

Thank you Madam Chairperson, and thank you for the opportunity to speak here today

My name is Chris Phillips, and I am here today to speak to the Committee regarding my opposition to Bill 60 as it is currently written.

While I applaud the attempts and past successes by government to reduce smoking amongst youth and the population in general, I am strongly opposed to the inclusion of electronic cigarettes and their liquids in this legislation. I am surprised that this government would rush forward with legislation regarding e-cigarettes while the Standing Committee on Health is still meeting in Ottawa and has yet to reach any conclusions on the status of electronic cigarettes and liquids in Canada. This rush to legislation seems premature and ill-considered.

The classification of electronic cigarettes and liquids as tobacco products is unfounded, ill-advised and illegitimate, and as such, should not be included in the Tobacco Access Act. To do so is not in the interests of Public Health, but rather, would serve only to further entrench the prevalence of tobacco use in the Province, and by reducing the availability and appeal of electronic cigarettes to adults, encourage their continued use of tobacco.

Similarly, the attempt to redefine "smoke" to include any "(heated) substance that is intended to be smoked or inhaled" is flawed and problematic. The definition itself recognizes there is a difference between smoke - the product of combustion - and vapour. This redefinition would also prove problematic for restaurants, churches, and any business that uses scents or humectants in their place of operation (casinos, hospitals, some department stores, etc).

While the amendments proposed in Bill 60 purport to address health risks and youth uptake, in the case of electronic cigarettes the preponderance of evidence does not support the authors' assumptions.

Health Risks

Much has been made of the potential health risks associated with the direct and indirect inhalation of vapour from electronic cigarettes, but the evidence does not support this claim. Current research, most notably the Drexel and ClearStream studies, show us that exposure to e-cigarette vapour by bystanders has negligible, if any, measurable health risk, and the exposure by users is orders of magnitude less than that of cigarette smoke. The benefits of resulting tobacco reduction from the use of these products far outweigh the potential harm yet to be discovered with these devices.

Electronic cigarettes should be viewed as an opportunity to help reduce tobacco use in the province, and unfortunate and improper legislation regarding these products would likely hinder tobacco reduction rather than prevent tobacco uptake by both youth and the general public.

The use of electronic cigarettes as a cessation tool is valid, if not recognized, and not

the product's intended purpose. Just as chewing gum, hypnotism, and acupuncture can and have been used by individuals to reduce their tobacco use. Though electronic cigarettes have been reported as "no better" than traditional NRT methods, the flip side of that statement is that they have been shown to be "as good". The proposed legislation would effectively remove this potential and yet provide no benefit to achieving your goals of tobacco reduction in the province.

Youth and Access to Electronic Cigarette Products

The use of electronic cigarettes and liquids should be restricted to adult consumers and their sale relegated to stores dedicated to this purpose. To ease enforcement and better control access, electronic cigarettes and liquids should not be sold in corner stores, gas stations, and kiosks where adherence to age and marketing restrictions might not be enforced in a satisfactory manner.

Marketing

Legislation regarding the marketing of these products should be restricted in that it does not make false health claims, does not promote its use by youth and non-smokers, and does not glamourize its use. Similar legislation exists for the marketing of wines and spirits and would be appropriate for e-cigarettes, another adult consumer product. Marketing legislation must not restrict the display of, or description and education regarding these products in stores dedicated to the sale of these products. Electronic cigarettes are varied in their form, setup, and general use and it is vital that users are able to understand the differences in design and responsible use of these devices in all their parts, including the liquids. It would be irresponsible to sell these products to consumers without being permitted to discuss and demonstrate their variations and safe use.

Indoor Spaces

The banning of the use of electronic cigarettes in indoor public spaces must be left up to the discretion of the business owner, not people who may or may not frequent that business. These are private spaces enjoyed by the public, and the rules and restrictions should be set by the owners. There is little evidence that second hand vapour contains any measurable toxic constituents and side-stream vapour is non-existent due to the design of the devices. To use workplace safety legislation to ban a product that has not been demonstrated to be harmful is an illegitimate use of the otherwise valuable legislation.

The use of electronic cigarettes should be banned in scent-free environments where slight exposure to aromatics and other chemicals might be problematic for a limited number of the public. This public should expect to be able to use these places without concern. This same expectation cannot, and is not, extended to any and all other businesses and public spaces

Taxation

The use of electronic cigarettes has not been shown to be associated with any medical condition and cannot suffer the punitive taxation regimens (sin taxes) that are applied to tobacco products. With this in mind, electronic cigarettes should not be classified as tobacco products as they pertain to the Revenue Act.

Flavours

The banning of flavours in e-liquids is especially problematic. The enjoyment of flavours is not restricted to youth, and the use of flavours is known to be very important to e-cigarette users in their attempt to reduce or quit smoking and contributes to lower rates of relapse to smoking (1). The presence of a variety of flavours is a response to consumer demand; the flavours did not create the demand. There is no shortage of examples of products that are a response to adult consumers' demand for flavour variety such as spirits, alcohol coolers, even cereals and low-fat snacks,

The authors of this legislation seem to be unaware that tobacco is actually a flavour added to e-liquids, just as fruit, mint, and bakery flavours are added. This apparent lack of awareness is another signal that the inclusion of e-liquids in this legislation is poorly thought out and should be reconsidered

While the presence of flavours might be deemed as appealing to youth, the enforced restriction of sales to adults negates the relatively small risk of youth uptake.

Conclusion

In summary, electronic cigarettes are a unique class of adult consumer products and have the potential to greatly reduce the use of tobacco in the province and across the country. They are not tobacco products: not in their form, their chemical composition, not their physiologic affect on users and bystanders. The health risks posed by electronic cigarettes are low and negligible to users and bystanders respectively. They are intended for adult smokers to use as an alternative to tobacco and their use should be restricted to adults. Legislation restricting their sale to minors is supported and is already being done voluntarily by responsible vendors in this province. I would suggest that separate and appropriate legislation be designed that would restrict the access to electronic cigarettes and their liquids to stores dedicated to these products.

Thank you again for your time and proper consideration of the concerns being brought before you today.

(1) Farsalinos KE, et al, Impact of flavour variability on electronic cigarette use experience: an internet survey. *Int J Environ Res Public Health*. 2013 Dec 17;10(12):7272-82.

(2) Burstyn I., Peering through the mist: Systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks. *BMC Public Health* 2014; 14:18

(3) Farsalinos KE, Polosa R. Safety evaluation and risk assessment of electronic cigarettes as tobacco cigarette substitutes: a systematic review. *Ther Adv Drug Safety* 2014; 5(2):67-86.