

Ms. Pam Damoff (Parliamentary Secretary to the Minister of Health, Lib.):

Madam Speaker, I am pleased to be here today to discuss Bill S-214, an act to amend the Food and Drugs Act with regard to cruelty-free cosmetics. I would like to start by commending Senator Stewart Olsen for spearheading this work in the other place, and the member for Sarnia—Lambton for introducing this bill in the House.

I am disappointed with how long it took Bill S-214 to get to where we are today, as it passed third reading in the Senate almost a year ago. However, I am happy to announce our government's support of this important legislation, with amendments to bring it in line with the approach taken by the European Union.

The humane treatment of animals is undoubtedly a matter that preoccupies many Canadians. Our government has heard directly from many Canadians who have expressed their heartfelt concerns through emails, social media and letters. I can honestly say that this legislation has been a top concern from my constituents. The Body Shop alone has collected over 630,000 signatures on its petition.

According to a 2013 poll commissioned by Humane Society International/Canada and the Animal Alliance of Canada, an overwhelming majority of Canadians, 81%, support a nationwide ban on cosmetic animal testing.

The government's view is that the decision to test anything on an animal should not be taken lightly or without due and careful consideration of the potential pain and suffering that may be caused. For years, the Government of Canada has been publicly committed to eliminating animal testing for cosmetics and to the responsible and ethical use of animals for human health research.

This commitment is reflected in the work that has been done to support and carry out the research, development and implementation of alternative, non-animal test methods, both in Canada and abroad. Health Canada officials have worked in close collaboration with domestic and international partners, including the Organisation for Economic Co-operation and Development, the International Cooperation on Cosmetics Regulation, and the International Cooperation on Alternative Test Methods.

In addition, our government has begun to explore potential opportunities with the newly established Canadian Centre for Alternatives to Animal Methods at the University of Windsor. My friend and colleague, the member for Beaches—East York, who is one of the most knowledgeable and passionate on issues of animal welfare, has spoken to me about this centre at the University of Windsor, and I understand it holds great promise.

The Canadian Centre for Alternatives to Animal Methods and its subsidiary, the Canadian Centre for the Validation of Alternative Methods, aim to develop, validate and promote methodologies in biomedical research, education and chemical toxicity testing that do not require the use of animals. All of this work is of the utmost importance, because by joining forces, we can more quickly and effectively develop and implement alternative, non-animal test methods for a variety of purposes, not just cosmetic safety.

Thanks to these efforts, I am pleased to say that, in most cases, it is now possible to test for issues such as dermal penetration, skin irritation, harm to genetic material and eye irritation without using animals. The presence of alternative test methods is dramatically decreasing the use of cosmetic animal testing around the globe.

However, it would be irresponsible for me to ignore certain situations where animal testing may still be required in order to protect the health and safety of Canadians. For example, in cases of determining carcinogenic effects of ingredients, reproductive toxicity and the way the body processes toxins, the inability to use animal testing could

put Canadians at heightened risks of cancer, fertility issues and acute or chronic effects from repeated exposure.

Such concerns are especially pronounced when considering the rapid development of new, biologically active ingredients, not only in the area of cosmetics, but in many other products used by consumers every day, including drugs, vaccines and food additives. While I know that this may be upsetting for some, I emphasize that animal testing may be the only reliable way to protect the health of Canadians in these circumstances.

I would also point out that in many cases products share ingredients with cosmetics. In such situations, it only makes sense to allow evidence derived from animal testing to be submitted to support the safety of a cosmetic, given that it was not undertaken for the purpose of developing the cosmetic itself. Not permitting this would mean ignoring potentially crucial existing information that might enable us to better protect the health and safety of Canadians.

(1125)

The European Union recognizes the importance of maintaining access to this evidence. While the EU imposes restrictions on testing on animals specifically for meeting the requirements of its cosmetics regulations, it does allow evidence generated for other, non-cosmetics-related regulatory frameworks to be submitted to demonstrate the safety of cosmetics. As it is currently written, Bill S-214 would not permit the use of such evidence. I highlight this to bring the attention of members to one important element of this well-intentioned bill to which we ought to give careful consideration.

I am pleased to inform the House that our government has identified a number of amendments to this bill that would be moved at committee and that would adequately mitigate the issues I have just mentioned. The bill, as amended, would continue to explicitly prohibit animal testing for cosmetics in Canada and the sale of any cosmetic that was developed or manufactured using cosmetic animal testing. However, the amendments would, among other things, allow government officials to rely on animal testing data for cosmetics when the health of Canadians is at risk and provide companies with the ability to submit animal testing data when required under another regulatory framework, consistent with the EU approach.

These amendments will also designate a four-year coming-into-force period for the entire bill to allow for an orderly transition. With the amendments I have briefly outlined, the bill would allow us to meet the expectations of many Canadians to put in place new measures supporting the goal of eliminating cosmetic animal testing, while ensuring that we continue to protect the health and safety of Canadians.

I look forward to further discussion of this bill, and I am pleased to tell the House that, with these amendments in mind, the government will support its referral to committee.

I want to close by thanking all Canadians who have been advocating for the passage of this bill for their passion and commitment to cruelty-free cosmetics. I applaud their efforts and want them to know that I share their concerns. In particular, I want to commend those in Oakville North—Burlington who contacted me, from students at Garth Webb Secondary School to those who have come to my office. Their voices are important and make a difference.

(1130)

Mr. T.J. Harvey (Tobique—Mactaquac, Lib.):

Madam Speaker, it is a pleasure to rise here today to speak to Bill S-214, an act to amend the Food and Drugs Act.

I want to congratulate the hon. member for Sarnia—Lambton, not only for sponsoring the bill, which originated in the other place, but for the co-operative approach she has adopted in ensuring that the legislation would achieve its objectives in a way that could be supported by both the animal advocacy community and the industries being regulated. Too often, these initiatives, which most of us support, digress into combative false dichotomies that pit one group against the other, to the detriment of the overall objective. That may be a useful exercise in terms of attention and fundraising, but it does not serve the public interest well and it does not serve public policy goals well. In many cases, it actually makes the situation worse.

This brings me to the central question: What is the objective of Bill S-214? The legislation, as tabled in the House, purports to end the practice of testing cosmetics on animals in Canada, even going so far as to describe the outcome, in the bill's short title, as cruelty-free. What is particularly interesting about this communication strategy is that even the original sponsor of the bill admitted during debate that there was virtually no animal testing of cosmetics in Canada, and she went on to praise the advancements the cosmetics industry has made in the development and implementation of alternative testing methods here in Canada.

I would like to reference the factual comments by the sponsoring member in the other place made during the second reading debate on Bill S-214, on Wednesday, February 3, 2016:

Currently, more than 99 per cent of all safety evaluations related to cosmetics products or their ingredients are now being conducted without animal testing as the Canadian industry has adopted alternative testing methods....

Our cosmetics industry should be commended for moving forward towards eliminating this backward practice.

We can all agree that eliminating this practice is moving forward on the issue and that a narrative that vilifies the Canadian cosmetics industry under these circumstances is both irresponsible and fundamentally dishonest. In fact, this admission by the sponsoring senator resulted in one of her colleagues on the Senate committee studying the bill to question the need for the bill at all.

Although it may appear that what we have here is a piece of legislation in search of a problem, I feel that by reaching out to all the stakeholders, the member for Sarnia—Lambton, along with Health Canada, has used this opportunity to put together a potential bill that would bring some needed consistency and clarity to the application of this overall and global objective.

Mr. Darren Praznik, president and chief executive officer of Cosmetics Alliance Canada and a former minister of health in the province of Manitoba, in his testimony before the Standing Senate Committee on Social Affairs, Science and Technology, provided a solid rationale for moving ahead with this initiative in the absence of any pressing domestic need. He said:

If properly done, where we can all make this work...and we don't create some absurdities in regulation, I think it sends a very symbolic message to the world to get on with the work generally about eliminating animal testing and developing alternatives, scientifically, to eliminate animal testing. It also sends a message to regulatory authorities that when those [alternatives] are developed and validated by regulators that they should be used as the [primary] method of approving safety.

I would certainly agree with that sentiment and applaud the responsible manner in which the sector has engaged in this process. The cosmetics industry in Canada is made up of hundreds of individual companies and employs thousands of Canadians. Due to the intricate nature of globalization, the sector is both a major importer and exporter of products. Whenever we as legislators contemplate making regulations, especially ones that are questionable in the domestic context, we must ensure that we do not put Canadian industry and jobs unnecessarily at risk while we also look at the global good and the performance of public policy.

Today, as legislators, we must deal with the actual bill that is before us now. I quote from the bill as written:

cosmetic animal testing means the topical application or internal administration of any cosmetic or ingredient of any cosmetic to a live non-human vertebrate to evaluate its safety or efficacy for the purpose of developing or manufacturing a cosmetic.

Drawing on my own experience in regulated industry, when I look at this proposed bill through the lens of regulatory compliance, I have two specific questions that pertain to the actual implementation of this bill.

(1155)

First, based on this definition of cosmetic animal testing, would testing a dog shampoo on a dog prior to putting the product on the market be considered cosmetic animal testing? Second, if the cosmetics industry wished to use an ingredient, let us say a chemical preservative that is currently being used in a health food product, which would require animal testing, based on Health Canada's approval process, would that subsequent cosmetic use be allowed under Bill S-214, even though no additional animal testing would occur?

I ask these questions to underscore the difference between a policy that is supported and the regulatory instruments chosen to implement it. If I understand correctly, and I realize that this chamber has a duty to deal responsibly with a public bill originating in the other place, we are being asked to vote on whether there is agreement in principle for a bill that requires at least seven amendments that we have yet to see and evaluate.

I am certainly heartened by the comments from the government that it plans to introduce the necessary amendments to the existing bill and that any new bill introduced in the next Parliament would incorporate this approach as well. I also wonder if the amendments being proposed would be considered outside the scope of the original bill, as passed by the other place, and whether the sponsoring member of the other place would agree to allow these changes.

As we all know, complex regulations are often used as non-tariff barriers, and as I stated earlier, bringing consistency and clarity to this issue is useful. In addition, we need to examine closely how our major trading partners in the European Union, one of the leading jurisdictions on this issue, have approached animal testing regulations. Given that the EU has not only set the precedent in this area but has also had implementation time to make the necessary adjustments to the administrative and logistical details, it becomes clear that any initiative we undertake must align with what the EU is doing, albeit in a manner that is consistent with our domestic regulatory framework.

If we take note of where we are in the electoral calendar, clearly the clock will run out on this current initiative, but I feel that a new bill in the next Parliament, one that is

based on stakeholder consensus reached through this process and based on the manner in which the member for Sarnia—Lambton has approached this bill, will serve Canadians very well.

In closing, I want to reiterate my praise for the member for Sarnia—Lambton and my support for the realistic and inclusive approach she has chosen for this initiative. I want to recognize as well the government and the ministry, for putting in the work to ensure that the end result will bring clarity and consistency to the issue, and the animal advocacy sector and the cosmetics industry, for recognizing the importance of working together collaboratively.