

Lorna Slater MSP
Minister for Green Skills, Circular Economy and Biodiversity
The Scottish Parliament
Edinburgh
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CC: First Minister of Scotland Humza Yousaf MSP, Cabinet Secretary for NHS Recovery, Health and Social Care Michael Matheson MSP, Minister for Public Health and Women's Health Jenni Minto MSP, Convener of the Health, Social Care and Sport Committee Clare Haughey MSP, Chair of Zero Waste Scotland Helen Wollaston, CEO of Zero Waste Scotland Iain Gulland, Dr Dominic Hogg.

25 July 2023

Dear Lorna,

On behalf of the UK Vaping Industry Association, we are writing to share our concerns about the report titled "Scoping policy options for Scotland focusing on understanding and managing the environmental impact of single-use e-cigarettes."¹ This report was recently presented to the Scottish Government by Zero Waste Scotland and Dr Dominic Hogg from Equanimator Ltd, as commissioned by the Scottish Government for their urgent review into the environmental impact of disposable vapes.

We have two main concerns regarding this report. Firstly, we are concerned about the process followed in the preparation of this review and the potential impact on public health in Scotland if all the recommendations from this review are implemented.

Our concerns regarding the preparation of this review revolve around the consultation process and the lack of impartiality of the person commissioned to lead the review. Unfortunately, it seems that this review could be used as a tool to push through anti-vaping policies without proper public consultation and scrutiny. The public and the wider vaping industry were not given the opportunity to provide submissions to the review, and although the UKVIA and the IBVTA were invited to submit, our members were not allowed to provide their own responses. We note that this contradicts the Scottish Government 'Consultations in the Scottish Government: guidance' which states that "consultations are open for all citizens to reply to."²

This gives the impression that the consultations were merely a box-ticking exercise rather than a genuine attempt to engage with the views of both the vaping sector and those who have successfully transitioned from smoking to vaping. This impression is reinforced by the fact that the report does not reference any comments from the UKVIA, the UK's largest vaping association with an extensive membership in Scotland. This approach differs from the previous Scottish consultation on the advertising and promotion of vaping products, which allowed vapers to have their say and resulted in diverse responses to the government's proposals. This is disappointing considering that the recommendations in the review could significantly impact the lives and livelihoods of many individuals.

¹ <https://www.zerowastescotland.org.uk/resources/environmental-impact-single-use-e-cigarettes>

² <https://www.gov.scot/publications/consultations-in-the-scottish-government-guidance/>



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Secondly, we are deeply concerned that the recommendations presented to the Scottish Government were predetermined by the writer. This raises questions about the fairness of the review process and whether biases may have influenced the objective consideration of facts. Our concerns stem from a post made by Dr. Hogg on LinkedIn following the release of the report, where he stated "if we weren't going to keep SU-ecigs off the market, then what product would we keep off the market?"³ Such public comments from the lead reviewer call into question the impartiality of the review, which is a crucial qualification for anyone tasked with providing recommendations to the government.

Furthermore, we are concerned about the potential impact of the report's recommendations on public health. Over the past decade, it has been widely accepted in the public health domain that e-cigarettes are the most effective way to help smokers transition to a less harmful alternative. This is supported by the findings of the ongoing Oxford University Cochrane Review, which has concluded that vaping is more effective than traditional nicotine replacement therapies in aiding smoking cessation.⁴ It is on this note that we would also like to voice our disappointment that there was no question on the public health benefits of e-cigarettes in the consultation questionnaire.

Given that Scotland has the highest smoking prevalence in the UK, with 14.8% of the population being smokers compared to lower rates in England, Northern Ireland, and Wales, any policies that hinder access to reduced-risk alternatives should be reconsidered.⁵ We cannot ignore the fact that smoking causes 200 deaths per day in the UK and remain the most littered item worldwide.

Outlawing one of the most popular, convenient and accessible alternatives to combustible tobacco would likely increase smoking rates, especially among low-income vapers who rely on affordable disposables as an initial step away from cigarettes. Additionally, prohibition has been proven ineffective, and a ban on disposable e-cigarettes would create a thriving black market beyond government control. If disposable e-cigarettes are banned, these highly regulated products, which have undergone rigorous testing to ensure compliance with safety standards and absence of harmful chemicals, would be replaced by illegal and potentially dangerous alternatives.

A recent example of where a vaping control policy has led to widespread negative externalities is the Australian 'prescription only' vaping policy. An open letter sent to the Members of the Parliament of Australia, signed by 45 leading Australian and New Zealand public health and addiction experts, none of whom have any links to tobacco or e-cigarette companies, revealed a number of concerns that the Australian National Advisory Council on Alcohol and Other Drugs has about the continuation of this 'prescription only' policy.⁶

In this letter published on the 18th of July, it was revealed that the Advisory Council noted that the prescription-only policy has resulted in the "unregulated market is now more available and potent than that in the regulated one and is being sold to [young] people who should not have access." The Council also noted that "further restrictions will likely only make the problem worse" and that the Australian Government should ensure "an evidence-based policy" as "we want to avoid making policy driven by unsubstantiated anecdotal

³ https://www.linkedin.com/posts/dominic-hogg_ecodesign-extendedproducerresponsibility-activity-7082987333020475392-yjxA?utm_source=share&utm_medium=member_desktop

⁴ [cochrane.org/news/latest-cochrane-review-finds-high-certainty-evidence-nicotine-e-cigarettes-are-more-effective](https://www.cochrane.org/news/latest-cochrane-review-finds-high-certainty-evidence-nicotine-e-cigarettes-are-more-effective)

⁵ <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/healthandlifeexpectancies/bulletins/adultsmokinghabitsingreatbritain/2021>

⁶ <https://colinmendelsohn.com.au/wp-content/uploads/2023/07/Urgent-vaping-law-reform-needed-in-Australia.-Members-Parliament-of-Australia.18July2023.pdf>



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evidence or selective interpretations of the data." Critically, the National Advisory Council noted that "There's no evidence that vaping results in young people who are not at risk of smoking tobacco to take up smoking."

We urge the Scottish Government and those involved in this consultation to seriously consider the dangers of pursuing prohibitive measures, as proposed in this review. There is a better way forward that can minimize the impact of disposables on the environment while providing many smokers with a lifeline. Equally, we strongly encourage the Scottish Government to ensure that they appropriately consider the submissions presented to them by the industry they intend to regulate. Without such considerations, there is an ongoing risk that any introduced policies will be unworkable and result in more negative consequences than positive ones.

We would appreciate the opportunity to meet with you to discuss our concerns and explore how the Scottish Government can best support smokers in transitioning to a less harmful alternative while ensuring that impact on the environment is minimised.

Kind regards

John

John Dunne
Director General UKVIA