

Summary: Meeting with Rothmans Benson & Hedges

Subject: Meeting to discuss proposed amendments to the Tobacco Reporting Regulations

Date(s): February 5, 2018

Participants:

Health Canada (HC)

Denis Choinière

Director, Tobacco Products Regulatory Office, Tobacco Control Directorate (TCD) (Chair)

Manager, Regulations Division (TCD)

Manager, Reports Control Division (TCD)

Scientific Regulations Policy Analyst (TCD)

Rothmans Benson & Hedges (RBH)

Steve Chapman

Manager Product Development Canada

Maya Zor

Counsel

Introduction:

A meeting was held at the request of RBH to discuss the Notice to Interested Parties entitled Proposals to amend the *Tobacco Reporting Regulations* (TRR) that was published in the *Canada Gazette, Part 1* on 2017-12-02.

The Chair opened the meeting by doing round table introductions.

HC reiterated its international obligation to protect tobacco control policies from the vested interests of the tobacco industry. In addition, in the interest of transparency, the department stated that it would be making a record of the meeting publicly available.

Subjects:

Proposals to Amend the Tobacco Reporting Regulations

RBH explained its objective for the meeting was to come away with a better understanding of the proposals within the consultation document published by HC (“Proposals to amend the *Tobacco Reporting Regulations*”).

RBH indicated that it was unclear as to the purpose of the proposal for supplementary information (Proposal #2). HC explained that this proposal was based on new authorities in Bill S-5.

RBH suggested that the timelines with respect to the deficiency letters discussed in the measures to enhance compliance (Proposal #3) should allow for some flexibility in instances where the request could not be met within 30 days (emissions testing was cited as an example). HC acknowledged the comment received.

In response to RBH asking about Proposal #4, HC explained that the record-keeping proposal (Proposal #4) was put forward to help verify information during audits. HC clarified that a manufacturer or importer would be required to keep the necessary records in order to allow auditors to verify the information provided in the reports submitted to the department.

With regard to public disclosure (Proposal #6), HC clarified that the proposal is different from the current situation, since this information would now be published on a regular basis. RBH questioned how people would interpret data on emissions and constituents. HC indicated that this issue was under consideration. With respect to sales data, RBH informed HC that there could be timing issues based on the policies of parent companies obligations under US securities laws.

With regard to the submission of digital images of cigarette filters, RBH questioned the difference between these images and the industry’s proposed technical diagram. HC explained that digital images and a diagram could provide different aspects of useful information.

RBH indicated that it did not understand the need for a method to provide the weight of one unit product from a sample consisting of at least 30 units, since its manufacturing processes includes quality assurance mechanisms to ensure that products are manufactured to meet the weight specifications (including tolerances).

HC explained that the proposal for clarification in section 13 (Proposal #8) is to provide information on the products for the province/territory where they are destined to be sold.

RBH indicated that its interpretation of what constitutes research and development (R&D) differs from that of HC. This difference in interpretation has been part of discussions during past audits. RBH provided examples of what it considers to be applicable R&D (consumer preference research, completely new product) and what it does not (manufacturing

adjustments, creating new blends from existing blends, qualification of equipment). Further examples could be provided to the department by RBH, if needed.

RBH enquired about the status of the amendments pre-published in the *Canada Gazette, Part I* on 2017-05-27 and how these amendments are linked to the proposals. HC explained that these proposed amendments address recommendations from the Standing Joint Committee on the Scrutiny of the Regulations.

Conclusion:

The meeting was then concluded.

Documents:

N/A