

**FLAVOUR VAPOUR PRODUCTS DISCUSSION
RIGHTS4VAPERS PRESENTATION
MARCH 15, 2024**

Hello, my name is Maria Papaioannoy. I'm here as the spokesperson for Rights4Vapers.

Thank you for including our movement in this process. I would like for it to be noted that this is not a fully inclusive process as over 20 thousand individual submissions were made opposing flavour bans in 2021, and not a single private person who vapes or an ally individual who supports access to flavours for vaping products has been asked to give their updated feedback.

These are the most important voices for this discussion; not anti-tobacco and anti-vaping lobbyists who have no experience with smoking, vaping, or cessation.

I feel the tremendous pressure to speak on behalf of all Canadians who currently vape and who are concerned about continued access to the product that has saved their lives and for the five million Canadians who still smoke.

Rights4Vapers is a movement.

Our goal is to educate and empower Canadians who smoke and vape to help them engage confidently with officials and the government to share their stories and speak up about how vaping has helped them stop smoking.

Today is the Ides of March.

I can't help but draw a parallel between what is happening today and the classic Shakespearean play we all read in high school, Julius Caesar. From

the crowd a soothsayer bellows out a warning to Caesar: Beware of the Ides of March!

Are Canadians who vape and smoke collectively walking onto the Senate floor to have our fate sealed. Will Health Canada kill safer nicotine options while still allowing for the deadly cigarette to be available?

I won't believe that.

The Ides of March holds a different meaning for me.

It is special because this is the day I left my final treatment program. I have always loved this day because I think of it as a second chance. An opportunity for change, to pause, to learn, and use knowledge to move forward to make informed and compassionate decisions.

So today is an opportunity for all of us to learn about the ever growing body of evidence that flavours are critical to the success of vapour products as a tobacco harm reduction tool and to understand that banning them will cause more harm and the intended goals will not be reached.

Our actions, our initiatives, every presentation that we have given since making our submission in 2021 has been consistent.

Unfettered access to flavours matter.

A flavour ban is not a magic bullet that will solve the problems that are viciously blasted through misleading headlines by the Classic Five Tobacco Control organizations in Canada.

Heart and Stroke,
Cancer Society,
ASH,
Coalition de Tabac and
Physicians for a Smoke Free Canada

Youth vaping rates will not go down, more adults will return to smoking, and we will have less safe products on the market.

We also remain profoundly confused by the endless focus on youth vaping and flavours, despite youth vaping rates being lower than those for cannabis and alcohol – products which come in a wide variety of flavours. Cannabis even comes in candy form.

There has been a great deal of confusion surrounding this consultation. We were shocked to receive the invitation to appear today. I have spoken to Canadians who vape from across the country over the last week and they are worried. They thought that this file was closed. We thought this file was closed. Actually everyone thought this file was closed.

Some of the messages we received:

“I see a lot of people talk about how flavours got them off cigarettes trying to sway officials, I don’t think the government really cares about those personal stories.”

“What is the point? It doesn't matter if we sign petitions or register for online whatever no one cares”

I continue to have faith because Health Canada has come a long way in accepting vaping as a tool in tobacco harm reduction. It has changed wording on its website. It categorically states that vaping is less harmful than smoking. It connects with people with lived experience. And it has shown restraint in implementing new regulations.

Until now.

J from Vancouver said *Health Canada, the Minister of Health and Minister of Mental Health and Addiction are sending mixed messages: “We care about the mental health and wellbeing of Canadians, we’ve set a goal for*

5% smoking rates by 2035 but, we're going to render useless, the very product which helps Canadians remain smoke-free or transition from smoking to vaping."

What has changed?

Since the cabinet shuffle, the Classic Five have been singling out the new Minister of Health himself in every press release, and statement they make. At first I thought it was a bit sexist to ignore the female minister who is actually in the leadership role of this file. But that didn't make sense

The only way to understand people is to put ourselves in their shoes. To look at things from a compassionate lens. I committed to learning about Minister Holland.

He seems like a great guy. He has consistently shared about his own struggles publicly. After taking on this role, he went as far to share and show his vulnerability to all Canadians about his own mental health crisis. I get that. I had a moment of connection with his story and his desire to be public. I may not have an audience as large as the minister's but I too am open and share about addiction and recovery. Because it helps people.

As I learned more about the minister, I found out that it was The Heart and Stroke Foundation, a Classic Five member, that gave him an opportunity when no one else would. In his words "I found a real purpose in health, in health promotion, and in prevention."

I can see a scenario where his former colleagues continue to call on him with the messaging that he has to follow the course, as if their past relationship entitles them to make the rules and trump science.

He is in an awkward position -- between Canadians who want to use vaping products and those who want to stifle them and force Canadians back to smoking.

In 2022, the Cochrane review releases its latest finding on vaping and they said “There is high-certainty evidence that ECs with nicotine increase quit rates compared to NRT and moderate-certainty evidence that they increase quit rates compared to ECs without nicotine”

The science is there that vaping works.

Our position on vaping hasn't changed over the years.

Vaping is less harmful than smoking. Vaping has extended and improved the quality of life for countless Canadians.

And flavours are a critical part of keeping people smoke free.

Canadians who vape have accepted a lot of regulations that have been designed to make vaping less effective and less available and less affordable.

The fear of losing flavours has been the one element of vaping that not a single person who uses vaping products is willing to give up. And that should scare us all.

Canadians who vape have made it clear many times. Let's look at the Health Canada report from 2019.

“Almost twenty-three thousand postcards were sent from people across Canada who used vaping products. None of the postcard submissions were supportive of further flavour restrictions, it proceeds to say “Flavours were by far the topic that garnered the most input, even when the postcards were excluded from analysis.”

Then in 2021, when Health Canada first proposed this ban, over 20,000 Canadians submitted their feedback.

Their message boiled down to three words: Flavours are important.

This is still the case in 2024.

I'm sure that most of you have never smoked or vaped. But for a moment imagine you smoked and wanted to quit. Would you opt for tobacco-flavoured vape, reminiscent of smoking? Or would you prefer something more enticing that doesn't evoke the familiarity of tobacco?

The vast majority of people who smoke choose a flavour.

Flavours are key for adults starting vaping as an alternative, linked to more attempts to quit and better success rates, as shown in the Cochrane report. Banning flavours makes vaping less appealing for quitting. It also boosts illegal supplies and risky home mixing. Plus, studies reveal flavour bans don't cut down youth vaping rates

Associate Professor Abigail Friedman's research on the impact of e-cigarette taxes on youth tobacco use sheds light on the "unintended consequences" of flavour bans. The study found that San Francisco's flavour ban led to more than double the likelihood of recent smoking among underage high school students compared to other areas. Additionally, adults who vape non-tobacco flavours are more than twice as likely to quit smoking compared to those who vape tobacco flavours

However we don't need to look outside of our country to find an example of what happens when a jurisdiction bans flavours.

After countless months and years from the Classic Five, on October 31, 2023, Quebec banned all flavours of vapes, including mint and menthol.

The government caved to the demands of the same group that just last month demanded their former peer Minister Holland do the same.

Quebec did not regulate based on science.

Quebec did not give adults a choice.

Quebec caved to the demands of the Classic Five and their anti vaping sloganeering

Quebec did not look at the lived experience.

This draconian regulation was billed as a way to stop kids from vaping. We believe that kids should not vape. We also want to ensure that adults have access to a wide range of vapour products to help them quit smoking.

WHY MUST IT ALWAYS BE A CHOICE

Choices have consequences, and that consequence is playing out in Quebec.

The banning of flavours absolved the Quebec Government of any responsibility when it came to enforcement.

What is forgotten is this industry was created by people who smoke for people who smoke. And when it comes to access, the ingenuity of the vaping community exploded.

As K, shared with us via email ***“We just have to stop listening to the government. I still produce salt nicotine e-liquids for all my friends. I would love to see the government try to stop me.”***

Today in Quebec, you can purchase flavour enhancers pretty much anywhere.

In a recent article in Le Soleil, the regulations are referred to as a fiasco. The reporter found that there is a major discrepancy in how the regulations are being enforced. The investigation found that 90 percent of vape shops sold flavour products, only one vape shop was charged with non-compliance.

ANYONE can buy vapour products online and have them delivered to your home. If you walk down the streets of Montreal, you can smell the strawberry, vanilla and cherry.

The Government of Quebec handed the vaping industry to the black market, effectively giving the role of Public Health to a criminal entity.

Along with this inventiveness comes risk. Do we really want everyone making their own vape juice? If you don't know what you are doing it can lead to a very dangerous mix.

This is exactly what happened in 2019 with the VALI crisis which was a result of hobbyists mixing THC with vitamin E acetate in illegal products, not regulated nicotine vapor products. However, the risk remains the same: people resorting to unregulated practices without understanding the consequences

There are currently thousands upon thousands of flavours available on the market. Some water based, other oil based. However, your average consumer would not know the difference.

Vapour products should be regulated to protect not only youth from accessing them but to protect people who want to use them and having them safe.

And keeping flavours is part of that.

The Classic Five was created to stop the big evil tobacco companies from lying. It was to stop Canadians from smoking. Not stop people from quitting. For example, it is deeply disturbing to see Physicians for a Smoke-Free Canada with a recent post suggesting there is no health benefit of switching from smoking to vaping.

These organizations are demanding that vapour products be regulated in the same way as cigarettes although they couldn't be more different. This fundamental misinformation stops people from trying vapour products as a way to quit.

In Health Canada's own discussion paper on the Second Legislative Review of TVPA it stated:

While cigarettes continue to make up most of the market, the number of industry-reported cigarettes sold in Canada declined by almost 42 percent from 2013 to 2022. Two-thirds of that decline occurred since 2018, the year the TVPA was implemented and vaping products with nicotine were legalized in Canada. Moreover, the 2021 (-9.6%) and 2022 (-12.1%) declines were the largest year-over-year declines observed in Canada in more than 20 years.

Vaping is working.

During the Senate Hearing for Bill S5 which is now TVPA the former Minister of Health; Jane Philpott, re-assured Senator Eggleton, that there would be no restrictions on flavouring that would make the products Unpalatable for adults who wished to switch from smoking cigarettes to flavoured, nicotine; non-nicotine vaping products.

Yet this proposed regulation that I fear is making a comeback will do the opposite.

How many of those Canadians who switched to vaping will return to smoking because of a flavour ban?

It wasn't until after all the submissions were made, I was able to fully understand the devastating impacts that the current proposed ingredients list will have.

Limiting flavours to Tobacco and Mint, is one thing, but to allow the use of only 82 pre-approved ingredients on the Health Canada list will be disastrous.

One substance is suspected of causing genetic defects, three are suspected of harming fertility or the unborn child, six may cause cancer, and two are not safe for human consumption.

How can any Canadian trust that Health Canada, tasked with safeguarding public health, truly considers their well-being when looking at the provided ingredient list? Over 400,000 flavour compounds exist in the Canadian market, yet the vape industry was not consulted in crafting this list. Consequently, the outcome is a harmful product.

I have to say this now, can we start over and not piece together a proposed regulation that will do more harm than good?

If I had one wish that can be granted it to me, it would be lock us all in a room together, the Classic Five, regulators, innovators, thought leaders, people who vape, people who smoke and industry, and not allow us out till we come to a set of regulations that are fair and equitable for all.

Because what is trying to be done right now is not working. It seems that we are trying to start a Tesla by filling its gas tank.

People who smoke frequently face discrimination, even as efforts to tackle addiction persist. Despite the alarming portrayal of smoking as a lethal addiction claiming a hundred lives daily, stigma persists. Language that shames those battling tobacco addiction is not only accepted but also regulated.

It's astonishing to witness stigmatizing messages on cigarettes. Equally surprising is seeing this same stigma transferred to a safer alternative like vaping.

Ironically, it was the passage of the TVPA in 2018 that increased the stigma surrounding vaping. With clear regulations, suddenly big tobacco was in the mix. The small businesses that were at the core of vaping were tainted by the association with big tobacco.

The best advice for combating stigma and addiction can be found on the Health Canada website: "Stigma makes it harder to reach out for help. We can make it easier for people to get support by letting them know they are not alone and that substance use does not define who they are. Addiction is a treatable medical condition, not a choice."

Why are people who smoke not given the same kindness and compassion?

When safer nicotine delivery methods arrived on the market in 2010, I and many other Canadians started vaping. Fourteen years ago, eight years before regulations, instead of embracing the reduced risk, we have, for the most part, been subjected to even more shame than before.

The recent events, particularly our observations during the FCTC's COP10 meeting and through social media, reveal the pervasive nature of this shame.

We witnessed leaders from the Classic Five at COP use stigmatizing and shaming language against anyone that spoke up about Tobacco Harm Reduction.

I too was in Panama with Advocates from around the world who were lauding Health Canada's approach to Tobacco Harm Reduction (THR), and we eagerly anticipated what the Canadian Delegation would say.

When THR was brought to the floor, we were hopeful for someone to speak up for its inclusion. However, Canada remained silent alongside other progressive harm reduction nations. It was a crushing blow, as it signalled for me a shift in momentum towards those opposing vaping.

Then we saw it. The Cancer flavoured vapes that were tooted on social media by the observers at Cop, passing them around with giggles and laughter.

Not a single person at the event stood up against the weaponization of the most deadliest disease in the world.

We must challenge the prevailing attitudes that perpetuate stigma and shame. Every individual struggling with addiction deserves empathy, support, and access to resources for a healthier future.

Finding a balance is going to be hard.
But we can do hard things

Today I come to you with three requests. They are simple. They will save lives.

Number one: Work to stop the stigmatization of people who vape. Rights4Vapers speaks for the Canadians who have chosen a less harmful alternative to smoking. They have taken their health into their own hands. Yet, they continue to be stigmatized by the Classic Five. Why do they want to discourage people who smoke from vaping? We should all be on the same team.

Number two: Show leadership to the provinces. Today, there are a patchwork of regulations that make no sense. One way you could do this is move forward with relative risk statements on vapour products. Make them legal. Canadians need to understand that vaping is less harmful than smoking. No one should be subjected to debilitating fines and fear of jail for simply telling a consumer facts and truths about vaping. Fines should be placed against those that lie.

Number three: Keep flavours available to adults who smoke. Stopping kids from vaping is simple, enforce the current regulations. Anyone who sells a minor a vaping product is breaking the law, they should be fined. As well as

using any non-compliant ingredient. If you ban flavours, you will turn the vapour industry over to the black market... no regulations, no safety precautions, no taxes.

You are handing over public health to the biker gangs.

I would like to thank the committee for including Rights4Vapers in today's consultation. On the one hand it demonstrates that you have an interest in the lived experience of the people who actually use this product. On the other hand, I believe that you could have been more inclusive. No individual who submitted their position in 2021 was invited.

Since 2021 when Health Canada closed consultations on this amendment, over 150,000 Canadians have died from smoking related diseases. None have died of vaping.