

A background image showing a pile of discarded cigarette packs in various colors (pink, orange, green, blue) and brands, illustrating the environmental impact of cigarette waste.

VAPE DISPOSAL:

MEASURES TO SAVE THE ENVIRONMENT AND INDUSTRY WORKERS

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Who is No More Butts?



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What have we been up to?

- Working on our Litter Prevention strategy for NSW, thanks to funding from NSW EPA. Get in touch to participate in the next stage!
- Advocating for the removal of cigarette filters under single-use plastic bans nationally and within each state
- Attending the Global Plastics Treaty meetings
- Launching “Bucks for Butts” environmental impact program



What's happened to
vaping?

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What's been happening with vapes?

- From January 1st 2024, single-use, disposable vapes were banned from importation into Australia (regardless of nicotine content) and from March 1st 2024, all other non-therapeutic vapes were banned from importation
- However, vape shops and tobacconists etc. were still legally able to sell their existing stocks, until they were depleted (based on state law eg. only to 18+)

What are the most recent changes?

- After July 1st 2024, 18+ were briefly able to access therapeutic vapes (20mg/ml or less) from a pharmacy, **with** a prescription
- From October 1st 2024, 18+ have been able to get a vape from a pharmacy **without** a prescription (except WA, who passed a state law that still requires a prescription from a Doctor)
- The only flavours (smells) legally available now are menthol, mint and tobacco

Butt, has anything
actually changed?

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Why is **vaping** disposal
an issue?

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Reasons to take action

- Despite being single-use devices, low-grade li-ion batteries are used in disposable vapes, which are an ignition source
- Vapes have been ending up in general waste bins, creating bin, truck and even facility fires
- Dozens of fires are reported each week, caused by li-ion batteries, including those found in vapes
- The ACT MRF fire on Boxing Day in 2022 was caused by a vape. The recent Cairns fire may also have been.

Reasons to take action

- There are between 10,000 and 12,000 fires each year in trucks and at waste facilities caused by the improper disposal, use, and poor design of lithium batteries, according to waste and recycling industry estimates. Fire and Rescue NSW have dealt with 384 lithium-ion battery incidents since 2024 alone.



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Where can people
actually **vape**?

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What is the law?

- People cannot use vapes (e-cigarettes) in smoke-free areas under the Smoke-free Environment Act 2000.
- Vaping on public transport such as trains, buses, light rail, ferries is banned
- Smoke-free areas where people cannot smoke or vape are:
 - All enclosed public places
 - Outdoor public places



What are “Outdoor Public Places”?

- Within 10 metres of children’s play equipment in outdoor public
- Public swimming pools
- Spectator areas at sports grounds or other recreational areas used for organised sporting events
- Public transport stops and platforms, including ferry wharves and taxi ranks
- Within 4 metres of a pedestrian access point to a public building
- Commercial outdoor dining areas
- In a car with a child under 16 years of age in the vehicle

How do I report non-compliance?

If you suspect a business or individual is not complying with NSW tobacco retailing laws, smoke-free laws, or illegally selling vaping products, you can make a report using the form available online via the QR code.



What happens if someone
litters a **vape**?

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Littering offences under the POEO Act

- The Protection of the Environment Operations Act 1997 (POEO Act) is the primary piece of environmental legislation regulating littering in NSW
- Littering offences include:
 - littering (including littering from vehicles): depositing litter on land or waters in a public place or an open private place
 - **dangerous littering**: littering dangerous material in or on either a **public place** or an open private place

What is dangerous littering and what are the fines?

- Examples of public places include railway stations, bus stops, sports venues, parks, roads, footpaths and carpark.
- In section 145A of the POEO Act, 'dangerous material' means the following:
 - (a) a lit cigarette or a lit cigarette butt,
 - (b) an e-cigarette,
 - (c) a lithium battery or an item that contains a lithium battery ...

Littering dangerous material (e.g. lit cigarette)	Individual: \$1,000	\$25,000
	Corporation: \$5,000	\$50,000

What can I do about it?

An **authorised officer** may give the person who deposited the litter, or the person who caused or permitted the deposit, a verbal direction to remove the litter from a public place. Failure to comply with the direction could result in an on-the-spot fine or a Court-imposed penalty.

Who is an authorised officer?

- (a) an authorised officer under the POEO Act,
- (b) a police officer,
- (c) an authorised officer under the National Parks and Wildlife Act 1974 ,
- (d) an authorised officer under the Forestry Act 2012 ,
- (e) an authorised officer under the Crown Land Management Act 2016 ,
- (f) an authorised officer under the Greater Sydney Parklands Trust Act 2022 ,
- (g) an authorised person under regulations made under the Royal Botanic Gardens and Domain Trust Act 1980

What should I do with my
used **vape** now?

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Should they go in the bin?

- No! (unless you live in WA, but still then, please don't!)
 - *Vapes are unfortunately excluded from WAs new zero e-waste to landfill ban*
- In Victoria, it's illegal to send vapes to landfill as part of their e-waste landfill ban
 - *But it's illegal to stockpile batteries*

What options exist currently?

- RecycleSmart includes vapes in their subscription service to individuals and those participating in council rollouts
- City of Sydney (plus 21 other councils) offer a drop-off as part of their e-waste collection
- However, there is still no state-wide (let alone national) collection service for used vapes



So, what is a practical
future **solution**?

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What about the NSW legislation?

- In late 2024, the NSW Environment Minister announced that there would be legislation to deal with battery disposal
- In early 2025, the Product Stewardship and Circular Economy Bill was passed, giving powers for Extended Producer Responsibility
- However, it's hard to levy or fine a company that is illegally importing illicit products.

Considerations

- We need a national scheme for vaping disposal
- It needs to be accessible in all jurisdictions
- It needs to be tamper-proof and fire retardant
- It needs to consider the sensitivities of those that vape, so that they aren't judged for their decision
- In addition, there needs to be a national awareness campaign
- In a world of illegal and illicit products, someone needs to pay

What could a scheme
look like for **vapes**?

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Potential schemes

- NTCRS / SEEE
- RUM (Return Unwanted Medicines)
- Mobile Muster
- B-Cycle



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Butt, how do we fund it?

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Potential funding mechanisms

- Levy legitimate vaping purchases in pharmacies
- Utilise the penalties from intercepted devices illegally imported
- Utilise excise and duties on tobacco (goes to consolidated revenue)
- Federal government investment (previously announced)

“The cost of inaction is far greater than the cost of action”

How can **Local** and
Subnational Government
get involved?

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Local Government responsibilities

- Consider communication with ratepayers to not put vapes into the bin
- If you are part of the RecycleSmart campaign, dial up the communication around this
- If you already accept vapes into e-waste, focus on this in a newsletter
- If you don't collect vapes, investigate options to do so eg. e-waste drop-off centres
- Demand action on a State and National level – it's your employees and contractors that are likely being exposed to the risks of bin and truck fires

State Government / EPA opportunities

- Support is needed to drive the conversation with the Commonwealth government
- There was tens of millions in funding made available by the Commonwealth in November 2024 and as yet, no announced projects.
 - \$12.5 million over three years from 2024-25 to establish a consumer collection and disposal scheme for vaping products
 - \$7.5 million in 2024 25 to establish and manage a Business Surrender Scheme for vaping products
 - \$6.8 million over three years from 2024-25 to provide additional funding to states and territories for storage and disposal of unlawful vaping products seized through joint enforcement activities with the TGA
 - \$1.0 million in 2024 25 to support research on cost effective and environmentally sustainable methods to dismantle and dispose of vaping products

Summary

- Despite four years of advocacy from No More Butts, there is still no national scheme for vape disposal
- The pharmacy-only sales model technically creates an opportunity for vaping drop-offs and a way to generate a levy to fund part of the overall scheme, but only if pharmacies want to be part of it!
- There will still be illicit vapes available – we need to deal with these and need a funding stream available to manage it
- NTCRS (SEEE) or B-Cycle are logical choices for a scheme
- The cost of inaction is going to be greater than the cost of action

Thankyou

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