



# Health Canada and Canadian Vaping Association meeting: Quarterly Update – August 11, 2020

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## Subject:

Quarterly Update Call

## Date:

August 11, 2020

## Participants:

Health Canada (HC)

- Dana Beaton
  - Acting Director General, Tobacco Control Directorate (TCD), Controlled Substances and Cannabis Branch (CSCB) (Chair)
- Denis Choinière
  - Director, Tobacco Product Regulatory Office, TCD, CSCB
- Marie Claude-Vachon
  - Acting Associate Director, Office of Compliance for Tobacco and Vaping Products, TCD, CSCB
- Acting Senior Advisor, Director General's Office, TCD, CSCB
- Policy Analyst, Office of Policy and Strategic Planning, TCD, CSCB (secretariat)
- Krista Locke



- Director General, Consumer Products and Controlled Substances Directorate (CPCSD), Regulatory Operations and Enforcement Branch (ROEB)
- Acting Senior Advisor, Director General's Office, CPCSD, ROEB
- Patricia Pelletier
  - Acting Director General, Consumer and Hazardous Products and Safety Directorate (CHPSD), Healthy Environments and Consumer Safety Branch (HECSB)
- Nicholas Shipley
  - Director, Risk Management Bureau, CHPSD, HECSB

#### Canadian Vaping Association (CVA)

- Samuel Tam
  - President
- Darryl Tempest
  - Government Relations and Executive Director
- Shaun Casey
  - Government Relations Chair

## Introduction:

A meeting was held at the request of the CVA to present:

- Science and Hammond study update
- BC and Ontario vape regulations update
- Questions in regards to Gazette II
- Nicotine concentration
- Emissions and toxicology
- Update on GMP standards
- Age gating and verification
- Foreign market imports



The Chair opened the meeting by doing 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.

## Subjects:

### **Science and Hammond study update**

The CVA indicated they were surprised by the changes found in the Hammond report released in spring 2020. However, they indicated that the report maintained that there was no correlation between vaping leading to an uptake in smoking.

The CVA asked if HC had a chance to review the updated report. HC indicated that they were aware of the change in data.

### **British Columbia and Ontario vape regulations update**

The CVA has provided provincial governments with guidance that interprets the federal vaping legislation.

In discussions with British Columbia (BC) on their proposed new vaping regulations, the CVA proposed that BC adopt the *Vaping Products Labelling and Packaging Regulation* definition for the term "plain packaging".

The CVA is concerned that potential regulations around flavoured vaping products and nicotine concentration caps will have a negative effect on the vaping industry. The CVA indicated that they have observed vape shop closures in provinces where bans



on flavours and nicotine concentration levels have been implemented.

HC asked if the CVA had observed any industry reactions to the new *Vaping Products Promotion Regulations* (VPPR). The CVA supports the new regulations. The CVA has been providing guidance to industry; however, there are questions and concerns from industry around age gating on social media and health warnings.

### **Questions in regards to Gazette II**

The CVA indicated that there has been progress on child resistant containers but it has not been without challenges. There have been delays in developing compliant vaping products due to impacts of the COVID-19 pandemic. HC indicated that they are aware of the impacts of the pandemic and suggested that the CVA formally submit their concerns in writing to HC for further consideration.

The CVA asked HC if any consideration had been given to existing non-child resistant container vaping products and whether industry can continue to sell replacement parts for these devices post implementation of the *Vaping Products Labelling and Packaging Regulations*. HC suggested that the CVA submit details regarding replacement parts to HC for consideration and to determine where replacement parts fit within the regulations.

### **Nicotine concentration**

The CVA sought clarification about potential regulatory proposals to restrict nicotine concentration and flavours in vaping products. HC indicated that a cost questionnaire was distributed to the



vaping industry to better understand the expected financial impacts of a regulation related to nicotine concentration. Should regulatory proposals be developed, they will follow the regulatory process and be published in the Canada Gazette.

The CVA raised significant concerns with a restriction to flavours and indicated they would provide studies to HC.

### **Emissions and toxicology & update on good manufacturing practices (GMP) standards**

The CVA inquired about the request for proposal - Tobacco and Vaping Product Analysis, specifically if the results will be publically available and if industry should expect upcoming regulations.

HC indicated that an updated guidance document clarifying requirements under the Canadian Consumer Product Safety Act touches upon toxicology and GMP standards. The uptake of this guidance document will help determine the regulatory path forward.

The CVA held a GMP summit in the United States and provided a report to HC. The CVA would like to see GMP standards / ISO certification for manufacturers of vaping products.

HC asked if the CVA was aware of any other governmental authorities considering GMP standards for vaping products. The CVA indicated that they are not aware of any regulations in other countries at the federal level.

### **Age gating and verification**

The CVA indicated that it is providing as much guidance as possible around age gating. The CVA noted that point of entry age



gating is difficult; however, point of sale is a much more viable solution. The CVA asked if there was any guidance for industry.

HC indicated that a VPPR fact sheet was sent to stakeholders which, provides examples of non-compliance.

### **Foreign market imports**

The CVA is concerned by the number of non-compliant vaping products entering the Canadian market from foreign websites that are not age gated. There is also a rise in social sales – social media platforms selling vaping products. These platforms do not verify the age of purchasers. The CVA noted that HC could look at compliance promotion to address this issue.

### **Conclusion:**

The meeting was then concluded.

### **Documents:**

- Meeting agenda prepared by the CVA