

A. EQUALITY IMPACT ASSESSMENT

Introduction

This impact assessment considers the impact our proposal, to ban single-use vapes, could have on people with and sharing protected characteristics as described in the Equality Act 2010: Age, Disability, Gender Reassignment, Pregnancy and Maternity, Race, Religion, Sex, Sexual orientation and Socio-economic disadvantage.

We acknowledge there are potential positive and negative impacts on children and young people, therefore we have completed a full **Children's Rights Impact Assessment** which includes the mitigating actions to address these impacts.

Concerns were raised during the 2023 Creating a smokefree generation and tackling youth vaping consultation, of the possible impact on smoking cessation following the introduction of a ban on single-use vapes. The potential impact on tobacco smoking, and the differential health impacts in particular groups (e.g., people in closed settings such as prisons, mental health settings, care homes and homeless hostels) have been considered in a full **Health Impact Assessment**.

A **Socio-economic Duty Assessment** has considered whether our proposal contributes to inequalities of outcome experienced because of socio-economic disadvantage.

Therefore, this impact assessment should be read in conjunction with the Children's Rights Impact Assessment, Health Impact Assessment and Socio-economic Duty Assessment.

Policy Aims and Intended Effects

A ban on the supply of single-use vapes in Wales is due to come into effect on 1 June 2025 and will align with bans being introduced in England, Scotland and Northern Ireland in 2025.

Single-use vapes

Vapes are battery-powered devices that heat a liquid (usually nicotine, although non-nicotine liquids are also available) to produce an aerosol that is inhaled. They are sold in both reusable and single-use form, with the latter being classified as being neither rechargeable nor refillable and is then discarded when it runs out of charge

or e-liquid. Single-use vapes typically come ready-filled with 2ml of e-liquid (approximately 600 'puffs') and a maximum of 2% nicotine.

Our legislation will only ban single-use vapes and this includes both the nicotine and non-nicotine versions. Reusable vapes will continue to be available. Our legislation is being introduced to address the environmental concerns associated with the significant production and inappropriate disposal of single-use vapes.

Primary aim – Addressing environmental concerns

The rise in popularity of single-use vapes, particularly amongst young people, has led to a substantial increase in the amount of waste being generated and resources used to make these products. Subsequently, there has been growing concern over their environmental impact. In 2023, research by [Material Focus](#) estimated that over 5 million single-use vapes were being either littered or thrown away in general waste every week in the UK, almost four times as much as the previous year. Only 17% of those surveyed for the study said they recycled their vapes.

When single-use vapes are littered, they introduce plastic, nicotine salts, heavy metals, lead, mercury and flammable lithium-ion batteries into the [natural environment](#). The chemicals can end up contaminating waterways and soil and can also be toxic and damaging to wildlife. When littered the plastic casing can grind down into harmful microplastics. Surveys undertaken by [Keep Wales Tidy](#) (KWT) found a sharp rise in the presence of single-use vapes in our environment. Between 2023/24, single-use vapes were found on 10.2% of streets across Wales, with an estimated 6700 vapes littered on our streets at any one time.

Vapes, like other electricals, should not be placed in a general waste bin especially as they can pose a fire risk due to their lithium batteries. [Research](#) has estimated lithium-ion batteries are responsible for approximately 48% (over 200) of all waste fires occurring in the UK each year. Single-use vapes are also made in such a way that they are difficult to recycle.

Other environmental impacts from the manufacturing single-use vapes are also of concern. A typical single-use vape contains plastic, copper, cobalt and a lithium battery. Lithium and cobalt are essential to the production of electronic devices, batteries and energy generation. The increased demand for single-use vapes has led to an increased demand for these critical raw materials. [Research](#) has estimated the total amount of single-use vapes purchased every year contain enough lithium to provide batteries for 5,000 electric vehicles. This is a waste of valuable resources in a product with a short lifespan, that is poorly recycled and has a reusable alternative readily available.

As well as a loss of resources in the economy, there are also environmental impacts with raw material extraction, single-use vapes production and manufacturing. Most notably, this includes greenhouse gas emissions and water

consumption generated in their manufacture. By removing these products off the market, the Welsh Government will be taking direct action to commitment to address climate change and the climate emergency.

Additional health benefits

In addition to the significant environmental impact, single-use vapes are understood to be driving recent increases in youth vaping. Data shows the number of [children and young people using vapes has tripled](#) in the past three years. Due to their nicotine content and the unknown long-term harms, vaping carries a risk of harm and addiction for children. In Wales, it is estimated [5% of secondary-aged learners](#) use vapes on a weekly basis with single-use vapes the most [common type of device](#) used by children and young people.

The Chief Medical Officer for Wales Annual Report, [Shaping Our Health, published November 2023](#), highlights that *“whilst it is true that vapes are still relatively new and the long-term impact of their use is still developing, it is clear that caution must be taken in order to protect children and young people and non-smokers as we face a real danger in the UK of creating a new generation of nicotine-addicted young people unless we take urgent action. We must therefore make sure that we learn from our experience with tobacco and ensure we work as hard as possible to prevent the use and uptake of vapes by children and young people”*.

Wider policy aims

The Welsh Government has an ambitious sustainability agenda and is dedicated to addressing environmental pollution. Although recycling rates in Wales are internationally recognised, plastic waste still represents a problem. Single-use plastic items make up a significant proportion of litter on our streets, parks and seas. Eliminating single use plastic items from the waste stream and preventing such products from entering the environment in the first place, is a key priority in Wales. The objective is enshrined in wider Welsh Government goals and ambitions, primary legislation and strategies.

[The Programme for Government 2021-2026](#) sets a commitment to “Embed our response to the climate and nature emergency in everything we do”. Under this encompassing pledge, there is a specific commitment to “Legislate to abolish the use of more commonly littered, single use plastics”.

The introduction of a ban on the availability of these unnecessary problematic products forms part of a package of wider measures being taken forward by the Welsh Government. These measures aim to reduce the negative impact littering, plastic pollution and climate change have on our environment and the health of children and young people, who may be exposed to the harms of nicotine addiction, toxic substances, and environmental waste from single use vapes. The policy also

aims to prevent the normalisation of vaping and smoking among children and young people.

We aim to spark a cultural change where unnecessary waste is prevented, and discarded materials are thought of as resources rather than waste. The introduction of these proposals is another key step in our phased approach to shift away from our throwaway culture, by removing these products from the supply chain we will help prevent this form of pollution from occurring in the first place. It will also encourage businesses to move towards making more reusable, more easily recyclable and less environmentally harmful alternatives. The proposals will also help to increase consumer awareness of the harm these products have on the environment.

What impact will these proposals have on people with and sharing protected characteristics as described in the Equality Act 2010

The Equalities Act 2010 places a General Equality Duty on Welsh Ministers to have 'due regard' to the need to:

- **Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;**
- **Advance equality of opportunity between people who share a protected characteristic and those who do not, which involves having due regard, in particular, to the need to:**
 - **Remove or minimise disadvantages suffered by people who share a protected characteristic;**
 - **Take steps to meet the needs of people who share a protected characteristic that are different to those who do not. The steps involved in meeting the needs of disabled people that are different from the needs of people who are not disabled include, in particular, steps to take account of their impairments;**
 - **Encourage people who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low; and**
- **Foster good relations between people who share a protected characteristic and those who do not, which involves having due regard, in particular, to the need to tackle prejudice and promote understanding.**

Consultation on proposals

The Welsh Government, along with the Scottish Government, UK Government (UKG) and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland published a four nations consultation on *Creating a smokefree generation and tackling youth vaping* which ran from October-December 2023. The consultation included a range of proposals, including consideration of prohibiting the sale and supply of single-use vapes and other measures to reduce their environmental impact.

The consultation included five questions relating to proposals to restrict the supply or sale of single-use vapes. The consultation received 27,921 responses and 1,018 of these were from Wales.

The four nations [consultation response](#) showed clear support for restrictions on the sale and supply of single-use vapes. Respondents were mostly in favour of the proposed measures reduce littering of single-use plastic products as well as to tackle youth vaping. For those who disagreed with the ban, concerns included impacts on smoking cessation programmes and a desire to focus on improving waste management rather than introducing bans.

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.

Overview of Welsh responses

Regarding the environmental impacts, respondents to the consultation were concerned about the increase in single-use vape litter and the impact this has on the environment and wildlife (poisoning from nicotine/leaching of harmful chemicals). Other views highlighted the waste of resources due to the lack of available recycling facilities and the harm that mining of lithium for vape batteries had on the environment. Concerns regarding the increase in plastic waste, and the risk from fires due to the incorrect disposal of single-use vapes were also raised.

Support for the introduction of a ban also focused on concerns children and young people are able to access single-use vapes and their potential harmful effects on health. There was a strong emphasis on enforcement to stop the sale of single-use vapes being sold to children and young people, as well as a potentially negative impact on children and young people that are nicotine dependent (i.e. reducing access to a product which this group are more likely to use). It was suggested adequate support was needed to reduce the negative impact on learning and well-being once access to single-use vapes was removed. A full assessment of the

impacts our proposals could have on children and young people are set out in our **Children's Rights Impact Assessment**.

There was overwhelming agreement through the consultation that the potential environmental and social benefits of our proposals outweighed potential negative impacts on people in Wales. Regarding Welsh specific responses, a total of 16 responses were received from health and social care organisations, of these, 73% agreed that restrictions should take the form of prohibiting the sale and supply of single-use vapes. Several responses were received from organisations in Wales, including local authorities, Trading Standards Wales, Healthcare and Social Care, children's representative groups, businesses/retailers and non-governmental organisations.

Respondents highlighted there are reusable alternatives to single-use vapes already available on the market. However, concerns were raised by several individuals and organisations of the possible disproportionate impact on various groups, specifically individuals in mental healthcare facilities and those with learning or sight impairments or dexterity issues.

- Betsi Cadwaladr University Health Board and Powys Teaching Health Board NHS agreed with the bans, however highlighted concerns that vulnerable smokers, for example those in mental health, custodial settings and specific closed settings (e.g. prisons, care homes, homeless hostels) may require access to disposable devices. Similar concerns were raised for those with dexterity issues.
- Snap Cymru considered the bans would impact all those who share a protected characteristic, with the greatest impact on, those who have a lower disposable income. They also noted individuals with limited hand use would find priming the non-disposable vape difficult, and for some impossible. They argued that not all of those impacted would have access to carers to set up and fill the devices and even for those that do, this would make increase dependency on others. This could be a trigger for some users to return to cigarettes.

Disabled people, people with long-term health conditions and/or older smokers

Prohibiting the sale and supply of single-use vapes will impact all current users of single-use vapes and require current and future users to purchase alternative options (for example re-usable vapes). Concerns were raised around the impact on disabled people, including having long-standing illnesses which cause dexterity issues (e.g., Parkinson's Disease) and people with mental health conditions or learning difficulties. These were highlighted as groups which may experience disproportionate impact. Evidence from the [National Survey for Wales](#), suggests that

smoking prevalence amongst disabled people is slightly higher than non-disabled people.

This may impact on some people with certain protected characteristics more than others. Initial analysis suggests that the proposal could have a more significant impact on disabled people and older individuals, this may be particularly relevant where vapes are being used as a smoking cessation tool. The impact of our proposals on smoking cessation has been considered in our **Health Impact Assessment**.

Other factors investigated in relation to other protected characteristics do not appear, at this stage, to raise significant equality-related issues. There is potential this may be due to a lack of available published information and the individual circumstances of those impacted. Direct engagement with equality groups and individuals may identify further impacts, and we will continue to seek this information and revise our impact assessment where required.

Positive Impacts

The introduction of our proposals will have a significant positive impact by immediately reducing the amount of single-use plastic products littered, and a long-term positive impact of reducing the amount of plastic in the environment. This will reduce the negative impact littering, plastic pollution and climate change have on our environment and our health and well-being and will provide the most basic health requirements: clean air and safe water.

Negative Impacts

Reusable vapes require chambers to be refilled or cartridges to be replaced which may impact those with limited dexterity and/ or visual impairments. There are currently several versions of reusable vapes, with some possibly easier for individuals suffering from dexterity or visual impairments.

Refillable and reusable devices have developed significantly towards increased convenience and ease of use, including devices such as pod kits, open tank devices, refill cartridges and closed pre-filled pods. However, at present the alternative to single-use vapes may not be suitable to allow for current levels of independence and dignity for all affected.

Mitigating Actions

We will work closely with stakeholders to raise awareness of accessibility issues regarding reusable vapes.

What if any, barriers do people who share protected characteristics face? Can these barriers be reduced, removed, mitigated?

The policy is not specifically intended to tackle prejudice and promote understanding between people who share a protected characteristic. However, based on the overwhelming level of support for the introduction of the proposals we do not believe the introduction of these proposals would cause friction between those who share a protected characteristic and those who do not.

While implementing these proposals will have a direct positive impact on protecting our environment for future generations, we acknowledge that they may have a short-term negative impact on protected characteristic groups. We do not believe the proposal is discriminatory or otherwise unlawful under the Equality Act and it is unlikely the policy will have a discriminatory effect. Nevertheless, the Welsh Government will monitor the delivery of the proposals and remain alert to new evidence suggesting that discrimination or other prohibited conduct is, or could be, occurring and take appropriate action to prevent this happening.

Record of Impacts by protected characteristic:

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Age (think about different age groups) Older People	<p><u>Negative Impact</u></p> <p>Older people may be impacted by the removal of single-use vapes.</p> <p><u>Positive Impact</u></p> <p>Older people are particularly vulnerable to air pollution, our proposals are expected to improve the environment including air quality.</p>	<p><u>Negative Impact</u></p> <p>Creating a smokefree generation and tackling youth vaping consultation: government response identified that older people may be impacted by the removal of single-use vapes, specifically if they use them for smoking cessation</p> <p><u>Positive Impact</u></p> <p>Evidence provided in a Public Health Wales</p>	<p>Refillable and reusable devices have developed significantly towards increased convenience and ease of use, including devices such as pod kits, open tank devices, refill cartridges and closed pre-filled pods. However, at present the alternative to single-use vapes may not be suitable to allow for current levels of independence and dignity for all affected.</p>

	<p>The introduction of these proposals will reduce air pollution and provide cleaner green and natural spaces like beaches, forests, parks and the countryside by walking, running, cycling, doing conservation work and playing</p>	<p>report highlights the importance of the climate change impact on the health and well-being of the population of Wales</p>	<p>Re-usable vapes and smoking cessation aids, including nicotine replacement therapy will also be an alternative option</p>
<p>Disability (consider the social model of disability¹ and the way in which your proposal could inadvertently cause, or could be used to proactively remove, the barriers that disable people with different types of impairments)</p>	<p><u>Negative Impact</u></p> <p>Disabled people and those with long-term health conditions may be impacted by the removal of single-use vapes.</p> <p><u>Positive Impact</u></p> <p>Disabled people and long-term health conditions are particularly vulnerable to air pollution, our proposals are expected to improve the environment including air quality.</p> <p>The introduction of these proposals will reduce air pollution and provide cleaner green and natural spaces like beaches, forests, parks and the countryside by walking, running, cycling, doing conservation work and playing.</p>	<p><u>Negative Impact</u></p> <p>Creating a smokefree generation and tackling youth vaping consultation: government response identified disabled people and those with long term health conditions may be impacted by the removal of single-use vapes, specifically if they use them for smoking cessation</p> <p><u>Positive Impact</u></p> <p>Evidence provided in a Public Health Wales report highlights the importance of the climate change impact on the health and well-being of the population of Wales</p>	<p>Refillable and reusable devices have developed significantly towards increased convenience and ease of use, including devices such as pod kits, open tank devices, refill cartridges and closed pre-filled pods. However, at present the alternative to single-use vapes may not be suitable to allow for current levels of independence and dignity for all affected.</p> <p>Re-usable vapes and smoking cessation aids, including nicotine replacement therapy will also be an alternative option</p>
<p>Gender Reassignment (the act of transitioning and Transgender people)</p>	<p>No specific positive or negative impacts have been identified.</p>		<p>We will monitor the delivery of the proposals and remain alert to new evidence suggesting any negative impacts, discrimination or</p>

¹ Welsh Government uses the social model of disability. We understand that disabled people are not disabled by their impairments but by barriers that they encounter in society. Ensuring that your proposal removes barriers, rather than creating them, is the best way to improve equality for disabled people. For more information, go to the intranet and search 'social model'.

			other prohibited conduct is, or could be, occurring and take appropriate action to prevent this happening.
Pregnancy and maternity	<p><u>Positive Impact</u></p> <p>The introduction of our proposals will have a significant positive impact by immediately reducing the amount of single-use plastic products littered, and a long-term positive impact of reducing the amount of plastic in the environment. This will reduce the negative impact littering, plastic pollution and climate change have on our environment and our health and well-being and will provide the most basic health requirements: clean air and safe water.</p> <p>Microplastics, plastic pieces smaller than 5 mm, have become increasingly prevalent in the natural world, and studies published in the last three years, including several from 2020, shows that they've contaminated not only the ocean and where we live, but the air, our food, and even our bodies.</p>	<p><u>Positive Impact</u></p> <p>A growing body of research shows that plastic is invading our bodies through the air we breathe, the water we drink and the food we consume. A new study has now shown that microplastic are even present inside human placentas, posing a potential risk to fetal health and development.</p> <p>The microplastics likely entered the mothers' bodies through food ingestion or through respiration, and then translocated into the placentas. While further research needs to be done on the subject, it is believed that these microplastics could disrupt immunity mechanisms in babies.</p> <p>Also, the World Health Organisation consider nicotine exposure in pregnant women can adversely affect the development of the fetus. Further, the consumption of nicotine in children and adolescents has negative impacts on brain development, leading to long-term consequences for brain development and potentially leading to learning and anxiety disorders.</p>	
Race (include different ethnic	There may be potential for the proposal to		Accessible and inclusive communication will be central

minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)	impact those where English is not a first language if the ban isn't communicated effectively. It is expected the proportionality of this is low.		to ensure high levels of participation and understanding around the proposal.
Religion, belief and non-belief	No specific positive or negative impacts have been identified.		We will monitor the delivery of the proposals and remain alert to new evidence suggesting any negative impacts, discrimination or other prohibited conduct is, or could be, occurring and take appropriate action to prevent this happening.
Sex / Gender	No specific positive or negative impacts have been identified.		We will monitor the delivery of the proposals and remain alert to new evidence suggesting any negative impacts, discrimination or other prohibited conduct is, or could be, occurring and take appropriate action to prevent this happening.
Sexual orientation (Lesbian, Gay and Bisexual)	No specific positive or negative impacts have been identified.		We will monitor the delivery of the proposals and remain alert to new evidence suggesting any negative impacts, discrimination or other prohibited conduct is, or could be, occurring and take appropriate action to prevent this happening.
Marriage and civil partnership	No specific positive or negative impacts have been identified.		We will monitor the delivery of the proposals and remain alert to new evidence suggesting any negative impacts, discrimination or other prohibited conduct is, or could be, occurring and take appropriate action to prevent this happening.
Children and young people up to the age of 18	Both negative and positive impacts have been identified. These have been fully explored in the Children's Rights Impact Assessment.		

Low-income households	<p>Both negative and positive impacts have been identified.</p> <p>These have been fully explored in the Socio-economic Duty Assessment.</p>		
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Human Rights and UN Conventions

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
Human Rights	<p>This proposal applies equally to all, therefore no specific positive or negative impacts on human rights have been identified</p>	<p>Re-usable vapes and smoking cessation aids, including nicotine replacement therapy will remain available as alternatives to single-use vaping.</p> <p>Guidance will be issued to support the implementation of the proposals. The intention is to provide information which will ensure there is clarity for enforcing officers, suppliers, retailers and members of the public.</p> <p>It will be published and available to all citizens in a range of formats to ensure it is accessible to all.</p>	No need for mitigation.

EU/EEA and Swiss Citizens' Rights

No specific impacts have been identified.