

28th February 2024

Edward Mountain MSP
Convenor of the Net Zero, Energy and Transport Committee
The Scottish Parliament
Edinburgh
EH99 1SP

By Email:

netzero.committee@parliament.scot

Edward.Mountain.msp@parliament.scot

Dear Mr Mountain MSP,

Disposable Vapes Ban

We are writing to raise our concerns about the consultation process associated with the delivery of the Draft Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024. The absence of an impact assessment and only a two-week consultation period for industry & parliament to provide feedback is insufficient to assess the impact of the disposable vapes ban. We urge the Net Zero, Energy and Transport Committee to scrutinise the regulations closely, while the ban will reduce the environmental impact of disposable vapes they will be unintended consequence of driving existing disposable vape users to the illicit market that have no regard for environmental regulations.

A ban on disposable vapes will have a big impact on people that use disposable vapes, retailers that sell them and vape manufacturers. We need to see a full impact assessment from the Scottish Government and other administrations across the UK. The Scottish Government has a long-standing policy of delivering Business and Regulatory Impact Assessments (BRIA) alongside secondary regulations. A ban on disposable vapes at this speed requires a full impact assessment.

The littering and disposal of vape products into landfill is unacceptable and should be addressed. The UK Government has recently change recycling rules meaning all retailers selling vapes must offer a recycling service in stores, and that from 31 March 2024 these will be enforced. The result will be a transformation in the convenience and availability of vape recycling, yet no sooner this is in place, disposable vapes will be banned, limiting the impact of this widely supported scheme and reducing the volumes being recycled. There has been no comparison made between environmental impacts of the current market operating with this recycling system in place, versus a market where disposable vapes are lower in overall volume but are only bought on the black market which would not offer return points.

It is essential that the Scottish Government properly accounts for the impact the disposable vapes ban will have on the illicit market and how trading standards teams will be resourced to address this. New polling suggests that 24% of existing disposable vape users will continue to use disposable vapes after a ban - their only option will be to source them from the illicit market. The illicit vaping market already accounts for around one third of vapes sold in the UK, the introduction of the ban will not make these products immediately disappear - the policy needs to be backed by a credible enforcement strategy.

Our polling also suggests that 8% of existing disposable vape users will return to tobacco products. This directly undermines the Scottish Government's smoke free objectives. There must be a comprehensive communications strategy led by the Scottish Government to inform consumers and retailers about the implementation of the ban and to encourage users of disposable vapes to purchase alternative products from responsible retailers and understand how they can recycle them.

We would value the opportunity to meet with you to share our concerns and offer practical solutions for the implementation of this policy. Please contact [EMAIL REDACTED] if you have any further questions.

Yours sincerely,

James Lowman
Chief Executive