

## **Summary of Injury Matters and Kidsafe Western Australia's positions in relation to the TGA's potential reforms to the regulation of nicotine vaping products – public consultation (January 2023)**

Injury Matters and Kidsafe Western Australia (Kidsafe WA) welcomes the opportunity to comment on the TGA's review of potential reforms to regulating nicotine vaping products (NVPs). We acknowledge that reforms are urgently needed to address the large-scale illegal importation and illegal supply of these products. We support and align with the position taken by the Cancer Council Australia regarding this issue.

Injury Matters and Kidsafe WA have concerns about the harmful effects of E-Cigarettes, in particular, the safety risks outlined on page 10 in the TGA Consultation Paper-Nicotine Vaping Products (Consultation Paper) (see 1-4 below):

1. Whilst there is insufficient or no evidence linking the use of e-cigarettes with many adverse health outcomes, there is conclusive evidence that their use can cause respiratory disease, severe burns, nicotine poisoning and seizures.
2. The use of e-cigarettes can result in serious burns and injuries. In some cases, these burns and injuries have resulted in death. Poor-quality e-cigarette batteries or high-power devices increase the risk of explosions. The use of e-cigarettes can result in seizures in some users.
3. Exposure to e-liquids that contain nicotine can result in poisoning for some users which, although it may not happen to everyone, can be severe and cause death.
4. E-cigarette-related calls to Australian Poisons Information Centres have increased over the past five years. Most poisonings occur in toddlers and adults.

Additionally, Injury Matters and Kidsafe WA are concerned about the recent evidence on pages 8 – 10 of the Consultation Paper about young people's increased use of vaping products and the ease with which these products can be accessed. The broader health ramifications are alarming. The National Health and Medical Research Council (NHMRC) has advised that "E-cigarettes can be harmful. All e-cigarette users are exposed to chemicals and toxins that can harm your health".

### **Injury Matters and Kidsafe WA response to the four sections:**

1. Border Controls - Option 4.
2. Pre-market assessment of NVPs - Option 3 (but if Option 3 is not considered feasible, Option 1).
3. Minimum quality and safety standards for NVPs - Option 7.
4. Clarifying the status of NVPs as therapeutic goods - Yes.

### **The rationale for each choice is as follows:**

#### **Border Controls - Option 4**

Injury Matters and Kidsafe WA are concerned about evasion (not labelling products as containing nicotine) of the regulatory requirements for NVPs by importers and suppliers. Simple, clear rules around labelling – 0% nicotine supported by testing results from a certified, accredited laboratory will not be foolproof. There is a risk that non-nicotine products will be mislabelled. You cannot detect if a product has nicotine via sight and smell. It is recommended that the importation of non-nicotine vaping products also be banned. Therefore, stopping the importation of non-nicotine products will be in the public's best interest, preventing escalating NVP use in non-smokers and the possible burns and poisoning risks.

As per the consultation paper, people are obtaining NVPs without a prescription. It is important to note that these products may be used to add nicotine to non-nicotine products. Incorrect storage of

NVPs already poorly labelled and in non-tamper-proof containers increase the risk of poisoning young children.

#### **Pre-market TGA assessment of NVPs - Option 3 (but if Option 3 is not considered feasible, Option 1)**

For smoking cessation, it is crucial to establish a regulated source of NVPs adhering to the standard practice for ensuring prescription product quality, safety, and efficacy. Injury Matters and Kidsafe WA see no reason why the standards ordinarily applied under Australia's Therapeutic Framework should differ for NVPs. Therefore, if Option 3 is not considered feasible (in that it could result in NVPs ceasing to be available in Australia), it is recommended that Option 1 be supported. Option 2 is not supported as it could lower the bar for TGA regulation and increase the potential for consumers to misunderstand the quality and safety of NVPs.

#### **Minimum Quality and Safety Standards for NVPs - Option 7**

Injury Matters and Kidsafe WA is concerned about the risks of burns and poisoning from NVP products. Lithium battery safety must meet the compliance requirements of the jurisdictions in Australia. We want to reiterate our stance on border controls and that this is in conjunction with proposed amendments to strengthen the TGO 110. Border controls are crucial to protecting children and non-smokers from the harms of vaping. Strengthening the TGO 110 will increase doctors' confidence to prescribe NVPs for smoking cessation and Pharmacists confidence to stock them. Overall this could reduce the harm and appeal of NVP products to the broader community.

#### **Clarifying the Status of NVPs as 'therapeutic goods' - Yes**

Injury Matters and Kidsafe WA supports the proposal to clarify the status of NVPs as therapeutic goods as there is uncertainty about whether NVP's not labelled as containing nicotine can be considered 'therapeutic goods' under the therapeutic goods legislation. Without this clarification, there is a risk that the TGA's ability to take enforcement action will be hampered.