

Animals in Science

Animals used in experiments and risk of losing welfare gains

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"We will also... I continue to commit to maintaining high standards of protection where procedures are undertaken on live animals for scientific or educational purposes."

- DEFRA Action Plan for Animal Welfare, p.16

The new 'flagship' Action Plan for Animal Welfare covers many different kinds of animals and issues, from puppy smuggling to farmed animals, but does not mention anything concrete about animals used in experiments. This will most likely be because regulation of animals used in experiments comes from the Home Office and not Defra, but it is disappointing that there is a lack of consideration for them at this time. An issue which has been repeatedly flagged since Brexit negotiations started surrounds Regulation (EC) No. 1907/2006, concerning the Regulation, Evaluation, Authorisation and Restriction of Chemicals (REACH). REACH applies to all substances manufactured or imported into the EU of one ton or more, with the aim of protecting human health and the environment from the risks caused by chemicals. REACH is overseen by the European Chemicals Agency (ECHA), but the responsibility lies with manufacturers and importers to gather information about the properties and hazards of chemicals and register them on the ECHA's central database.

The central database is a benefit of REACH, as 'Registrants may only carry out new tests when they have exhausted all other relevant and available data sources.'¹ This includes the results of any tests carried out on vertebrate animals, with the ECHA clear that any reliable studies on animals must not be repeated. Since leaving the EU, however, the UK have lost their seat on the ECHA Member State Committee and access to the REACH central database.² To avoid a gap in the law, as there was no alternative to REACH in the UK, Parliament introduced UK REACH,³ which retains the key principles of EU REACH. On exit day, UK REACH 'grandfathered' EU REACH where UK Registrants owned the test data, to create their own database, but without the data on the ECHA central database belonging to non-UK Registrants, and EU Registrants are under no obligation to share it with the UK. This means, where there is a lack or loss of data, there is the risk of chemicals already tested on animals in the EU needing to be tested again in the UK to register with UK REACH. McCulloch has highlighted how this can lead to 'unnecessary testing on animals',⁴ with others arguing it could 'slow-down' progress of developing non-animal methods of testing.⁵

1 ECHA, 'Animal Testing Under Reach'. Available online: <<https://echa.europa.eu/animal-testing-under-reach>> accessed 3rd June 2021

2 Please note that Northern Ireland currently still operate under the EU REACH. This means the UK currently operates under two systems and needs to adhere to both EU and UK REACH in some circumstances.

3 REACH has been retained using the European Union (Withdrawal) Act 2018, but there are also exit Regulations setting out UK REACH functions: REACH etc (Amendment etc) (EU Exit) Regulations 2019, SI 2019/758, REACH etc (Amendment etc) (EU Exit) (No 2) Regulations 2019, SI 2019/858, REACH etc (Amendment etc) (EU Exit) (no 3) Regulations 2019. SI 2019/1144 and REACH etc (Amendment etc) (EU Exit) Regulations 2020, SI 2020/1577.

4 Steven P. McCulloch, 'Brexit and Animal Welfare Impact Assessment: Analysis of the Threats Brexit Poses to Animal Protection in the UK, EU and Internationally' (2019) 9 *Animals* 117

5 Brexit and Animals Taskforce, *Opportunities and Threats: UK Animal Welfare under Different Models of Relations with the European Union (EU)* (2018). Available online: <<https://politicalanimal>



The potential of duplicate testing was discussed during oral evidence given to the Energy and Environment Sub-Committee of the House of Lords, where it was stated that the UK will have to take a regulatory approach and 'if that required animal testing, it would require animal testing'.⁶ In a recent Briefing Paper, the concerns surrounding duplicate animal testing was noted, but no solution or guarantees were offered, merely just that the UK will continue to use alternative methods where appropriate.⁷ As a result, there has been a push to put provisions into the Environmental Bill 2020,⁸ due to frustrations of

[org.uk/wp-content/uploads/2018/09/Brexit-briefing-1.pdf](https://www.org.uk/wp-content/uploads/2018/09/Brexit-briefing-1.pdf)
accessed 12 March 2021

6 Select Committee on the European Union: Energy and Environment Sub-Committee, Corrected Oral Evidence: The Future of REACH and Regulations post-Brexit (H-L 2018 Q25)

7 Elizabeth Rough and Georgina Hutton, Briefing Paper: End of Brexit Transition: Chemicals Regulations (REACH), (2021) House of Commons, Number CBP 8403. Available online: <<https://commonslibrary.parliament.uk/research-briefings/cbp-8403/>> accessed 4th June 2021

8 The Environment Bill has been carried over into the next Parliamentary session and has just completed the 2nd reading in the House of Lords at the time of writing: <<https://bills.parliament.uk/bills/2593>> accessed 4th June 2021

the lack of animal welfare provisions and the opportunities to decrease the number of animals used in experiments not taken.⁹ Thus, a new clause has been added to the Bill, providing that the Secretary of State must set targets for the replacement of tests on animals within the scope of REACH, and for reduction of the numbers of animals used and the suffering they are subjected to, until replacement can be reached.¹⁰

It is not clear at this time whether the loss of access to the REACH database will cause mass duplicate testing, or if the clause in the Environmental Bill will appear in the final Act and help to mitigate this risk. Further to the ethical arguments, companies should prefer not to have to test on animals for UK REACH, due to the time

9 Cruelty Free International, 'UK Environment Bill on Hold Again; Cruelty Free International' (2021). Available online: <<https://www.crueltyfreeinternational.org/what-we-do/latest-news-and-updates/uk-environment-bill-hold-again>> accessed 4th June 2021

10 HC Deb 26th January 2021, vol 688, col 288. Available online: <<https://hansard.parliament.uk/commons/2021-01-26/debates/20CFA026-8E78-4D84-82E4-B4236D826AA4/EnvironmentBill>> accessed 4th June 2021

and expense of conducting experiments on animals. Close monitoring of UK REACH and experiments conducted on animals over the next few years should provide the data to make robust conclusions on this issue. The government, however, have been quite reserved on the issue, when releasing the Action Plan and in REACH briefings. What is needed is a strong message that UK REACH will uphold the principle of animal experimentation being a last resort, with realistic timescales for decreasing the number of animals used and for the UK become the leader they want to be in non-animal methodologies.¹¹

¹¹ Innovate UK claimed that the UK could become a leader in non-animal technologies, with a result of emerging technologies and industries 'driving future economic growth' after Brexit: Innovate UK. *A Non-Animal Technologies Roadmap for the UK: Advancing Predictive Biology*; Innovate UK: Swindon, UK, 2015. Available online: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/474558/Roadmap_NonAnimalTech_final_09Nov2015.pdf> accessed 4th June 2021.