



Health Canada's Letter to the Vaping Product Industry

November 19, 2020

Dear Interested Party,

The purpose of this letter is to inform you of Health Canada's planned approach to enforcing the upcoming new child-resistant container requirements for refillable vaping devices and vaping parts of the *Vaping Products Labelling and Packaging Regulations* (VPLPR) enacted jointly under the *Canada Consumer Product Safety Act* (CCPSA) and the *Tobacco and Vaping Products Act*.

Requirements under Part 2 of the VPLPR aim to help protect the health and safety of young children by reducing the risk that they will ingest vaping substances containing toxic concentrations of nicotine.

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 child-resistant container requirements for refillable vaping devices and vaping parts under the VPLPR come into force on January 1, 2021. Health Canada expects the vaping product 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.

That said, Health Canada recognizes that the unprecedented circumstances associated with the COVID-19 pandemic and will take into account the impact it is having on the ability of businesses to comply with the new child-resistant container requirements under the VPLPR, among other relevant factors. In response to the disruptions associated with the COVID-19 pandemic, Health Canada plans to take the following approach to compliance and enforcement regarding the new VPLPR child-resistant container requirements for refillable vaping devices and vaping parts:

- From January 1, 2021, to June 30, 2021, Health Canada intends to continue its on-going effort to disseminate existing guidance and information to regulated parties in order to promote awareness of and compliance with the regulations; and
- Beginning July 1, 2021, Health Canada intends to increase its compliance monitoring activities and take appropriate enforcement action, where necessary, to address identified instances of non-compliance to the new VPLPR child-resistant container requirements for refillable vaping devices and vaping parts.

Notwithstanding the above, the Department will enforce the child-resistant container requirements for refillable vaping devices and vaping parts under the VPLPR anytime on or after January 1, 2021, if warranted, based on incidents, complaints, or the level of risk. However, Health Canada's proactive activities will be focussed on compliance promotion looking toward July 1, 2021.

Health Canada has also communicated on June 1, 2020, to the vaping product industry about the

approach for compliance and enforcement with respect to requirements of the VPLPR that came into force on July 1, 2020. If you have not received the letter, you may request a copy by contacting Health Canada's Tobacco and Vaping Compliance and Enforcement Program at hc.tcp.questions-plt.sc@canada.ca or 1-866-318-1116.

Protecting 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. Health Canada calls on the vaping product industry to take actions to comply with existing and upcoming statutory and regulatory requirements that help protect the health and safety of Canadians.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roger Charland', with several overlapping strokes.

Roger Charland
Director General
Consumer and Hazardous Products Safety Directorate
Healthy Environments and Consumer Safety Branch
Health Canada