



**RNAO feedback on proposed
*Concentration of Nicotine in Vaping
Products Regulation (CNVPR)***

Submission to Government of Canada
Department of Health, via federal
consultation process

March 4, 2021



Mr. Matthew Cook
Manager, Scientific Regulations Division
Tobacco Products Regulatory Office
Tobacco Control Directorate
Controlled Substances and Cannabis Branch
Health Canada

Sent by email: hc.pregs.sc@canada.ca

March 4, 2020

Re: Health Canada's regulatory proposal to set a maximum nicotine concentration of 20 mg/ml in vaping products

Dear Mr. Cook,

The Registered Nurses' Association of Ontario (RNAO) is the professional association representing registered nurses (RN), nurse practitioners (NP), and nursing students, in all roles and sectors across Ontario. Since 1925 RNAO has advocated for healthy public policy, promoted excellence in nursing practice, increased nurses' contributions to shaping the health system, and influenced decisions that affect nurses and the public they serve.¹

For years, RNAO has advocated for evidence-based harm reduction approaches to tobacco use^{1 2 3} and been a leader in providing best practice guidelines to assist nurses and other health-care providers in integrating smoking cessation interventions into clinical practice.^{4 5 6} Most recently, RNAO's webinar series on the landscape and emerging issues with e-cigarettes has educated and informed Ontario's nurses on the prevalence of vaping in Ontario and across Canada, the mechanism of vaping through nicotine, the impacts of vaping and how nurses and other health-care providers can provide clients with prevention, protection, and cessation support.⁷ RNAO welcomes this opportunity to provide feedback on Health Canada's proposed *Concentration of Nicotine in Vaping Products Regulations (CNVPR)* with respect to limiting the concentration of nicotine in vaping products.

Impact of current vaping regulations on youth in Canada:

When e-cigarettes first came on the market they were touted as safe alternatives to traditional smoking and an effective method for smoking cessation for adults.⁸ However, RNAO's systematic review for its clinical best practice guideline found insufficient evidence that e-cigarettes are an effective smoking cessation tool.⁹ Furthermore, in 2019 Public Health Ontario associated e-cigarette and vape use with increased frequency and intensity of subsequent smoking among youth and young adults.¹⁰ Following the introduction of high-nicotine concentration vaping products and flavoured vaping products to the Canadian market in 2018, RNAO has

¹ RNAO thanks members of its Pediatric Nurses Interest Group executive for their expertise and support in drafting this document.

grown increasingly concerned over the rapid rise in youth vaping. From 2017 to 2018, the Canadian Cancer Society reported a staggering 74 per cent increase in vaping among youth aged 16 to 19 years.¹¹ Similarly, statistics from the Canadian Student Tobacco, Alcohol and Drugs Survey (CSTADS) reveal the prevalence of vaping in 2018-2019 doubled among students in grades 7 through 12 compared to findings in 2016-2017.¹² Daily e-cigarette/vape use was 13 per cent among students in grades 10 to 12 in 2018-2019, compared to one per cent daily cigarette use for the same age group,¹³ demonstrating a dangerous new trend of youth use and preference towards e-cigarettes and vaping products.

According to Health Canada nicotine is a highly addictive substance that creates significant risks for vaping, including poor impulse control, negatively altering brain development, impairing memory and concentration, and causing cognitive and behavioural problems when used in adolescence.¹⁴ Children and youth are especially susceptible to the side effects of nicotine as they can develop dependence with lower nicotine exposure levels than adults. Youth who use e-cigarettes with nicotine may also become addicted and are at increased risk of other tobacco use.¹⁵ Further, emerging evidence suggests that e-cigarettes and vaping products are associated with long-term lung disease.¹⁶ As of Aug. 14, 2020 there were 20 reported cases of vaping-associated lung illness in Canada, 16 of which required hospitalization.¹⁷ Of great concern is that the chemicals used in vaping products to alter taste or add flavour have not been tested on their safety for inhalation,¹⁸ and each vaping product may contain a dozen or more chemicals.¹⁹ New chemicals such as formaldehydes are created through the vaping process, the by-products of which are also linked to negative health impacts.²⁰

In an effort to protect youth from the harms of vaping, in December 2019 Health Canada amended vaping regulation under the *Vaping Products Labelling and Packaging Regulations (VPLPR)* and *Vaping Products Promotion Regulations (VPPR)* to require: a nicotine concentration statement and health warning regarding toxicity and addiction on all vaping products containing nicotine; a list of ingredients for all vaping substances on product labels; a prohibition on nicotine concentrations of 66 mg/ml or more; and child resistant features. Further, in June, 2020 the *VPPR* restricted the promotion of vaping products to youth in Canada, making it illegal for product or brand element advertisements to be seen or heard by young persons in person or online.²¹ RNAO welcomes these amendments and further regulation imposed by the Ministry of Health in Ontario to limit the promotion and sale of vaping products with nicotine concentrations greater than 20 mg/ml to specialty vape and cannabis stores with an age requirement of 19 years to enter.²² We now urge Health Canada to impose stricter vaping regulations at the federal level to further curb the rise of e-cigarette and vaping product use by youth that will protect their health, immediately.

RNAO response to proposed regulatory amendments:

The proposed *Concentration of Nicotine in Vaping Products Regulations*, pursuant to the powers of the *Tobacco and Vaping Products Act* and *Canada Consumer Product Safety Act*, if passed, will:

1. Set a maximum nicotine concentration of 20mg/ml for vaping products sold in Canada;

2. Prohibit the packaging and sale of vaping products if the nicotine concentration on the package label exceeds 20mg/ml;
3. Amend the *VPLPR* to reference the nicotine concentration limit set out in the proposed *CNVPR*, while the higher limit of 66 mg/ml would continue to apply to products intended for export.

RNAO welcomes the proposed *CNVPR* and appeals to Health Canada to move forward with a maximum nicotine concentration of 20 mg/mL for vaping products sold in Canada, including the prohibition of packaging and sales of product exceeding this limit, and amendments to the *VPLPR* to reference the new nicotine limit for in-country use. In 2019, Canadian youth aged 16-19 years who vaped in the past 30 days reported the main reasons for use as: for the nicotine (24 per cent); for fun/because they liked it (50 per cent); for the flavour (40 per cent); out of curiosity/to try something new (39 per cent); and to deal with stress or anxiety (35 per cent).²³

In focus groups conducted for Health Canada in 2020, youth with a preference for vaping products containing at least 50mg/ml of nicotine identified the “head rush”/”buzz” as the best part about vaping.²⁴ RNAO is particularly concerned about the tendency of youth to favour high concentration nicotine for a head rush as it is a troubling use of the product.²⁵ It is also clear that youth are more likely to use vaping products with a nicotine concentration equal to or above 20mg/ml (45 per cent) compared to older adults (33 per cent), thus placing them at greater risk of harmful and toxic product side effects compared to other age groups.

RNAO shares Health Canada’s concern over the potential of vaping products to renormalize smoking behaviour and put a new generation of adolescents at risk of harmful nicotine addiction. Without immediate and purposeful intervention, public health achievements through Canada’s Tobacco Strategy risk being halted if youth continue to experiment, become dependent on nicotine, and/or transition to long-term tobacco use.²⁶

The time is now for Canada to align vaping restrictions through the *CNVPR* with British Columbia and Nova Scotia, as well as countries in the European Union, United Kingdom, Iceland, and Israel, and reap the associated benefits of reduced tobacco-related mortality, morbidity, and exposure to second-hand smoke in youth.²⁷

RNAO additional recommendations regarding vaping products in Canada:

1. **Further curb youth use of vaping and tobacco products by increasing the age requirement to 21 years under the *Tobacco and Vaping Products Act*.**

RNAO joins the Canadian Cancer Society in calling on the federal government to address youth vaping by increasing the legal age for using and purchasing tobacco and vaping products, with or without nicotine, from 18 to 21 under the *TVPA*.²⁸ Currently, Prince Edward Island (P.E.I.) has provincial legislation enforcing the minimum smoking and vaping age of 21, and Ontario, British Columbia, New Brunswick, Nova Scotia, Nunavut, Northwest Territories, and Yukon have legislation enforcing an age minimum of 19 years. To effectively curb youth from experimenting with nicotine and harmful, flavoured

vaping products (with or without nicotine) while their brains are still developing and susceptible to harm, Health Canada must enact a federal age minimum of 21 years under the *TVPA*. The Canadian Cancer Society reports that majority of smokers initiate the habit before the age of 19, with many of them becoming and staying addicted.²⁹ It is therefore crucial to follow both P.E.I. and the U.S.A.³⁰ in raising the legal limit from 18 to 21 to effectively address the youth vaping epidemic nationwide, while ensuring there are no gaps in protection based on provincial/territorial geography.

2. Banning the sale of flavoured vaping and e-cigarette products designed to appeal to youth across the country under the *Tobacco and Vaping Products Act*.

RNAO is gravely concerned that 40 per cent of Canadian youth report using vaping products for their desirable flavours. With flavours on the Canadian market including the likes of bubblegum, cotton candy and melon, there is no denying these were designed to appeal to youth. According to the P.E.I. Lung Association, flavoured products are a huge driver for youth use; 95 per cent of respondents from a survey conducted by the Lung Association and Heart and Stroke preferred vaping flavoured product, and 50 per cent stated they would quit if they were no longer available.³¹ As of March 1, 2021 flavoured vape and e-cigarette products are now banned on P.E.I., a move that is expected to be the biggest step yet in reducing the amount of youth vaping in that jurisdiction. RNAO urges Health Canada to heed the calls from experts such as the Canadian Cancer Society and ban the sale of all flavoured vaping and e-cigarette products across the country under the *Tobacco and Vaping Products Act*.

RNAO supports the *CNVPR* proposal as it will reduce the appeal to youth and greatly impact young adults who are at high risk for nicotine dependence, increased tobacco use, and subsequent neurocognitive deficits. We welcome further discussion to expedite these regulation changes and are eager to assist Health Canada in achieving the aforementioned as these measures are critical to improving the health and wellbeing of youth in this country.

Warm regards,



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References

- ¹Registered Nurses' Association of Ontario (RNAO). (2017). *RNAO's response on Bill 174: Cannabis, smoke-free Ontario and road safety statute law amendment act, 2017*. Retrieved March 1, 2021 from https://rnao.ca/sites/rnaoca/files/RNAO_submission_Bill_174_cannabis_nov_28_2017finalask.pdf
- ²RNAO. (2019). *RNAO calls for end to the selling and promotion of vaping products*. Retrieved March 1, 2021 from <https://rnao.ca/news/rnao-calls-end-selling-and-promotion-vaping-products>
- ³RNAO. (2020). *Health minister proposes new vaping regulations*. Retrieved March 1, 2021 from <https://rnao.ca/news/health-minister-proposes-new-vaping-regulations>
- ⁴RNAO. (2017). *Clinical best practice guidelines: Integrating tobacco interventions into daily practice; third edition*. Retrieved March 1, 2021 from <https://rnao.ca/bpg/guidelines/integrating-tobacco-interventions-daily-practice>
- ⁵RNAO. (n.d.). *Mental health & addiction initiative: Mental health and addiction e-learn modules*. Retrieved March 21, 2021 from <https://rnao.ca/bpg/initiatives/mhai/elearn>
- ⁶RNAO. (2007). *Nursing best practice guideline: Shaping the future of nursing. Integrating smoking cessation into daily nursing practice*. Retrieved March 1, 2021 from https://rnao.ca/sites/rnao-ca/files/Integrating_Smoking_Cessation_into_Daily_Nursing_Practice.pdf
- ⁷RNAO. (2020). *Landscape and emerging issues with e-cigarettes: webinar series*. Retrieved March 1, 2021 from <https://rnao.ca/events/landscape-and-emerging-issues-e-cigarettes-webinar-series>
- ⁸Public Health Ontario. (2018). *Current evidence on e-cigarettes: A summary of potential impacts*. Retrieved March 1, 2021 from <https://www.publichealthontario.ca/-/media/documents/L/2018/literature-review-ecigarettes.pdf?la=en>
- ⁹RNAO. (2017). *Clinical best practice guidelines: Integrating tobacco interventions into daily practice; third edition*. Retrieved March 1, 2021 from <https://rnao.ca/bpg/guidelines/integrating-tobacco-interventions-daily-practice>
- ¹⁰*Ibid.*
- ¹¹Canadian Cancer Society. (2019). *Study finds dramatic 74% increase in youth vaping in Canada* [Media Release]. Retrieved March 1, 2021 from <https://www.cancer.ca/en/about-us/for-media/media-releases/national/2019/youth-vaping/?region=qc>
- ¹²Government of Canada. (2020). Concentration of nicotine in vaping product regulations. *Canada Gazette, 154* (51). Retrieved March 1, 2021 from <http://www.gazette.gc.ca/rp-pr/p1/2020/2020-12-19/html/reg3-eng.html>
- ¹³*Ibid.*
- ¹⁴*Ibid.*
- ¹⁵Canadian Cancer Society. (2019). *Study finds dramatic 74% increase in youth vaping in Canada* [Media Release]. Retrieved March 1, 2021 from <https://www.cancer.ca/en/about-us/for-media/media-releases/national/2019/youth-vaping/?region=qc>
- ¹⁶*Ibid.*
- ¹⁷Government of Canada. (2020). *Vaping-associated lung illness*. Retrieved March 1, 2021 from <https://www.canada.ca/en/public-health/services/diseases/vaping-pulmonary-illness.html>
- ¹⁸*Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² RNAO. (2020). *Ontario to ban promotion of vaping products in convenience stores*. Retrieved March 1, 2021 from <https://rnao.ca/news/ontario-ban-promotion-vaping-products-convenience-stores>

²³ Government of Canada. (2020). Concentration of nicotine in vaping product regulations. *Canada Gazette*, 154 (51). Retrieved March 1, 2021 from <http://www.gazette.gc.ca/rp-pr/p1/2020/2020-12-19/html/reg3-eng.html>

²⁴ *Ibid.*

²⁵ Government of Canada. (2020). Concentration of nicotine in vaping product regulations. *Canada Gazette*, 154 (51). Retrieved March 1, 2021 from <http://www.gazette.gc.ca/rp-pr/p1/2020/2020-12-19/html/reg3-eng.html>

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Canadian Cancer Society. (2020). *Canadian Cancer Society calls for immediate government action against youth vaping new video prior to legislative assembly session*. Retrieved March 1, 2021 from <https://www.cancer.ca/en/about-us/for-media/media-releases/nova-scotia/2020/ecigarette-regulation/?region=ns>

²⁹ *Ibid.*

³⁰ Hensley, L. for Global News. (2019). *U.S. raises legal smoking age to 21 in effort to curb tobacco use*. Retrieved March 1, 2021 from <https://globalnews.ca/news/6347412/21-us-cigarettes-tobacco-age-law/#:~:text=The%20new%20law%20also%20applies,20>.

³¹ Russel, N for CBC News. (2021). *Flavoured vape, e-cigarette products now banned on P.E.I.* Retrieved March 1, 2021 from <https://www.cbc.ca/news/canada/prince-edward-island/pei-flavoured-vaping-ban-takes-effect-1.5929948>