Health Canada and the Canadian Vaping Association meeting: Quarterly Update Call – December 21, 2020

Subject:

Quarterly Update Call

Date:

December 21, 2020

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 Research and Surveillance, TCD, CSCB
- Joseph Given

    - Associate Director, Office of Compliance for Tobacco and Vaping Products and Systems Configuration Unit, TCD, CSCB
- Manager, Office of Research and Surveillance, TCD, CSCB
- Manager, Tobacco Products Regulatory Office, TCD
- Acting Manager, Office of Policy and Strategic Planning, TCD, CSCB
- Policy Analyst, Office of Policy and Strategic Planning, TCD, CSCB (secretariat)
- Dinah Bowden
    - Acting Director, Risk Management Bureau, Healthy Environments and Consumer Safety Branch
- Krista Locke
    - Director General, Consumer Products and Controlled Substances Directorate, Regulatory, Operations and Enforcement Branch (ROEB)
- Sally Gibbs
    - Acting Director, Tobacco, Vaping and Controlled Substances Division, ROEB
- Senior Manager, Tobacco and Vaping Compliance and Enforcement Program, ROEB
- Senior Program Officer, Tobacco and Vaping Compliance and Enforcement Program, ROEB

Canadian Vaping Association (CVA)

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

Introduction:

A meeting was held at the request of the CVA to discuss updates in the last quarter.

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 CVA representatives.

Subjects:

Follow up on CVA's proposals sent to Health Canada

E-commerce age-gating

The CVA expressed concern for age-gating requirements set out in the Vaping Products Promotion Regulations (VPPR), stating that the cost of age-gating would be economically challenging for domestic online retailers. The CVA explained that a dual-age verification system would work better to verify age at point of purchase and at point of receipt as opposed to at the time of entry onto the vendor's webpage.

HC noted that they were working on a response to the CVA's formal request on the matter.

Child-resistant containers (CRC) vape products

The CVA indicated that there has been progress on child resistant containers (CRC) but that it has not been without challenges. There have been delays in developing compliant vaping products and that developing compliant replacement parts is particularly challenging. The CVA indicated that 42 products on the Canadian market are CRC compliant and certified, which only represents a small portion of all products on the market. There is still work to be done to transition vaping product users to CRC models as some of the top five devices in the Canadian market are not CRC. CVA suggested that a longer transition period be granted to vendors to allow for the sale of replacement parts for non-CRC devices.

HC noted that they were working on a response to the CVA's formal request on the matter.

Update regarding industry-driven good-manufacturing practices (GMP) training / Emissions and toxicology testing

The CVA indicated that they hosted a GMP standards meeting in California with leading vaping manufacturers from Canada and the United States. The CVA also indicated that they would like to see GMP standards as well as safety and quality standards for manufacturers of e-liquids and vaping products incoming to Canada.

The CVA urged Health Canada to develop toxicology and emissions testing standards.

The CVA also indicated that they would be interested in participating in the development of such standards, should HC move forward with work in this area.

HC explained that a research contract had been granted to a supplier, via a Request for Proposals, to conduct in-vitro toxicology, with the view of testing common flavourings.

Nicotine concentration limits – Gazette I

The CVA indicated that they would submit a paper in response to the new nicotine concentration limits regulatory package published in the Canada Gazette I (CG1). The CVA expressed concern that users of vaping products might turn to other sources (e.g. international markets) if higher nicotine products are not available in Canadian vape shops. The CVA asked when a Gazette II might be published. HC responded that the publication date is dependent on how much feedback is received for CG1 and if there are any changes to the proposal.

Foreign market imports

The CVA expressed concern for the number of non-compliant vaping products entering the Canadian market from foreign websites. The CVA indicated that they are concerned with the fact that many foreign companies are not complaint with Canadian regulations, but these products are still accessible to youth and non-smokers. HC maintained that all regulations apply to imported vaping products for sale in Canada.

Conclusion:

The meeting was then concluded.

Documents:

- Meeting agenda prepared by the CVA