

Environmental Protection (Single-use Vapes) (England) Regulations 2024

House of Commons

13 November 2024

About the BMA

The BMA is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

Overview

- **The BMA supports these regulations.**
- The BMA believes that there should be a ban on the manufacture and sale of all commercial disposable vapes, on the grounds of disproportionate and harmful use by children and young people and their adverse impact on the environment.
- To ensure the regulations are effective, they must be accompanied by additional measures to prevent manufacturers making adaptations to products specifically to evade the regulations, and to tackle illegal vape sales.
- The stronger measures set out in the recently published Tobacco and Vapes Bill are welcomed but the BMA believes that these must be accompanied by strong enforcement and further measures in order to be successful.

BMA position

There is a growing epidemic of vape use in the UK, which needs to urgently be addressed through tighter regulations of products and restrictions to access. Vape use by adults has risen significantly over recent years, but more worryingly, by children and young people. 7.6% of 11-17 year olds are now vaping, either regularly or occasionally, compared to [1.3% in 2014](#).

One of the most dominant factors influencing the rise in the use of vapes is the widespread availability of disposable vapes. The availability of disposable vapes is [clearly linked](#) to the sharp rise in child use. This is due to their cheap price, easy usability and deliberate industry marketing tactics to ensure they appeal to young people. There is a detrimental impact on the environment due to a lack of recycling taking place and many tonnes of their associated waste ending up in landfills [each year](#).

Disposable vapes now dominate the UK vape market, making up [83% of vape sales](#) in the UK. Between 2021 and 2023 disposable vapes soared in popularity, and an increasing number of vape brands that previously only produced rechargeable devices started to [release disposable products](#). Disposable vape sales grew from [£141 million to £973 million](#) in the UK between 2021 and 2022 and the use of

disposable vapes among people who vape, rose from [1.2% to 22.2%](#) alongside a drop in use of rechargeable vapes.

Environmental impact

Disposable vapes are notoriously difficult to recycle as the battery must be removed from the plastic by the individual user and there are limited recycling points to access. Two disposable vapes are thrown away [every second in the UK and over](#) half of them are [not recycled](#).

As stated by the Royal College of Paediatrics and Child Health, a single-use vape contains on average 0.15g of lithium; the mining of which has led to water loss, ground destabilisation, biodiversity loss, increased salinity of rivers, contaminated soil and toxic waste¹. Due to the scale of the waste caused by disposable vapes, about 10 tonnes of the lithium is ending up in landfills each year². In addition, lithium (a limited resource) is critical to the UK's green transition. Over a year, the amount of lithium thrown away is enough to make around 1,200 electric car batteries.

Producers of vapes are falling short of their legal requirements to fund the recycling of the electrical waste from vapes. There is [insufficient regulatory action](#) and [powers](#) to compel them to comply. In addition, all retailers selling vapes must provide an option for customers who buy the product to dispose of their old vapes, but survey findings suggest that this is not happening. A recent survey of adult vapers found that [54% said](#) they would be more likely to recycle single-use vapes if there were recycling points in-store suggesting there is low compliance of these services by retailers and/or low public awareness.

Disposable vapes are also clearly linked to the rise in children vaping

Disposable vapes are characterised by their cheap price, ease of use, bright colours and a variety of sweet flavours. It is therefore not surprising that the sudden rise in youth vaping in 2021 coincided with the wide availability of disposable vapes. Disposable vapes are now the most popular type of vapes amongst youth (11-17 year olds) in Great Britain, [growing from 7.7% in 2020](#) to 69% using them in 2023. Rechargeable vapes have consistently remained the most popular choice of vape [among adults in Great Britain](#), highlighting that the significant increase in the use of disposable vapes is mainly due to youth use. As more young people are using disposable vapes and using them more frequently, there are concerns that they are at significant risk of addiction to nicotine.

Additional measures to regulations

While the proposed regulations are needed, additional measures should be implemented to prevent vape adaptations reaching the market that reduce the effectiveness of the regulations and that prevent illegal vape sales.

Vape adaptations

It is likely that the vape industry will adapt quickly to any ban on disposable vapes and will produce similar appealing products that fall out of the scope of legislation for banned products. Reusable replacements for disposables are already on the market carrying the same brand name, have a similar

¹ <https://www.rcpch.ac.uk/news-events/news/childrens-doctors-call-outright-ban-disposable-e-cigarettes>

² <https://www.thebureauinvestigates.com/stories/2022-07-15/rise-of-single-use-vapes-sending-tonnes-of-lithium-to-landfill>

attractive product design and cost the same low price. This makes it very difficult for the public and retailers to tell the difference between the products. This emphasises the need to implement a number of strategies to reduce vape appeal in addition to a ban of disposables, such as plain packaging containing clear product information for all vape products.

Non-compliant products

Non-compliant products (vape products that do not comply with UK regulations) are continuing to reach retailers. It is estimated that [1 in 3 vaping products are potentially non-compliant](#), this equates to more than 45 million non-compliant products being sold by retailers every year. Although a number of illegal products do get seized at UK ports and confiscated from shops, non-compliant and illegal products are [reaching shop floors in the UK](#) including local off-licences, and other outlets.

This illegal activity shows us that once they are banned, strident measures must be put in place to ensure single-use vapes do not continue to reach the UK market. This should include:

- **Greater resources and powers for regulatory bodies:** Trading Standards needs additional support to enforce regulations and advise businesses on compliance.
- **Enhanced powers for UK Border Force:** More authority is needed to prevent illegal products from entering the UK market.
- **Stronger deterrents for lawbreakers:** There have been [calls for tougher fines and sanctions](#) for non-compliant retailers. For example, fines should increase from the current maximum of £2,500 to £10,000 to serve as a more significant deterrent.
- **Education campaigns:** Targeted education campaigns aimed at retailers and the public can improve awareness of the regulations and increase compliance.

For more information about the BMA's position, please contact Lauren Taylor, Public Affairs Officer at ltaylor@bma.org.uk.