

Health Canada and Vaping Industry Trade Association (VITA) meeting: Vaping Regulations Compliance – April 8, 2021

Subject:

Quarterly Update Call

Date:

April 8, 2021

Participants:

Health Canada (HC)

- Sonia Johnson
 - Acting Director General, Tobacco Control Directorate (TCD), Controlled Substances and Cannabis Branch (CSCB) (Chair)
- Denis Choinière
 - Director, Tobacco Products Regulatory Office, TCD, CSCB
- David Mills
 - Acting Director, Office of Policy and Strategic Planning, TCD, CSCB
- Joseph Given
 - Associate Director, Systems Configuration Unit and Compliance for Tobacco and Vaping Products, TCD, CSCB
- Manager, Tobacco Products Regulatory Office, TCD, CSCB
- Acting Manager, Office of Policy and Strategic Planning, TCD, CSCB

- Policy Analyst, Office of Policy and Strategic Planning, TCD, CSCB (secretariat)
- Krista Locke
 - Director General, Consumer Product and Controlled Substances Directorate (CPCSD), Regulatory Operations and Enforcement Branch (ROEB)
- Sally Gibbs
 - Acting Director, Tobacco, Vaping and Controlled Substances Division, CPCSD, ROEB
- Nicholas Shipley
 - Director, Risk Management Bureau, Consumer and Hazardous Products Safety Directorate (CHPSD), Healthy Environments and Consumer Safety Branch (HECSB)

Vaping Industry Trade Association (VITA)

- Daniel David
 - President
- Allan Rewak
 - Executive Director
- Mike Meathrel
 - VITA Board Chairman & Dvine Labs President

Introduction:

A meeting was held at the request of VITA to discuss various topics related to the compliance of regulations for vaping products.

The Chair opened the meeting with round table introductions.

The Chair reminded participants that this meeting is subject to disclosure as per HC's [Openness and Transparency policies](#). In the interest of transparency, the Department stated that it would be making a record of the meeting publicly available. The [handling of information and privacy notice](#) was mentioned and acknowledged.

HC also referred to Article 5.3 of the [World Health Organization Framework Convention on Tobacco Control](#), its international obligation to protect tobacco control policies from the vested interests of the tobacco industry. It was acknowledged by the VITA representatives.

Subjects:

Compliance and enforcement of child-resistant containers

VITA explained their 3-pillar approach to address the industry compliance challenges regarding child resistant containers (CRC). VITA described the approach as proactive and reactive, including a compliance review initiative, an educational webinar series, and a certification list with verified devices to support industry. VITA indicated that they are also working with large foreign manufacturers to ensure that these companies are aware of the standards and obligations in relation to CRCs.

Increasing Complexity of the Global Vaping Industry

VITA described the vaping industry as a rapidly changing environment both provincially and federally with a diversified supply chain. Additionally, a lot of hardware used in the vaping industry is manufactured internationally and not domestically. VITA explained that due to these complexities, there is a lag time in terms of education and implementation of regulations.

There are also issues related to definitions and compliance in the industry. For instance, VITA noted that there is some confusion regarding the word *tobacco* as a flavour for vaping products. HC asked VITA if the word *tobacco* is misleading in relation to vaping products. VITA indicated that the tobacco flavour is only a “placebo” flavour and as such, the definition of the word *tobacco* should be more precise.

HC indicated that this concern would be taken into consideration.

Addressing the Challenges of Preventing Youth Access

VITA outlined some challenges regarding preventing youth access to vaping products, namely age verification processes. For instance, VITA reported an increased ease of access to realistic fake IDs among youth. VITA explained that a possible solution to this issue would be to implement ID scanners at retail locations. This strategy is already being used at some retail locations that sell alcoholic beverages. VITA also noted that they are trying to identify cases of social sharing vaping devices in order to stop them.

In terms of online sales, VITA indicated the need to strengthen online age verification systems to include age verification at the point of delivery.

WHO Recommendations and Implications for Canada

VITA asked if HC had a position on prohibiting open-tank electronic nicotine delivery systems, which is a World Health Organization recommendation. HC responded that they had no comments at this stage and that updates would be posted on the Health Canada website should there be any changes in the Department's position.

Guidance related to the sale of replacement coils for older non-CRC-compliant devices

VITA asked for clarification regarding compliance with parts for older generation devices. VITA indicated that there has been confusion across the industry regarding whether or not replacement coils can be sold for devices that do not meet CRC requirements. HC indicated that all parts sold must comply with the regulations. Whether a product can be sold or not depends on the nature of the product, and the specific part of the device that is being sold.

Guidance related to the enforcement of tags on smaller E-liquid bottles under the Vaping Products Labelling and Packaging Regulations (VPLPR)

VITA indicated that they would follow up in writing regarding their question about labelling requirements.

Conclusion:

The meeting was then concluded.

Documents:

- Agenda as provided by VITA