

# Health Canada and the Canadian Vaping Association meeting: Regulation of Vaping Products – June 24, 2019

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Subject:

Regulation of Vaping Products

Date:

**June 24, 2019**

Participants:

Health Canada (HC)

- James Van Loon
  - Director General, Tobacco Control Directorate (TCD) (Chair)
- Dana Beaton
  - Acting Director, Office of Policy and Strategic Planning, TCD
- Denis Choinière
  - Director, Tobacco Products Regulatory Office, TCD
- David Mills
  - Acting Director, Office of Research and Surveillance, TCD
- Senior Advisor, Director General's Office, TCD
- Senior Advisor, Director General's Office, Consumer and Hazardous Products Safety Directorate (CHPSD)

- Manager, Risk Management Bureau, CHPSD

Canadian Vaping Association (CVA):

- Darryl Tempest
  - Executive Director
- Sam Tam
  - Government Relations Chair

## Introduction:

A meeting was held at the request of the CVA to discuss various topics related to the regulation of 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:

**Follow up questions to Canada Gazette Part 1, Volume 153, number 25. *Vaping Products Labelling and Packaging Regulations***

### **Child-resistant containers: tanks and atomizers**

The CVA asked when testing information would be made available and whether a guidance document would be issued. HC responded that the requirements with respect to testing are set out in the proposed regulations. HC also indicated that the

requirement to demonstrate meeting testing standards or other equivalent criteria would be on an as-needed basis, from the manufacturer of the vaping device.

The CVA stated that there are no global standards specific to tanks and atomizers and that the EU limits the capacity of tanks to limit exposure to nicotine. The CVA further stated that this requirement may pose challenges to industry and that testing will be required. HC responded that the EU also requires child-resistant containers, but does not specify the standard to meet. HC referenced subsection 54(1) of the proposed Regulations for further information, and reminded the CVA that these concerns could also be brought forward in a submission to the consultation.

The CVA concluded the discussion of this topic by observing that the migration to closed pod systems is pushing consumers to use higher nicotine-containing products, thereby being exposed to higher nicotine content vs. open systems.

### **Packaging and labelling requirements**

The CVA asked whether a guidance document will be made available. The CVA also stated that they have many questions about the display panel requirements and that they would like to propose different wording for the nicotine warning. HC responded that comments regarding the proposed requirements are welcome in a submission to the consultation. Further to the CVA's suggestion regarding the nicotine warning, HC indicated that the proposed requirements for the label also include an accurate display of nicotine content and a list of ingredients.

The CVA then asked if templates would be made available. HC responded that resource material could be provided.

The CVA concluded the discussion of this topic by indicating that there are concerns across Canada that enforcement is not uniform. HC responded that any concerns should be flagged to the Tobacco and Vaping Compliance and Enforcement Program, in the Regulatory Operations and Enforcement Branch.

## **Youth uptake of vaping**

### **HC communications**

The CVA acknowledged HC's work in deploying the youth vaping prevention campaign. In response, HC provided a general overview of the campaign's impressions and metrics to date.

### **Age-verification tools**

The CVA stated that they have been working on age-verification software that would be ready for deployment for the industry to use. They stated that this software utilizes Equifax, and would complement Canada Post's age-verification shipping process. HC inquired about Equifax's role, and the CVA responded that they would share additional details about the software.

### **Availability and advertising of vaping products**

The CVA asked for HC's perspective on managing the availability and advertising of vaping products. With respect to the recent [Consultation - Reducing Youth Access and Appeal of Vaping Products: Potential Regulatory Measures](#), HC indicated that a summary of the comments received will be published in a consultation summary.

HC asked whether the CVA had any comments or received feedback in response to the Ministerial letter to industry associations and the departmental letter to retailers. The CVA responded that the key points were well understood, and stated that youth uptake is a concern for the industry so the message resonated and the letters were well received.

The CVA asked HC whether messaging about harm reduction will be shared moving forward. HC stated that permitting the use of comparative health effects statements in vaping product promotion would be part of a future regulatory proposal.

### **Importation and measures to combat illicit trade**

The CVA stated that they view age verification of imported vaping products a challenge moving forward. The CVA asked HC how they could engage with respect to the age verification of products being shipped by overseas vendors. HC requested that more details outlining the concerns be sent to the department for consideration.

### **Update on future regulations timelines**

The CVA asked HC about the department's future direction and whether the CVA could be of help. HC indicated that upcoming work would be focused on reviewing submissions to the consultation on the recently published proposed *Vaping Products Labelling and Packaging Regulations* and on continuing to address youth uptake of vaping.

## **Conclusion:**

The meeting was then concluded.

## **Documents:**

- Meeting agenda prepared by the CVA.