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Sent to: sfgconsultation@dhsc.gov.uk and uploaded to online survey portal.

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Dear Smokefree Generation Team,

Creating a Smokefree Generation and Tackling Youth Vaping

The National Fire Chiefs Council (NFCC) welcomes the opportunity to respond to this consultation on the Government's proposals to reduce smoking prevalence and youth vaping. NFCC is the professional voice of UK fire and rescue services (FRSs) and is comprised of a council of UK Chief Fire Officers. This response was drafted by NFCC's Strategy and Policy Team in consultation with subject-matter experts and our members across UK FRS.

As public sector organisations, FRSs are part of multi-agency tobacco control approaches to reduce smoking prevalence in order to limit the fire risks associated with smoking and to promote the safety, health, and well-being of their communities. Therefore, NFCC broadly supports the Government's proposals to change the age of sale for tobacco products and introduce measures to reduce youth vaping. NFCC considers no action on smoking or vaping to be unacceptable. However, we strongly recommend that the Government gives full consideration to the impacts any action will have on fire safety, particularly in regard to reducing the fire risk surrounding smoking in the home and the fire risk related to lithium-ion batteries found in vaping products.

Changing the Age of Sale for Tobacco Products

Preventing fires, fire fatalities, and injuries in people's homes remains the primary focus of FRSs' Prevention work. Reducing smoking prevalence is a key part of this, and NFCC will continue to support the sector and its partner organisations to deliver strategic and tactical fire safety approaches to reduce the risk of smoking-related fires in the home.

Despite the overall number of cigarette smokers falling, smoking remains one of the top causes of primary fires in England. Smoking also has a disproportionate impact in terms of deaths from fire due to the nature of smoking-related fires in homes, which occur in confined spaces where people sleep or where people may have health or mobility issues. Smoking is therefore a significant fire risk, one that is exacerbated among vulnerable groups. Reducing smoking prevalence is the FRS's main strategic tool for reducing the fire risk surrounding smoking, and the number of smoking-related fires and fatalities in people's homes. The Government's proposals to change the age of sale for tobacco will reduce smoking prevalence and, by extension, the fire risk surrounding smoking.

Regulating Vaping

Vaping is a way to support smokers to reduce or quit smoking – thereby reducing the fire risk in homes – and should not be marketed in any way, including as a recreational activity or in a way that encourages new users (both adults and children), due to the risks associated with vaping. In order to reduce the fire risk, NFCC recognises both the need to prevent children, young people, and non-smokers from taking up vaping alongside the crucial role of vapes as a quit aid for current smokers. The Government must ensure that its interventions to limit the attractiveness of vaping to children and young people do not restrict efforts to support and encourage smokers to use vapes, which are safer than smoking from both a fire risk and health perspective.

Nonetheless, vapes still pose a fire risk as they contain lithium-ion batteries, and the Government must ensure that its approach to regulating vaping considers the significant fire risks around the purchase, charging, use, and disposal of all vaping products.

Prohibiting the Sale and Supply of Disposable Vapes

NFCC supports measures to encourage people to use rechargeable vapes as a smoking cessation tactic, including restrictions on the sale and supply of disposable vapes, which have a significant environmental impact and pose a fire risk in the waste industry.

NFCC recognises the credible arguments both in favour of and against prohibiting the sale and supply of disposable vapes, and the complex consequences of both positions. We do not support no action in relation to disposable vapes, as increased regulation or a prohibition on sale and supply would be an improvement on the current situation. However, we strongly recommend that the Government gives full consideration to the impacts its chosen action will have on fire safety.

Disposable vapes pose a fire risk when not collected separately for specialist recycling, as their lithium-ion batteries can ignite when crushed in a refuse vehicle or at waste-processing plant. Fires at waste centres require a large mobilisation of FRS resources over a protracted period of time and cause significant environmental damage, impacting air and water quality in particular. Restrictions on the sale and supply of disposable vapes will reduce the number of potential ignition sources that enter the waste industry, which will result in fewer waste fires and better environmental outcomes.

The Government's chosen policy approach to restricting vaping products will need to incorporate a considered approach to the disposal of all lithium-ion batteries, for example through enhanced regulation. The Government should also consider whether sellers of vapes or vape packaging should display safety information about the lithium-ion batteries in vaping products, for example a prominent warning about the dangers of improper disposal of lithium batteries and information on the cell chemistry and safe disposal of lithium batteries. It is important that the public are encouraged to purchase, use, charge and dispose of all products containing lithium-ion batteries correctly and safely, not just vapes which have small batteries when compared to e-bikes, e-scooters, and electric vehicles, but still pose a fire risk.

Restrictions on disposable vapes will encourage greater use of rechargeable vapes, which is positive from a fire risk and environmental perspective. Nonetheless, unsafe charging of rechargeable vapes – especially cheaper rechargeable vapes with a higher energy output – also poses a significant fire risk in people's homes. It is therefore crucial that restrictions on disposable vapes are accompanied by the introduction of robust product safety standards for the rechargeable vape industry to ensure that any supply void is not filled by cheap unregulated and potentially dangerous products from the global marketplace.

We welcome the opportunity to respond to this public consultation and we would welcome further discussion following the outcome of the consultation.

Yours sincerely,



Gavin Tomlinson
Chair, Protection and Building Safety
Scrutiny Committee
National Fire Chiefs Council



Rick Hylton
Chair, Prevention Committee
National Fire Chiefs Council

Legislating to create a smokefree generation

Do you agree or disagree that the age of sale for tobacco products should be changed so that anyone born on or after 1 January 2009 will never be legally sold (and also in Scotland, never legally purchase) tobacco products?

- **Agree**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

NFCC broadly supports the Government's proposal to change the age of sale for tobacco products. As public sector organisations, FRSs are part of multi-agency tobacco control approaches to reduce smoking prevalence to limit the fire risks associated with smoking and to promote the safety, health, and well-being of their communities.

Reducing smoking prevalence is FRSs' main strategic tool for reducing the number of smoking-related fires in people's homes. Despite the overall number of cigarette smokers falling, smoking remains one of the top causes of primary fires in England. Smoking materials caused 1,979 accidental dwelling fires in England in 2022/23. Smoking also has a disproportionate impact in terms of deaths from fire, due to the nature of smoking-related fires in homes, which occur in confined spaces where people sleep and may have health or mobility issues. Smoking-related materials result in more fatalities than fires caused by any other single ignition source. House fires caused by smokers' materials led to 65 fatalities and 431 casualties in 2022/23. The already significant fire risk from smoking in the home is exacerbated for vulnerable people and when combined with other factors, notably oxygen therapy, emollient products, air flow pressure relieving mattresses, substance misuse, impaired mobility or dexterity, memory impairment, and hoarding. As a result, any proposals to reduce smoking prevalence will have a significant benefit on public safety, including for vulnerable people in communities.

NFCC supports FRSs to raise awareness of risks of harm and associated fire Prevention or Protection measures to reduce risks to vulnerable people within their homes, and works to support FRS to deliver integrated fire safety and health interventions alongside partners. The Government's proposal to change the age of sale for tobacco products will support FRSs' work to improve the safety, health, and well-being of their communities.

Do you think that proxy sales should also be prohibited?

- **Yes**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

As stated above, NFCC supports changes to the age of sale for tobacco as measures to reduce smoking prevalence will reduce the domestic fire risks associated with smoking and

promote the safety, health, and well-being of communities. This includes the prohibition of proxy sales, which will further reduce the fire risk associated with smoking.

Do you agree or disagree that all tobacco products, cigarette papers and herbal smoking products should be covered in the new legislation?

- **Agree**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

As stated above, smoking-related materials cause a significant proportion of house fires and have a disproportionate impact in terms of deaths from fire. Ensuring that legislation covers all tobacco and smoking products is the most effective way to reduce the fire risks from smoking-related materials.

Do you agree or disagree that warning notices in retail premises will need to be changed to read 'it is illegal to sell tobacco products to anyone born on or after 1 January 2009' when the law comes into effect?

- **Agree**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

NFCC supports this proposal as a sensible approach to increasing awareness of changes in legislation and thereby reducing smoking prevalence and the fire risks associated with smoking.

Tackling the rise in youth vaping: Restricting vape flavours

Do you agree or disagree that the UK Government and devolved administrations should restrict vape flavours?

- **Agree**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Reducing smoking prevalence is a key strategic tool for FRSs to reduce the significant fire risks associated with smoking, as well as to promote healthier communities.

Vaping is a way to support smokers to reduce or quit smoking – thereby reducing the fire risk in homes – and should not be marketed in any way, including as a recreational activity or in a way that encourages new users (both adults and children), due to the risks associated with vaping. In order to reduce this fire risk, NFCC recognises both the need to

prevent children, young people, and non-smokers from taking up vaping alongside the crucial role of vapes as a quit aid for current smokers. The Government must ensure that its interventions to limit the attractiveness of vaping to children and young people do not restrict efforts to support and encourage current smokers to access vapes as both a safer alternative to smoking and to support attempts to quit smoking.

While vaping is safer than smoking, vapes still pose a significant fire risk as they contain lithium-ion batteries, and the Government must ensure that its approach to regulating vaping considers the fire risks around the purchase, charging, use, and disposal of all vaping products. Incorrect charging of vapes, or any lithium-ion battery products, can be particularly dangerous.

Which option or options do you think would be the most effective way for the UK Government and devolved administrations to implement restrictions on flavours? (You may select more than one answer)

- **Option 3: limiting the characterising flavours (the taste and smell) of vapes**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

No further comments.

Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict vape flavours to children and young people?

- **Option A: flavours limited to tobacco only**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Limiting flavours to tobacco will further discourage use and be less attractive to children and young people.

Do you think there are any alternative flavour options the UK Government and devolved administrations should consider?

- **Don't know**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

No further comments.

Do you think non-nicotine e-liquid, for example shortfills, should also be included in restrictions on vape flavours?

- Yes

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Both disposable and rechargeable vapes can cause potentially serious fires and significant injuries, given that they are often in close proximity to people (e.g., in pockets or homes) and can explode. Fires involving vapes are likely to be caused by a malfunctioning lithium-ion battery, which can be triggered by mechanical damage, exposure to extreme heat, unsafe charging, short circuiting, or manufacturing faults. The fire risk is equally high from non-nicotine liquid products, and they should be equally regulated in order to reduce fire risk.

Regulating point of sale displays

Which option do you think would be the most effective way to restrict vapes to children and young people?

- **Option 1: vapes must be kept behind the counter and cannot be on display, like tobacco products**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Reduced smoking prevalence is the key strategic tool for FRSs looking to limit the fire risks associated with smoking, and NFCC supports measures that reduce smoking prevalence for children and young people and adults. The Government must ensure that its interventions to limit the attractiveness of vaping to children and young people do not prevent efforts to support and encourage smokers to use vapes, which are safer from both a fire risk and health perspective. Restricting point of sale displays of cigarettes has reduced smoking susceptibility among young people.¹ Treating vapes in a similar manner to tobacco products – keeping them behind counters and not on display – will likely deter young people from purchasing them, thereby reducing future smoking prevalence and associated fire risks. However, this must be balanced alongside the need to ensure vapes are accessible to current smokers as a tool to reduce or quit smoking, which will have a significant knock-on impact on the fire risk in people's homes.

The lithium-ion batteries in rechargeable and disposable vapes present a significant fire risk. The Government should ensure that that sellers of vapes are required to display safety information about the lithium-ion batteries in vaping products, for example a prominent warning about the dangers of improper disposal of lithium batteries and information on the cell chemistry and safe disposal of lithium batteries.

¹ A. Ford, A.M. MacKintosh, C. Moodie, et al., 'Impact of a ban on the open display of tobacco products in retail outlets on never smoking youth in the UK: findings from a repeat cross-sectional survey before, during and after implementation', *Tobacco Control*, 29, 3 (2020), pp. 282–288.

Do you think exemptions should be made for specialist vape shops?

- **No**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Extending the above measures to vape shops will likely reduce smoking prevalence, and thereby the risk of fire in communities.

If you disagree with regulating point of sale displays, what alternative measures do you think the UK Government and devolved administrations should consider?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

No further comments.

Regulating vape packaging and product presentation

Which option do you think would be the most effective way for the UK Government and devolved administrations to restrict the way vapes can be packaged and presented to reduce youth vaping?

- **Option 3: prohibiting the use of all imagery and colouring and branding (standardised packaging) for both the vape packaging and vape device**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The Government must ensure that its interventions to limit the attractiveness of vaping to children and young people do not restrict FRSS' and partner agencies' efforts to support and encourage current smokers to use vapes, which are safer from both a fire risk and health perspective. Vaping is a way to support smokers to reduce or quit smoking – thereby reducing the fire risk in homes – and should not be marketed in any way, including as a recreational activity or in a way that encourages new users (both adults and children), due to the risks associated with vaping. NFCC supports measures to limit the appeal of vapes to children through restrictions on packaging alongside continued measures to support adults using vapes to quit smoking, both of which will have a knock-on impact on fire risks in people's homes.

The lithium-ion batteries in rechargeable and disposable vapes present a fire risk, especially when charged or disposed of incorrectly. The Government should ensure that vape packaging includes safety information about the lithium-ion batteries in vaping products, for

example a prominent warning about the dangers of improper disposal of lithium batteries and information on the cell chemistry and safe disposal of lithium batteries.

If you disagree with regulating vape packaging, what alternative measures do you think the UK Government and devolved administrations should consider?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

No further comments.

Restricting the supply and sale of disposable vaping products

Do you agree or disagree that there should be restrictions on the sale and supply of disposable vapes?

That is, those that are not rechargeable, not refillable or that are neither rechargeable nor refillable.

- **Agree**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

NFCC supports measures encouraging people to use rechargeable vapes as a smoking cessation tactic, including restrictions on disposable vapes, which have a significant environmental impact and pose a fire risk.

In people's homes, the fire risk from vaping is lower than from smoking. Disposable vapes are convenient to use, which can help adults quit smoking, and are particularly valuable for vulnerable groups of smokers, including people with learning difficulties or dexterity issues, who may also be at a high fire risk. Restrictions on disposable vapes may inhibit FRSs' efforts to reduce smoking prevalence and the risk from smoking-related fires, and it is crucial restrictions are accompanied by a considered approach to fire safety. This is particularly important given the knock-on effects on fire safety in domestic settings if fewer adult smokers quit smoking as a result of increased restrictions or cost of vapes.

Disposable vapes pose a significant fire risk for the waste industry and restrictions on disposable vapes will reduce the number of potential ignition sources that enter the waste industry, leading to fewer waste fires. Any restrictions will need to incorporate a considered approach to the disposal of all lithium-ion batteries that could enter the waste industry, including enhanced regulation.

However, restrictions on disposable vapes could equally drive people to source alternative cheaper rechargeable vapes with a higher energy output. This could result in a greater number of house fires caused by potentially unsafe rechargeable vapes being charged at home – both illicit products that do not meet safety standards and more people using legal

rechargeable vaping products unsafely. It is crucial that restrictions on disposable vapes are accompanied by the introduction of robust product safety standards for the rechargeable vape industry to ensure that any supply void is not filled by cheap unregulated products from the global marketplace.

Do you agree or disagree that restrictions on disposable vapes should take the form of prohibiting their sale and supply?

- **Don't know**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

NFCC recognises the credible arguments both in favour of and against prohibiting the sale and supply of disposable vapes, and the complex consequences of both positions. NFCC does not support no action in relation to disposable vapes, as both increased regulation or a prohibition on sale and supply would be an improvement on the current situation. We strongly recommend that the Government gives full consideration to the impacts that any action – enhanced regulation or a prohibition – will have on fire safety. NFCC supports the implementation of products standards and regulations that would reduce the likelihood and occurrence of fire with vaping products and lithium-ion batteries more generally. The Government should consider a more regulated approach to the disposal of vaping products.

Disposable vapes are not “disposable” from an environmental or firefighting perspective, and pose a significant fire risk in the waste industry and people’s homes. As well as unsafe charging and damage to batteries, the fire risk around vaping in domestic settings is linked to counterfeit or faulty products which will proliferate if disposable vapes are prohibited. Any prohibition is likely to increase the market for illicit vaping products (both disposable and cheaper rechargeables) which are less likely to adhere to product safety standards.

If disposable vapes are prohibited, this must be introduced alongside a considered approach to fire safety that incorporates the safe purchase, use, and disposal of vaping products. NFCC recommends that the Government’s approach to restricting disposable vapes is also accompanied by the introduction of robust product safety standards for the rechargeable vape industry. If the Government does not prohibit disposable vapes, the Government should consider measures to encourage a shift in the language used to describe these products as part of broader efforts to encourage safe disposal of lithium-ion battery products and improve environmental outcomes.

Are there any other types of product or descriptions of products that you think should be included in these restrictions?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

No further comments.

Do you agree or disagree that an implementation period for restrictions on disposable vapes should be no less than 6 months after the law is introduced?

- **Agree**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

NFCC consider 6 months to be a reasonable implementation period for restrictions on disposable vapes, and this aligns with similar legislation internationally, for example in the Netherlands where a prohibition on flavoured e-cigarettes has been followed by a six-month “sell out period”.

Are there other measures that would be required, alongside restrictions on supply and sale of disposable vapes, to ensure the policy is effective in improving environmental outcomes?

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Disposable vapes have a significant environmental impact and pose a fire risk when not collected separately for specialist recycling, as their lithium-ion batteries can ignite when crushed in a refuse vehicle or at waste-processing plants. Fires at waste centres require a large mobilisation of FRS resources over a protracted period of time and cause significant environmental damage, impacting air and water quality in particular. These fires cause significant problems in communities through backlogs to waste disposal if a waste centre is not operational due to fire. UK FRSs attend around [300 significant fires in waste sites](#) each year.

Reducing the use of disposable vapes will reduce the number of potential ignition sources entering the waste industry, which will result in fewer waste fires and better environmental outcomes.

To improve environmental outcomes and limit the fire risk around vapes in the waste industry, the Government’s chosen policy approach to restricting vaping products will need to incorporate a considered approach to the disposal of all lithium-ion batteries that could enter the waste industry, for example enhanced regulation on disposal. It is important that the public are encouraged to dispose of all products containing lithium-ion batteries correctly and safely, not just disposable vapes which have small batteries when compared to other products such as e-bikes, e-scooters, and electric vehicles. The Government should also consider whether sellers of vapes or vape packaging should display safety information about the lithium-ion batteries in vaping products, for example a prominent warning about the dangers of improper disposal of lithium batteries and information on the cell chemistry and safe disposal of lithium batteries. The Government should consider measures to encourage a shift in the language used to describe disposable vapes as part of broader efforts to

encourage safe disposal of lithium-ion battery products and improve environmental outcomes.

Non-nicotine vapes and other nicotine consumer products

Do you have any evidence that the UK Government and devolved administrations should consider related to the harms or use of non-nicotine vapes?

- **Yes**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

The fire risks associated with vaping relate to the energy source in vaping equipment (the lithium-ion battery) and do not depend on the nicotine content. From a fire safety and firefighting operations perspective, restrictions should apply to all vapes.

Do you think the UK Government and devolved administrations should regulate non-nicotine vapes under a similar regulatory framework as nicotine vapes?

- **Yes**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

As stated above, the fire risks associated with vaping relate to the energy source in vaping equipment (lithium-ion batteries) and do not depend on the nicotine content. From a fire safety and firefighting operations perspective, regulations should apply to all vapes. It is crucial the Government's approach to the regulation of vaping products and any measures to limit the use of disposable vapes are accompanied by the introduction of robust product safety standards for the rechargeable vape industry.

Do you have any evidence that the UK Government and devolved administrations should consider on the harms or use of other consumer nicotine products such as nicotine pouches?

- **Don't know**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

No further comments.

Do you think the UK Government and devolved administrations should regulate other consumer nicotine products such as nicotine pouches under a similar regulatory framework as nicotine vapes?

- Don't know

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

No further comments.

Affordability

Do you think that an increase in the price of vapes would reduce the number of young people who vape?

- Yes

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

NFCC supports measures to reduce smoking prevalence, and increasing the price of vapes is likely to reduce the number of young people who take up vaping. Vaping is a way to support smokers to reduce or quit smoking – thereby reducing the fire risk in homes – and should not be marketed in any way, including as a recreational activity or in a way that encourages new users (both adults and children), due to the risks associated with vaping. Nonetheless, the Government's approach to affordability must also ensure that vaping remains accessible to smokers to support attempts to quit smoking, to reduce smoking prevalence and the associated fire risks with smoking in people's homes. If prices go above or beyond the price of alternatives such as cigarettes, this may negatively impact the ability of smokers to switch to vaping. This may be compounded if this is combined with a prohibition on disposable vapes, which will have a knock-on impact in terms of fire risk.

Enforcement

Do you think that fixed penalty notices should be issued for breaches of age of sale legislation for tobacco products and vapes?

Powers to issue fixed penalty notices would provide an alternative means for local authorities to enforce age of sale legislation for tobacco products and vapes in addition to existing penalties.

- Yes

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

Enforcement action against sellers in breach of legislation around tobacco products and vapes is appropriate to ensuring any new legislation meets its objectives to reduce smoking prevalence and limit the fire risks around smoking and vaping.

What level of fixed penalty notice should be given for an underage tobacco sale?

- **Other**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

No further comments.

What level of fixed penalty notice should be given for an underage vape sale?

- **Other**

Please explain your answer and provide evidence or your opinion to support further development of our approach. (maximum 300 words)

No further comments.