



MIDDLESEX-LONDON HEALTH UNIT

REPORT NO. 22-22

TO: Chair and Members of the Board of Health

FROM: Dr. Alexander Summers, Medical Officer of Health & Emily Williams, Chief Executive Officer

DATE: 2022 April 21

FEEDBACK ON VAPING-RELATED PROVISIONS OF THE TOBACCO AND VAPING PRODUCTS ACT

Recommendation

It is recommended that the Board of Health:

- 1. Receive Report No. 22-22 re: “Feedback on Vaping-Related Provisions of the Tobacco and Vaping Products Act” for information;*
- 2. Endorse and submit feedback prepared by Middlesex-London Health Unit staff, attached as [Appendix A](#), to the Tobacco Control Directorate of Health Canada, expressing its support and providing its perspective on the operation of the vaping-related provisions of the Tobacco and Vaping Products Act (TVPA); and,*
- 3. Endorse and submit feedback prepared by the Southwest Tobacco Control Area Network, attached as [Appendix B](#), to the Tobacco Control Directorate of Health Canada on behalf of the seven public health units in southwestern Ontario.*

Key Points

- On March 16, 2022, Health Canada opened a [public consultation](#) to fulfill the mandated 3-year legislative review of the *Tobacco and Vaping Products Act*, with a particular emphasis on the *Act*'s ability to address youth vaping.
- Health Unit staff prepared a submission for Board of Health approval, attached as [Appendix A](#), to express its support and propose recommendations for strengthened measures and improved public health messaging.
- Staff from the Southwest Tobacco Control Area Network prepared a submission, attached as [Appendix B](#), for endorsement and submission by the Middlesex-London Board of Health, on behalf of the seven public health units in southwestern Ontario.

Mandated Legislative Review of the *Tobacco and Vaping Products Act*

The federal *Tobacco and Vaping Products Act (TVPA)* came into force on May 23, 2018, amending the former *Tobacco Act (1997)*. The *TVPA* intended to create a new legal framework, in conjunction with other pieces of federal legislation and corresponding regulations to:

- address the increasing availability and use of vapour products with and without nicotine; and,

- to ensure that Canadians would be best informed about the potential risks associated with these products.

Due to limitations in the available scientific evidence used to inform government policy, the rapid exponential growth of the vapour product marketplace, and concerning trends regarding youth initiation, the *TVPA* includes, as a legal requirement, a legislative review of its provisions three years after coming into force, and every two years thereafter. The Tobacco Control Directorate is seeking [public input](#) to support and help inform the analysis and review of the legislation.

Growing Scientific Body of Research

In 2018, the US National Academy of Science, Engineering and Medicine (NASEM) released a comprehensive review and critically assessed the state of emerging evidence about e-cigarettes and their impact on health. NASEM's publication, "[Public Health Consequences of E-Cigarettes](#)" compiled the body of scientific evidence that was available, exploring both the potential benefits of e-cigarettes as a cessation aid and the potential pitfalls/harms from their use. NASEM provided recommendations that were used to inform many of the policy decisions that were made at that time, and highlighted the need for improved, ongoing research to address the gaps in the current literature.

According to Physicians for a Smoke-Free Canada, the NASEM assessment was based on one-third of the scientific research available today. Scientific understanding of the various harms now known to be associated with vapour product use has significantly increased. Public health messaging and government policy need to be reviewed and updated to reflect all available evidence to better address concerns related to: youth and young adult prevalence; health harms associated with vapour product use (including dual use); and, clarity of messaging related to smoking cessation.

Feedback on the *Tobacco and Vaping Products Act* and Regulations

Since March 2019, the Middlesex-London Board of Health has submitted feedback to Health Canada stressing the importance of restricting the availability of flavoured and high nicotine concentration vapour products and protecting youth and young adults from vapour product advertising and promotion. In response to the current call for input, both the Chronic Disease Prevention and Tobacco Control and the Southwest Tobacco Control Area Network Teams within the Healthy Living Division have prepared submissions to Health Canada, for Board of Health approval and submission, attached as [Appendix A](#) and [Appendix B](#) respectively. The submissions are a culmination of previous submissions. In addition, the submission includes the following recommendations:

- that Health Canada explores the enactment of WHO's policy options to address on-screen tobacco and vaping imagery, as part of a comprehensive approach to prevent youth uptake;
- that Health Canada's messaging on vaping and the safety of vapour products be updated to reflect all available evidence, including harms associated with dual use and the damage that vapour products cause to respiratory and circulatory systems; and,
- that Health Canada's messaging on vaping as a potential cessation aid be updated to reflect that vapour products, when used as a consumer product, have not proven to be effective cessation aids.

This report was submitted by the Healthy Living Division.

Handwritten signature of Alexander T. Summers in black ink.

Dr. Alexander Summers, MD, MPH, CCFP, FRCPC
Medical Officer of Health

Handwritten signature of Emily Williams in black ink.

Emily Williams, BScN, RN, MBA, CHE
Chief Executive Officer