

Public Consultation on Youth Vaping

Response from Wildlife & Countryside Link, Scottish Environment Link and Wales Environment Link

Executive summary

This is a joint response from the largest environmental coalitions in England (Wildlife & Countryside Link), Scotland (Scottish Environment Link) and Wales (Wales Environment Link). We welcome this consultation from the Department of Health and Social Care on creating a smokefree generation and tackling youth vaping.

We have provided responses to the questions where the expertise of our members can add relevant evidence, focusing on the environmental impacts of disposable vape use. Our responses to consultation questions include:

- Strong support for a prohibition on the sale and supply of disposable vapes, with a six-month implementation period.
- Demonstration of the strong environmental case for such a prohibition, including evidence of the harms caused by the resource extraction required to produce disposable vapes and evidence of the pollution risk posed by waste from disposable vapes.
- Recommendations for non-nicotine disposable vapes to be subject to the same restrictions as nicotine vapes.

We also wish to highlight how a smokefree generation would help address the unacceptable levels of cigarette butt litter blighting our urban areas and natural landscapes. 3 million cigarette butts are littered in the UK every day, making up 66% of all littered items.¹ They are a highly problematic form of litter as butts break apart into microplastics, seeping toxic chemicals including arsenic, lead, formaldehyde and nicotine into the earth and watercourses. These chemicals affect ecosystems at every level, from microorganisms through to plants, animals and aquatic life.²

Response to consultation questions

Restricting the supply and sale of disposable vaping products

Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes?

¹ Keep Britain Tidy; Litter Composition Analysis Summary Report March 2020

<https://www.keepbritaintidy.org/sites/default/files/resources/20200330%20KBT%20Litter%20Composition%20Report%20-%20FINAL.pdf>

² Disposable e-cigarettes and cigarette butts alter the physiology of an aquatic plant *Lemna minor* (Lemnaceae) (2023) D.S. Green, B. Boots, B. Olah-Kovacs, D. Palma-Diogo.

<https://www.sciencedirect.com/science/article/pii/S0048969723030784?via%3Dihub#bb0260>

Agree.

In addition to the strong health case for restrictions, there are compelling environmental reasons to ban the supply and sale of disposable vaping products. It is estimated that about 138 million disposable vapes are sold in the UK each year.³ With recycling opportunities for disposable vapes extremely limited, and with the latest research suggesting that 5 million vapes are thrown away each week⁴, each sale risks the waste of valuable natural resources.

Every disposable vape has a battery which contains 0.15g of lithium. This means enough lithium to power 2,500 electric car batteries is wasted each year through disposable vapes sold in the UK. Lithium is a rare material, vital for the electric batteries needed to transition transport systems away from fossil fuel reliance. The depletion of global lithium deposits, critical for achieving net zero, to fuel a health-harming recreational activity represents extremely poor resource management.

Each disposable vape contains other metals requiring the extraction of natural resources, including copper, also essential for electric batteries. Such extraction is a contributing factor to the climate and ecological emergency. The UN has reported that resource extraction and processing causes 90% of global biodiversity loss and water stress, as well as 50% of overall carbon emissions.⁵

The bulk of each vape is made up from plastic, produced using fossil fuels. 6% of global oil production is currently devoted to the production of plastics.⁶ Should virgin plastic derived from fossil fuels continue to be used at the current rate, it will comprise 17% of global emissions by 2050.⁷

Furthermore, impacts of mining on local communities cannot be ignored. For example, lithium mining in the Democratic Republic of the Congo (DRC) has been linked to child labour, unsafe working conditions and government corruption, with reports of bad actors capitalising on the rush for this precious metal.⁸

Disposable vapes require the depletion of a natural resource essential for meeting net zero, as well as the environmentally harmful extraction of other metals and the use of fossil fuels for plastic production. Avoiding these harms constitutes a strong environmental case to justify restrictions.

³ <https://www.materialfocus.org.uk/press-releases/over-90-of-vape-and-vape-juice-producers-in-the-uk-are-failing-to-meet-environmental-regulations/>

⁴ <https://www.materialfocus.org.uk/press-releases/number-of-disposable-single-use-vapes-thrown-away-have-in-a-year-nearly-quadrupled-to-5-million-per-week/>

⁵ <https://www.un.org/en/actnow/facts-and-figures>

⁶ <https://www.sciencedirect.com/science/article/pii/S0165993623000717>

⁷ <https://www.sciencedaily.com/releases/2019/04/190415144004.htm>

⁸ <https://www.globalwitness.org/en/campaigns/natural-resource-governance/lithium-rush-africa/>

The impact of disposable vapes on littering provides an additional argument. New evidence from Keep Scotland Beautiful indicates that disposable vapes are the fastest growing litter item.⁹ Their November 2023 'How clean are our streets' report found disposable vape litter at 6% of audited sites.¹⁰

This is supported by further evidence from the annual Keep Britain Tidy National Survey, which looks at the prevalence of various forms of litter across a representative set of sites across England. In 2021-22, the percentage of sites with vape-related litter (disposables, refillables and related items) was 1.1%; in 2022-23, the equivalent figure had risen to 16.3%. In the 2022-23 survey, vape litter was found across all land uses, with an average of 1.8 items of vape/vape materials seen on transects that had vape litter on them. The site with the most vape litter had 19 items.

Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?

Agree.

Recycling challenges and high littering rates make alternatives to prohibition unviable. And the impact of emerging disposable vape take-back schemes have yet to be proven.

Disposable vapes present real challenges for recycling.¹¹ Each disposable vape contains liquid laced with toxic nicotine, requiring recycling facilities to take special measures to avoid staff being exposed to the substance. Further care is required as the lithium batteries in disposable vapes represent a fire risk, especially when accidentally punctured.¹² There have also been reports of fires occurring through the waste system as a result of disposable vapes ending up in residual waste streams,¹³ Any alternative to prohibiting the sale and supply of disposable vapes would require significant upgrades to recycling facilities to address these complications, potentially requiring public money.

Anything that falls short of prohibition at point of sale will also leave the problem of littering and perpetuate the environmental harms that come from it. We know that a high proportion of disposable vapes are discarded across urban and rural landscapes.¹⁴ This leads to the risk of accidental ingestion by wild and companion animals.¹⁵ The Veterinary Poisons Information Service (VPIS) warns that "*e-cigarettes and their refills contain high doses of nicotine (up to 36 mg per ml). Severe toxicity is uncommon, but could occur if the dose ingested is large.*"¹⁶ VPIS report around 700 enquiries relating animal ingestion of vape parts since 2017, with 96% concerning ingestion by dogs, and at least two

⁹ <https://www.keepsotlandbeautiful.org/news/2023/september/new-kid-on-the-block-single-use-vapes-become-fastest-growing-litter-item/>

¹⁰ <https://www.keepsotlandbeautiful.org/media/1573657/leq-report-2023-how-clean-are-our-streets-final-301123.pdf>

¹¹ <https://www.theguardian.com/commentisfree/2023/may/03/recycle-disposable-vape-single-use-e-cigarettes-lithium>

¹² <https://www.letsrecycle.com/news/bmra-calls-for-ban-on-batteries-in-household-hins/>

¹³ <https://www.theguardian.com/society/2023/may/13/single-use-vapes-sparking-surge-in-fires-at-uk-waste-plants>

¹⁴ See for example <https://twitter.com/LessWasteLaura/status/1612116489716244480>

¹⁵ <https://www.rspca.org.uk/-/news-great-day-for-wildlife-as-disposable-vapes-set-to-be-banned>

¹⁶ <https://www.vpisglobal.com/2020/07/02/e-cigarette-liquid/>

cases leading to fatalities.¹⁷ A further environmental risk is posed by vape parts breaking down, contributing to plastic and chemical pollution in freshwater and marine environments.¹⁸

A prohibition on the supply and sale of disposable vapes is the most effective restriction option, which would address pollution from littering and not require extensive recycling upgrades. As vendors can still sell other vaping products, a prohibition will provide little to no financial detriment to them.

While this consultation proposes alternative measures to an outright sales ban of disposable vapes, we believe that early intervention via prohibition would be prudent and in line with both the “prevention at source” and “precautionary principles” environmental principles now enshrined in law.¹⁹

Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced?

Agree.

The use of disposable vapes has grown rapidly over the past two years; for teenagers aged 11-17, there has been a seven-fold increase in those favouring disposables over reusables.²⁰ Delaying a ban for over six months will allow this harmful trend to continue, exacerbating the existing problem.

An implementation period of six months is practical and would allow suppliers to exhaust their existing stocks. This approach was successfully undertaken when plastic straws, cotton buds and drink stirrers were banned in October 2020; businesses were allowed to supply stock acquired before the ban for six months after the ban came into force.²¹

There are also international precedents for an implementation period of this length; San Francisco’s ban on all e-cigarettes took place in June 2019 and came into full effect in January 2020.²²

The French Government is pursuing a ban on disposable vapes, due to be approved in the first few months of 2024 and to be in full effect by September 2024.²³

The vaping industry is already claiming that a ban risks creating a thriving illegal market for these products.²⁴ It is therefore welcome that, as part of these proposed measures, the Government will provide an additional £30 million in funding to strengthen the key support agencies who would

¹⁷ Information provided to Link by VPIS

¹⁸ https://media.mcsuk.org/documents/2023_UK-Vape-Position-Statement.pdf

¹⁹ <https://www.gov.uk/government/news/environmental-principles-duty-comes-into-force>

²⁰ <https://ash.org.uk/media-centre/news/press-releases/fears-of-growth-in-children-vaping-disposables-backed-up-by-new-national-survey>

²¹ <https://cleanstreets.westminster.gov.uk/the-new-ban-on-single-use-plastic-straws-cotton-buds-and-drink-stirrers/>

²² <https://newatlas.com/san-francisco-e-cigarette-ban-fda/60307/>

²³ https://www.theguardian.com/society/2023/dec/05/french-parliament-backs-proposal-to-ban-vapes?CMP=Share_iOSApp_Other

²⁴ UKVIA statement following Government announcement of 8-week consultation on vaping in the UK - UKVIA

monitor and enforce any measures, such as local trading standards, HMRC and the Border Force. This should help to address concerns about illegal markets developing.

Are there other measures that would be required, alongside restrictions on supply and sale of disposable vapes, to ensure the policy is effective in improving environmental outcomes?

Banning disposable vapes will be a step forward in addressing the environmentally damaging extraction of resources and the pollution that arises from waste. Beyond that, much more remains to be done.

The proposed Extended Producer Responsibility (EPR) on private companies, and the Deposit Return Scheme (DRS) to encourage consumers to recycle, would help to reduce the harmful environmental impacts of the billions of items sold each year in the UK for a usage time of minutes, or even seconds. It is frustrating that the Government has delayed both schemes to at least 2025, thereby holding back systematic progress on addressing the harms caused by single use items.

The delays fly in the face of growing public concern about the waste and pollution inherent in single-use items. Polling by City to Sea and Friends of the Earth has found that 92% of the British public are concerned about plastic pollution²⁵ and a petition by City to Sea calling for a ban on single use plastic items amassed over 100,000 signatures.²⁶

The Government should extend the ambition applied to disposable vapes to the full range of other single use items, and speedily progress EPR and DRS. We would also welcome the Government leveraging powers in the Environment Act to introduce charges on single use items of any material (with some limited exemptions for medical use). This would ensure that a ban on disposable vapes is not undertaken in isolation, but instead forms part of a coordinated programme to improve environmental outcomes from resource use.

Other nicotine consumer products

Do you have any evidence that the UK Government and devolved administrations should consider related to the harms or use of non-nicotine vapes?

The environmental harm caused by non-nicotine disposable vapes is identical to that caused by nicotine vapes. Both require wasteful use of precious lithium, along with other materials, and both pose pollution and littering risks.

A policy that prohibits nicotine disposable vapes but allows the continued supply and sale of non-nicotine disposable vapes could lead to users switching to the latter, perpetuating environmental harms.

²⁵ <https://friendsoftheearth.uk/sustainable-living/world-refill-day-brits-demand-government-action-plastic>

²⁶ <https://you.38degrees.org.uk/petitions/the-uk-must-match-the-europe-wide-ban-on-single-use-plastic>

Non-nicotine disposable vapes should be banned alongside nicotine disposable vapes, on environmental grounds.

Do you think the UK Government and devolved administrations should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes?

Yes. Given the identical environmental harms caused by nicotine and non-nicotine disposable vapes, the same regulatory framework should be applied to both.

For questions or further information please contact:

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This joint response Wildlife & Countryside Link, Scottish Environment Link and Wales Environment Link response is also supported by the following individual members of our coalitions:

Action for the Protection of Rural Scotland
Environmental Investigation Agency
Froglife
Greenpeace
Keep Scotland Beautiful
Marine Conservation Society
RSPCA
Scottish Wildlife Trust
Scottish Wild Land Group
Whale & Dolphin Conservation
WWF