

Health Canada's Letter to the Tobacco and Vaping Product Industry

June 1, 2020

Dear Interested Party,

The purpose of this letter is to inform you of Health Canada's planned approach to enforcing the upcoming new labelling requirements of the *Vaping Products Labelling and Packaging Regulations* (VPLPR) enacted under the *Tobacco and Vaping Products Act* (TVPA) and the *Canada Consumer Product Safety Act* (CCPSA).

The Government of Canada is aware that the COVID-19 pandemic, and the measures that governments across Canada have implemented to manage it, are having an impact on the normal operations of Canadian businesses.

The new labelling requirements of the VPLPR come into force on July 1st, 2020. Health Canada expects the industry to continue to make best efforts to comply with these upcoming regulatory changes despite the circumstances, and is not delaying the coming-into-force date of these requirements.

Requirements under Part I of the VPLPR serve an important purpose to prevent vaping product use by young persons and non-users of tobacco products from leading to the use of tobacco products. The objectives of Part I of the VPLPR are specifically to:

- protect young persons and non-users of tobacco from inducements to use vaping products;
- prevent the public from being deceived or misled with respect to the health hazards of using vaping products; and,
- enhance public awareness of those hazards.

Requirements under Part II of the VPLPR aim to help protect the health and safety of children and youth by reducing the risk that they will ingest vaping substances containing toxic concentrations of nicotine.

That said, the unprecedented circumstances associated with the COVID-19 pandemic and the impact it is having on the ability of businesses to comply with the new VPLPR labelling requirements will be taken into account by Health Canada when addressing non-compliance with these new regulations. In response to the disruptions associated with the COVID-19 pandemic, Health Canada will be taking the following approach to compliance and enforcement regarding the new VPLPR labelling requirements:

- From July 1, 2020 to December 31, 2020 the Department will prioritize the provision of guidance and information to regulated parties in order to promote awareness of and compliance with the regulations; and,

- Beginning January 1, 2021 Health Canada will implement a progressive compliance monitoring and enforcement regime whereby Health Canada will monitor and verify compliance with the new VPLPR labelling requirements and take appropriate enforcement action, where necessary, to address identified instances of non-compliance.

This is consistent with the plan communicated through the Regulatory Impact Analysis Statement accompanying the publication of the VPLPR in the *Canada Gazette*, Part II, in December 2019, and pertains only to new labelling requirements that come into force under the VPLPR on July 1, 2020.

Notwithstanding the above, the Department will not hesitate to use its full enforcement authority anytime after July 1, 2020 where warranted.

Protecting Canada's youth and the health and safety of Canadians is a collective responsibility. It is Health Canada's expectation that the vaping product industry plays a strong and visible role in this regard. Health Canada would like to take this opportunity to remind manufacturers, importers and retailers of vaping products of their obligations under the CCPSA, including that they are prohibited from manufacturing, importing, advertising or selling vaping products that are a danger to human health or safety. Health Canada calls on the vaping product industry to take feasible actions to comply with existing and upcoming statutory and regulatory requirements that help protect young persons and non-users of tobacco from exposure to and dependence on nicotine; raise public awareness of the health hazards of using vaping products; and protect the health and safety of Canadians.

Sincerely,



Dana Beaton
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Tobacco Control Directorate
Cannabis and Controlled Substances Branch
Health Canada