



Public Health
Agency of Canada

Agence de la santé
publique du Canada

June 7, 2021

Mr. Drew Dilkins
Mayor
City of Windsor
350 City Hall Square West,
2nd Floor
Windsor, Ontario
N9A 6S1

Dear Mr. Dilkins:

I am writing today regarding your intent to hold a vaccine clinic inside the Windsor-Detroit tunnel within the next few weeks. Our understanding is that this clinic would bring people from the Canadian side of the border and immunization administrators (vaccinators) from the United States to the borderline point of the Windsor-Detroit tunnel for vaccination. While I appreciate and share your desire to fully vaccinate the Canadian population, I would like to draw to your attention to some possible risks associated with your proposed approach.

The Public Health Agency of Canada established a no-fault vaccine injury support program (VISP), which will provide access to compensation for uninsured costs, in the very rare event that an individual vaccinated in Canada suffer a serious permanent injury, resulting from a vaccine authorized by Health Canada. Canadians who experience a vaccine-related injury in another country are not eligible for coverage through this program. Depending on the parameters of your vaccine clinic, any individual who experiences a vaccine-related injury may be required to seek compensation in the United States, if such a program exists.

With respect to the set up of the proposed clinic, please be aware that vaccine cannot be imported into Canadian space without the express consent of Health Canada. It is our understanding that actual vaccination, in other words administration of the vaccine into a patient's arm, will occur on the U.S. side of the border. However, if the U.S. nurse or pharmacist reaches across the border to administer it to a person in Canada, that is considered importation of product and requires an expression of no objection from Health Canada.

By reaching his or her arm across the border and injecting the vaccine in Canadian space, the nurse or pharmacist would be importing the drug for "sale" (distribution/administration) in Canada and selling it (distributing/administering it). If the vaccine is not authorized for sale in Canada (approved under the *Interim Order*

Canada

*Respecting the Importation, Sale and Advertising of Drugs for Use in Relation to COVID-19 with an assigned Drug Identification Number (DIN)) the nurse could be found to be in contravention of the *Food and Drug Regulations*.*

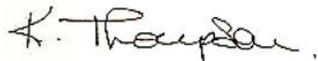
In a scenario where actual vaccination occurs in Canadian space, the importation of the vaccine should be reported in accordance with the *Customs Act*. As such, the Canada Border Services Agency will need to determine on whose behalf the goods are being imported to determine reporting requirements.

Of note, on June 4, we shared a process document with provinces and territories to provide guidance and information on offers for donations of vaccine doses and cross-border immunization initiatives. You may wish to reach out to Ontario Ministry of Health.

In order to ensure full transparency, you may wish to consider informing individuals of the risks associated with administering or accepting a vaccine at this clinic.

I also wish to note that there will be enough vaccines to allow all people in Canada currently eligible for vaccination to receive a first dose by July 1st. There will be weekly deliveries of 2.4 million doses of Pfizer through July of which over 540,000 are being directed to Ontario. We very much value our ongoing collaboration with the government of Ontario and the Windsor-Essex County Health Unit in supporting vaccination efforts for people in Canada.

Sincerely,



Kathy Thompson
Executive Vice-President
Public Health Agency of Canada