

P-06-1379 Ban the sale of single-use vapes

Y Pwyllgor Deisebau | 11 Rhagfyr 2023
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Petition Number: P-06-1379

Petition title: Ban the sale of single-use vapes

Text of petition: Single-use vapes are becoming increasingly popular, particularly amongst younger people & there is an increasing trend of these being disposed of incorrectly. Whilst the components are recyclable, they are typically, at best, thrown into general waste & more often than not are left as litter in public areas, causing problems for the local environment.



1. Background

In July 2023, the Local Government Association (LGA), representing councils in England and Wales, called for the UK Government to ban the sale and manufacture of disposable/single-use vapes by 2024. The LGA provided further detail on its policy position in October 2023.

A YouGov poll from July 2023 shows that 77% of people in Wales somewhat or strongly support a ban on disposable vapes.

1.1. Environmental concerns

It is reported that nearly 5 million disposable single-use vapes are being thrown away per week (8 per second) in the UK in 2023, four times the amount for 2022. When disposed of, single-use vapes become Waste Electrical and Electronic Equipment (WEEE) and require specific treatment in the waste stream. An independent NGO working on the use and recyclability of electricals, Material Focus, says:

Producers, importers, distributors and retailers of single-use vapes need to do a lot more than they are currently doing to meet their legal and financial responsibilities under UK waste electrical (WEEE) and portable battery regulations.

The Institute of Environmental Management and Assessment (IEMA) highlighted the difficulty of recycling disposable vapes in the UK, and the safety risk from lithium batteries inside vapes. The insurer Zurich Municipal also emphasised this risk, reporting a 62% rise in bin lorry blazes and a 108% increase in house fires sparked by vapes in the two years before the release of their report in July 2023. Zurich Municipal's research also showed that three single-use vapes are disposed of incorrectly in the UK each second, three out of four users are unaware of how to dispose of the vapes correctly, and a similar proportion is not aware the vapes contain lithium batteries.

The RSCPA has also called for a ban on disposable vapes due to the "significant risks to animals both domesticated and wild". These risks include fire, ingestion, poisoning, and choking hazards.

1.2. Health concerns and impacts on children and young people

Public Health Wales (PHW) highlighted the health risks of vaping, especially for children and young people. While vaping is considered less harmful than smoking, it isn't risk free and the long-term effects aren't known. PHW also reported that nicotine dependency impacts mental health and well-being. The Royal College of Paediatrics and Child Health (RCPCH) says that there's growing evidence that young non-smokers who use vapes are more likely than non-users to take up smoking.

PHW especially warned against disposable vapes that are often cheaper and hence widely sold to young people. PHW also published guidance to address vaping among secondary school-age learners.

The Action on Smoking and Health (ASH) Smokefree GB adult and youth surveys for 2023 show that vapes chosen by children are mostly disposable, and that:

- the proportion of children who tried vaping once or twice increased by 50% in 2023, reaching 11.6%;
- the proportion of children vaping regularly increased by 150% in 2022, and then by 20% in 2023, reaching 3.7%; and
- the proportion of children vaping occasionally (less than once a week) almost doubled in 2022 and stayed constant in 2023, at 3.9%.

The Royal College of Paediatrics and Child Health (RCPCH) called on the UK Government to ban disposable e-cigarettes (another term to describe electronic nicotine delivery systems (ENDS)) due to:

(...) disproportionate use among children and young people and their detrimental impact on the environment.

1.3. Potential risks of a ban?

The UK Vaping Industry Association (UKVIA) recognised the need to address children vaping, and proposed higher fines for retailers selling vapes to children. However, UKVIA rejected stricter regulations, claiming it would have a negative effect on people trying to quit smoking and foster the growth of an unregulated black market.

The LGA rejected the argument that a ‘black market’ would develop following a ban on disposable vapes, saying there is no evidence suggesting this, and that a black market already exists.

1.4. Actions in other countries

Several European countries are considering or implementing bans on single-use vapes. In France, a dedicated Bill has been adopted in the National Assembly. In Ireland, a consultation on the topic has been launched. Germany and Hungary passed laws to respectively ban single-use vapes, and ban disposable vapes of the brand Elf Bar and flavoured tobacco products. The Council of the European Union adopted a new regulation on batteries and waste batteries, requiring all portable batteries to be “removable and replaceable” by 2027.

Some countries, such as Denmark, Estonia, and Finland, have banned certain flavours. Further information on regulatory controls on flavoured vapes as of August 2023, is published by Physicians for a Smoke Free Canada (PSC).

Australia is planning to ban vapes except on prescription. New Zealand reduced the nicotine levels authorised in single-use vapes. As of August 2023, more than thirty countries, including Brazil, Japan and Uganda, were banning vapes altogether.

The LGA said:

If the EU becomes a less attractive market for international producers it may lead to stocks of non-compliant vapes being dumped on less-regulated markets, e.g. the UK.

2. Welsh Government action

In October 2023, a four nation joint public consultation to create a ‘smokefree generation’ was launched. The consultation is asking for opinions about restrictions on the supply and sale of disposable vaping products. This followed a youth vaping call for evidence carried out between April and June 2023..

The Minister for Climate Change, Julie James MS (“the Climate Change Minister”) highlighted the need for a UK-wide approach, and met with Ministers and senior officials across the UK in September 2023. She said:

We will be talking with the UK Government about accelerating both the consultation and, then, the outright ban on single-use e-cigarettes, actually, not just vapes—there are slightly different products on the market—because of both the public health and the environmentally wasteful, highly damaging and dangerous nature of this product.

The Welsh Government has also been working with the other UK nations to include vapes in the new extended producer responsibility (EPR) reforms.

In addition, the Climate Change Minister mentioned the work carried out with Trading Standards Wales to support their work on illegal vaping products.

3. Welsh Parliament action

In December 2022, Rhys ab Owen MS moved amendments to add disposable vapes to the Schedule of the (then) Environmental Protection (Single-use Plastic Products) (Wales) Bill (“the Single-use Plastic Bill”). The amendments would have meant a ban on disposable vapes and e-cigarettes. The amendments were rejected. The Climate Change Minister said more evidence was needed for a ban. She also highlighted the importance of e-cigarettes to help smokers quit smoking.

In September 2023, the Climate Change, Environment, and Infrastructure (CCEI) Committee held evidence sessions for the then Single-use Plastic Bill. The Institute of Welsh Affairs emphasised the need to be consistent across the UK for new single-use plastics coming on the market, for example disposable vapes. Keep Wales Tidy highlighted an increase in disposable vapes in street litter. The Welsh LGA mentioned that local authorities are highlighting the issue of disposable vapes “very strongly”.

In Plenary in September 2023, Vikki Howells MS asked the Minister for Rural Affairs and North Wales, and Trefnydd, Lesley Griffiths MS (“the Trefnydd”) about Welsh Government actions to reduce underage vaping. The Trefnydd replied:

We are very clear that e-cigarettes should never be used by children, by young people or by non-smokers. Whilst it is recognised, of course, that vapes are safer than smoking and are used by some people to help quit smoking, we think the evidence on their long-term health effects is limited and it's still emerging. And, as part of our tobacco strategy, we are looking very closely at our policy position on e-cigarettes in Wales.

In September 2023, Rhys ab Owen MS tabled a question about the action of the Welsh Government to ban the advertisement of nicotine products with flavours and colours that are attractive to children. The Deputy Minister for Mental Health and Wellbeing, Lynne Neagle MS (“the Health Deputy Minister”), replied in October 2023 that she is working with governments across the UK and added:

I await the outcome of the UK Government’s call to evidence on youth vaping and have written to the Minister for Primary Care and Public Health in the UK Government to make clear my support for the introduction of much stronger evidence-based restrictions on the vaping industry, particularly in relation to their marketing and placement in shops.

During First Minister Questions in October 2023, the First Minister, Mark Drakeford MS, replied to a question by Ken Skates MS on actions to protect young people from the effect of vaping:

The proposals that were made by the Prime Minister are ones that we will support, and we will align ourselves with the consultation that we expect the UK Government to develop (...).

Darren Millar MS also asked about the work done by the Welsh Government to help provide smokers with e-cigarettes as part of the NHS smoking cessation services. In reply, the First Minister highlighted that the benefits of vaping are contested and medical views differ.

In Plenary in October 2023, a short debate on the impact of vaping across Wales was held and presented by John Griffiths MS, with contributions from Jayne Bryant MS and Joel James MS. The Health Deputy Minister The Health Deputy Minister replied by emphasising the work carried out with other UK nations to tackle the issue of single-use vapes and the work with local authorities to support enforcement and seizure of illegal products. She also highlighted the work carried out by PHW to produce evidence-based guidance for schools and their ongoing work to support people with nicotine addiction.

In Plenary in November 2023, the Senedd debated a legislative proposal from Jenny Rathbone MS for a Bill to prevent the sale of single-use vapes. The motion was noted.

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