



# Health Canada and the Canadian Vaping Association meeting: Quarterly update call – December 4, 2019

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## Subject:

Vaping Products

## Date:

**December 4, 2019**

## Participants

Health Canada (HC)

- James Van Loon
  - Director General, Tobacco Control Directorate (TCD) (Chair)
- Krista Locke
  - Director General, Consumer Products and Controlled Substances Directorate (CPCSD)
- Roger Charland
  - Director General, Consumer and Hazardous Products Safety Directorate (CHPSD)
- Corinne Guenette
  - Director, Cannabis Compliance
- Joseph Given
  - Associate Director, Office of Compliance for Tobacco and Vaping Products, TCD
- Manager, Scientific Regulations Division, TCD
- Science Policy Advisor, TCD
- Manager, Regulatory and International Policy, TCD



- Senior Advisor, CPCSD
- Unit Head, CHPSD
- Regulatory Policy and Risk Management Officer, CHPSD
- Manager, Cannabis Compliance Policy

### Canadian Vaping Association (CVA)

- Shaun Casey
  - Board member and past President of the CVA
- Darryl Tempest
  - Executive Director and Lead Advocate
- Samuel Tam
  - President and Government Relations Chair

## Introduction:

A meeting was held at the request of the CVA to discuss various topics related to vaping products.

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:

### **Overview of the CVA**

The CVA provided an overview of their association, which represents small vaping product businesses – notably manufacturers and distributors, as well as some retailers. The CVA

indicated their focus on providing a harm reduction tool to adult smokers.

### **Addressing youth uptake of vaping**

The CVA noted their concerns regarding youth uptake of vaping and called for increased enforcement, dual age verification (at point of sale and delivery), a ban on advertising with national reach (TV, etc.), restrictions to limit the sale of vaping products to adult-only vape shops, and a limit on nicotine levels in vaping products. The CVA has met with provinces and territories to discuss proposed regulatory measures.

### **Border control**

The CVA is concerned with a lack of border control on the importation of vaping products and noted one particular company for which they have seen a recent increase in illegal imports; the CVA committed to providing their evidence of this to Health Canada.

### **Age verification**

The CVA indicated that they are contacting age verification companies to explore options to reduce youth access to vaping products, and have looked into developing software in this regard. They have also met with Canada Post to understand how shipping and digital proof of age verification works. The CVA noted that age verification software is currently implemented at point of sale, but the functionality could allow for age verification prior to entering a website.

### **Flavours and nicotine content**

The CVA advocated for a 20 mg/mL limit on nicotine content in vaping products, in line with the European Union, and expressed their belief that restricting flavours would not be an effective regulatory measure. They noted that prior to 2017, they were

aware of only one vaping product on the market with a concentration higher than 24 mg/mL of nicotine. The CVA believes that youth vape for the nicotine buzz, and that flavours are not the driver. They also believe that youth will move to other flavours if some are prohibited. The CVA noted that the European Union has done little to restrict flavours but has not seen the same level of youth uptake of vaping as in Canada.

### **Restricting retail access**

The CVA is supportive of restricting the sale of vaping products to adult-only vape shops, and noted a lack of education among gas and convenience store staff regarding which vaping products contain nicotine.

### **Vaping-associated lung illness**

The CVA indicated that their members have seen a significant decrease in sales (approximately 50 to 60% in North America) due to the recent outbreak of vaping-associated lung illness. The CVA indicated concerns about the conflation of the vaping-associated lung illness between nicotine vaping and illicit cannabis vaping products.

### **Good Manufacturing Practice (GMP) standard for e-liquid manufacturing**

The CVA is supportive of the development of Good Manufacturing Practice standards. They noted safety concerns regarding people being allowed to make e-liquids at home. The CVA felt that the United States' advancements in this area are positive.

The CVA called for a manufacturing standard as well as a testing standard, noting that emissions testing is mentioned but not defined under the Tobacco and Vaping Products Act. The CVA believes that vaping product companies will not proactively implement testing standards in the absence of regulations for

fear of needing to redo procedures if future regulations come into force.

The CVA committed to sharing their proposal regarding emissions testing. Health Canada asked whether the CVA had engaged the Standards Council of Canada; the CVA has not.

### **Compliance and enforcement**

Health Canada provided an overview of its compliance and enforcement efforts, both in brick and mortar establishments and online. Health Canada indicated a high level of non-compliance in both areas.

The CVA indicated their disappointment in some results, and suggested they could talk to their members regarding compliance. They requested guidance documents from Health Canada and noted an openness to training and further inspections. The CVA noted that members want to be compliant but don't always understand the legal and regulatory framework and/or have the legal resources to interpret the law. Health Canada understood the desire for compliance promotion materials but indicated that industry players are responsible for understanding the legal framework in which they operate.

The CVA requested key compliance and enforcement analytics from Health Canada in order to make them available to members and publically in support of accountability and education. Health Canada noted that the department is working on increased transparency measures.

The CVA noted that vaping product producers may be producing for a global market and therefore not aligning to Canadian legal requirements. The CVA indicated that they are trying to push for alignment with Canada's regulatory framework globally.

The CVA asked whether vape shop staff can describe flavours to adults in stores, given promotion restrictions on certain flavours (e.g., desserts). Health Canada requested that the CVA submit a written question to this effect, noting that Health Canada does not interpret regulations for the industry. The CVA indicated that they would submit a list of questions to Health Canada in writing.

Health Canada indicated that should CVA members have concerns about inconsistent application of compliance and enforcement across Canada, they should contact Health Canada's general inbox, the regional manager responsible for compliance and enforcement, or the inspector, with this contact information being found on warning letters issued by inspectors.

### **Child-resistant atomizers**

The CVA noted that they are preparing a report regarding child-resistant atomizers. They committed to sharing a report regarding what is being tested, when ready.

### **Addressing illegal cannabis products**

Health Canada requested that the CVA share any information they have regarding illegal cannabis product activity with the department and/or with law enforcement.

## **Conclusion:**

The meeting was then concluded.

## **Documents:**

- Meeting agenda prepared by the CVA
- Overview of age verification software programs prepared by the CVA