

Submission from Green Alliance on the Environmental Protection (Single-use Vapes) (England) Regulations 2024 and response by the Department for Environment, Food and Rural Affairs (Defra)

Green Alliance: We welcome the opportunity to comment on The Environmental Protection (Single-use Vapes) (England) Regulations 2024.

We strongly support the principle of the proposed ban on the sale and supply of disposable vapes in England as well as the parallel bans proposed by the devolved governments and the intention to bring the bans in at the same time, which is sensible from a public perspective and will also assist with compliance.

This ban is urgently needed given the benefits that it will bring to the health of current and future generations and to the environment. The ban will help protect the supply of critical raw materials such as lithium and copper for more strategic uses such as renewable energy, as well as reducing the impact of littering, plastic waste pollution and waste fires from mishandled lithium-ion batteries.

However, we are concerned that the ban is not planned to come into force until June 2025. It would be helpful if the department could clarify whether the introduction of the ban could be expedited. If this timescale cannot be brought forward, it would be helpful for the department to be asked to explain what plans it intends to put in place for limiting the further growth in the use of single use vapes before the ban comes into force.

Defra comment: The coming into force date is specified in the published regulations and cannot be expedited at this point. While it is important to bring in this ban as quickly as possible the June 2025 date allows alignment between all UK nations meaning that clear guidance can be put in place for retailers and regulators, as well as removing any risks relating to internal market challenges.

Our international obligations also mean that we need to provide an implementation period to allow businesses to prepare for the changes and sell through their existing stock. Ensuring that there is a 6 month period between the making of the regulations and their coming into force allows us to not only meet these obligations but provides an opportunity to provide strong communications to businesses about the changes.

Green Alliance: We draw attention to the alarming growth in the market for disposable vapes, particularly among the nation's young, and the fact that the number of disposable vapes thrown away in the UK has quadrupled between 2022 and 2023 from 1.3 million to nearly 5 million. The number sold has more than doubled in the course of that year, standing at 7.7 million purchased every week. In the context of a doubling of disposable vapes usage in the space of just a year, we are very concerned with the long timescale required to implement the ban.

Defra comment: As highlighted above, the 6-month implementation period will be key for preparing businesses and regulators for the changes, as well as helping us to meet international obligations.

Green Alliance: We note that the ban will be enforced through fixed penalty notices issued by trading standards officers. The enforcement mechanism must be funded in a way that does not put it at risk from local government budget cuts and we suggest it would be helpful for the department to set out greater clarity on the funding arrangements for the enforcement regime.

Defra comment: We are discussing with Trading Standards and other enforcing agencies how we can best support them to enforce underage and illicit tobacco and vapes sales.

Green Alliance: Finally, the department should clarify whether it has considered establishing a hotline for traders to report transgressions to help boost compliance outcomes.

Defra comment: We are discussing with Trading Standards and other enforcing agencies how we can best support them to enforce underage and illicit tobacco and vapes sales. This includes considering how best to ensure that intelligence around illicit activity can be monitored and shared.

28 and 29 October 2024