

Consultation on Draft SI to prohibit the supply of Single-use Vapes in Wales

26 July 2024

This joint response is on behalf of ASH Wales Cymru, Keep Wales Tidy, BMA Cymru Wales and British Heart Foundation Cymru - all members of the Wales Tobacco Control Alliance.

The WTCA is an influential action group of health and environmental organisations and professional bodies, which works to monitor the evidence around tobacco and nicotine use in Wales. The alliance monitors and supports progress made in relation to the Tobacco Control Action Plan. We do not have any direct or indirect links to, or receive funding from, the tobacco industry.

We broadly welcome these measures, whose main objective is to address the adverse environmental impact of single-use disposable vapes.

As a group of leading Welsh organisations and charities, the WTCA is also supportive of these proposals as part of a range of measures to reduce underage vaping in Wales.

We believe this proposed legislation will support this important public health policy objective.

The rise in youth vaping is of concern in Wales.

ASH Wales published data in May 2024 from a national [Youth Vaping Survey](#) of 12-thousand secondary school pupils, and when we asked 11-16 year olds if they had ever vaped, 24% said they had.

It is of note that the survey also showed that of the young people who vape on a regular basis;

- 40% use only disposable vapes
- 46% use both disposable and refillable/ rechargeable
- 10% use only refillable/rechargeable vapes

We would like to draw your attention to the following areas of focus:

Imports:

We already have a ban on the sale of rechargeable and single-use vapes which do not comply with UK regulations for consumption in Wales and across Great Britain.

The existing ban does not cover the importation of illegal vapes or products in transit, for consumption outside Great Britain.

This is creating major challenges for enforcement, as they cannot be easily stopped at the border. It is therefore important to define what is meant by a ban.

Currently, Border Force has insufficient powers at the border to prevent the flow of illegal products into Wales.

A ban on single-use disposable vapes must ensure that products can be turned away at UK border ports in Wales.

Recycling:

The removal of millions of single-use devices from the Welsh market will require additional resources and will incur significant disposal costs as there are currently no effective disposal options available.

The development of more effective and accessible recycling schemes for vapes is a fundamental element of achieving the aims of the regulations. These should include reinforcement of in-store take back schemes as well as recycling points in public spaces such as public transport waiting areas, town centres and bars, coupled with a mass communications campaign to prompt behavioural change at a population level.

We believe very strongly in the "Polluter Pays" principle.

We would call for the cost of safe disposal to be borne by those causing the pollution, rather than the person who suffers the effects of the resulting environmental damage, or the wider community.

Illegal vapes:

The major challenge of a ban will be ensuring the capacity to enforce legislation.

Local Authority trading standards departments will require additional investment and resources to properly implement any ban.

This should at least match any funding being offered by the UK Government to trading standards and enforcement professionals in England.

Our experience shows that intelligence reports drive enforcement activity, so we would recommend the expansion of the successful [No Ifs No Butts campaign](#), to specifically promote the reporting of the sale of single-use vapes across Wales. From July 2023 to June 2024, the website recorded 24,000 users with 437 reports of illegal tobacco or illegal vapes.

Nicotine addiction:

On its own, taking single-use vape products out of the market will not fully address increased levels of nicotine dependency among young people.

Additional resources and investment are needed to make sure young vapers have appropriate and timely access to quit vaping services.

Communications:

Any new vape regulations should be accompanied by sustained national education and communications campaigns.

Mass media campaigns have been a key component of the UK's tobacco control strategy since the early 2000s, and there is strong evidence that tobacco control MMCs can increase adult cessation and reduce uptake.

Systematic reviews of economic evaluations of past campaigns have found MMC's to be cost effective, however, campaigns need to have sufficient intensity and be sustained in order to have a meaningful effect.

Tobacco & Nicotine Retail Register:

On May 15 2024, the Senedd passed a cross-party motion calling for Welsh Government to enact a Tobacco & Nicotine Retail Register, contained in the Public Health Wales Act 2017.

A retail register would significantly bolster the ability of enforcement teams to monitor who is selling what, and where.

It would also assist with communications and training for retailers, to support the smooth implementation of new regulations.

Impact on current smokers in Wales:

A ban on single-use vapes will need very careful communication, to avoid reinforcing the inaccurate views held by many smokers in Wales on the relative harms of vapes compared to tobacco use.

We would not want an unintended consequence of any ban to put smokers off switching from cigarettes to vaping as part of their progress to cessation.

Thank you for considering our feedback,

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