

Edward Mountain MSP
Convenor Net Zero, Energy and Transport Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP

16 August 2024

Dear Edward Mountain MSP

Call for Views: The Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024

Thank you for the opportunity to provide comment on the proposed, and much welcomed, regulations which include the proposal to ban the sale and supply of single-use vapes in Scotland, ahead of the Net Zero, Energy and Transport Committee on 3 September 2024.

Keep Scotland Beautiful is your charity inspiring action for our environment. We want to see a clean, green sustainable Scotland. We work to combat climate change, tackle litter and waste, restore nature and biodiversity and improve places.

As a key delivery partner of Scotland's Litter and Flytipping Strategy and associated action plans for the past year, we are committed to using our polling and data to help drive policy change and inspire changes in behaviours, particularly those around the consumption of single-use vapes, and the disposal of them.

For the past two years we have consistently called for action, up to and including a ban, on single-use vapes with partners including ASH Scotland, Marine Conservation Scotland and environmental activist Laura Young, because our data has highlighted that these items are the fastest growing littered item recorded.

In this submission we have provided evidence from data we collect in our annual ground litter surveys covering more than 12,000 sites across Scotland, and public perception survey data from research we commissioned The Diffley Partnership to carry out.

Reports highlighting our findings can be found at www.KeepScotlandBeautiful.org/about-us/our-reports. The 2024 perception data was collected in August and is as yet unpublished. We would be happy to present our data and findings to the Committee if this was deemed useful.

Please find attached our responses to the call for views. We have answered where we have expertise and data to do so, including questions 1, 2, 3, 7 and 10.

Finally, we can confirm that we do not have any direct or indirect links to the vaping or tobacco industry.

Yours sincerely,

Barry Fisher
Chief Executive

Our response

Here is our response to a letter from the Convener of the Net Zero, Energy and Transport Committee regarding the Environmental Protection (Single-use Vapes) (Scotland) Regulations 2024.

Keep Scotland Beautiful has been actively calling for a ban on single-use vapes for a number of years, working collaboratively with the Marine Conservation Society, ASH Scotland and other key stakeholders.

In addition to campaigning for action to be taken, up to and including a, ban on these items we have also gathered evidence regarding public perception of the prevalence of littered single-use vapes and packaging and technical data from on the ground litter surveys conducted across Scotland.

We have outlined our views on those questions where we believe we can contribute positively to the work of the Committee on these regulations.

1. Do you agree that the supply and sale of single-use vapes in Scotland should be banned? If not, do you favour an alternative approach?

Keep Scotland Beautiful agrees that the sale and supply of single-use vapes in Scotland should be banned, due to their increasing prevalence as litter on our streets and their environmental impact. Our research, outlined in the Scottish Litter Survey [<https://www.keeptscotlandbeautiful.org/media/ka1itwlf/scottish-litter-survey-2023-final-291123.pdf>] of 2023, highlighted that single-use vapes were the fastest growing littered item on our streets.

In 2023 half of people surveyed reported that sightings of single-use vapes had become more common in the last 12 months and 44% of people reported seeing single-use vapes as litter often, however our most recent unpublished data, collected in August 2024, shows that a majority (55%) report that sightings of single-use vapes have more common in the last 12 months while more than six in ten (61%) report seeing single-use vapes as litter often.¹

Those in urban areas (57%) were more likely to see an increasing number of these items as litter compared to 43% in rural areas, both these figures are up on last year. Those in the least affluent neighbourhoods are more likely to report single-use vapes as litter.

From our national programme of local environmental quality surveys across Scotland in 2023/24 it was shown that 9% of surveyed sites were affected by vapes, this is up from 6% in the previous year.²

¹ Keep Scotland Beautiful, Scottish Litter Survey (2023). <https://www.keeptscotlandbeautiful.org/media/ka1itwlf/scottish-litter-survey-2023-final-291123.pdf>

² Keep Scotland Beautiful, How Clean Are Our Streets? (2023). <https://www.keeptscotlandbeautiful.org/media/ighfigb1/leq-report-2023-how-clean-are-our-streets-final-301123.pdf>

Littered or improperly disposed of single-use vapes can have serious implications for the environment, the devices can leach heavy hazardous chemicals into our environment, including mercury, lead, battery acid, lithium and nicotine.

It has been estimated by Zero Waste Scotland that around 26 million single-use vapes were improperly discarded in Scotland last year.³ This has significant implications for the local and wider environment, additional costs for local authorities and the risk of fires at waste centres and in other places such as bins due to improperly disposed vapes. Moreover, the total emissions associated with single-use vapes in 2022 was estimated to be between 3,375 and 4,292 tonnes of CO₂.⁴

We, therefore, welcome the ban and hope that these regulations will reduce the number of single-use vapes that are being produced, discarded of improperly and will change consumption behaviours.

2. Coming into force on 1 April 2025, the regulations ban the supply of single-use vapes in Scotland. What do you think about the timescale for implementing this ban?

We are happy with this timescale. However, we would like to see a public messaging campaign around this so that the public are made aware of the ban coming into place.

3. A "single-use vape" - is any vape that is not refillable or rechargeable. Do you agree with this definition and are there any potential loopholes or unintended consequences?

We believe that this definition is correct. We also believe that a reusable vape must be at least refillable **and** rechargeable.

However, we believe it is essential that the impact of these regulations are monitored closely. We have observed from previous bans on single-use items that the results are not always as intended. The overall aim with these bans must be to change behaviours and limit consumption, instead what we see is an alternative option, which is not truly sustainable, brought into the supply chain and habits and behaviours do not change.

We are aware that charging ports have been added to single-use vapes and producers are already modifying single-use vapes to include a pod system to allow users to refill them, so that they appear to be reusable. Although, by definition, this will mean a vape is not 'single-use' if it is rechargeable and refillable, we have concerns about this.

Modifications to existing 'single-use' vapes to make them reusable more than once is unlikely that this will change consumer habits, and these products will continue to be treated as single-use and disposable, and thus will continue to be littered and disposed

³ Zero Waste Scotland, Environmental impact of Single-use e-cigarettes (2023). <https://www.zerowastescotland.org.uk/resources/environmental-impact-single-use-e-cigarettes>

⁴ Zero Waste Scotland, Environmental impact of Single-use e-cigarettes (2023). <https://www.zerowastescotland.org.uk/resources/environmental-impact-single-use-e-cigarettes>

of improperly. Additionally, we are extremely concerned that refillable pods will add a new unnecessary littered item onto our streets.

In order to bring about substantial change, the price point and the way these items are marketed must change, otherwise they will continue to be treated as single-use products. If these products are adapted to include charging ports refillable pods, it is imperative that manufacturers equip these vapes with a universal charging port and suppliers stock these refillable pods to allow consumer to make the more sustainable choice and reuse their vape.

7. The policy objectives aim to reduce environmental harm and encourage reusable alternatives. Are these regulations sufficient to meet these objectives and are any supportive measures needed, for example. around communication, or uptake of reusable alternatives.

Keep Scotland Beautiful believes the policy objective should be to reduce environmental harm by reducing overall consumption. As long as people have access to low cost, disposable items they will continue to litter. Until littering habits have changed there must be a focus on consumption reduction in line with Scotland's ambition of becoming a circular economy.

We are concerned about the unintended consequences of potential replacement products. The single-use plastic ban has not changed behaviours around littering or consumption, instead of people opting to use reusable products they continue to take the single-use 'sustainable' option. We are therefore concerned about the alternative replacements products that will continue to blight our streets.

Our research has shown that despite the introduction of bans historically, it has not eliminated these items from being found as litter. For example, legislation to ban plastic stemmed cotton buds was introduced in 2019, however in 2022, plastic cotton bud sticks were the 9th most common litter item recorded on Saltcoats/Ardrossan beach. These items have a negative legacy.

Additionally, the Government should include a communications plan for the public so that they understand the need to reduce consumption. A behaviour change campaign highlighting the issues around consumption of single use items, whether they be plastic or any other material, would be a beneficial future project, and would link well with Scotland's move towards a circular economy.

Furthermore, there should be a communications campaign directed at wholesalers and retailers of these products to ensure that they are aware of the regulations.

10. The Regulations have been introduced following a UK consultation. Other UK countries are expected to introduce similar regulations. Do you have any views or concerns about alignment or cross-border implications?

Keep Scotland Beautiful would like to see a UK wide consistent approach to the ban. Should this not be possible we welcome a ban in Scotland to tackle the fastest growing litter time despite the challenges and cross border implications that this may bring.