

Prohibition of the sale and supply of single-use vapes

Fairer Scotland Duty Summary

Aims and expected outcomes of the proposal

1. To target the environmental issues associated with single-use vapes, the Scottish Government has agreed with the UK Government (legislating for England), the Welsh Government, and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland to prohibit the sale and supply of such items (hereafter referred to as ban on single-use vapes). This includes both nicotine and non-nicotine containing products since the environmental concerns exist for both types of products.
2. The proposal aims to ban the sale and supply of single-use vapes to reduce environmental harm caused by the disposal of these items.
3. The policy objectives of the intervention are to:
 - Accelerate a reduction in environmental harm by reducing the number of vapes being landfilled, incinerated, and littered, thereby increasing recycling and reuse rates.
 - Stimulate businesses and consumers to replace single-use vapes with reusable alternatives, thereby supporting a switch to less environmentally harmful products.

Final EQIA

4. An interim Fairer Scotland Duty impact assessment (FSDA) was published¹ as part of the Scottish Government's public consultation on the regulations to prohibit the sale and supply of single-use vapes in Scotland, which took place between 2nd April and 14th May 2024. This document expands on the interim EQIA with the findings from public consultation. This updated document will discuss relevant issues and mitigation measures where appropriate.
5. The consultation requested feedback on the updated Regulations, the implementation of the proposed ban, and a suite of impact assessments, including a Business and Regulatory Impact Assessment (BRIA) and Strategic Environmental Assessment (SEA). A total of 45 responses were received.
6. Common themes throughout the feedback on the Regulations included the need for greater enforcement powers for Trading Standards, and clarity around the definition of 'single-use vape' to include pod-based devices if the refillable pods are not sold separately. Common themes on implementation and enforcement were the need for additional funding for Trading Standards, an import ban on single-use vapes, guidance for retailers and awareness campaigns for consumers, and clear definition of 'single-use vape'.
7. Respondents to the BRIA agreed with the focus on the environmental impact, but highlighted data gaps around the illicit vapes market, expected changes to consumer habits and the percentage of single-use vapes in the UK vapes market.
8. The majority of respondents agreed with the contents of the Fairer Scotland Duty Assessment Summary and the areas highlighted to be aware of and monitor as the ban is implemented.

¹ Fairer Scotland Duty Assessment, Scottish Government, 2024

Background

9. Vapes (also known as e-cigarettes) have increased in popularity in recent years, becoming more mainstream products.² In Scotland, the proportion of adults making use of nicotine vapour products increased from 7% in 2019 to 10% in 2022.³ This is also confirmed by data collected for the Smoking Toolkit Study which shows the proportion of adults using nicotine products increased from 7.3% in Oct 2020 vs 9.5% in Oct 2023.⁴ Specifically, the proportion of adults using single-use vapes has increased, growing from 0.1 % to 4.9 % between January 2021 to August 2023 across the UK.⁵
10. The rise in the use of single-use vapes has led to their increase in the waste stream. There has been growing concern over their environmental impact as they are typically littered or discarded as general waste in a bin rather than recycled. In 2023, it was estimated that almost 5 million single-use vapes were either littered or thrown away in general waste every week in the UK, almost four times as many as in the previous year.⁶
11. Single-use vapes which are thrown in a bin with general waste will either be landfilled or incinerated. They also pose a fire risk for waste collection vehicles and waste transfer sites due to their lithium-ion batteries. Compaction during the collection process increases the chances of puncture and combustion, setting fire to dry and flammable waste or household recycling around them. This endangers the public and collection crews, as well as damaging public and private property. It is estimated that lithium-ion batteries are responsible for

² Use of e-cigarettes among adults in Great Britain, ASH (ENGLAND), 2023

³ The Scottish Health Survey 2022 – volume 1: main report. Scottish Government, 2023.

⁴ Trends in electronic cigarette use in Scotland. Smoking in Scotland portal. Updated 18 January 2024.

⁵ Who would be affected by a ban on disposable vapes? A population study in Great Britain. Sarah E. Jackson, Harry Tattan-Birch, Lion Shahab, Melissa Oldham, Dimitra Kale, Leonie Brose, Jamie Brown, 2024

⁶ Number of disposable single-use vapes thrown away have in a year quadrupled to 5 million per week. Material Focus, 2023,

approximately 48% (over 200) of all waste fires occurring in the UK each year.⁷

12. When single-use vapes are littered, they introduce plastic, nicotine salts, heavy metals, lead, mercury, and flammable lithium-ion batteries into the natural environment.⁸ The chemicals can end up contaminating waterways and soil and can also be toxic and damaging to wildlife. When single-use vapes which have a plastic casing are littered, the plastic can grind down into harmful microplastics. Single-use vapes are primarily littered in public spaces and this generates clean-up costs to local authorities.⁹
13. Vapes, like other electricals, should not be placed in a general waste bin or littered, and should be recycled through specialist routes and facilities instead. Current estimates indicate that only 17% of vape users in the UK correctly dispose of their single-use vapes.¹⁰ To be recycled, they must be taken to a vape shop or participating retailer using dedicated bins, or to a local Household Waste and Recycling Centre using designated bins. In Scotland, an estimated 12.8% of single-use vapes are taken back to stores, and 8.3% to household waste recycling centres.¹¹
14. Single-use vapes are difficult and expensive to recycle.¹² The only recycling process available in the UK is manual dismantling which is costly and time consuming as most single-use vapes are not designed to be taken apart easily.¹³ They are designed as one unit and require

⁷ Over 700 fires in bin lorries and recycling centres are caused by batteries many of which are hidden inside electricals. Material Focus, 2022,

⁸ Youth vaping: call for evidence. Office for Health Improvement & Disparities, 2023,

⁹ Scoping policy options for Scotland focusing on understanding and managing the environmental impact of single-use e-cigarettes Hogg, D., 2023,

¹⁰ Number of disposable single-use vapes thrown away have in a year quadrupled to 5 million per week. Material Focus, 2023.

¹¹ Scoping policy options for Scotland focusing on understanding and managing the environmental impact of single-use e-cigarettes Hogg, D., 2023,

¹² Dismantling a growing problem. Valpak, 2023,

¹³ Disposable vapes – a challenge to the recycling sector. IEMA, 2022,

specific tools to remove the lithium-ion battery for recycling and careful handling of components to avoid operator exposure to the remaining e-liquid. Of the single-use vapes that are returned to a shop or recycling centre across the UK, it is estimated that only 1% are actually recycled due to limited recycling capacity.¹⁴ The remainder of vapes collected for recycling are likely to be sent to landfill given the Environment Agency's guidance (applicable across the UK) that single-use vapes should not be incinerated.¹⁵

15. Environmental impacts from manufacturing single-use vapes are also a concern. A typical single-use vape contains plastic, copper, cobalt, and a lithium battery. Lithium and cobalt are critical raw materials as noted in the UK's Critical Raw Materials Strategy¹⁶ which are essential to the production of electronic devices, batteries, and energy generation.¹⁷ The increased demand for single-use vapes leads to an increased demand for these critical raw materials. It is estimated that the total amount of single-use vapes thrown away in 2023 contained enough lithium to provide batteries for 5,000 electric vehicles.¹⁸ This is a waste of valuable resources in a product with a short lifespan, that is poorly recycled, and has a reuseable alternative readily available. As well as a loss of resources, there are environmental impacts through raw material extraction, single-use vape production, and manufacturing. Most notably, this includes greenhouse gas emissions and water consumption generated in their manufacture.¹⁹

¹⁴ Analysis of the Market for Vapes, Eunomia, 2023

¹⁵ Agency sets out vapes recycling stance. WastePack, 2023

¹⁶ Resilience for the Future: The UK's Critical Raw Materials Strategy. Department of Business & Trade, UK Government, 2023

¹⁷ The Role of Critical Minerals in Clean Energy Transitions, World Energy Outlook. International Energy Agency, 2021.

¹⁸ Number of disposable single-use vapes thrown away have in a year quadrupled to 5 million per week. Material Focus, 2023

¹⁹ Scoping policy options for Scotland focusing on understanding and managing the environmental impact of single-use e-cigarettes. Hogg, D., 2023,

16. Vapes can be a helpful tool to support smokers to quit, though research into the safety and effectiveness of e-cigarettes is still relatively new²⁰. They are considered less harmful than smoking when smokers completely switch to vaping products. As they usually still contain nicotine, they are not risk-free, and the long-term health impacts of vaping are unknown.²¹ A 2024 Scottish Government briefing also concluded that vaping can cause health harms in non-smokers to which they would not otherwise have been exposed to.²² More research is required on dual use of both cigarettes and vapes. Data suggest this might pose the same of higher health risks than smoking cigarette alone.²³
17. An annual survey undertaken in 2023 by Action on Smoking and Health (ASH England), looking at the smoking status and vaping behaviour amongst vapes users in Great Britain.²⁴ Findings from this research show that 56% of vape users are ex-smokers, 37% are current smokers and a smaller proportion are people who have never smoked. It also found that around two thirds of vape users' most popular main device was a reusable vape, with 31% mainly using a single-use vape.²⁵
18. Single-use-vapes are defined as products that are not rechargeable (they use a battery which cannot be recharged, or a coil which cannot be replaced, including a coil contained in a single-use cartridge which is not separately available), or are not refillable (once empty, the cartridge or pod cannot be refilled or replaced),²⁶ or are not rechargeable and not refillable. In contrast, a reusable vape can both

²⁰ [Vaping – Effectiveness as a cessation tool: evidence briefing](#). Scottish Government, 2024

²¹ [Vaping – Health harms: evidence briefing](#). Scottish Government, 2024

²² *ibid*

²³ *ibid*

²⁴ [Use of e-cigarette \(vapes\) among adults in Great Britain](#). ASH (ENGLAND), 2023

²⁵ 50% of users mainly used an 'electronic cigarette that is rechargeable and has a tank or reservoir that you fill with liquids' and 17% of users mainly used an 'electronic cigarette kit that is rechargeable with replaceable pre-filled cartridges'.

²⁶ Vapes that are rechargeable and not refillable or that are refillable and not rechargeable, are still considered disposable or 'single-use' even though the lifetime of the vape can be extended through refilling or recharging it.

be recharged and fully refilled an unlimited number of times by the user and can be used for a longer period of time.

19. Single-use vapes tend to dominate the entry points of the market for those new to vaping. Generalist retailers, including convenience stores, primarily sell single-use products whilst specialist vape stores tend to sell more reusable vapes and refill products.²⁷ Single-use vapes account for around 50% of the UK vape market. It has been estimated that 60% turnover by the vapes industry is generated from single-use vapes, in comparison to 40% from reusable vapes, refill cartridges and e-liquid.
20. There has been an increase in popularity in single-use vapes in recent years, especially among young people. The proportion of adults using single-use vapes increased from 0.1% to 4.9% between January 2021 to August 2023 across the UK. Last year (2022) a survey by ASH (England) ²⁸ showed that for the first time the most popular type of e-cigarette amongst young people in Great Britain was disposable (single use) e-cigarettes, with their use growing more than a 7-fold between 2020 and 2022 from 7.7% to 52%. Growth has continued since last year and 69% of children this year said this was the device they used most frequently.
21. Vapes should not be used by children, young people or non-smokers. They carry an unknown long-term risk of future harm and can be very addictive.²⁹ It is also an offence to sell vapes to anyone under the age of 18 in the UK. Despite the sale of vapes to those under the age of 18 being illegal, the recent Health Behaviour in School-Aged

²⁷ Analysis of the Market for Vapes, Eunomia 2023

²⁸ [Use of e-cigarettes among young people in Great Britain](#). ASH (ENGLAND), 2023,

²⁹ [Vaping addiction soon takes hold](#). NHS Inform campaign, access online 15 March 2024

Children (Scotland) study³⁰ reports that 3% of 11-year-olds, 10% of 13-year-olds and 25% of 15-year-olds said they had used a vape in the past 30 days. Purchasing from shops is the most common source³¹. The report also found that there have been increases in current vape use since 2018 for 13-year-old girls (2% to 13%) and larger increases for 15-year-olds (girls 6% to 30% and boys 8% to 20%).³² They have also increased in prevalence amongst young people³³ and people who have not traditionally smoked cigarettes.³⁴

Wider policy context

22. The Scottish Government is committed to moving towards a circular economy, where we move from a "take, make and dispose" model to one where we value materials and keep them in use. Reusable vapes are a readily available alternative to single-use vapes and have a much longer lifespan. They are made from more durable materials and are built to last longer. Although they are initially more expensive reusable vapes are, in cases where they are frequently used, considered to be more cost-effective in the long term.³⁵
23. Reusable vapes are considered to be less environmentally damaging, as the same vape can be used for an extended period of time compared to single-use vapes. This causes little change in consumer experience while reducing environmental impacts.
24. The Department of Health and Social Care published a call for evidence on youth vaping in April 2023³⁶ where the impact of vapes on the environment was a key theme of interest. A summary of responses

³⁰ [Health Behaviour In School-Aged Children Scotland Study, University Of Glasgow MRC/CSO Social And Public Health Sciences Unit, 2022](#)

³¹ [Use of e-cigarettes among young people in Great Britain. ASH \(ENGLAND\), 2023](#)

³² [Tobacco and Vaping Framework, Scottish Government, 2023](#)

³³ [Use of e-cigarettes among young people in Great Britain, ASH \(ENGLAND\), 2023](#)

³⁴ [Use of e-cigarette \(vapes\) among adults in Great Britain. ASH \(ENGLAND\), 2023](#)

³⁵ Disposable vapes impact assessment. DEFRA, 2024

³⁶ Youth vaping: call for evidence. Office for Health Improvement & Disparities, 2023,

to this call for evidence was published in October 2023, highlighting many of the key issues in relation to the damaging impact on the environment caused by single-use vapes.³⁷

25. There are measures already in place to ensure responsible production and disposal of vapes. The Waste Electrical and Electronic Equipment (WEEE) Regulations 2013³⁸ aim to encourage the reuse and recycling of these items by placing financial responsibilities on producers and distributors of electrical and electronic equipment (EEE) to pay for the collection and disposal schemes for end-of-life products. This means that all producers who place EEE on the UK market, including producers of single-use vapes, are responsible for financing the costs of the collection, treatment, recovery, and environmentally sound disposal of WEEE.
26. Compliance with the current WEEE regulations by vape producers is estimated to be low. This includes low levels of awareness amongst store owners and distributors for takeback schemes, as well as low levels of customer participation reported.³⁹
27. Plans to reform the producer responsibility system for waste electrical and electronic equipment⁴⁰ have recently been consulted on. Proposals under review include the provision of collection infrastructure for household WEEE financed by producers of electrical and electronic equipment; reforms to the take-back obligations that currently apply to distributors; obligations on online marketplaces; and creating a new separate categorisation for vapes to ensure producers of vapes properly finance recycling costs when they become waste. The

³⁷ Summary of responses and government response. Department for Environment, Food, & Rural Affairs, 2023,

³⁸ The Waste Electrical and Electronic Equipment Regulations 2013. UK Government, 2013,

³⁹ , Number of disposable single-use vapes thrown away have in a year quadrupled to 5 million per week. Material Focus, 2023

⁴⁰ Consultation on reforming the producer responsibility system for waste electrical and electronic equipment 2023. Department for Environment, Food, & Rural Affairs, 2023

reported low awareness of producer obligations ought to be addressed by the implementation of these producer responsibility reforms.

Summary of evidence

28. A ban on the sale and supply of single-use vapes has the potential to impact everybody in Scotland who uses these items. It is however important to ensure that the impact on those who experience socio-economic disadvantage is understood. This may be experienced through low income, low wealth, material deprivation, area deprivation or socio-economic background.
29. The proposed introduction of a ban on the sale and supply of single-use vapes is intended to be UK-wide. It is anticipated that the price and availability of single-use vapes relative to reusable vapes will change as a result of market dynamics⁴¹, regardless of any action taken by Scotland. The size of this effect is unknown at this time, however it cannot be assumed that single-use vapes would remain cheaper or more readily available than reusables.
30. A public consultation⁴² on a new Vaping Products Duty closed on 29th May 2024. It set out the proposals for how a duty could be designed and implemented, and would be accompanied by a one-off increase in tobacco duties. If introduced by a future Government, it is acknowledged that the duty would result in a price increase in reusable vapes products, specifically the replacement liquid refill.
31. The possible impacts of the proposal on lower-income households have been assessed based on the available evidence. At this time, no definitive impacts have been identified for those experiencing socio-economic disadvantages. However, a small number of evidence gaps

⁴¹ Forces that impact prices and the behaviors of producers and consumers such as supply and demand.

⁴² [Vaping Products Duty Consultation, UK Government, 2024](#)

were identified. They are particularly relevant where the use of single-use vapes is to aid smoking cessation.

- Vape use is more common in lower socioeconomic groups. This may result in a disproportionately high number of those using vapes to stop smoking being from lower income groups. Additionally, it is recognised that this group may find it harder to stop than those from higher income groups.⁴³
- Homeless groups have high rates of smoking and may be less able to use reusables than other groups of vape users.
- The proposal may increase the short-term costs of vaping, which could impact on those from lower socio-economic groups, leading to unequal health outcomes associated with smoking cessation.
- The proposal has potential to narrow inequalities in experience of littering.

Low incomes, low wealth and material deprivation

32. Over a million people in Scotland live in relative poverty⁴⁴ and around a quarter of them are children, with nearly half a million people in very deep poverty.^{45,46}

33. Citizens Advice Scotland has found evidence of a “poverty premium” among low-income households.⁴⁷ This suggests that individuals struggling to afford food due to rising prices, particularly towards the end of the month, might have less money to spare on non-essential items. For individuals who use vapes as an aid to smoking cessation, they may be considered essential items in terms of calculating ‘cost of

⁴³ [Who would be affected by a ban on disposable vapes? A population study in Great Britain. Sarah E. Jackson et al, 2024](#)

⁴⁴ Relative poverty is defined as: Individuals living in households whose equivalised income is below 60% of UK median income in the same year. UK Poverty 2024, Joseph Rowntree Foundation (JRF).

⁴⁵ *Ibid.* Very deep poverty is defined as: People living in households whose equivalised household income after housing costs (AHC) is less than 40% of median AHC income.

⁴⁶ Poverty in Scotland 2023. Joseph Rowntree Foundation, 2023

⁴⁷ Poverty Premium in Scotland, For Citizens Advice Scotland. Citizens Advice Scotland, 2016

living'. For individuals who vape for reasons other than smoking cessation, vapes are more likely to be considered as luxury items. This difference should be considered when determining impacts.

34. According to the 2022 household survey, 11% of those aged 16-34 and 12% of 35-59 years old said they are not managing well financially.⁴⁸ These low-income groups have the potential to be adversely impacted by the proposal if they are single-use vape users due to the higher initial cost of purchasing reusable alternatives.
35. A recent study⁴⁹ concluded that approximately 1 in 20 adults (~2.6 million) in the UK would be affected by a ban on single-use vapes. The same study suggests it is likely to have a disproportionate impact on those from lower socio-economic backgrounds, where higher rates of smoking cigarettes are common. However, there is limited insight or evidence available as to exactly what impacts may be experienced. The study suggests those from lower socio-demographic backgrounds typically find it harder to stop cigarette smoking than those from other socio-economic groups, and may rely more heavily on vapes, including single-use, to support smoking cessation efforts.
36. A ban on the sale and supply of single-use vapes will reduce the variety of vapes available. However, individuals wishing to stop smoking will remain able to access advice and support from existing organisations and support services. This includes free access to Quit Your Way Scotland⁵⁰ and NHS services such as local pharmacies. Local specialist 'stop smoking services'⁵¹ commonly help in hospitals, GP surgeries and local community centres.

⁴⁸ Scottish Household Survey, Scottish Government, 2023

⁴⁹ Who would be affected by a ban on disposable vapes? A population study in Great Britain. Jackson et al, 2023

⁵⁰ Quit your way Scotland website. NHS

⁵¹ Quit your way smoking, local services. NHS last accessed 10 March 2024

37. The Scottish Health Survey 2021⁵² highlighted that current use of vapes (mixture of single-use and reusable) was more frequent with those in the bottom equivalised income quintile (11% compared with 2% in the top quintile) and in the most deprived Scottish Index Multiple Deprivation (SIMD) quintile (12% compared with 3% in the least deprived).
38. It also showed that among recent ex-smokers and current smokers who tried to quit, e-cigarettes and vapes for smoking cessation were more commonly used in the bottom equivalised income quintile (25% compared to 13% in the top quintile) and in the most deprived SIMD quintile (26% compared to 8% in the least deprived).
39. A 2023 UK-wide consultation, 'Creating a smokefree generation and tackling youth vaping'⁵³ included questions on affordability of both cigarette smoking and vaping. It suggests that there is both a significant difference between the price of cigarettes and vapes, as well as between reusable and single-use vapes.
40. The 2023 UK-wide consultation⁵⁴ suggests that currently, smoking is estimated to be on average around three times more expensive than vaping due to application of both VAT and cigarette tax. It also suggests there is a relatively wide range of costs for vapes, with single-use vapes being cheaper as a one-off purchase. The costs used in the consultation ranged from an average of £6 for single-use vapes making them the cheaper option in the short term. Reusable vapes are initially more expensive with pre-filled pods kits on average costing an average of £12 with the more complex refillable cartridge vapes an average of £40.

⁵² Scottish Health Survey 2021: Supplementary Tables. Scottish Government, 2021

⁵³ Creating a smokefree generation and tackling youth vaping: your views - GOV.UK (www.gov.uk)

⁵⁴ *ibid*

41. A 2024 HMRC survey-based research report⁵⁵ 'Understanding the vaping market' suggests that the lower cost of vaping compared to smoking cigarettes was a motivation for around a third of current vapers.
42. The summary of the 2024 HMRC report⁵⁶ suggests that there may be a cost tipping point at which the use of vapes reduces as the price rises. The report states that:
- 'In a hypothetical situation presented in the survey, increasing the price of vapes by £1 did not notably change current vapers intention to vape with 71% saying they would be likely to vape about the same amount. However, doubling the price had more of an impact, with 62% of current vapers saying they would reduce how much they vape in this scenario'.
43. The 2024 HMRC report⁵⁷ also suggests that single-use vapes users typically spend more in a week than reusable vapes users. Single-use vapes users had an average weekly spend of £10.85 compared to reusable vape users who had an average weekly spend of £6.95.
44. A similar suggestion was received from a respondent to the public consultation on draft Scottish regulations, whereby the respondent suggested that single-use vapes quickly become more expensive for regular users, and as such the policy could benefit vapes users by reducing costs in the relatively short-term.
45. In contradiction, another respondent argued that their own research showed that vapes users choose single-use vapes due to their affordability and ease of use. The Scottish Government will consider how to best monitor and evaluate policy impacts, including how it

⁵⁵ Understanding the vaping market. HM Revenue & Customs, 2024 (full report)

⁵⁶ Executive summary: Understanding the vaping market HM Revenue & Customs, 2024 (summary report)

⁵⁷ *ibid*

influences behaviour change amongst current single-use vape users.

46. While the report suggests that current single-use vapers are mindful of costs, they also consumed products which are typically more expensive than reusable options in the medium to longer-term. This will have influenced the higher weekly spend as laid out in paragraph 43 compared to those using reusable vapes as shown in the HMRC report.
47. The HMRC report goes on to suggest that survey responses from users of single-use vapes engage in 'strategies' to decrease costs. This included buying multiple products due to the availability of deals making it cheaper to buy in bulk, or taking advantage when retailers have 3 for 2 deals that encourage them to buy multiple disposable products at once whilst on their way to a social activity.
48. To date, it has not been possible to sufficiently and clearly assess if the proposal may have a potential impact for groups with low wealth. Views from representative groups will continue to be sought to understand this potential impact better.

Homelessness

49. In Scotland, there were 39,006 homelessness applications recorded in 2022-23. From April to September 2022, 1,184 homeless applicants reported rough sleeping during the previous three months (6% of all applications).⁵⁸
50. A 2014 report for Public Health England⁵⁹ highlighted that cigarette smoking was highly prevalent among homeless individuals. Similar findings were also seen in the report from a 2021 study, 'Exploring the uptake and use of electronic cigarettes provided to smokers accessing homeless

⁵⁸ Going under and without: JRF's cost of living tracker, winter 2022/23. Joseph Rowntree Foundation, 2023

⁵⁹ Electronic cigarettes A report commissioned by Public Health England

centres: a four-centre cluster feasibility trial'.⁶⁰ However, the evidence of those experiencing homelessness who also use vapes is extremely limited at this time.

51. Those experiencing homelessness and who use vapes may rely on single-use vapes rather than reusable options. However, there is little data or evidence available at this time to confirm this. Views were sought ahead of the consultation from representative organisations to better understand what impact the proposal may have, particularly where they are used as an aid for smoking cessation. Ongoing engagement will be considered with representative groups to gain a better understanding of this potential impact, including through monitoring and impact evaluation activities.

Rural communities

52. A Scottish Government report from 2021 estimated that the minimum cost of living in 'remote rural' Scotland is between 15% and 30% higher than urban parts of the UK.⁶¹ The budgets that households need to achieve a 'minimum acceptable living standard in remote rural Scotland are typically 10-40 per cent higher than elsewhere in the UK'.⁶² The research suggests that this is on account of significant additional costs, such as food, clothing, household goods and holidays.

53. It is likely, therefore, that households in remote rural Scotland require a higher income to attain the same minimum living standard as those living elsewhere in the UK.⁶³ While living in remote rural areas in Scotland incurs additional costs, it is unclear how people living in these areas would be

⁶⁰ Exploring the uptake and use of electronic cigarettes provided to smokers accessing homeless centres: a four-centre cluster feasibility trial'. Cox et al 2021.

⁶¹ The Cost of Remoteness, Reflecting higher living costs in remote rural Scotland when measuring fuel poverty. Scottish Government, 2021

⁶² A Minimum Income Standard for Remote Rural Scotland, Summary and key findings. Highlands and Islands Enterprise (2013)

⁶³ Poverty in Rural Scotland: a review of evidence. Scottish Government, 2021

impacted by the proposal. It has not been possible to determine the amount of single-use vapes that are used in these contexts and the socio-economic characteristics of the consumers.

54. Consideration was given to the impact of the proposal to overall availability, particularly to those using vapes as a method of smoking cessation. As all current retailers are anticipated to switch products to reusable alternatives, the availability of vapes for smoking cessation purposes should remain the same. Similarly, the availability of reusable vape products from online retailers is anticipated to remain the same as currently.
55. No feedback directly relevant to this potential impact was received during the public consultation. As above, it remains likely that those current retailers, including online providers, will switch to alternative products and maintain availability for smoking cessation purposes.

Reduced littering

56. In the Scottish Household Survey 2022, those living in the 20% most deprived areas were more likely to say neighbourhood problems, such as litter and graffiti, were 'common' than those in the least deprived (72% compared with 39%).⁶⁴ This was further supported by the Scottish Litter Survey in 2023⁶⁵. Those living in less affluent areas are significantly more likely to view litter as a problem locally. 83% of those in the least affluent neighbourhoods viewed litter as a problem locally. This compares to 56% in the most affluent areas.
57. In the report, 'How Clean Are Our Streets?'⁶⁶, 'poorer litter outcomes' (more significant presence of litter) are more prominent in urban-based local authority areas, with 14% of sites significantly impacted by litter compared to

⁶⁴ Scottish Household Survey 2022: Key Findings. Scottish Government, 2023

⁶⁵ Scottish Litter Survey (2023), Tracking public perceptions and attitudes towards litter and littering behaviour. Keep Scotland Beautiful, 2023

⁶⁶ How Clean Are Our Streets? 2022/2023. Keep Scotland Beautiful, 2023

6% in rural-based local authority areas.⁶⁷ Furthermore, in areas of highest deprivation, close to a quarter of sites (23%) recorded a significant presence of litter compared to only 3% in the areas of least deprivation.

58. While there is little available data on what proportion of litter is vape related, Keep Scotland Beautiful have cautioned that vapes are becoming the fastest growing litter stream.⁶⁸ A 2023 report further estimated that between 21 - 26 million disposable vapes were consumed and thrown away in Scotland between April 2022 and April 2023.⁶⁹ As vapes related litter is assumed to decrease rapidly after the proposal is enacted, it is anticipated this will result in a significant positive impact.
59. No feedback directly relevant to this potential impact was received during the consultation, however it remains that a significant decrease in single-use vapes being littered is expected soon after the policy is implemented. The Scottish Government will consider how to best monitor and evaluate policy impacts, including littering.
60. A better understanding of proportional impacts is required to ensure the Scottish Government can pay due regard to the scale of socio-economic disadvantage and inequalities of outcome in relation to this proposal. Of those who responded to the consultation question on the Fairer Scotland Duty Assessment (FSDA) document, there was agreement with the potential areas of impact identified in the interim FSDA. There was further agreement that they should be monitored to identify any experienced impacts as the policy is implemented.
61. All engagement adhered to our commitments under the World Health Organisation Framework Convention on Tobacco Control (FCTC) Article 5.3. This ensures our tobacco control policies are protected from commercial and other vested interests of the tobacco industry.

⁶⁷ *ibid*

⁶⁸ Single-use vapes become fastest growing litter item. Keep Scotland Beautiful, 2023

⁶⁹ Environmental impact of single-use e-cigarettes, Hogg 2023

Summary of assessment findings

62. Prior to consultation, a preliminary framing exercise was conducted by Zero Waste Scotland involving officials in the Scottish Government's Product Stewardship team. A principal researcher from the Scottish Government's Office of the Chief Social Policy Advisor was also consulted and provided advice and insight to the process. This was further supported using desktop research
63. The framing exercise identified a limited number of potential impacts. As a result, a desk-based approach was considered to be appropriate for this stage of the FSDA and has been used to source existing data and evidence.
64. Following these initial scoping exercises, wider internal Scottish Government consultation and engagement with relevant external organisations was undertaken.
65. Initial contact was also made with a number of representative groups involved in supporting those experiencing socio-economic disadvantage. The Scottish Government will consider further engagement to better understand how the proposal may impact on those experiencing socio-economic disadvantage across Scotland ahead of policy implementation.
66. At this time, there is not believed to be sufficient evidence of impacts on those who experience socio-economic disadvantage to amend the proposal. Alternatives to single-use vapes are widely available, including reusable vapes as well as nicotine patches and gum for smoking cessation purposes. The latter options are available through prescription for current cigarette smokers who are trying to stop.
67. This FSDA has summarised potential impacts based on available information at the time of production and will be used by the Scottish Government to inform implementation of the policy. Appropriate monitoring of

the policy is required to ensure emerging impacts are identified and addressed where appropriate post-implementation.

68. It should be noted that there is potential overlap between those with protected characteristics considered within the Equalities Impact Assessment who are also experiencing socio-economic disadvantage. This can result in individuals experiencing cumulative impacts from the planned policy proposal. Evidence has not been identified at this current time, but this will continue to be reviewed during the consultation.
69. An [Equalities Impact Assessment \(EQIA\)](#), an [Island Communities Impact Assessment \(ICIA\)](#) and a [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#) have been conducted alongside this Fairer Scotland Duty Assessment (FSDA). The socio-economic outcomes considered in this assessment have links across potential impacts identified in the EQIA. It is advised that this document should be read in conjunction with the other impact assessments where relevant.

Decision

70. Following wider engagement across Scottish Government, with representative groups ahead of the consultation and feedback received during the consultation the Scottish Government continues to believe there is not sufficient evidence to amend the proposal.
71. Alternatives to single-use vapes are widely available, including reusable vapes as well as nicotine patches and gum for smoking cessation purposes. The latter options are available through prescription for current cigarette smokers who are trying to stop.
72. Access to smoking cessations support will also remain available. This includes free access to Quit Your Way Scotland⁷⁰ and NHS services such as

⁷⁰ Quit your way Scotland website. NHS

local pharmacies. Local specialist 'stop smoking services'⁷¹ commonly held in hospitals, GP surgeries and local community centres will also continue.

73. It is also considered that there is a sufficient notice and transition period prior to the implementation of the regulations, due 1st April 2025, to allow those using single-use vapes to adjust to reusable alternatives.
74. Evidence available and gathered during public consultation helped inform this FSDA. Mostly notably, of the responses relevant to the FSDA, was the support for consideration of how to monitor and evaluate the policy impacts on the areas identified in the interim FSDA as part of the wider evaluation. This is in alignment with comments received on the EQIA with regards to ensuring appropriate monitoring of the policy post-implementation.
75. The Scottish Government will consider an appropriate and proportionate post-implementation monitoring approach for the policy to evaluate impacts.

Sign off

David McPhee
Deputy Director Producer Responsibility
Date: 24 May 2024

⁷¹ Quit your way smoking, local services. NHS last accessed 10 March 2024



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Any enquiries regarding this publication should be sent to us at

The Scottish Government
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