Notes for Remarks

Presentation to the
Standing Committee
Social Affairs, Science & Technology
The Senate of Canada

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Ottawa, Ontario

Check Against Delivery
Through you Chairman Ogilvie to Committee members, I want to thank you for the opportunity to present today on this important piece of Legislation - Bill S-5.

We have submitted a formal report for Committee’s consideration and I want to take my allotted time to emphasize some of the points in our submission. Mr. Chairman, I boast no status as an authority by reason of special skill, training or speciality on vaping or harm reduction. What I do have is considerable knowledge of the industry and being one of the founders of the Canadian Vaping Association, we have a considered opinion about the industry and we advocate the views and aspirations of hundreds of thousands of vapers, manufacturers and vape product shops across Canada.

I will offer no opinion, nor will I make any conclusions. My comments, Mr. Chairman are based on qualified research our organization has procured from clinical, legal and public policy experts. My non-expert opinion, I reach in my daily life, Mr. Chairman, without conscious reasoning.

That noted Mr. Chairman, from it's humble beginnings 6 years ago, vaping in Canada has grown exponentially. The number of vape product shops has grown throughout Canada, with the current estimate of retail outlets and manufacturing facilities numbering over 800, representing well over 5000 employees, serving hundreds of thousands of customers and generating over 350 million dollars in revenue.

Please understand, the growth of this industry has not been the result of expensive marketing campaigns, it has been a direct result of the substantial demand for these products by millions of smokers in Canada seeking an alternative to cigarettes.

The vast majority of vape product shop owners, manufacturers of e-liquids and advocates in Canada are, like myself, former smokers, who, having switched from smoking to vaping, realized the potential of this so called “disruptive” technology and the benefits that vaping provides as a safer alternative to smoking. I would respectfully assert that our membership
have taken substantial risks to pursue a mission very much aligned with Bill S-5. Many people would assert a different path of fighting government on what they believe is a “right” to vape – we believe that working with government on making this Bill makes good sense!

In many ways, we believe Canada is a role model for other countries in developing and implementing effective ways at reducing the harms of smoking, with Canada's smoke-free Legislation being a cornerstone of that effort. Canada has taken on the mantle once again by implementing suitable and effective legislation that ensures adult smokers have access to products that can substantially reduce the harm that cigarette smoking is known to cause. We are pleased that Health Canada provided leadership at COP7 by not agreeing to prohibit Vaping like the World Health Organization pressured so many other countries to do.

To make a category in the Bill for vaping is not only welcomed it creates an opportunity for Canada to Regulate effectively and we look forward to working with you to that end.

Mr. Chairman, the CVA, based its thinking on our continued review of the growing body of evidence, including qualified literature, studies and research on vaping – of which there is much. We are convinced that vaping is a better Choice by orders of magnitude over smoking and has the potential for dramatically reducing the disease and death caused by smoking.

The task of your Committee, Mr. Chairman, is to review the debates and the intent of this Legislation and deliberate on the Bill with objectivity. We have met with several of your Committee members in advance and offered our advice. To that end, we provide our considered and qualified amendments to the Bill going forward. Let me explain:

- Recent studies in the aggregate have suggested that Vaping is less harmful than smoking and the Minister, herself, lifted our own CVA messaging suggesting in her media statement in November of last year when the Legislation was announced that “science is catching up with vaping”. On that point Mr. Chairman, we would advise that the legislation include a mandatory two-year review so that the
science and research that is underway, reaches lawmakers in a timely fashion such that you can Regulate appropriately,

- With respect to industry Regulation, we have been working closely with our E-cigarette Trade Association and other educational organizations on the development and implementation of Accreditation and Certification programs on a national level. Let me explain, the patchwork of Regulation from provincial legislative initiatives across Canada has confounded the industry while it has waited for this milestone to occur. Bill S-5, Mr. Chairman, offers a national framework for retail and manufactures of vape products. Because the CVA is the national voice for the industry, we have taken on the mantle to create standards on technology and products – all of which my colleague at ECTA (has or will) describe(d) to you in his presentation,

- With respect to Health Benefits, Mr. Chairman, evidence shows that e-cigarettes are an effective harm reduction tool. In fact, many clinical and academic experts will likely testify to that. I can say that the technology has improved over the years. Bill S-5 as written, Mr. Chairman, threatens the industry’s ability to maximize the public health benefits of encouraging cigarette smokers to switch to less harmful e-cigarette technologies and we urge the Committee to look at amending this prohibition – we have provided alternative wording in our written submission.

- Mr. Chairman, in sections 30.48 and 30.49, the Bill makes reference to flavours and identifies in Schedule 3 a list of flavour types about which there will be a prohibition on their promotion and manufacture. Mr. Chairman, it’s ironic that for the very reason the Bill has been initiated – to make vaping products more acceptable to smokers to reduce harm, there is a prohibition on satisfying flavours to encourage it. It’s baffling that the Bill would lay out such prohibition when it is so obviously necessary to allow such flavours in helping smokers transition to vaping. Certainly we can help at CVA by having the industry commit and submit through ECTA on a
balance with respect to flavouring – for example, may I suggest that we in the industry need to be more innovative and we will - a stark example is the flavour Anise – which has similarities in taste to licorice and is satisfying to vapers but is not a confectionary. We encourage the Committee to look at further balance in this section of the Bill and CVA is more than available to assist Health Canada in that regard and we have submitted a proposal to that end in our written submission.

• May I also take a moment, sir, to respectfully ask your Committee to consider the establishment of an Industry Advisory Committee. We have presented our proposal in our written submission and I urge you to give it consideration. It is innovative and demonstrates our willingness to work alongside the Regulators.

The CVA fully agrees that regulation is needed, however the goal of these regulations should be to ensure that maximum benefits are realized while minimizing potential harms. We are concerned that Bill S-5, as it is written, will have substantial impacts on an industry that is growing as an alternative to smoking and consequently, the very constituents who seek to make a less harmful Choice.

The CVA wholeheartedly agrees that sales should be restricted to minors. We concede that restricting its use in public spaces is inevitable. We agree that certain “lifestyle” promotion or advertisements are not appropriate.

Our amendments, we believe, ensure that youth are not able to access these products, and that the use and acquisition of vaping tools is limited to public areas that minors are prohibited from entering. Additionally, these amendments would provide adult smokers with access to the assistance provided by qualified vape product shop employees, which can be crucial to the success of a smoker looking for an alternative to cigarettes.

Vaping technology has catapulted in quality by leaps and bounds Mr. Chairman. Research, too, has debunked the myths that have permeated mainstream media about vaping and because the technology is getting
better vaping may yet prove to be an effective break-through in anti-smoking.

Mr. Chairman, I would hate to see the promise of this breakthrough dashed, marginalized or even forced underground by what appears to be a crusade of misinformation about the effectiveness of vaping by those who, in our view, should be champions for its effective and responsible use as a tool to get smokers off harmful cigarettes altogether.

I thank you for attention and look forward to your questions.