and researchers in the institutions where experiments with animals take place are responsible for ensuring compliance with the guidelines and senior administrators must report any non-compliance, but the voluntary element makes it difficult for researchers to be held accountable. Post-approval monitoring mechanisms should in place once the relevant Animal Care Committee approves research through assessment visits and follow-ups, and through training and discussion sessions on post-approval monitoring at CCAC workshops. However, even under this voluntary system, inspections are pre-announced and take place every two years. If a laboratory is in compliance, inspections may occur once every five years.

Where the use of animals extends beyond causing 'necessary' pain, suffering or injury, this could be enforced under the Criminal Code.

Key Recommendations

- At present, there is no legally enforceable legislation that promotes the humane treatment of animals used in scientific experiments. At the very least, the Government of Canada is strongly encouraged to include CCAC standards with regards to animal testing in legally binding regulations and standards, applicable at the federal level. Moreover, such federal legislation should enshrine the Three Rs principles – Replacement, Reduction, Refinement – so that Canada is in line with international standards.
- The Government of Canada is urged to pass legislation similar to the former Bill S-214, the Cruelty Free Cosmetics Act would effectively ban animal testing for cosmetics at the federal level. This legislation would bring Canada closer to international animal welfare standards.