

CMA response:

HEALTH CANADA CONSULTATION ON VAPING PRODUCTS LABELLING AND PACKAGING REGULATIONS

September 5, 2019

The Canadian Medical Association (CMA) is the national voice of Canadian physicians. Founded in 1867, the CMA's mission is to empower and care for patients and its vision is to support a vibrant profession and a healthy population.

On behalf of its more than 85,000 members and the Canadian public, the CMA performs a wide variety of functions. Key functions include advocating for health promotion and disease/injury prevention policies and strategies, advocating for access to quality health care, facilitating change within the medical profession, and providing leadership and guidance to physicians to help them influence, manage and adapt to changes in health care delivery.

The CMA is a voluntary professional organization representing the majority of Canada's physicians and comprising 12 provincial and territorial divisions and over 60 national medical organizations.

The Canadian Medical Association (CMA) appreciates this opportunity to respond to the notice as published in the Canada Gazette, Part 1 for interested stakeholders to provide comments on Health Canada's intent to establish a single set of regulations under the authorities of the *Tobacco and Vaping Products Act (TVPA)* and the *Canada Consumer Product Safety Act (CCPSA)* with respect to the labelling and packaging of vaping products.¹

Canada's physicians, who see the devastating effects of tobacco use every day in their practices, have been working for decades toward the goal of a smoke-free Canada. The CMA issued its first public warning concerning the hazards of tobacco in 1954 and has continued to advocate for the strongest possible measures to control its use.

The CMA has always supported strong, comprehensive tobacco control legislation, enacted and enforced by all levels of government, and we continue to do so. This includes electronic cigarettes (e-cigarettes). Our approach to tobacco and vaping products is grounded in public health policy. We believe it is incumbent on all levels of government in Canada to continue working on comprehensive, coordinated and effective tobacco control strategies, including vaping products, to achieve the goal of reducing smoking prevalence.

Introduction

In our most recent brief, the CMA expressed its concerns regarding vaping and youth. This included marketing, flavours, nicotine levels, and reducing vaping and e-cigarette use among youths.² In April 2019, the Council of Chief Medical Officers of Health expressed alarm at the rising number of Canadian youths who are vaping, having found this trend "very troubling."³ The CMA concurred with this assessment and supports Health Canada's intention to further tighten the regulations.²

Identifying Vaping Substances

The findings of a recent Canadian study indicate an increase in vaping among adolescents in Canada and the United States.⁴ The growing acceptance of this practice is of concern to the CMA because of the rapidly emerging popularity of vaping products such as JUUL® and similar devices.⁴ It will be very important to identify clearly on the packaging all the vaping substances contained therein, along with a list of ingredients, as not enough is known about the long-term effects users may face.^{5,6} Users need to know what they are consuming so they can make informed choices about the contents. Studies have found substances in e-cigarette liquids and aerosols such as "nicotine, solvent carriers (PG and glycerol), tobacco-specific nitrosamines (TSNAs), aldehydes, metals, volatile organic compounds (VOCs), phenolic compounds, polycyclic aromatic hydrocarbons (PAHs), flavorings, tobacco alkaloids, and drugs."⁷

Nicotine Content

As Hammond et al noted in their recent study, "JUUL® uses benzoic acid and nicotine salt technology to deliver higher concentrations of nicotine than conventional e-cigarettes; indeed, the nicotine concentration in the standard version of JUUL® is more than 50 mg/mL, compared with typical levels of 3-24 mg/mL for other e-cigarettes."⁴ The salts and flavours available to be used with these devices reduce the harshness and bitterness of the taste of the e-liquids. Some of its competition deliver even higher levels of nicotine.⁸

The CMA has expressed its concerns about the rising levels of nicotine available through the vaping process.² They supply "high levels of nicotine with few of the deterrents that are inherent in other tobacco products. Traditional e-cigarette products use solutions with free-base nicotine formulations in which stronger nicotine concentrations can cause aversive user experiences."⁹

The higher levels of nicotine in vaping devices is also of concern because it "affects the developing brain by increasing the risk of addiction, mood disorders, lowered impulse control, and cognitive impairment."^{10,11} The CMA has called on Health Canada to restrict the level of nicotine in vaping products to avoid youth (and adults) from developing a dependence.²

Health Warnings

The CMA reiterates, again, its position that health warnings for vaping should be similar to those for tobacco packages.^{12,13} We support placing warning labels on all vaping products, regardless of the size of the package. The “space given to the warnings should be sufficient to convey the maximum amount of information while remaining clear, visible, and legible. The warnings should be in proportion to the packaging available.”¹³ The need for such cautions is important as there is still much that is not known about the effects vaping can have on the human body.

A US study found “evidence that using combusted tobacco cigarettes alone or in combination with e-cigarettes is associated with higher concentrations of potentially harmful tobacco constituents in comparison with using e-cigarettes alone.”¹⁴ Some researchers have found that there is “significant potential for serious lung toxicity from e-cig(arette) use.”^{15,16}

Another recent US study indicates that “adults who report puffing e-cigarettes, or vaping, are significantly more likely to have a heart attack, coronary artery disease and depression compared with those who don’t use them or any tobacco products.”¹⁷ Further, it was found that “compared with nonusers, e-cigarette users were 56 percent more likely to have a heart attack and 30 percent more likely to suffer a stroke.”¹⁷

A worrisome development has emerged in the United States. The Centers for Disease Control and Prevention is working in consultation with the states of Wisconsin, Illinois, California, Indiana, and Minnesota regarding a “cluster of pulmonary illnesses linked to e-cigarette product use, or “vaping,” primarily among adolescents and young adults.”¹⁸ Additional possible cases have been identified in other states and are being investigated.

Child-Resistant Containers

The CMA supports the need for child-resistant containers in order to enhance consumer safety; we have adopted a similar position with respect to cannabis in all forms.^{19,20} The need to include warning labels should reinforce the need for packaging these vaping products such that they will be inaccessible to small children.

Recommendations

1. The CMA recommends more research into the health effects of vaping as well as on the components of the vaping liquids.
2. Health Canada should work to restrict the level of nicotine available for vaping products to avoid youth and adults from developing a dependence.
3. The CMA reiterates its position that health warnings for vaping should be like those being considered for tobacco packages. We support the proposed warning labels being placed on all vaping products.
4. The CMA recommends that all the vaping substances be identified clearly on the packaging, along with a list of ingredients.
5. The CMA supports the need for child-resistant containers.

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- ³ Public Health Agency of Canada. *Statement from the Council of Chief Medical Officers of Health on the increasing rates of youth vaping in Canada*. Ottawa: Health Canada; 2019. Available: <https://www.newswire.ca/news-releases/statement-from-the-council-of-chief-medical-officers-of-health-on-the-increasing-rates-of-youth-vaping-in-canada-812817220.html> (accessed 2019 Jul 24).
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- ⁹ Barrington-Trimis JL, Leventhal AM. Adolescents' Use of "Pod Mod" E-Cigarettes —Urgent Concerns. *N Engl J Med* 2018; 379:1099-1102. Available: <https://www.nejm.org/doi/pdf/10.1056/NEJMp1805758?articleTools=true> (accessed 2019 Jul 30).
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- ¹¹ U.S. Department of Health and Human Services. *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2016. Available: https://e-cigarettes.surgeongeneral.gov/documents/2016_sgr_full_report_non-508.pdf (accessed 2019 Jul 30).
- ¹² Canadian Medical Association (CMA) *CMA's Recommendations for Bill S-5: An Act to amend the Tobacco Act and the Non-smokers' Health Act and to make consequential amendments to other Acts*. Ottawa: CMA; 2017 Apr 7. Available: <https://policybase.cma.ca/en/permalink/policy13641> (accessed 2019 Jul 30).
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