

Introduction of Ordinance to Amend the Alameda Municipal Code to Ban Animal Testing on City Owned and Controlled Property

Alameda City Council Meeting

April 16, 2024



City of Alameda Context

- On January 16, 2024, City Council directed City Attorney's Office to draft ordinance prohibiting animal testing on City-controlled property.
- Per Council direction, Base Reuse and Economic Development Department (BRED):
 - Conducted research on animal testing and potential models for its regulation.
 - Performed stakeholder and community outreach on the proposed ordinance.

Council Consideration - Ordinance Comparison

ORDINANCE - OPTION A

- City Council Referral
- Total animal testing ban on City owned or controlled property

ORDINANCE – OPTION B

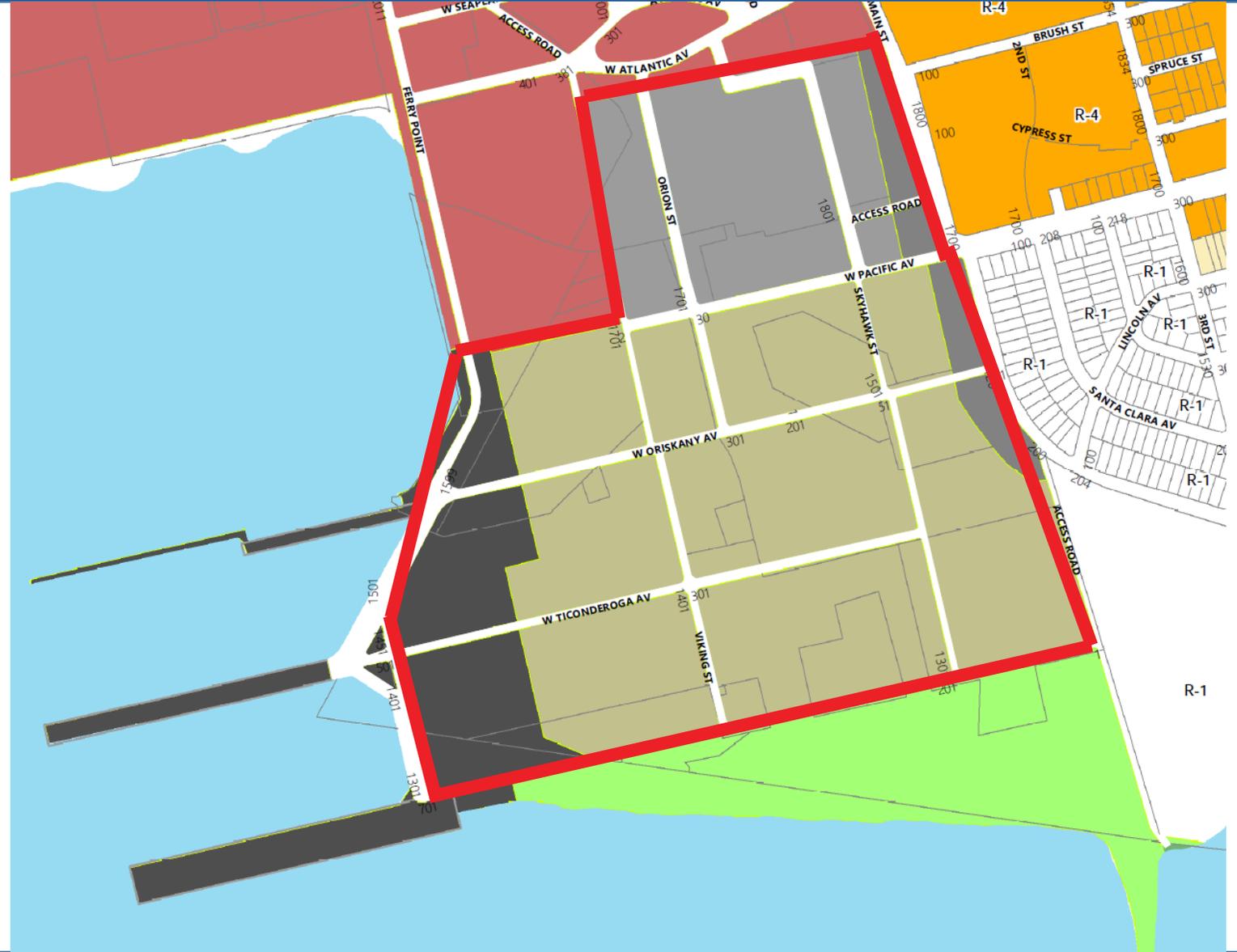
- Modified Proposal by a City Council Member
- Allows for exceptions in the "Enterprise District" of Alameda Point
- Exceptions only in certain circumstances (research for filings to FDA, USDA, EPA for medical purposes)

Alameda Point Enterprise District Zoning Map

Alameda Point

- AP-AR Adaptive Reuse
- AP-E1 Enterprise-1 *
- AP-E2 Enterprise-2
- AP-E3 Enterprise-3
- AP-E4 Enterprise-4
- AP-MS Main Street Neighborhood
- AP-NR Nature Reserve
- AP-OS Open Space
- AP-TC Town Center

* Zones AP-E1, AP-E2, AP-E3 and AP-E4 at Alameda Point as referenced in Ordinance – Option B



Proposed Ordinance – Option A

- Prepared by staff, reflects the referral from City Council on January 16
- Minor modifications made to the initial language provided during stakeholder and community outreach to provide clarity but not change intent and to define “controlled”
- Proposed ordinance - Option A:

No person shall engage in or permit animal testing or experimentation on any property owned or controlled by the City of Alameda in its proprietary capacity. “Controlled” for purposes of this section refers to any property of which the City is not a fee simple owner but holds proprietary control (including but not limited to any property of which the City is a tenant, subtenant, lessee, sublessee, or licensee). The prohibitions set forth in this section shall not apply to animal shelters, animal hospitals, veterinary offices, adoption, grooming, and animal care facilities, and similar uses. This section is not and shall not be construed to be an exercise of the City’s zoning or land use authority.

Proposed Ordinance – Option B

- A City Council member proposed alternative ordinance language, Option B
- Proposed ordinance - Option B (redlined against Option A):

No person shall engage in or permit animal testing or experimentation on any property owned or controlled by the City of Alameda in its proprietary capacity. with the exception of any property owned or controlled by the City of Alameda in its proprietary capacity and zoned AP-E1 (Enterprise-1), AP-E2 (Enterprise-2), AP-E3 (Enterprise-3) or AP-E4 (Enterprise-4), where animal testing or experimentation may be performed as part of research related to anticipated or actual United States Food and Drug Administration, United States Department of Agriculture, United States Environmental Protection Agency or other regulatory filings related to human or animal therapeutics, vaccines, devices and parasiticides. “Controlled” for purposes of this section refers to any property of which the City is not a fee simple owner but holds proprietary control (including but not limited to any property of which the City is a tenant, subtenant, lessee, sublessee, or licensee). The prohibitions set forth in this section shall not apply to animal shelters, animal hospitals, veterinary offices, adoption, grooming, and animal care facilities, and similar uses. This section is not and shall not be construed to be an exercise of the City’s zoning or land use authority

City Owned or Controlled Land

- City Owned or Controlled Land most likely to be impacted by Ordinance
 - Most of Alameda Point
- City Owned or Controlled Land unlikely to be impacted by Ordinance
 - Marinas and other areas in State Tidelands Trust (Animal testing activities already prohibited)
 - Some commercial buildings and remnant parcels (Alameda Theater complex, Grandview Pavilion e.g.)
 - Civic facilities used by the general public and to provide City services (City Hall, Libraries, e.g.)
- “Controlled” refers to property which the City does not own, but holds proprietary control (City is a tenant, subtenant, licensee, etc.).

Animal Testing Definition

Animal testing* refers to experimentation on living animals for the purpose of studying diseases and biology, the effectiveness of newly developed pharmaceuticals and medications, and the safety of consumer products.

- In Alameda, some life sciences companies engage in animal testing as acceptable method for the Food and Drug Administration (FDA).
- This is necessary to move a drug or device into human clinical trials.

**Source: (Humane Society International. About Animal Testing, <https://www.hsi.org/news-media/about/>).*

Animal Testing Regulatory Framework: Federal

- Animal testing in the US is regulated by numerous federal agencies and legislation including:
 - Federal Food & Drug Administration (FDA), US Department of Agriculture (USDA), US Environmental Protection Agency (EPA)
 - The Health Research Extension Act (HREA) provides further federal regulatory guidance and oversight for all research funded by federal government (e.g., NIH).
- All research facilities must convene an Institutional Animal Care and Use Committee (IACUC) to review and approve, or veto, all research protocols using animal models at facility prior to research beginning.

Animal Testing Regulatory Framework: California

- **California Cruelty-Free Cosmetics Act (SB 1249 - Galgiani).** In 2018, California became the first state to prohibit the sale of cosmetic products that use animal testing.
- **Prohibiting Extraneous Testing (PET) Act (SB 879- Wiener).** In 2022, California adopted SB 879, which prohibits toxicity testing on dogs and cats for pesticides, chemical substances and other products. The bill includes exemptions for tests related to products intended for use in dogs or cats, including medical treatments.

Municipal Regulatory Models

Ordinances Banning Animal Testing

- **Everett, MA (46,000 pop)** passed ordinance in 2022 banning animal testing in city.
- **State of CA** - Staff has not found a municipality in CA that has enacted an animal testing ban

Other Restrictions on Animal Testing

- **Cambridge, MA (116,000 pop)** in 1987, ordinance limiting animal testing for cosmetics and household chemicals.
- **Richland Center, WI (5,000 pop)** passed ordinance in 2019 to ban breeding and possession of dogs and cats for research or testing within city.
- **Revere, MA (53,000 pop)** voted in 2022 to reduce the allowable Biosafety Level within a distinct development area, restricting testing of certain types of animals (e.g., dogs, cats, rabbits, non-human primates).

Presence of Life Sciences in Alameda

- One of the City's six priority economic sectors.
- A robust and growing sector locally. Most new commercial construction regionally is in Life Sciences.
 - Approx. 35 businesses, 4,600 jobs (~16% total employment)
- Staff does not know how many companies in Alameda conduct animal testing.
- There are currently no Life Science companies operating on City owned or controlled property.

Can Alameda Point have Life Sciences Without Animal Testing?

Not all Life Sciences research requires animal testing.

The Life Sciences Industry desires to transition from animal testing.

- The FDA Modernization Act 2.0 shifts away from animal testing; rules and guidelines are not yet in place.
- In practice, the alternative methods are not developed enough, or approved by the FDA (e.g., synthetic organ models grown from stem cells, computer modeling).
- Researchers and advocates are pushing FDA to develop protocols for alternative research methods.

Life Sciences companies are interested in Alameda Point, but a ban may discourage them from locating there.

Stakeholder and Community Engagement

City staff sought feedback from Alameda-based Life Sciences companies, residents, and the general public regarding the proposed animal testing ban. Engagement activities included:

- February 26, 2024, roundtable discussion with local Life Science sector executives
- Communication with local Life Science companies and other interested parties
- A publicly noticed community workshop at Mastick Senior Center on March 6, 2024
- An online survey distributed through the City's social media channels, BRED website, subscriber lists and Alameda Chamber of Commerce

Summary of Comments

In Favor of a Ban	Oppose a Ban
<ul style="list-style-type: none"> Improves City's reputation as leader in animal protections and as industry hub promoting alternative methods 	<ul style="list-style-type: none"> Risk City's reputation as a Life Science innovation hub and impacts its ability to attract and retain companies
<ul style="list-style-type: none"> Animal testing is ineffective. Only a small percentage of drugs tested on animals result in a lifesaving medication or device. 	<ul style="list-style-type: none"> FDA requires animal testing and current alternative methods do not replicate complex living systems
<ul style="list-style-type: none"> Alameda becomes a municipal leader in persuading federal and state regulations to transition away from animal testing 	<ul style="list-style-type: none"> Companies may just contract for animal testing elsewhere, which reduces local oversight of animal treatment
<ul style="list-style-type: none"> Support for a variety of alternatives (i.e. specify types of animals, encourage 	<ul style="list-style-type: none"> A limited ordinance sets a precedent to expand the ordinance to ban animal testing

SURVEY RESULTS

- Total **122** responses to the survey
 - **107** Alameda residents; **3** non-residents who work in the city; **12** respondents do not live nor work in Alameda
- Support or oppose a ban on animal testing taking place on city-owned or controlled property
 - **62** oppose a ban; **60** support a ban; **17** did not respond to the question
- Support or oppose an alternative to a ban
 - **66** oppose an alternative; **39** support an alternative; **17** either did not respond to the question or recommended an alternative

SURVEY RESULTS

Do you believe banning animal testing on City owned and controlled property will affect the City's reputation, positively or negatively:

- **For Alameda residents:**
 - Positive Impact (62 responses); Negative Impact (51 responses); No Response (9)
- **For attracting and retaining Life Sciences businesses:**
 - Positive Impact (44 responses); Negative Impact (68 responses); No Response (10)
- **For attracting and retaining other types of businesses:**
 - Positive Impact (67 responses); Negative Impact (46 responses); No Response (9)
- **On a regional, state and national level**
 - Positive Impact (61 responses); Negative Impact (50 responses); No Response (11)

Reference Slides

Research Sources

Staff relied on several sources to prepare content for the presentation, particularly content focused on the regulatory framework for animal testing. Key sources used include:

- Humane Society International. About Animal Testing, www.hsi.org/news-media/about/ (Accessed Feb. 14, 2024).
- U.S. Food and Drug Administration. Drug Development & Approval Process | Drugs. Aug. 8, 2022. <https://www.fda.gov/drugs/development-approval-process-drugs> (Accessed Feb. 14, 2024).
- U.S. Food and Drug Administration. 80 Years of the Federal Food, Drug, and Cosmetic Act. Jul. 11, 2018, <https://www.fda.gov/about-fda/fda-history-exhibits/80-years-federal-food-drug-and-cosmetic-act> (Feb. 14, 2024).
- Gortler D. How the FDA can reduce animal testing. City Journal. 11 Jan. 11 2022, <https://www.city-journal.org/how-the-fda-can-reduce-animal-testing> (Accessed Feb. 14, 2024)
- U.S. Department of Agriculture, Animal and Plant Health Inspection Service. Animal Welfare Act. Jan. 21. 2022. https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/awa/ct_awa_program_information (Feb. 14, 2024).
- Office of the Surgeon General. U.S. Public Health Service Commissioned Corps. Mar. 18, 2019. <https://www.hhs.gov/surgeongeneral/corps/index.html> (Feb. 14, 2024).
- National Institutes of Health. PHS Policy on Humane Care and Use of Laboratory Animals. 2015. <https://olaw.nih.gov/policies-laws/phs-policy.htm#USGovPrinciples> (Accessed Dec. 17, 2022); National Institutes of Health. U.S. Government Principles for the Utilization and Care of Vertebrate Animals Used in Testing, Research, and Training. May 1985, <https://olaw.nih.gov/policies-laws/gov-principles.htm> (Feb. 14, 2024).
- H.R.2565, 117th Cong. (2021–2022) “FDA Modernization Act 2.0”.