

Climate Change (Single Use Vaping Products) Regulations

Consultation

Department of Environment Food and Agriculture

2024

Summary

Regulations, to be made under the Climate Change Act 2022, are proposed to control the sale, supply, and distribution of single use vaping products in the course of a business, or the activities of a charity or non-profit organisation.

Under the Climate Change Plan 2022-2027 and the Single Use Plastic Reduction Plan for the Isle of Man Community, we aim to reduce unnecessary single use items, and especially the use of plastics, where alternatives are available. Litter from single use vapes has increased rapidly as with their increased use, posing a risk to the environment, despite reusable products being readily available and affordable.

The Department of the Environment, Food, and Agriculture is interested to gauge the views of stakeholders and the public regarding the introduction of the Regulations.

Responding to the consultation

This is a 6-week consultation, closing 11 November 2024.

You can respond to this consultation online on the [Government's Consultation Hub](#). If you have decided not to answer online but downloaded a paper version of this consultation, then feel free to include additional pages as necessary, and email it to ecopolicy@gov.im or post it to:

Ecosystem Policy Team
Environment Directorate
Department Environment Food and Agriculture
Thie Slieau Wallian
Foxdale Road
St John's
Isle of Man
IM4 3AS

You do not have to answer a question if you feel it is not relevant to you. Your personal information will not be published or made available. All responses will be anonymised and aggregated before summarising consultation responses. Anonymous responses will not be considered or included in the summary of comments.

If you have any queries regarding accessing or responding to the consultation, please contact the Ecosystem Policy Team on +44 1624 651577 or ecopolicy@gov.im (lead – Richard Selman).

Consultee Information

1. Your name (required)

Please tell us your name, or the name of the organisation you are responding on behalf of.	
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2. Where do you normally reside, or where is your organisation based?

Please tell us the first 3 digits of your postcode (e.g., IM2, IM9)	
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3. Which of the following are you (select one)?

Individual	
Company	
Public Body	
Other (please state)	

4. **If you are responding as an individual**, please select which describes your interest in disposable vapes (select as many as apply):

I use disposable vapes.	
I am concerned about the environmental impact of disposable vapes	
I am concerned about the public health impact of disposable vapes	
Other (please explain)	

5. **If you are responding as a company**, please select which describes your business):

My business sells or supplies disposable vapes.	
My business does not sell or supply disposable vapes but is affected by their use, sale or supply (please explain below).	

6. **May we publish your response?** (Required) (Please read our Privacy Policy for more details and your rights)

- Publish in full – your name and surname, organisation name, along with full answers **will** be published on the hub (your email will **not** be published)
- Publish anonymously – only your responses **will** be published on the hub (your name, organisation and email will **not** be published)
- Do not publish – **nothing will** be published publically on the hub (your response will only be part of a larger summary response document)

Yes, you can publish my response in full	
Yes, you may publish my response anonymously	
No, please do not publish my response	

1. Background and purpose

The purpose of this legislation is to reduce plastic litter, and to move away from single use, disposable products.

Disposable vapes are increasingly seen discarded as litter, and the use of disposable vapes containing plastic is widely considered to be an unnecessary use of single use plastic. Locally, concerns have been raised in the media and on social media by the public, local business owners, and charities such as Beach Buddies, about the increasing amount of disposable vapes littering our Island environment.

Vapes also represent a huge and growing stream of hard-to-recycle waste:

- Vapes present both pollution control and fire risks, including at the Energy from Waste (EfW) plant. It is unknown to what extent they occur in household bins and thereby end up in the EfW plant.
- Only the Western Civic Amenity Site accepts them as household waste.
- Lithium batteries present a fire hazard; see 'Other considerations – lithium waste'.

In the UK, an estimated that five million disposable vapes are thrown away each week, equivalent to the lithium batteries of 5,000 electric vehicles a year. Research shows that only 17 per cent of vape users dispose of their vapes in the correct recycling bins.

The [Local Government Association](#) in England has called to rapidly ban single use vapes, and the UK Government has recently announced plans to [ban the sale and supply of disposable vapes](#) in England, Scotland, and Wales - predominantly to benefit children's health, but the ban will also have a positive impact on the environment. Northern Ireland will also consider introducing this in future.

2. Proposed regulations

The Climate Change (Single Use Vaping Products) Regulations are proposed to control the sale, supply, and distribution of single use vaping products in the course of a business.

The regulations are proposed in order to move away from single use, disposable products and to reduce plastic litter and the risk of increasing plastic litter. They have been based on the Climate Change (Single-Use Plastic) Regulations 2022, which were brought in to remove a list of single use plastic products from use, where these were considered unnecessary and sustainable alternatives are widely available and affordable.

The proposed controls were assessed across a range of sustainability criteria and represent a benefit in a number of areas. Notably, in addition to the environmental and public health benefits, reduced consumption of disposable vapes would lead to a reduction in greenhouse gas emissions caused by their manufacture, transportation, and disposal.

The definition of a 'vaping product', in relation to a 'device', has been linked to section 3 of the Vaping Products Act 2024 and will therefore change if the definition changes within that Act, for instance, as a result of changes in technology. Note, cigarettes, medicinal products and medical devices are not defined as 'vaping products' for the purposes of that Act and therefore the proposed regulations.

Enforcement and exemptions

Enforcement measures have been replicated from the [Climate Change \(Single-Use Plastic\) Regulations 2022](#).

Exemptions have been made for prisons and other places of detention. Prisoners are not allowed reusable vapes, so require access to disposable vapes; a charger wire would not be safe to have within a place of detention, where wires may be used as ligatures. Disposable vapes are barcoded and assigned to individual prisoners so there is monitoring of their disposal, and they are designed with safe components, so they are not used to make weapons or ligatures.

Transition period

Provision has been made for a transition period of 6 months to use up (sell) current stock. Businesses would be expected to use that period to do so, and not to buy any stock within the transitional period, that will become prohibited.

Who may be affected

These regulations will affect members of the public who use disposable vapes and the business who supply them. Reusable vapes and their component parts will not be affected, as currently drafted, but please see question 10, relating to pod vapes.

Business

Vendors and buyers will be affected by these regulations. There are a few specialist vaping products shops and many other businesses that sell vaping products as part of a wider business. We expect a loss of custom from selling single use vapes; some may transfer to the use of refillable vapes, but some may be lost from the market. A brief economic impact assessment has been made, using the 2014 tool impact assessment tool. The Department is interested to hear the views of businesses that may be impacted by such regulations.

Young people

Young people are likely to be disproportionately affected, forming a significant portion of the vaping market, and especially with respect to single use vapes. Under 'Other considerations', see 'Vaping Products Act' and 'Young people'.

Fines

The Vaping Products Act includes fines up to level 4 on the standard scale, for offences relating to sale. The Climate Change (Single Use Plastics) Regulations 2022, under the Climate Change Act, provided for fines of up to level 5. The proposed Climate Change (Single Use Vaping Products) Regulations includes fines of up to level 5 on the standard scale. The Department is interested to hear whether you feel that the level of maximum fines is appropriate.

Your views on the proposed regulations

7. Do you agree with the proposed introduction of regulations prohibiting the sale, supply, and distribution of single use vapes containing plastic?

Yes	
No	

Explain your answer.

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8. Are there any other exemptions (in addition to that for prisons and other places of detention), which you think should be included in the regulations e.g. other types of business or charity that should be permitted to supply disposable vaping products, or disposable paper vapes containing a small amount of plastic?

Yes	
No	

Explain your answer.

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9. If you are responding on behalf of a business which sells or supplies single use vapes, do you think 6 months is a suitable transition period to use up existing stock?

Yes	
No	

Explain your answer; if you answered 'no' above, please include what you think would be a suitable transition period.

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10. Should the level of maximum fines be matched with the Climate Change (Single Use Plastics) Regulations 2022, at up to level 5 on the standard scale (currently £10,000), or matched with the Vaping Products Act in relation to sale or supply, at up to level 4 (currently £5,000)?

<i>I agree with fines up to level 5 on the standard scale.</i>	
<i>I agree with fines up to level 4 on the standard scale.</i>	
<i>I disagree with level 4 and level 5 fines.</i>	

Explain your answer; if you disagreed with level 4 and level 5 fines, please explain what you would consider to be a more appropriate penalty.

3. Other considerations

Vaping Products Act 2024

The Vaping Products Act is separate (The Climate Change (Single Use Vaping Products) Regulations are to be created under the Climate Change Act as a reduction of single use plastic and plastic litter) and this separation was agreed in the Tynwald debate on the Vaping Products Bill.

The Climate Change (Single Use Vaping Products) Regulations have, nevertheless, been aligned with the Vaping Products Act, referencing the legal definition of a vaping product within that Act, to account for future changes and excluding crossover/replication of offences. The intentions of the two pieces of legislation, though related, is different.

Young people

Youth vaping, though a public concern, is a matter considered through the Vaping Products Act and these regulations have been drafted to avoid an overlap of offences. We acknowledge that there is concern regarding the potential for children who have become addicted to vaping, turning to cigarettes, if they are more easily available than a reusable vape.

DIY and customised vapes

These can be extremely dangerous and are therefore a concern generally; however, they are out of scope and would not be controlled under the draft Regulations, which control supply, not use.

Pod vapes

Pod vapes are a form of reusable vape which have a replaceable 'pod' of vape liquid, rather than a refillable tank. As a reusable vape they would be allowable under the draft regulations; however, as the pods are disposable they could potentially form litter. The Department would be interested to hear views on whether pod vape litter is a concern.

Paper vapes

There are currently vaping products advertised as 99% plastic-free; however, as they retain some plastic they would be controlled under these regulations. If the plastic were replaced with another material then they would not be controlled.

Paper vapes are slightly more sustainable than single use vapes which contain more plastic, but they still contain single use plastic and result in plastic litter. The Department is interested to understand public opinion on whether these items should be excluded from the scope of the regulations.

Lithium waste

Lithium batteries cause fire risks in bins, bin lorries, and at the Energy from Waste Plant, so there is a need to prevent batteries from being incinerated (waste incinerators have been lost to fire in the UK due to battery fires, despite legislation to prevent them from getting into such waste streams in the UK). The Environmental Protection Unit (EPU) has drafted 'End of Life Vapes - Guidance for Retailer Take Back' (see Resources).

With regard to licensing, there is dispensation for retailers collecting one type of waste, but processing to separate components requires a waste disposal licence. One local vape shop currently offers a recycling service for used single use vapes and other vape waste.

Importation

It was identified that there may still be an issue with importation. The Vaping Products Act covers importation (e.g. online purchase) of vaping products by persons aged 16 and 17. The control of importation is not something that is considered to be achievable under the Climate Change Act.

Coordination with UK jurisdictions

It has been suggested that the Isle of Man bring in the regulations in a manner coordinated with the UK to avoid a switch of trade. However, as it is a devolved matter, regulations may not be introduced across the UK in a coordinated manner.

Your views on other considerations

11. Do you think that 'pod' vaping systems (refer to the 'Pod vapes' section above for more details) should be controlled by these regulations?

Yes	
No	

Explain your answer:

12. Do you think that 'paper' vapes (refer to the 'Paper vapes' section above for more details) should be controlled by these regulations?

Yes	
No	

Explain your answer:

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13. *Risks are recognised relating to home-made vapes, the potential for children turning to cigarettes, and increased importation; these risks are assessed to be low in comparison with the current issues caused by disposable vapes. Do you agree with this assessment?*

Yes	
No	

Explain your answer:

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14. *Do you have any suggestions for changes or amendments to the proposed regulations?*

Yes	
No	

If so, please detail these below.

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15. *If you have any additional comments on the proposed regulations, please include these below.*

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4. Next steps

All comments received will be collated and considered in the subsequent post-consultation 'We asked, You said, We did' report, published on the Consultation Hub within 12-weeks of the consultation closing. Any published comments will be anonymised and will be compliant with Isle of Man GDPR guidelines.

If implemented, the regulations would affect businesses selling single use vapes and members of the public who use them (vendors and buyers). A communications plan will be devised if the regulations

are agreed following consultation, to ensure early and appropriate engagement with those key stakeholders.

By submitting your response, you give us permission to analyse and include your response in our results.

5. Who have we notified directly of this consultation?

The following have been notified of this consultation:

- Tynwald Members
- Local Authorities
- Independent British Vape Trade Association
- UK Vaping Industry Association
- Information Commissioner
- Chamber of Commerce
- Law Society
- Royal Vapes Ltd
- Vape on the go - Isle of Man
- Totally Wicked
- Offshore Vapes - Isle of Man
- The Department for Health and Social Care
- The Department for Enterprise
- The Department of Home Affairs
- The Cabinet Office
- The Office of Fair Trading
- Isle of Man Courts of Justice