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November 20, 2019

Honourable Christine Elliott
Minister of Health 10th Floor, Hepburn Block
80 Grosvenor Street
Toronto, ON
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Dear Honourable Christine Elliott:

Re: *Smoke-Free Ontario Act - Regulating Vapour Product Flavours*

On behalf of the Toronto Public Health Department, I am writing to commend you for taking action to address the issue of youth vapour product use by amending the Smoke-Free Ontario Act to prohibit the promotion of vapour products in retail stores accessible to minors (under the age of 19) beginning in January, 2020. I would also like to convey my concerns about vapour products and recommend further regulatory action your government can take to address increased vapour product use among youth, specifically as related to the sale of flavoured vapour products.

Health Canada and several other health authorities have advised that the long term-health effects from use of vapour products are not yet fully known and that use can expose the user to chemicals that are harmful to health^{1 2 3}. Use of vapour products has also been shown to lead to subsequent tobacco smoking among youth and young adults^{1 2}. In addition to the more general unknown health harms, emerging reports of vapour product-related severe pulmonary illness in the USA and Canada, necessitate swift regulatory action by all levels of government³.

National and provincial surveys show there has been an increase in access to and use of vapour products among youth in recent years. From 2017 to 2018, University of Waterloo researchers documented a 74% increase in vapour product use among Canadian youth¹. As was the case with flavoured tobacco products prior to their prohibition, flavoured vapour products, such as fruit and candy have been shown to appeal to youth⁴. In a Canadian national survey, flavours were cited as one of the main reasons youth initiated vapour product use⁴. It is my recommendation that the Smoke-Free Ontario Act, 2017, be amended to prohibit the sale of any flavoured vapour products, with the exception of tobacco flavour, in stores accessible to minors. Enacting a prohibition on flavours at these retail outlets would align vapour product regulations more closely with those for tobacco products, as you have recently done with retail promotion. This restriction on flavours would be in alignment with actions taken by other jurisdictions including the government of British Columbia.

Enacting the above restrictions on flavours, in addition to your recent action on prohibiting promotion in stores accessible to minors, will help to mitigate future potential harms, particularly for youth and young adults.

Thank you for your consideration of this issue, I would be happy to discuss this important public health matter with you in more detail.

Yours truly,



Eileen de Villa, MD, MBA, MHSc, CCFP, FRCPC
Medical Officer of Health

¹ Hammond D, Reid JL, White CM, Boudreau C. (2018). ITC Youth Tobacco and E-Cigarette Survey: Technical Report – University of Waterloo.

² National Academies of Sciences, Engineering, and Medicine. (NASEM) 2018. Public Health Consequences of Vapour products. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24952>.

³ Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, Outbreak of Lung Injury Associated with E-Cigarette Use, or Vaping Update https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

⁴ Health Canada (2019) Reducing Youth Access and Appeal of vaping Products: Potential Regulatory Measures. <https://www.canada.ca/en/health-canada/programs/consultation-reducing-youth-access-appeal-vaping-products-potential-regulatory-measures/document.html>

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November 20, 2019

Honourable Patricia Hajdu
Minister of Health of Canada
House of Commons
Ottawa, ON
K1A 0A6

Dear Honourable Patricia Hajdu:

Re: *Recommendations to strengthen regulation of vapour products*

I want to first congratulate you on your recent appointment as Canada's new Minister of Health. I look forward to working with you on issues of public health significance to Canadians.

On behalf of the Toronto Public Health Department and as Medical Officer of Health for the City of Toronto, I am writing to convey my concerns about vapour products and to recommend regulatory action be taken by the federal government to address increased vapour product use among youth and to mitigate potential health harms.

National and provincial surveys show there has been increased access to and use of vapour products among youth in recent years. From 2017 to 2018, University of Waterloo researchers documented a 74% increase in vapour product use among Canadian youth¹. The recent proliferation and widespread availability of popular new brands in most convenience stores in Toronto, coupled with pervasive promotion, is believed by researchers to have played a role in increasing recognition and use of these products amongst youth¹.

Health Canada and other health authorities have advised that the long term-health effects from use of vapour products are not fully known and that use can expose the user to chemicals that are harmful to health^{2 3 4}. Use of vapour products has also been shown to lead to subsequent tobacco smoking among youth and young adults². In addition to these potential health harms, emerging reports of severe vapour product-related pulmonary illness in the USA and Canada, necessitate swift regulatory action by all levels of government^{3 4}.

In addition to the actions we have outlined below I would encourage you to consider recent announcements made by the government of British Columbia and consider amending the TVPA to apply the new federal plain and standardized packaging requirements for tobacco products also to vapour products.

It is my recommendation that as Minister of Health you and the federal government take action to enact further restrictions on vapour products, specifically as related to their advertising and promotion as well as the availability of flavours and nicotine content. Details of the recommended actions in these policy areas are provided below.

Advertising and Promotion

Prior to federal and provincial restrictions being placed on tobacco promotion, a provincial evaluation conducted in Ontario showed that exposure to tobacco promotions in retail stores and at point of sale was associated with increased smoking initiation, higher levels of brand awareness and positive associations with tobacco smoking among youth^{5,6}. The current unrestricted retail promotions, in-store, online and in public spaces may be creating the same effect for vapour products.

Currently, federal legislation allows for the promotion of vapour products. Advertisements are also displayed throughout the city, on billboards, transit, radio, in retail spaces (both in-store and on windows and doors), in print media, and online, across all social media platforms. Some brands also use direct promotions including pop-up spaces and events.

In May of this past year, Toronto Public Health submitted comments on Health Canada's consultation for proposed amendments to the Tobacco and Vaping Products Act (TVPA)⁶. I would like to reiterate the recommendation that the TVPA be amended to prohibit the advertising and promotion of vapour products anywhere children and youth are permitted⁶. This would align the restrictions on advertising and promotion of vapour products with those applied to tobacco⁸.

Flavours

There are numerous flavours of vapour product liquids or e-substances available, including candy and other types that are appealing to youth⁷. As flavours have been cited by youth as one of the main reasons they initiate vapour product use I recommend amending the TVPA to prohibit the sales of all flavoured vapour products, apart from tobacco flavour, in retail stores accessible to minors, with an exemption for specialty vape stores accessed by adults only⁶. This would be a good first step while the general prohibition of manufacturing and sale of all flavours except tobacco is considered^{1,8}.

Nicotine

Regarding nicotine content, I would also recommend amending the TVPA as was proposed in Health Canada's consultation in May 2018, in order to restrict the amount or concentration of nicotine available in vapour products⁶. Since vapour products containing nicotine became legal in Canada in 2018, the nicotine concentrations that are available have increased significantly, from approximately 2% or lower, to 5%. In addition to having a higher percentage of nicotine, the vaping pods used in newer brands contain nicotine salts, which is formulated in a way that allows for a faster and stronger nicotine dose^{1 6}. These new brands are also very popular with youth. This is a concern because nicotine is highly addictive and is known to alter adolescent brain development^{1 6}. As there are currently no restrictions on how much nicotine can be put into vaping liquids or vaping pods in Canada, I support the federal government placing a 2% (20 mg/ml) limit on the amount of nicotine which would be in alignment with policy in other national markets such as the European Union, among others^{1, 6}.

Thank you for your consideration of this issue, I would be happy to discuss this important public health matter with you in more detail.

Yours truly,



Eileen de Villa, MD, MBA, MHSc, CCFP, FRCPC
Medical Officer of Health

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³ Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, Outbreak of Lung Injury Associated with E-Cigarette Use, or Vaping Update https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

⁴ Health Canada Information Update <https://healthykanadians.gc.ca/recall-alert-rappel-avis/hc-sc/2019/70919a-eng.php>.

⁵ Cohen, J.E, Planinac, L., Lavack, A., O'Connor, S. (2011) Changes in Retail Tobacco Promotions in a Cohort of Stores Before, During and After a Tobacco Product Display Ban. American Journal of Public Health 2011; 101, 10: 1879-1881 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3222347/pdf/1879.pdf>

⁶ Health Canada (2019) Reducing Youth Access and Appeal of vaping Products: Potential Regulatory Measures. <https://www.canada.ca/en/health-canada/programs/consultation-reducing-youth-access-appeal-vaping-products-potential-regulatory-measures/document.html>

⁷ Litt MD, Duffy V, Oncken C. Cigarette smoking and electronic cigarette vaping patterns as a function if e-cigarette flavourings. Tobacco Control 2016; 25: ii67-ii72.

⁸ Toronto Public Health. 2014. Position Statement: Electronic Cigarettes <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.HL33.1>

