

Health Canada and the Vaping Industry Trade Association meeting: Vaping– February 11, 2020

Subject:

Vaping

Date:

February 11, 2020

Participants:

Health Canada (HC):

- James Van Loon (Chair)
 - Director General, Tobacco Control Directorate (TCD)
- Senior Advisor, Director General's Office, TCD
- David Mills
 - A/Director, Office of Research and Surveillance, TCD
- Acting Manager, Office of Research and Surveillance, TCD
- Joseph Given
 - Associate Director, Office of Compliance for Tobacco and Vaping Products, TCD
- Senior Scientific Regulations Policy Analyst, Tobacco Products Regulatory Office, TCD
- Senior Advisor, Office of Policy and Strategic Planning, TCD
- Policy Analyst, Office of Policy and Strategic Planning, TCD
- Tiana Branch

- National Director, Tobacco and Vaping and Controlled Substances Division, Consumer Products and Controlled Substances Directorate (CPCSD), Regulatory, Operations and Enforcement Branch (ROEB)
- Senior Advisor, Tobacco and Vaping and Controlled Substances Division, CPCSD, ROEB

Vaping Industry Trade Association (VITA):

- Daniel David
 - President & CEO
- Dr. Mark Tyndall
 - Health & Harm Reduction Advisor
- Terrance Oakey
 - One Persuasion, Government Relations

Introduction:

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

- Provincial legislation and vaping ingredients
- Flavour restrictions: implications and market differences
- Nicotine ceilings: implications and market differences
- Youth uptake data and youth prevention: programs and initiatives
- Current industry compliance and self-regulation
- Upcoming regulations

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.

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:

Provincial legislation and vaping ingredients

VITA indicated that they had met with all provinces and territories except two, to discuss vaping related issues. As heard by VITA, provinces and territories are looking to Health Canada as a leader in vaping regulation. VITA also indicated that provinces and territories lack understanding of the vaping industry and had general concerns with inconsistent legislation being developed. VITA mentioned that the lack of consistency in legislation across provincial, territorial and federal jurisdictions was creating confusion for industry compliance.

Flavour restrictions: implications and market differences

VITA provided general data on flavoured vaping products. VITA expressed concerns that provinces and territories were not consulting on potential legislative measures for regulating flavoured products and lacked understanding on the complexity that flavoured products posed. VITA advocated that flavoured products play an important role for adult smokers looking to transition from smoking to vaping and that if a flavour ban was imposed it could lead to adults returning to smoking.

Nicotine ceilings: implications and market differences

VITA suggested that imposing a nicotine cap would be counter intuitive in terms of harm reduction. A cap could deter smokers from switching to vaping, push ex-smokers back to cigarettes or cause dual usage. Additionally, VITA suggested that current vapers who vape e-liquids with higher nicotine levels may increase consumption if a nicotine cap is imposed.

HC asked VITA if they have any data on nicotine concentration divided by age groups. VITA indicated they did not have such data.

HC also asked if VITA has any user data on open versus closed vaping systems. VITA indicated they did not have such data.

Youth uptake data and youth prevention: programs and initiatives

VITA shared survey data and studies regarding youth uptake. Data is not indicating that youth are switching from vaping to smoking as youth smoking rates have been declining. VITA is concerned about the uptake of vaping in youth however; they would like regulators to remain conscious of adult smokers.

Concerning youth prevention VITA believes that further restricting access and education of vaping is required. Additionally, VITA is exploring various programs, through their members, to prevent youth access at the retail level.

HC asked VITA their thoughts regarding additional website gating measures to prevent youth access; VITA indicated they were exploring possible solutions.

Current industry compliance and self-regulation

Due to time constraints, VITA was not able to discuss this topic.

Upcoming regulations

VITA expressed some concerns with the Child Resistant packaging

regulations coming into force 2021. Concerned that vape shops will have to look at alternative solutions to comply and this could cause significant impacts and costs to the market.

Round table

HC indicated that any vaping related data collected, which VITA would be willing to share with HC, would be useful.

HC asked VITA about vaping standards specifically those related to Good Manufacturing Practice and safety. VITA indicated that they have a voluntary e-liquid testing program. They are also reviewing the standards that were formerly established by the Electronic Cigarette Trade Association of Canada, as well as integrating their standards with those of the International Organization for Standards (ISO).

Conclusion:

The meeting was then concluded.

Documents:

- N/A