

## McDonald, David S

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**Subject:** Regarding Bill 60 and amendments relating to electronic cigarettes and its liquids

Dear Minister Whalen and other elected Members,

I feel compelled to write to you regarding the proposed legislative amendments contained in Bill 60

These amendments do nothing to address the "smoking culture" mentioned in the release. In fact, by reducing the availability and appeal of electronic cigarettes to those interested in getting away from smoking tobacco, ***you are entrenching the tobacco industry's position in the province and, in effect, encouraging its continued use.***

Online surveys suggest that the majority of e-cigarette users are older adults (40+ yo) who have chosen these products as a method of switching from their cigarette habit. They have tried other NRT and quit methods and they have not worked. There is some chatter about dual-use, and while people do transition from tobacco to e-cigarette use the key thing to keep in mind is that every time they are using an electronic cigarette, *that represents a tobacco cigarette they are not smoking!* How is this not a good thing? Is there not someone in your life that is using an e-cigarette or is looking to leave their tobacco habit behind?

My name is Chris Phillips and I am a constituent in the riding of Clayton Park West. I am 44 years old and have been a pack-a-day smoker for the better part of 30 years. I have had numerous failed attempts at quitting using patches, gums, lozenges, cold turkey, and also Zyban. At the end of this November, I will have been cigarette and smoke free for almost one year. I have been able to do this after discovering electronic cigarettes. Because of these, my life has changed; my wife's life has changed, and our families are ecstatic ( I think Joan had a little prayer circle going for me at Rockingham United). My breathing is easier, my colour is better, and my snoring has decreased (though not eliminated, I'm told) so my sleep quality has improved. My dentist is pleased with the switch, as is my doctor as well as the physicians I have been working with for the 15 years. While they may not

know everything about electronic cigarettes, they do understand the benefits of propylene glycol and vegetable glycerin solution vs smoking tobacco. They encourage my continued use of the liquids as they understand that without them, I am liable to relapse back into tobacco smoking.

The devices worked because they were accessible and the liquids were available in enough variety of flavours that I was able to tweak my experience to fit my palate, and as you are probably aware, your palate gets a lot more sensitive after quitting smoking: What once tasted alright now tastes bad, what was once muted and undesirable is now subtle and savoury. I enjoy sweets as much as ever, but no longer the smack-you-in-the-face-with-a-syrup-shovel kind of sweet.

I would not have been able to make this switch had I not had access to devices and liquids that suited my needs. I would not have tested my luck online, and i would still be smoking. I have saved roughly \$4000 this year since switching from tobacco, but this shouldn't be viewed as lost tax revenue. This money is instead being spent in the community at restaurants, shops, and charitable auctions.

### **E-Liquids Redefined as Tobacco Products**

I have to question the logic, legitimacy, and even the legality of redefining electronic cigarettes and their liquids as tobacco products. The liquids used in electronic cigarettes do not have the same physical attributes of tobacco, they do not have a similar chemical composition, and they do not have the same physiological effects on users as smoking tobacco.

Just because I choose to redefine it, my calling a giraffe a horse does not make it so.

### **Youth Smoking and Electronic Cigarettes**

I appreciate and agree with many of the concerns that have been expressed with regard to youth smoking and tobacco reduction in Nova Scotia in general, but this legislation as I see it written will do absolutely nothing to further your goals. The exemption of menthol tobacco (as well as, I suspect, cigars, cigarillos, and pipe tobacco) is a perfect example of this. You have strong historical evidence regarding the popularity of menthol cigarettes amongst youth smokers but do nothing. You have no evidence of harm to users or bystanders from electronic cigarettes, yet choose to enact oppressive legislation as a "proactive measure".

Do you not see the disconnect in this position?

There has been no evidence of a gateway effect resulting in e-cigarette users moving to the regular consumption of tobacco products, and "re-normalization" is such an ephemeral term that there would be no way to measure if even if you were inclined to try. It's a bogey-man term design to generate an emotional response, not a scientific investigation

I agree and support your intention to bar access to tobacco products and electronic cigarettes to minors. Speaking with regard to electronic cigarettes, these devices and liquids were not designed with youth in mind, but rather as a safer means for adults to satisfy their desire for nicotine. Access to electronic cigarettes and liquids should be restricted to adults, and this is what is being done by the majority of the province's responsible vendors. Enact suitable legislation regarding age restrictions and access, and get rid of the flavour sticks being sold in the same corner store where I can no longer purchase a licorice candy cigar.

### **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. There is no 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 might be

problematic for a limited number of the public. Environmentally sensitive individuals should expect to be able to use these places without concern. This same expectation cannot, and is not, extended to any and all businesses and public spaces

### **Flavours in E-Liquids**

In its proposed state, legislation banning flavoured liquids is ill-advised and poorly executed. It is based on the premise that youth are attracted to flavoured tobacco and will continue to grow a habit of smoking regular tobacco over their lifetime. This is all well and good until you try to claim that liquids are tobacco products, which they are not. It is akin to claiming that apple-flavoured tobacco leads to a life time of pipe-smoking, but instead of eliminating apple-flavoured tobacco (it's still under review awaiting further evidence), you choose to ban apple-flavoured bourbon.

All of the youth-targeting flavours being demonized in liquids are readily available in flavoured spirits such as vodka, and there is no concern. Many of the traditional NRT products are available in minty and fruity flavours and are available for purchase by anyone of any age in any store around the province. Only recently has tobacco been removed from supermarkets and pharmacies and are still available in virtually every other storefront in the province.

E-cigarette vendors restrict their stores (brick and mortar as well as online) to adults. This is above and beyond any regulations the province has in place for tobacco and this is legislation that should be enacted and enforced. Those that do not should have their newly required licenses suspended or revoked if multiple infractions are recorded.

If you properly restrict access to the e-liquids, then flavour bans are redundant and unnecessary; punitive, in fact. In the absence of strongly supported evidence of health risks, you cannot ban flavoured varieties of one adult consumer product yet leave them available in a variety of others. It is indefensible and would reflect poorly on our governing Members

I am an adult and I enjoy flavours; all kinds of them. More so since I've quit smoking. I enjoy experimenting with them in the kitchen as well as with my e-liquids. I like dipping into the halloween bowl as I'm sure many of you do. Why? Because it tastes good and it's not (overly) bad for me. I should not be barred from this enjoyment for no substantive reason.

Should you include e-liquids in your flavour bans you will only accomplish the following:

- 1) Adults will continue, or revert back, to their cigarette smoking habit as the enjoyment of the product will be no better
- 2) Adults will send their money out of province and order their flavoured liquids online
- 3) Users will resort to "black-market" juice suppliers in the province who do not provide the proper sanitary environment and safety for their products as our responsible manufacturers and vendors serenely provide. Think bathtub gin, "shine", and off-market tobacco
- 4) Local stores will be forced to close due to lack of business and scores of current taxpaying and responsible people will be out of work for no good reason other than "somebody somewhere said it might be unhealthy"

This will be the legacy of this legislation because it doesn't actually address tobacco access in the province youth will continue to smoke regular and menthol cigarettes they get from their friends, family, or lackadaisical control at the corner store

### **Regulation and Electronic Cigarettes**

The industry is aware of its clients and has been reacting, for the most part, to concerns that have been raised over time with regards to device safety and e-liquid ingredients. Regulated devices provide safe use through battery protection, cut-off timers in case of accidental power activation, and most recently, a chip that is

designed to regulate the maximum temperature that the evaporation coil can reach. All in response to ongoing safety research by qualified and highly respected scientists in the medical community world-wide. Many vendors use a Health Canada approved lab to test their liquids for accuracy of nicotine concentration and the presence of chemicals that consumers have identified as undesirable. Child safety caps, tamper-proof packaging, and responsible labelling are now the norm rather than the exception. This industry and community has been self-regulating, using existing federal and international standards. It is not the Wild West as has often been described by those unfamiliar with the community and industry

### **Going Forward**

You have an opportunity to exert additional legislative control over access to tobacco, but e-liquids are not tobacco products. They do not contain tobacco. They are not combustible. They do not contain toxic constituents and do not create a harmful environment for non-users. They are not the same thing and should not be regulated in the same manner.

E-liquids should be regulated and the community has been asking for clarity from Health Canada as well as research, but Health Canada has chosen instead to do only a market study to look at their penetration over the next few years. The WHO has not come out against electronic cigarettes, instead recommending caution and monitoring. Nova Scotia can help shape legislation across Canada but it must do so responsibly and with a proper evaluation of the independent scientific research being done in Canada and across the globe.

Regulations to ensure e-cigarettes continue to be substantially less harmful than tobacco cigarettes by:

- Ensuring e-cigarette liquids are manufactured in a suitable facility
- Ensuring e-cigarette liquid is free of contaminants and potentially harmful ingredients
- Ensuring e-cigarette liquid refill containers are properly labeled and child proof
- Ensuring e-cigarette hardware is properly manufactured and conforms to existing consumer electronics standards.

Regulations to ensure e-cigarettes are marketed in a proper manner and directed at the appropriate market (much like regulations regarding wine and spirits):

- Ensuring marketing does not target youth
- Ensuring marketing does not target non-smokers
- Ensuring marketing does not glamourize the use of e-cigarettes
- Ensuring marketing does not make unsupported health-related claims
- Ensuring marketing does not dissuade smokers from trying traditional NRT products and cessation tools.
- Marketing and information materials are permitted for display only in age-restricted (adult-only) stores

These are enforceable and easily monitored regulations that will serve to minimize the potential harms while allowing e-cigarettes to compete fairly with the far more harmful tobacco cigarettes.

- E-cigarettes and their liquids are not tobacco products. Not in design, composition, nor physiological effect and should not be classified as tobacco products;
- E-cigarettes are safer alternatives for regular cigarette smokers (1),
- E-cigarettes do not pose any unusual health risks to bystanders (2),
- E-cigarette trialing by youth is not shown to be leading to more youth initiating tobacco smoking(3),
- E-cigarette use can be as effective as traditional NRT usage (4),
- E-liquid flavours are a vital component to the success rates of smokers switching away from traditional tobacco (5)

We are seeing no evidence of harm from the use of electronic cigarettes, and in fact there is a preponderance of

evidence pointing to net public health benefits. To unjustly classify these devices as tobacco products and restrict their use, availability, and appeal to smokers looking for a non-tobacco alternative will result in a public health reduction. This is a disservice to your constituents and the public in general. To equate e-cigarettes with tobacco serves the interests of only the Tobacco and Pharmaceutical industries, not the people of Nova Scotia who you were elected to serve,

If you've made it this far, I want to sincerely thank you for your attention to my concerns regarding Bill 60. I'm not an activist. I'm not a vendor. In the interest of full disclosure, neither me nor my office have received any monies or other gifts from any representative of the tobacco or pharmaceutical industries, nor anyone from the e-cigarette industry or community. Presumably, everyone here can say the same? My interest in this matter is for my own continued improving health. I enjoy nicotine in the same way as I enjoy caffeine and alcohol; as a responsible and informed adult. Please allow me to continue this as I see fit.

Thank you again for your time and honest consideration of this matter, and please do not support Bill 60 as it is currently proposed.

I would welcome any calls or communication you would like to have.

My contact information is

Chris Phillips  
[REDACTED]  
[REDACTED]

Best wishes,  
Chris

References:

- (1) Safety Evaluation and Risk Assessment of Electronic Cigarettes as Tobacco Cigarette Substitutes: A Systematic Review [http://www.medscape.com/viewarticle/822398\\_6](http://www.medscape.com/viewarticle/822398_6)
- (2) Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks <http://www.biomedcentral.com/1471-2458/14/18>
- (3) Use of electronic cigarettes in Great Britain - [ASH.org http://www.ash.org.uk/files/documents/ASH\\_891.pdf](http://www.ash.org.uk/files/documents/ASH_891.pdf)
- (4) Real-world effectiveness of e-cigarettes when used to aid smoking cessation: A cross-sectional population study. <http://www.addictionjournal.org/press-releases/e-cigarette-use-for-quitting-smoking-is-associated-with-improved-success-rates->
- (5) Impact of Flavour Variability on Electronic Cigarette Use Experience: An Internet Survey <http://www.mdpi.com/1660-4601/10/12/7272>

Electronic Cigarette Trade Association of Canada – Electronic Cigarette Trade Association (ECTA) of Canada  
Tobacco Harm Reduction Association of Canada – [www.thra.ca](http://www.thra.ca)  
The Consumer Advocates for Smoke-free Alternatives Association – CASAA - The Consumer Advocates for Smoke-free Alternatives Association