

# TOBACCO PRODUCT WASTE PREVENTION AND MITIGATION

Translation:  
A cigarette butt  
can pollute up  
to 500 liters of  
water!



# SPEAKERS



**Dr. Thomas Novotny,**  
San Diego State University &  
Cigarette Butt Project



**Hudson Kingston,**  
Staff Attorney, Public  
Health Law Center



**Raquel Fernández Megina,**  
President of Nofumadores.org

## MODERATOR



**Laurent Huber**  
ASH Executive Director



## *The Tobacco End Game:* Joining Tobacco Control and Environmental Advocacy on Tobacco Product Waste

Thomas E. Novotny MD MPH

[WWW.CIGWASTE.ORG](http://WWW.CIGWASTE.ORG)

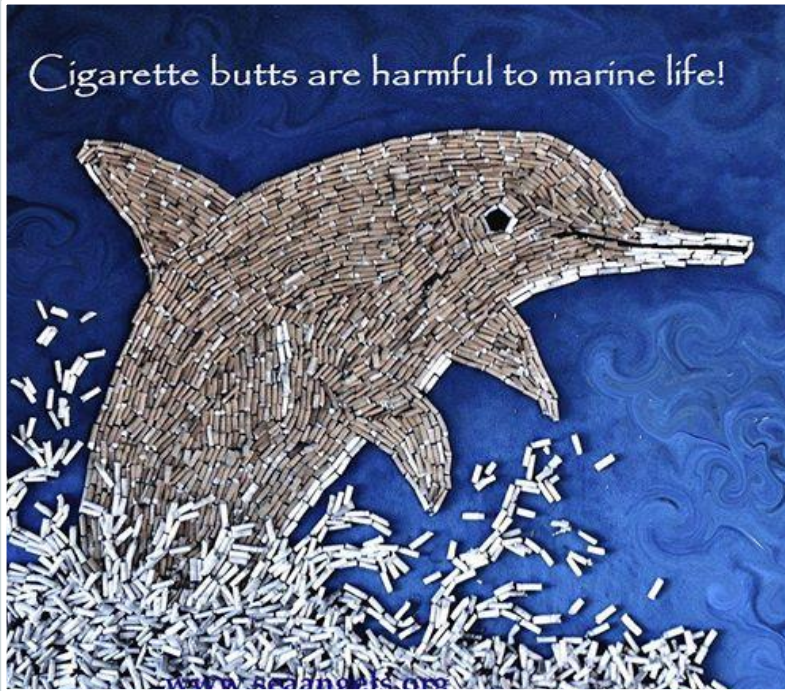


# Today's Presentation

- Basic facts on tobacco product waste (TPW) and its environmental burden, including economic burden
- Discuss the 'Filter Fraud' and its implications for policy
- Describe tobacco industry response to TPW problem
- Present realistic policy solutions as joint tobacco-control/environmental End Game effort



# Cigarette Waste Disposal and Marine Environment



Cigarette butts are the **No. 1** littered item on U.S. roadways and the **No. 1** item found on beaches and waterways worldwide

# Top Ten Items Picked Up Over 27 Years of Coastal Cleanup

Item rank	Item	No. of Debris Items	Percentage of Total Debris Items
1	<b>cigarettes/filters</b>	<b>52,907,756</b>	<b>32%</b>
2	food wrappers/containers	14,766,533	9%
3	caps, lids	13,585,425	8%
4	cups, plates, forks, knives, spoons	10,112,038	6%
5	beverage bottles (plastic)	9,549,156	6%
6	bags (plastic)	7,825,319	5%
7	beverage bottles (glass)	7,062,199	4%
8	beverage cans	6,753,260	4%
9	straws/stirrers	6,263,453	4%
10	rope	3,251,948	2%
<b>Top ten total debris items</b>		<b>132,077,087</b>	<b>80%</b>
<b>Total debris items worldwide</b>		<b>166,144,420</b>	<b>100%</b>

Source: Ocean Conservancy, 2011

# Cigarette Waste Disposal and Children, Wildlife and Pets



**The cigarette butt itself is toxic**  
when ingested by children or  
other living organisms



# Cigarette and E-cig Waste Disposal: Environmental Pollution



**Hazardous chemicals** such as nicotine, ethyl phenol, cadmium, arsenic, and lead in cigarette butts can leach into the environment

➔ **Contaminates waterways and land.** Some chemicals may bio-accumulate in the food chain and create human health risks

# How much toxic waste is that?

- 5.6 trillion cigarettes smoked each year globally, >4 trillion dumped somewhere each year
- Weight of 20 cigarette filters is 3.4 gm;
- Estimated discarded butt waste from U.S. cigarette consumption (290 billion) in 2011 is about **49.8 million kg**
- Does not include packages, lighters, matches, and other tobacco products (cigars, e-cigs, and smokeless tobacco pouches).

# The SDSU Fish Toxicity Study, 2011

Topsmelt- Marine



Fathead Minnow- Freshwater

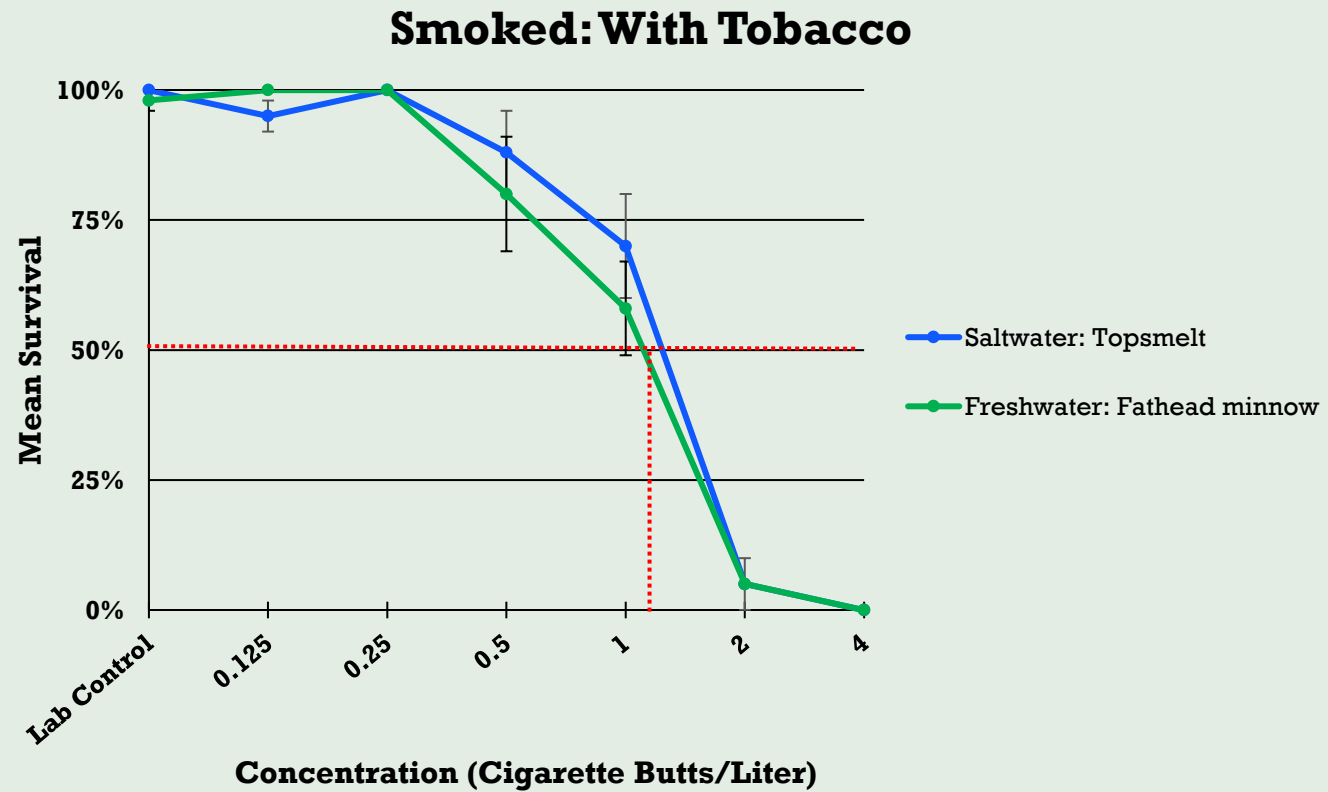
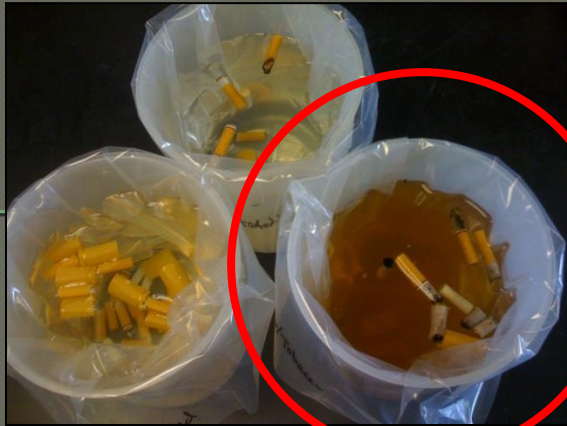


Photos:  
Elli Slaughter, MPH  
(2010)





LC50:  
1 butt/L



# The Economic Burden of TPW

- *Tobacco Control* 2011: Maximum Permissible Fee per pack sold in San Francisco is 20 cents
- Funded cleanup, administration, public education, etc. as fee-based program
- TI lawsuits followed but were successfully defended and litter fee signed into law 2010
- *IJERPH* 2020: TPW cost estimate for 30 largest US cities
- Annual TPW-attributable costs for large US cities: Range US\$4.7 to \$90 million per year.
- Total TPW cost for all 30 cities combined was US\$264.5 million per year.



# Cigarette Butts And the Law

(Witkowski, Tulane Env Law Journal, 2014)



- Cigarette Butts are hazardous Waste under California Law
- Generators of hazardous waste must ensure that the wastes are disposed of properly
- Trash Amendment to *California Clean Water Act* prohibits waste >5mm from storm drains)
- ***Failing to warn*** smokers of the dangers of cigarette butts to the environment Is a violation of product liability law
- ***A public nuisance claim against the tobacco industry*** may spur action toward reducing or eliminating the cigarette butt litter problem.



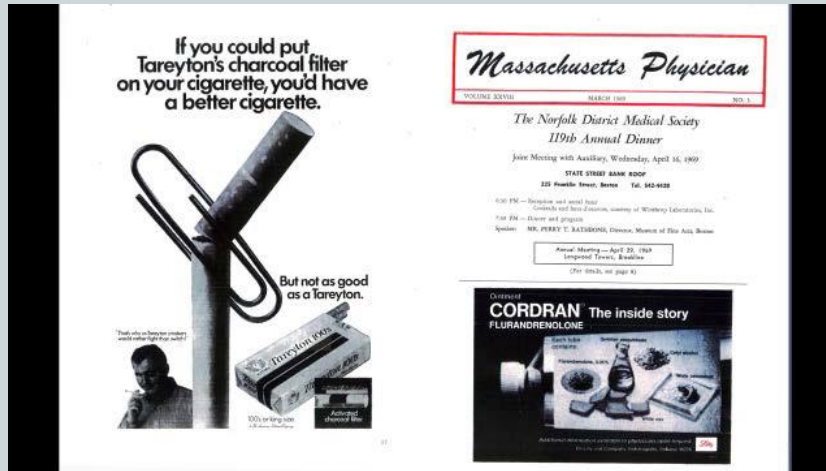
# Cigarette Butt Waste: The Filter Fraud



Cigarette filters are made from cellulose acetate: photo-degradable, **not bio-degradable**.

Although ultraviolet rays from sun eventually break down filters, source material never disappears

# THE FILTER FRAUD: DEBUNKING THE MYTH OF “SAFER”



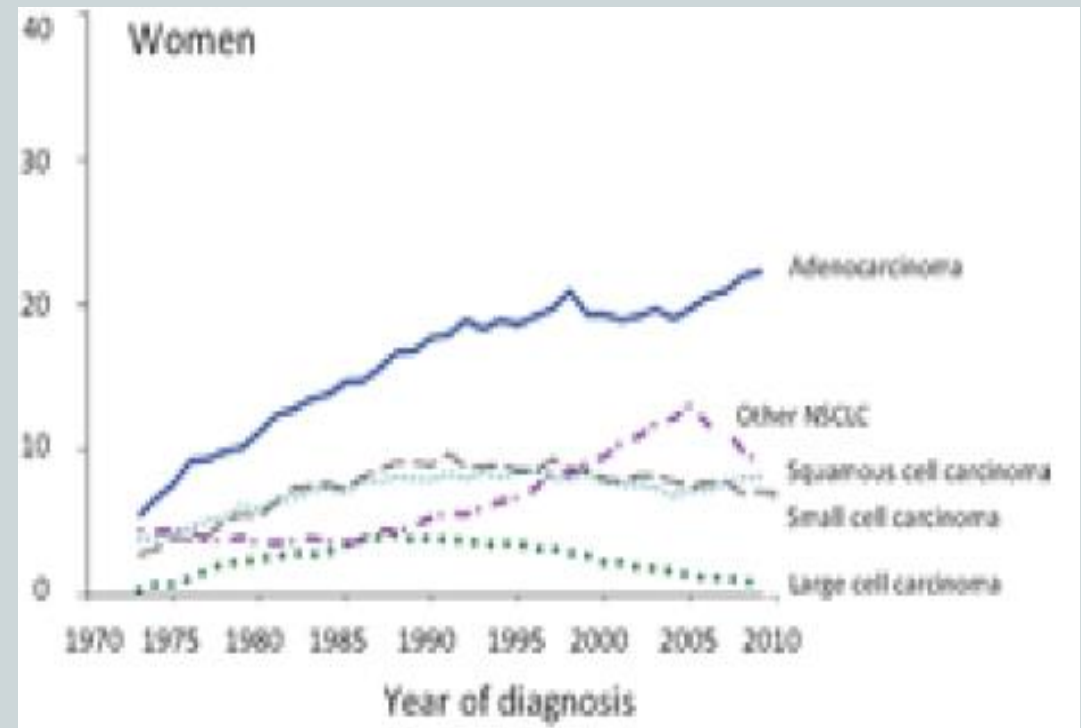
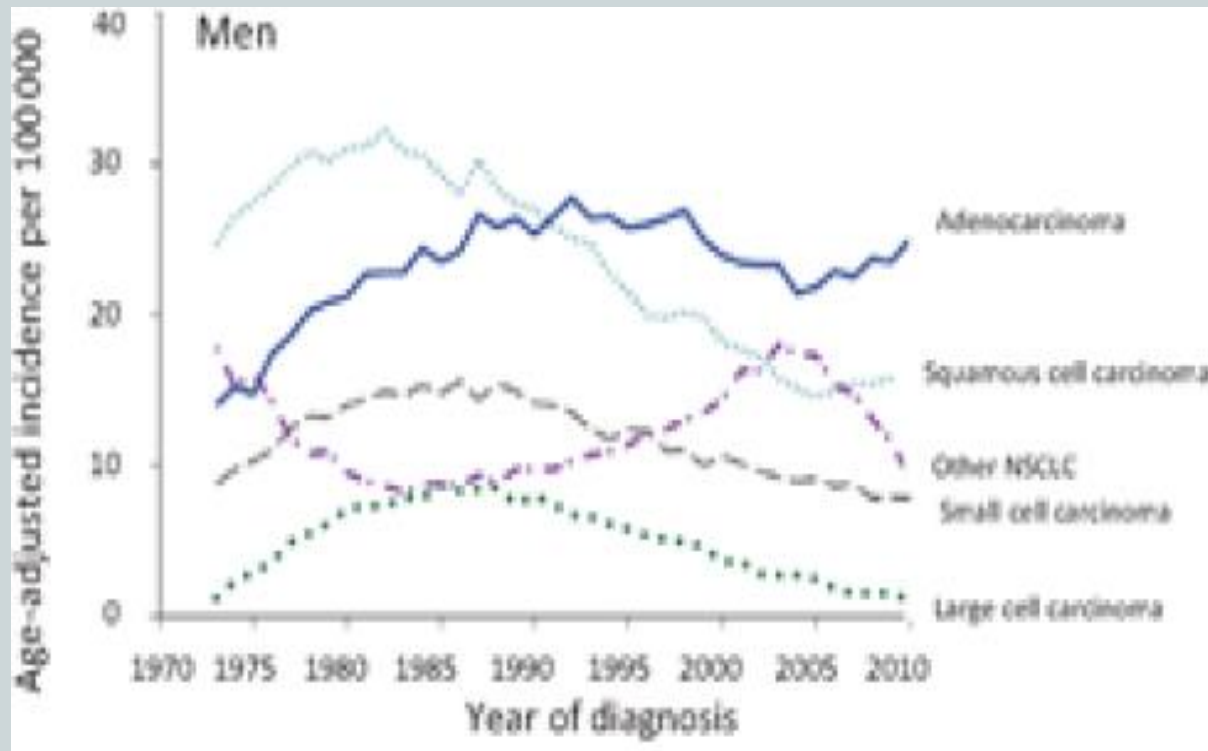
- Major health organizations promoted “less hazardous” cigarette because most people would not or could not stop smoking.
- Major medical journals (JAMA, NEJM, BMJ, Lancet) accepted cigarette advertising into the 1950s.
- Smoking filtered cigarettes provides NO health protection

# Filters Are a Health Risk, Not Health Protection

- **2001 Natl. Cancer Institute, Monograph 13:**  
“Epidemiological and other scientific evidence...does not indicate a benefit to public health from changes in cigarette design and manufacturing over the last fifty years.”
- **2014 US Surgeon General’s Report:** “The evidence is sufficient to conclude that the increased risk of adenocarcinoma of the lung in smokers results from changes in the design and composition of cigarettes since the 1950s.”
- **Novotny et al, Curr Env Health Rep 2014:** Filters make it easier to smoke, to inhale more deeply, and to defraud the smoker into thinking he/she is doing ‘something’ to prevent cancer



# Lung Adenocarcinoma Incidence Increases, 1970-2010



Source: Song et al., J Nat Cancer Institute 2017



# The Industry's Response:

## Corporate Social Responsibility vs. Producer Responsibility

- Educate smokers ('accommodation')
- Pocket ashtrays
- Provide outdoor ashtrays and receptacles
- Sponsor anti-litter campaigns
- Avoid ANY producer responsibility
- Biodegradable filters were tried and are not marketable: they would likely increase butt flicking



# PMI Launches “Our World Is Not an Ashtray” Initiative

## Aims to Halve Plastic Litter from Products by 2025\*

- 25% of adult smokers reported they throw butts on the ground because they “think it is a normal way to dispose of a cigarette.”
- 75% thought that cigarette filters are made of cotton or paper; 15% thought made of plastic
- Working with NGOs again: — Litterati, Cortexia, and CARTO to mobilize ‘volunteers’
- Make cigarette butt littering socially unacceptable
- Increase scale and reach of volunteer participation in clean-up activities.
- “Nudge smokers to more responsible disposal habits, launching general population education programs, and cooperating with governments and local authorities to ensure there is an adequate waste disposal infrastructure.”

**DOWNSTREAM APPROACHES!**



*\*Business Wire July 16, 2020*

# Policy Initiatives to Prevent and Mitigate TPW

[www.cigwaste.org](http://www.cigwaste.org)

- Raise public awareness of plastic pollution, lack of health benefit, environmental and economic burden of TPW
- Join with environmental advocacy groups to address problem with local jurisdictions
- Ban sale of filtered cigarettes
- Assess litter fees on cigarettes sold in local jurisdiction to recover costs of cleanup
- Litigation by governments, NGOs, and businesses to address public nuisance and economic costs of TPW on the environment





A photograph of two children at a playground. In the foreground, a young girl with dark curly hair, wearing a white tank top and purple shorts, is crouching on the ground. She is wearing purple gloves and has a small bandage on her right knee. In the background, another child wearing a red and white striped shirt, dark shorts, and purple gloves is standing. They appear to be cleaning or picking up trash. A large, semi-transparent red banner is overlaid across the middle of the image, containing the title text. The background shows playground equipment and a grassy area.

# **ENVIRONMENTAL JUSTICE, NOVEL TOBACCO PRODUCTS, AND HAZARDOUS WASTE**









# THE PUBLIC HEALTH LAW CENTER





# LEGAL TECHNICAL ASSISTANCE

-  Legal Research
-  Policy Development, Implementation, Defense
-  Publications
-  Trainings
-  Direct Representation
-  Lobby



# AGENDA

1. What is Environmental Justice (EJ)?
2. How do tobacco products cause environmental harm in EJ communities?
3. FDA's EJ duties, and opportunities to engage with FDA environmental review.
4. Local policy options to promote EJ.

# ENVIRONMENTAL JUSTICE FOUNDING

**UNITED CHURCH OF CHRIST**

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About News Advocate For Justice Local Church Resources Change The World Contact

### Contact Info

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berndtb@ucc.org

Environmental Ministries

The Pollinator: UCC Environmental Justice

Blog

Creation Justice Churches

A Movement Is Born: Environmental Justice and the UCC

UCC Council for Climate Justice

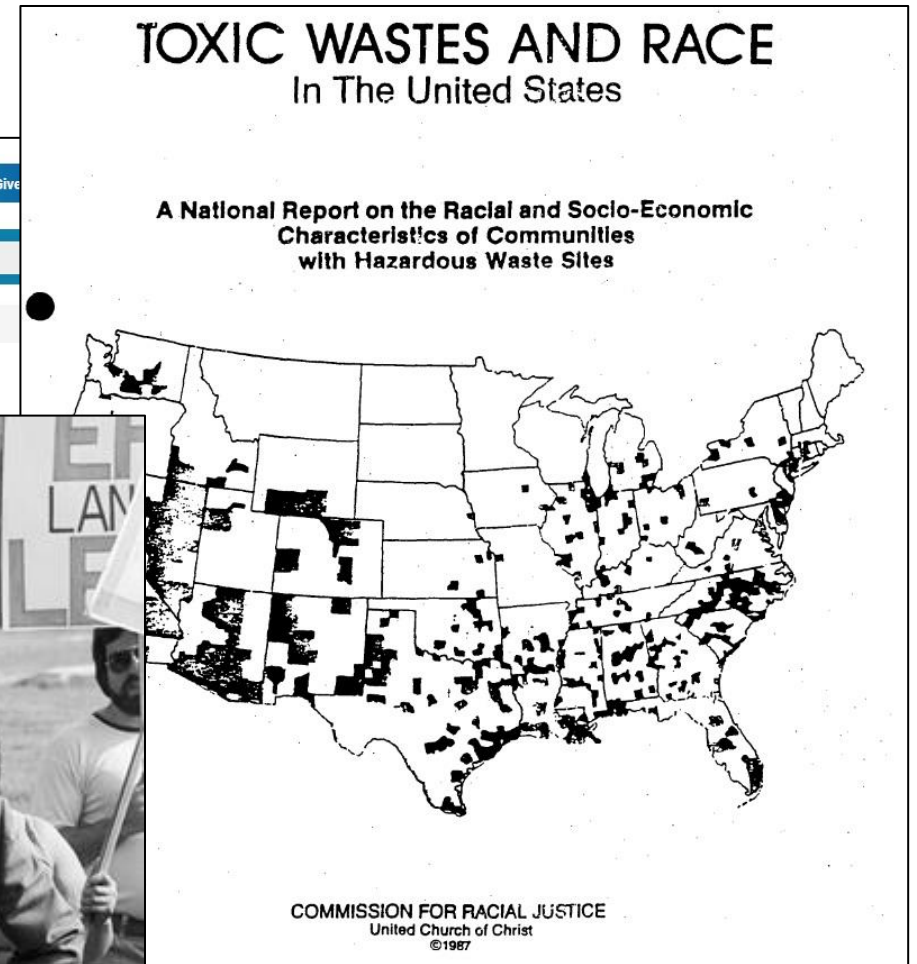
Carbon Neutral Web Resources for Congregations

Home > Advocate For Justice > Environmental Ministries > Toxic Wastes and Race and Toxic Wastes and Race at Twenty

## Toxic Wastes and Race and Toxic Wastes and Race at Twenty

Chapter 3: Racial and Socioeconomic  
Chapter 4: A Current Appraisal  
Chapter 5: Impact of the Toxics  
Chapter 6: Wrong Complexions  
Chapter 7: The "Poster Child"  
Chapter 8: Conclusions and Recommendations

To learn more about the large UCC.



# ENVIRONMENTAL JUSTICE FOUNDING PRINCIPLES

First National People of Color  
Environmental Leadership Summit  
held on October 24-27, 1991, in  
Washington DC, drafted and  
adopted 17 principles of  
Environmental Justice.

**WE, THE PEOPLE OF COLOR**, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice:

## The Principles of Environmental Justice (EJ)

- 1) **Environmental Justice** affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.
- 2) **Environmental Justice** demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
- 3) **Environmental Justice** mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.
- 4) **Environmental Justice** calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.
- 5) **Environmental Justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
- 6) **Environmental Justice** demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials.
- 7) **Environmental Justice** affirms the right of all peoples to a safe, healthy, and sustainable environment.
- 8) **Environmental Justice** affirms the right of all peoples to full and equal participation in all environmental decision-making.
- 9) **Environmental Justice** affirms the right of all peoples to the highest attainable quality of life and the full participation in all societal decisions.
- 10) **Environmental Justice** considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.
- 11) **Environmental Justice** must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.
- 12) **Environmental Justice** affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.
- 13) **Environmental Justice** calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.
- 14) **Environmental Justice** opposes the destructive operations of multi-national corporations.
- 15) **Environmental Justice** opposes military occupation, repression and exploitation of lands, peoples and cultures, and the use of nuclear weapons.



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**17) Environmental Justice** requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.

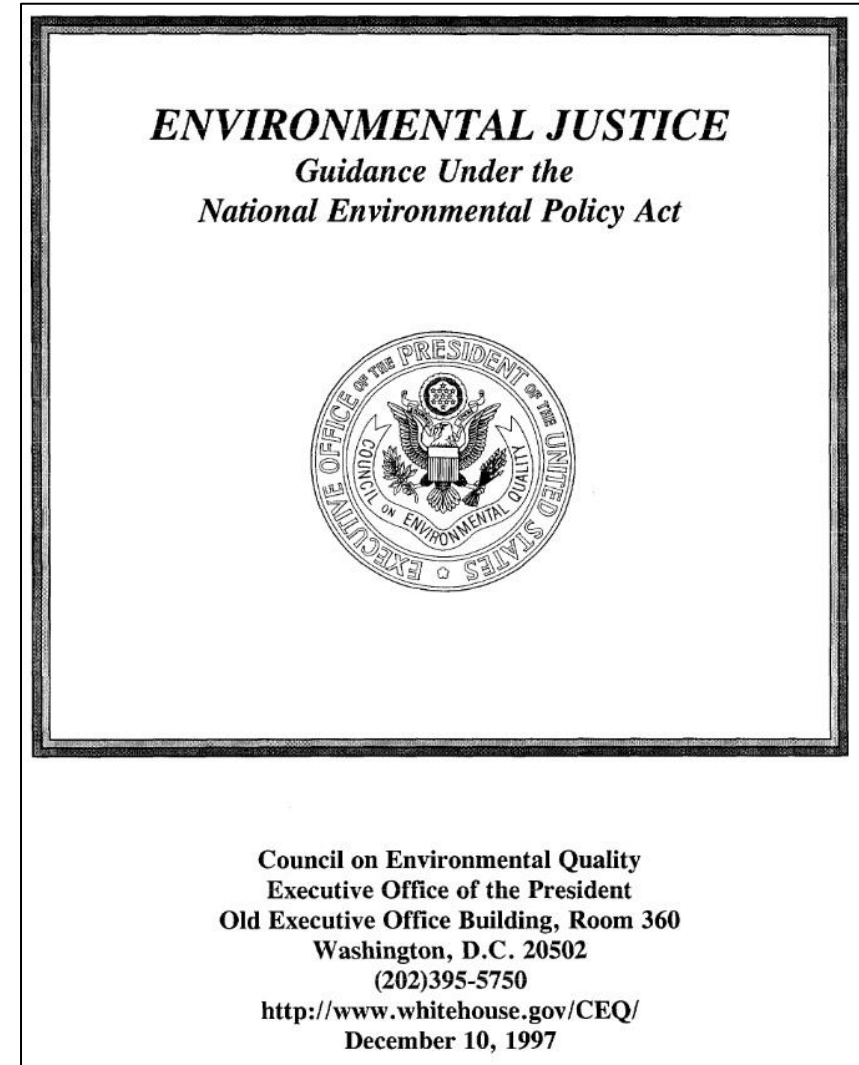
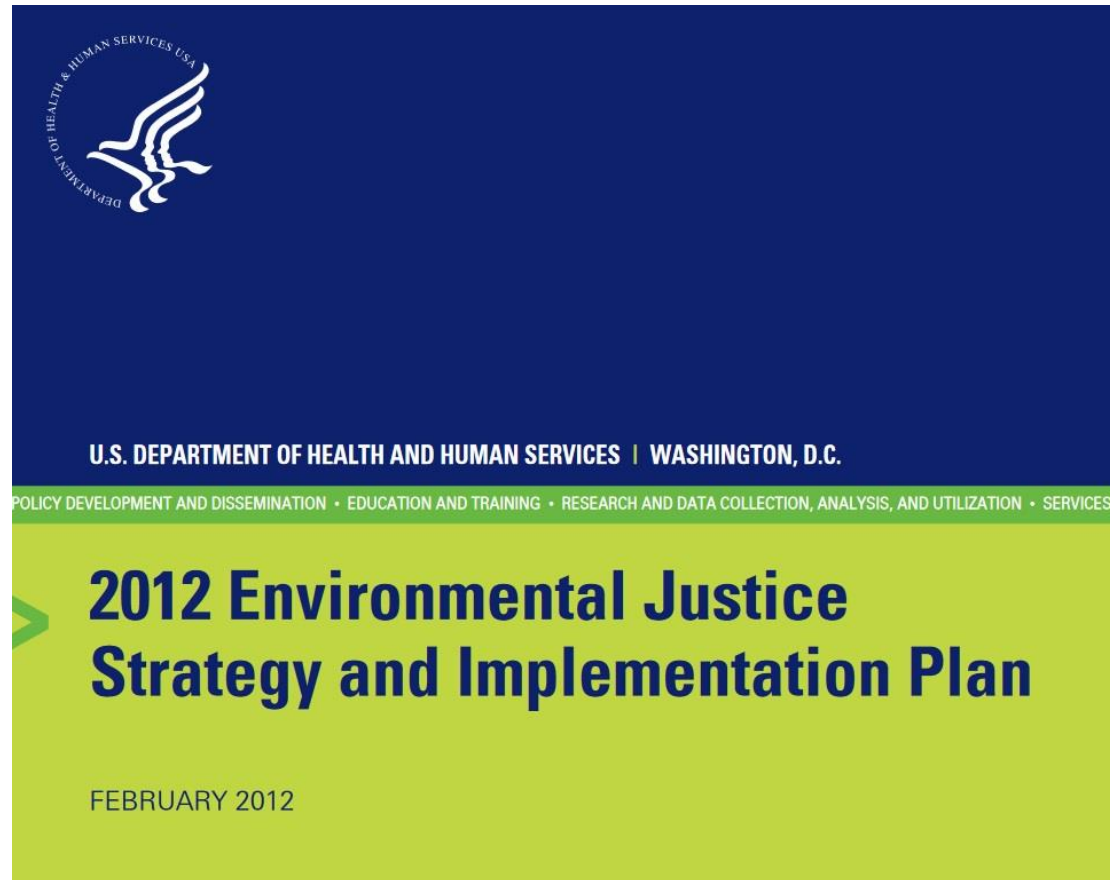


# ENVIRONMENTAL JUSTICE

## EXECUTIVE ORDER 12,898



# ENVIRONMENTAL JUSTICE AGENCY GUIDANCE



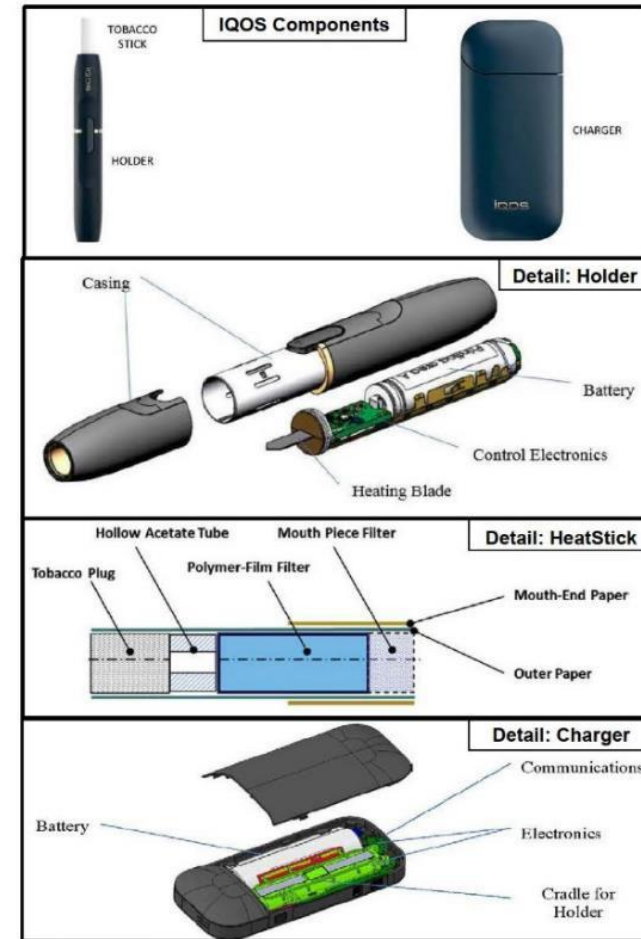


# THE ENVIRONMENTAL IMPACTS OF TOBACCO GROWING, CURING, AND MANUFACTURING

- Deforestation (biodiversity loss/habitat destruction)
- Pesticide Overuse and Contamination
- Child Labor
- Decreased Food and Water Security
- Climate Change Emissions
- Mismanaged Industrial Waste



# E-CIGARETTES AND HEATED CIGARETTES



Source: PMP 2017.

# THE FULL COST OF E-CIGARETTES

## MORE RESOURCES EXTRACTED, MOSTLY ABROAD

Economics

### Vaping Puts a Choke Hold on the Last of America's Tobacco Farms

By [Jeremy Hill](#)

January 24, 2019, 9:49 AM CST

- ▶ E-cigarettes use cheaper crops from countries like Zimbabwe
- ▶ With tobacco acreage at a Civil War-low, farmers seek options



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abc NEWS

### Apple, Google, Microsoft, Dell, Tesla sued over deaths of child miners

*Apple, Google, Microsoft, Dell and Tesla were all named in the landmark lawsuit.*

By [Morgan Winsor](#)

December 18, 2019, 6:01 PM • 9 min read



News headlines today: Feb. 21, 2020

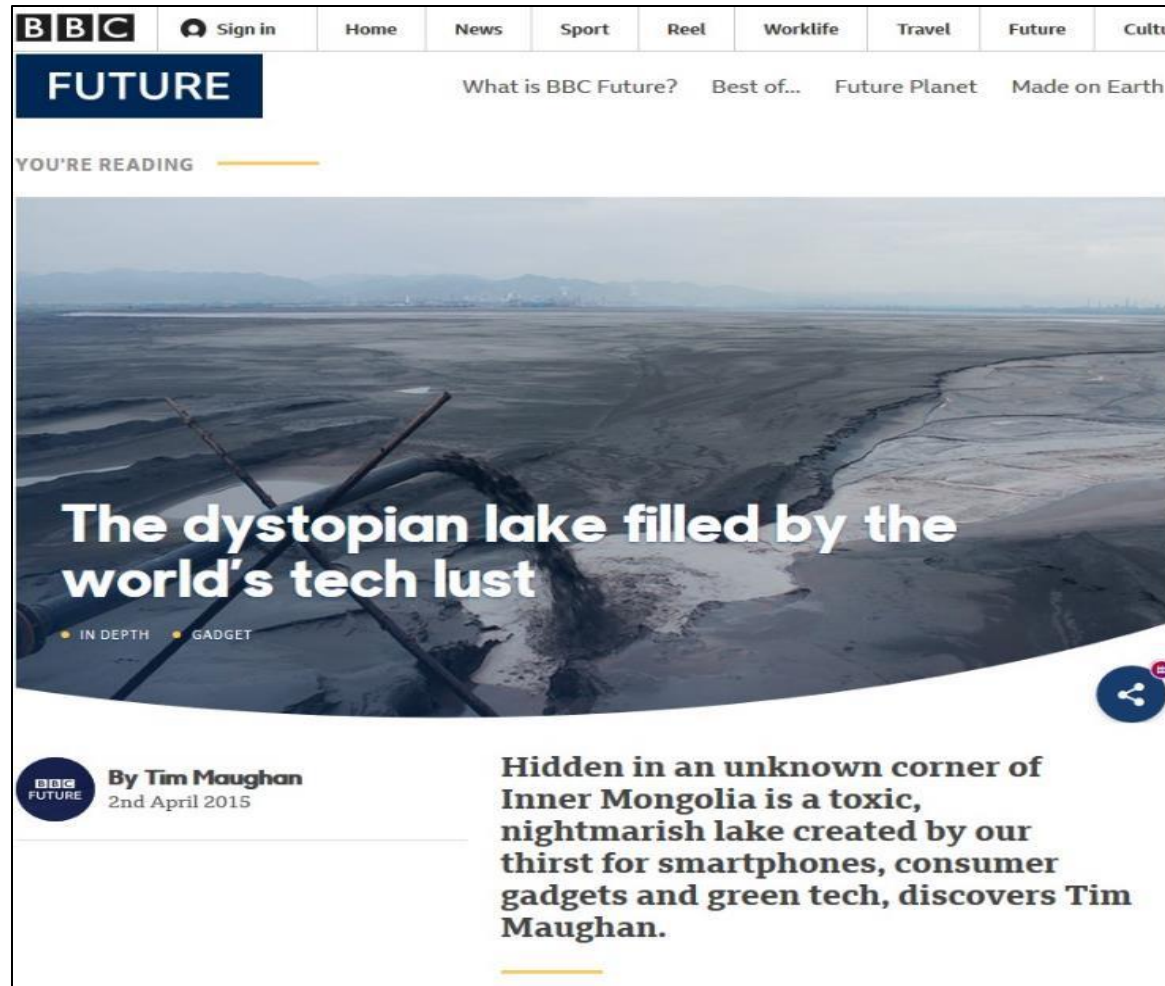
Catch up on the developing stories making headlines.

Per-anders Pettersson/Getty Images, FILE



# THE FULL COST OF E-CIGARETTES

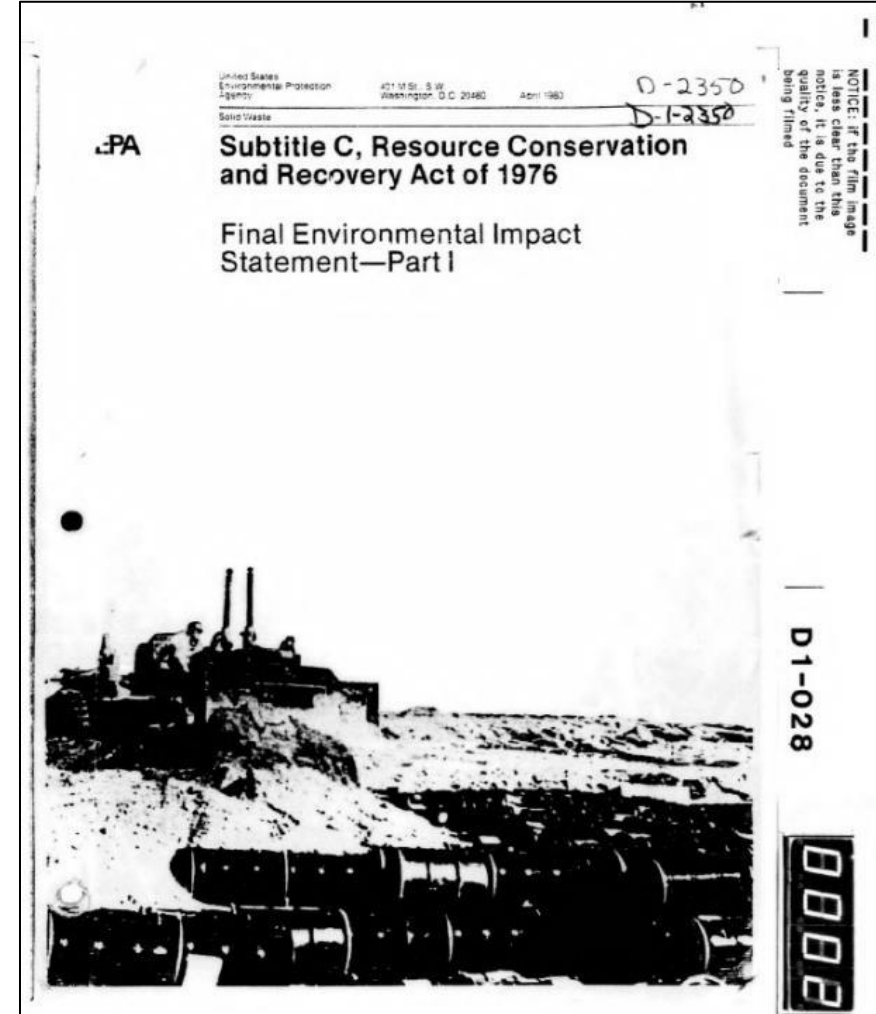
## MINING AND PROCESSING WASTE



# E-CIGARETTES HAZARDOUS WASTE?

## Resource Conservation and Recovery Act (RCRA)

- EPA Regulations in 1980:
  - Nicotine on the original list of acute hazardous wastes
  - “Acute hazardous waste” = deadly or very harmful in small doses





# E-CIGARETTES HAZARDOUS WASTE!



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 08 2015

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Daniel K. DeWitt  
Warner, Norcross & Judd LLP  
900 Fifth Third Center  
111 Lyon Street, N.W.  
Grand Rapids, MI 49503-2487

Dear Mr. DeWitt:

Thank you for your letter of March 12, 2014, requesting EPA's determination regarding the hazardous waste status of e-cigarettes under the Resource Conservation and Recovery Act (RCRA). After reviewing your letter, the Agency has concluded that because e-cigarettes include cartridges that are containers of a commercial chemical product, specifically nicotine, e-cigarettes therefore may be regulated as acute hazardous waste P075 when disposed.

Nicotine as the Sole Active Ingredient of E-Liquids

# E-CIGARETTES HAZARDOUS WASTE!



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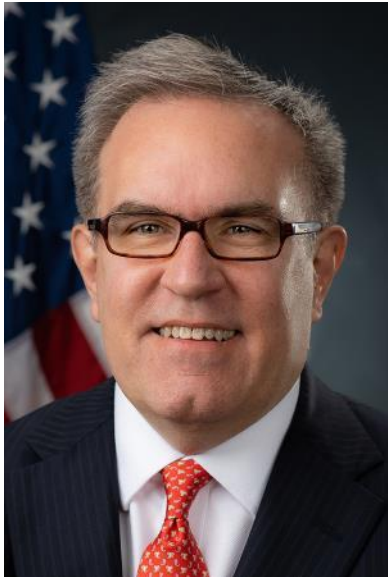


“ . . . the evidence is clear that nicotine is still acutely toxic to both humans and animals under the RCRA hazardous waste regulations and must continue to be listed as acute hazardous waste . . . .”

--84 Fed. Reg. 5816, 5824 (2019)

<https://www.federalregister.gov/d/2019-01298/p-257>

# E-CIGARETTES HAZARDOUS WASTE!



“ . . . without controls on the concentration of nicotine in e-cigarettes and e-liquids or FDA’s approval of these products as being safe and effective for people to use. . . . the Agency cannot support exempting e-cigarettes and nicotine-containing e-liquids from the . . . listing.”  
--84 Fed. Reg. 5816, 5826 (2019)



# **E-CIGARETTES**

## **HAZARDOUS WASTE BATTERIES**





# **E-CIGARETTES – 5<sup>TH</sup> GENERATION DISPOSABLES**

## **HAZARDOUS WASTE MIXTURE**





# TOBACCO PRODUCT WASTE AT SCHOOLS



Cigarette butts collected at one Bay Area high school's student parking lots on one day. *Credit: Kazuyoshi Fujita and Jeremiah Mock.*

■ Research • October 10, 2019

## E-Cigarettes, Tobacco and Cannabis Products Are Littering High Schools

UCSF Garbology Study Finds Environmental Hazard at Bay Area High Schools Due to Increased Youth Vaping and Smoking

By [Elizabeth Fernandez](#)



JUUL pods, caps, and packaging collected at one Bay Area high school's student parking lots on one day. *Credit: Kazuyoshi Fujita.*

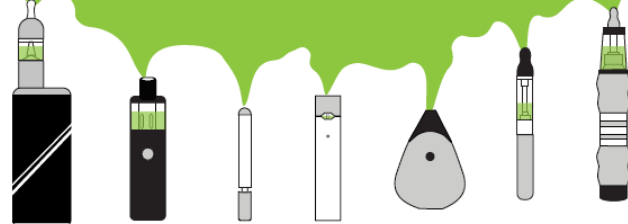
# STATE AND LOCAL ACTION



## HAZARDOUS WASTE GUIDANCE

**VAPING IS  
HAZARDOUS  
FOR THE ENVIRONMENT**

**Did you know?** ⚠️ Boulder County is going Zero Waste! Through reducing, reusing, recycling and composting we plan to divert 90% of waste away from landfills by 2025. *But vaping won't help us reach our goal.*

- ⚠️ Nicotine (among other toxic substances) in e-cigarettes, vape pens, and cartridges are considered hazardous waste, and should be disposed of properly at the Hazardous Materials Management Facility in Boulder.
- 💧 When not disposed of properly, e-liquid can leak into the ground causing hazardous chemicals to contaminate the environment.
- 🚫 Cartridges and pods can't be recycled and should not be disposed of in trash bins.
- 🔥 Vape batteries can start landfill fires.
- 👤 Aerosols from e-cigarettes can change indoor air quality and can cause respiratory health problems.
- 👤 The best way to avoid contaminating the environment with vape waste is to avoid using them altogether. If you have questions, or are wanting to quit, text **QUIT** to 47848.



  **VAPE AWARE**  
Your environment • Your responsibility  
[Boco.org/VapeAware](http://Boco.org/VapeAware)

**EL VAPEO ES  
PELIGROSO  
PARA EL MEDIO AMBIENTE**

**¿Sabías?** ⚠️ ¡El Condado de Boulder busca eliminar todos sus desperdicios! Al reducir, reutilizar, reciclar y convertir nuestros desechos en abono, planeamos desviar el 90% de nuestros desperdicios de los vertederos antes del año 2025. *Pero el vapeo impedirá que logremos esta meta.*

- ⚠️ La nicotina en los cigarrillos electrónicos se considera un residuo peligroso y siempre hay que desecharlo apropiadamente.
- 💧 Cuando se desecha apropiadamente, el líquido de los cigarrillos electrónicos puede filtrarse al suelo, contaminando el medio ambiente con químicos peligrosos.
- 🚫 Los cartuchos y las cápsulas no son reciclables y no se deben tirar en los basureros.
- 🔥 Las baterías de los cigarrillos electrónicos pueden causar incendios.
- 👤 Los aerosoles de los cigarrillos electrónicos pueden afectar la calidad del aire interior y pueden causar trastornos de la salud respiratoria.
- 👤 La mejor manera de prevenir la contaminación del medio ambiente causado por el desperdicio del vapeo es dejar de usar los cigarrillos electrónicos por completo. Si tienes preguntas o quieres dejar de vapear, manda la palabra **QUIT** por mensaje de texto al 47848.



  **VAPE AWARE**  
Your environment • Your responsibility  
[Boco.org/VapeAware](http://Boco.org/VapeAware)



# TOBACCO PRODUCT POLLUTION FDA OVERSIGHT?

National Environmental Policy Act of 1970 (NEPA):

- Requires every federal agency to assess the potential for **significant environmental** impacts of **major federal actions**
- Authorization of “new tobacco products” and other applications under the Tobacco Control Act are major federal actions
- FDA has conducted hundreds of environmental reviews of tobacco products since 2014
- FDA is subject to both HHS and CEQ guidance on EJ, and the EJ executive order 12,898

# TOBACCO PRODUCT POLLUTION FDA OVERSIGHT?

## ENVIRONMENTAL CONSIDERATIONS FOR TOBACCO PRODUCT APPLICATIONS SUBMITTED TO CTP



*Presented by  
Cristi Stark, M.S.  
Associate Director for Science Policy  
Office of Science, CTP, FDA*

August 2016

# TOBACCO PRODUCT POLLUTION

## FDA OVERSIGHT?

### FDA ACTIONS SUBJECT TO NEPA

- Promulgation of new regulations
- Requests for private action
  - Market authorizations\* for product applications

\*Also applies to denials of authorizations which have a CatEx

5

August 2016| Environmental Considerations for Tobacco Product Applications Submitted to CTP



# **TOBACCO PRODUCT POLLUTION FDA OVERSIGHT**

For example, September 2019  
assessment of RJ Reynolds  
cigarettes:

**Programmatic Environmental Assessment for Marketing  
Orders for New Cigarettes Manufactured by R.J. Reynolds  
Tobacco Company**

**Prepared by Center for Tobacco Products  
U.S. Food and Drug Administration**

September 27, 2019



# TOBACCO PRODUCT POLLUTION FDA OVERSIGHT

For example, September 2019  
assessment of RJ Reynolds  
cigarettes:

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# TOBACCO PRODUCT POLLUTION

## FDA OVERSIGHT

FDA's entire EJ analysis in September 2019 assessment of RJ Reynolds cigarettes:

### 6.3. Environmental Justice

No new emissions are expected due to use of the new products. Therefore, there would be no disproportionate impacts on minority or low-income populations.

# TOBACCO PRODUCT POLLUTION FDA OVERSIGHT

*But see the IQOS analysis:*

## 3.4 Environmental Justice

Executive Order 12898 requires federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities on minority populations and low-income populations.

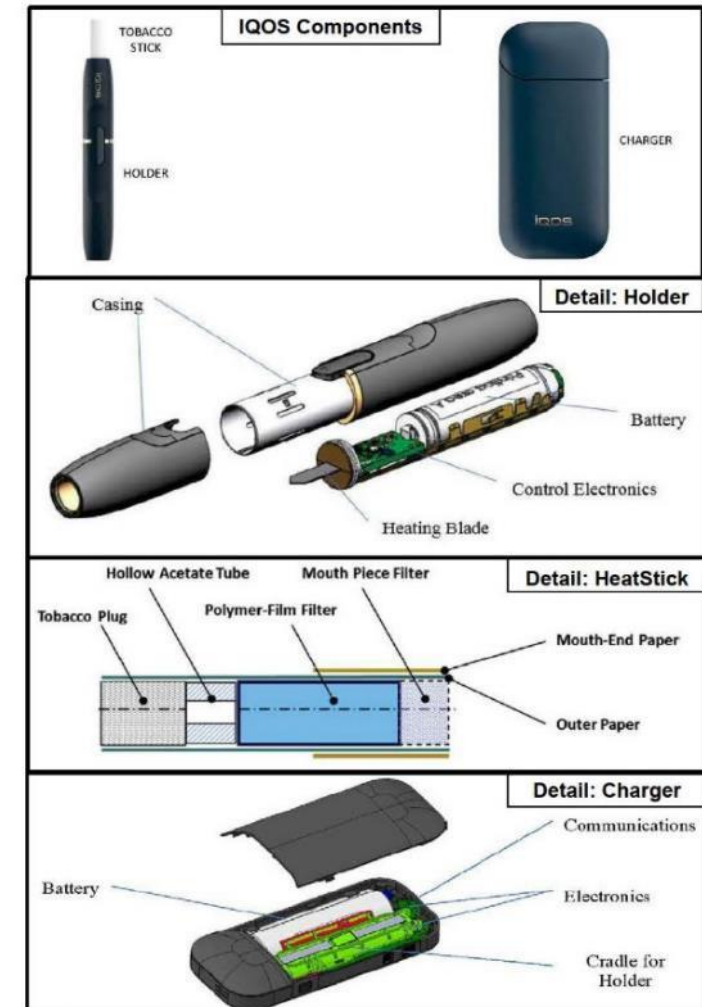
### 3.4.1 Affected Environment

The new products could be used and disposed of nationwide under the proposed actions. Minority and low-income populations throughout the United States are the affected environment for environmental justice.

### 3.4.2 Potential Impacts from Proposed Actions

#### 3.4.2.1 Use

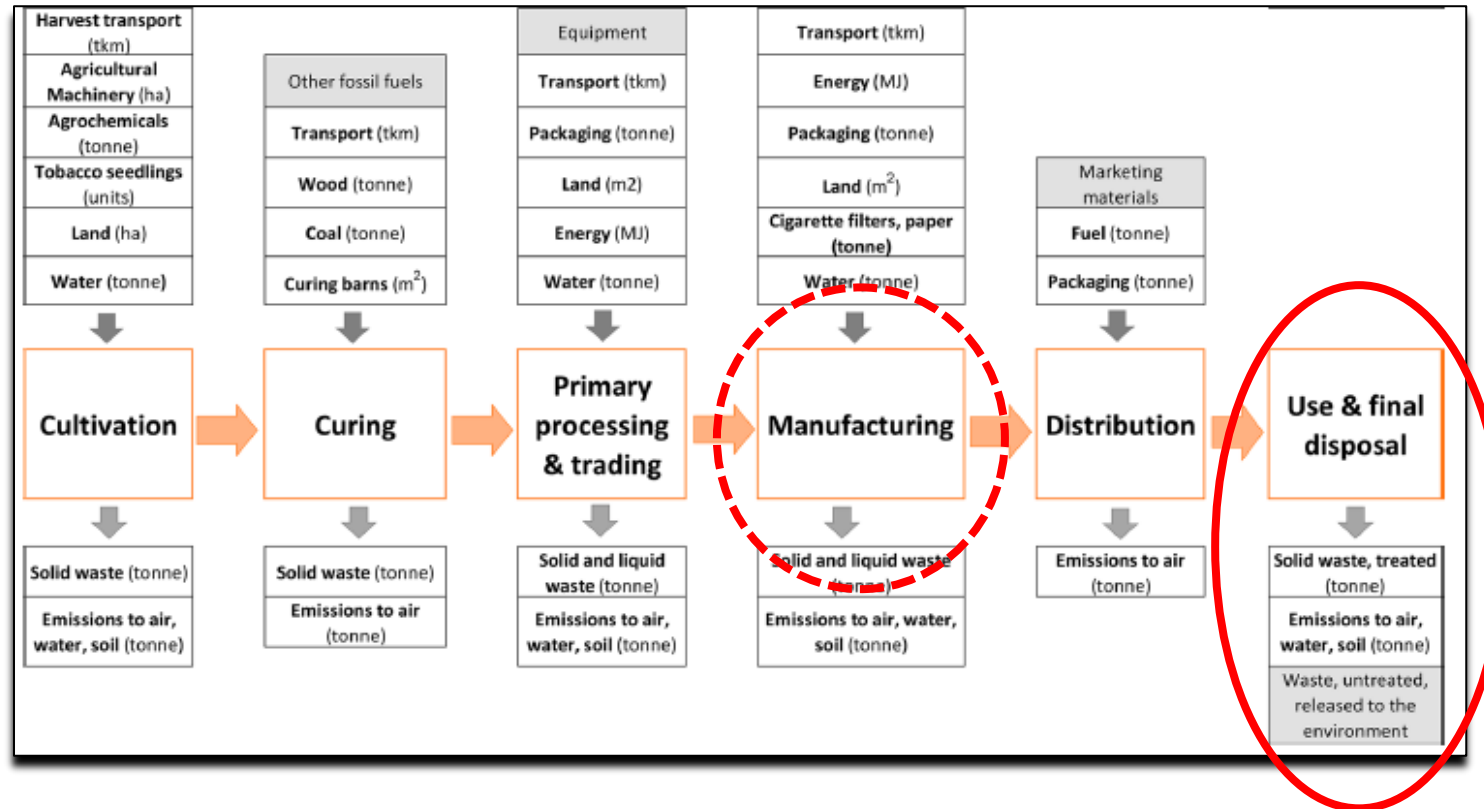
Because the new products consist of heating and inhaling a tobacco product, there is an inherent human health impact from their use. Section 3.5.2 discusses the significance in terms of NEPA of this human health impact. This section addresses whether the health impact would disproportionately affect minority or low-income populations.



Source: PMP 2017.

# THE TOBACCO PRODUCT LIFE CYCLE

## FDA OVERSIGHT





# FEDERAL POLICY LEVERS

## FDA OVERSIGHT OF PRODUCT AUTHORIZATIONS

Things to remember about NEPA and FDA:

- *Every* new tobacco product will have to undergo NEPA review, and the agency must consider comments it receives
  - As FDA commences e-cigarette review this September (under a court order), advocates can submit comments on how the products impact the environment and Environmental Justice
- FDA's compliance with NEPA has evolved over time, could improve with more community involvement/criticism of weak reviews
- Without an adequate environmental review under NEPA, ***none of these products could be legally authorized for marketing***
  - Lawsuits against inadequate NEPA analyses by other agencies frequently stop projects that are not in the public interest

# **LOCAL POLICY SOLUTIONS FOR TOBACCO WASTE**

## **BEST DEVELOPED WITH EJ PARTNERS**

1. Sales restrictions
2. Hazardous waste enforcement, cost shifting
3. Public nuisance litigation or regulation

# POLICY SOLUTIONS

## SALES RESTRICTIONS

- Likely the best option for public health *and* the environment.
- Would need to prohibit the products that lead to tobacco product waste (or prohibit the sale of all tobacco products to address the many upstream impacts).
- Following the example of flavored product prohibitions in US, EU, Canada, Brazil...



 **PUBLIC HEALTH  
LAW CENTER**  
at Mitchell Hamline School of Law

SALES RESTRICTIONS

April 2020

## U.S. SALES RESTRICTIONS ON FLAVORED TOBACCO PRODUCTS

 This chart provides select examples<sup>1</sup> of U.S. cities and counties that restrict the sale of flavored tobacco products. The chart captures variations among these flavor restrictions by noting when (1) flavors are prohibited generally or only within certain "buffer" zones, (2) menthol is prohibited, (3) flavors are restricted in e-cigarettes,<sup>2</sup> and (4) exemptions are provided for certain retailers. The chart also provides links to each jurisdiction's laws and summarizes relevant legal challenges. Beneath the chart is a supplemental list showing these select flavored tobacco restrictions organized by type rather than by state.



# **POLICY SOLUTIONS**

## **HAZARDOUS WASTE LAW/COST SHIFTING**

**Compliance:** Colorado example – [statewide guidance](#) on correct practices for schools.

**Education:** Boulder County example – paired public health and hazardous waste expertise to create messaging around the dangers of e-cigarette pollution, importance of proper disposal.

**Cost shifting:** States have primary authority over hazardous waste enforcement—likely could find ways to pass costs back to responsible parties. For example:

- Fees for retailers that sell certain products.
- Some states have a bottle/can deposit 5 or 10 cents. Could fashion an e-cigarette deposit to encourage return to retailer for responsible disposal.



# POLICY SOLUTIONS

## PUBLIC NUISANCE

### Litigation:

- Lawsuits against JUUL by:
  - NC; NY; MN; CA; DC; AZ; PA; MA; NM; IL
  - Over 100 school districts
- States have applicable nuisance laws:
  - Nebraska prohibits “the corrupting or rendering unwholesome or impure of any watercourse...”

### Regulation:

State statutes and city ordinances can declare something a “nuisance” and open more legal remedies to address it.

### Governments Are Suing JUUL And It's Starting To Feel More Like The Opioid And Big Tobacco Fights

 By John Daley | December 19, 2019



Daniel Brenner

# CONTACT US



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[www.publichealthlawcenter.org](http://www.publichealthlawcenter.org)



[@phealthlawctr](https://twitter.com/phealthlawctr)



[facebook.com/publichealthlawcenter](https://facebook.com/publichealthlawcenter)

# SPAIN: SMOKE-FREE BEACHES CAMPAIGN

By Raquel Fernández Megina. President of Nofumadores.org

**nofumadores.org**



# Why did Nofumadores.org chose the campaign Smoke-free beaches among others?:

- ▶ Spain has 8,000kms (almost 5.000 miles) of coastline and lives off tourism, which is why its beaches must have the highest quality.
- ▶ Beaches do not have private owners. Although they are administered by the cities and the government, they ARE owned by everyone. Therefore, we will not encounter direct opposition from an specific person or entity.
- ▶ There were already a number of of smoke-free beaches.
- ▶ City Councils like this measure because it lowers the cost of cleaning the beach.
- ▶ Making a stand for smoke-free beaches means having the support of environmental groups and a large part of the population, especially young people, who are more concerned with these issues than they may be with public health ones.

# What we could get with this campaign. What was our objective. What did we pursue?

1. Raise visibility of the problem
2. Increase social awareness
3. Encourage greater demand for smoke-free spaces
4. Facilitate for the government expanding the ban to create other similar outdoor smoke-free spaces (such as swimming pools, national parks, etc.)

# What is the scenario in Spain prior to launching our campaign?

- ▶ Spain's mainland, being a peninsula, has over 3.000 beaches
- ▶ In 2006, L'Escala, in Calalunia, was the first beach in Spain to be declared smoke-free
- ▶ In 2012, the Galician municipality of Baiona copied from New York the idea of healthy and ecological sandbanks, banning smoke on 2 of its beaches. In 2014, two more beaches joined the initiative, which brought up the total of smoke-free beaches in Spain to 15 (0.5%), including some in the Canary Islands and Catalonia too
- ▶ By 2018, the number of the smoke-free beaches had increased to 91 (3%)

# Actions taken. Chronology

- **August 2018:** we launched the change.org campaign Smoke-free beaches



**Que todas las playas sean espacios libres de humo de tabaco**

**4,994 have signed.** Let's get to 5,000!

August 5th, 2018



**Que todas las playas sean espacios libres de humo de tabaco**

**107,230 have signed.** Let's get to 150,000!

August 18th, 2018



# Actions taken. Chronology

- **August 2018:** we launched the campaign in English, looking for international support. This was the logical move, as tourism has become the sector that contributes most wealth to the Spanish economy. It represents 14.6% of GDP in addition to 2,8 million jobs and 83.7 million tourists, of which a large percentage visit our beaches.

## Make All Spanish Beaches Smoke-Free



**nt** Nofumadores.org Asociación ha iniciado esta petición dirigida a María Luisa Carcedo (Ministra de Sanidad)

189.428 personas han firmado. ¡Ayuda a conseguir 200.000!




 **Compartir en Facebook**

 Envía un mensaje en Facebook

 Envía un email para amigos

 Compártela en Twitter

 Copiar enlace

<https://www.change.org/p/make-all-spanish-beaches-smoke-free>

# Actions taken. Chronology

- **October 2018:** we delivered 128,000 signatures to the General Director and Deputy Director of Public Health of the Ministry of Health
- We were congratulated on the proposal and told that these types of campaigns help the Ministry when it comes to implementing these types of measures, since politicians need social support in order to change the laws
- The main message we were given was:

**Make noise. Help us to help you.**



# Actions taken. Chronology

- **May 30, 2020:** on the occasion of World No Tobacco Day, Nofumadores.org delivers almost 230,000 signatures of the Smoke-Free Beaches campaign. Due to the COVID-19 pandemic and the state of alarm, this was done virtually.

This time the signatures were delivered to:

- The Minister of Health
- The Minister of Ecological Transition
- The President of Spain



# Actions taken. Chronology

- ▶ **May 27, 2020:** email sent to 55 coastal City Councils, requesting that they urgently present a proposal at their plenary sessions to declare all beaches smoke-free in their municipality



# Results

- ▶ The Ministry received our initiative with enthusiasm and informs us that these initiatives help them promote these type of measurements
- ▶ On **May 9, 2019** the Public Health Commission of the Interterritorial Council, approves its **2019-20 Lines of Action in the Field of Tobacco Prevention and Control**:

Advances in regulation:

**Promote the expansion of smoke-free spaces to other outdoor spaces**, such as sports and leisure centers or private vehicles, among others, and **support good practice initiatives such as "smoke-free beaches"**, or the "network of smoke-free health centers"



PRESIDENCIA  
DEL GOBIERNO

Iván Redondo  
DIRECTOR DEL GABINETE  
DE LA PRESIDENCIA DEL GOBIERNO  
SECRETARIO DEL CONSEJO  
DE SEGURIDAD NACIONAL

Madrid, 8 de junio de 2020

Sra. D<sup>a</sup>. Raquel Fernández Megina  
Presidenta de Nofumadores.org  
Malcampo, 23  
**28002 MADRID**

Estimada Sra. Fernández:

Me dirijo a usted nuevamente para dar respuesta al escrito que ha remitido al Presidente del Gobierno, mediante el que le hace llegar las más de 229.000 firmas que su organización ha recogido a través de la plataforma Change.org, en apoyo a la solicitud de modificación de la Ley 28/2005, de 26 de diciembre, con el objeto de que se defina todas las playas de España como espacios libres de humo de tabaco.

A este respecto, le reiteramos nuestro agradecimiento por hacernos partícipes de la iniciativa llevada a cabo por Nofumadores.org y de esta propuesta, que contribuiría a reducir la contaminación de nuestras playas y costas, al tiempo que evitaría la exposición pasiva al humo de tabaco en nuestras playas.

En este sentido, tenemos la confianza en que tanto el Ministro de Sanidad como la Vicepresidenta cuarta y Ministra para la Transición Ecológica y el Reto Demográfico, a los que han hecho llegar también esta iniciativa, tendrán en consideración sus propuestas.

Aprovecho la ocasión para enviarle un cordial saludo,

*IVÁN REDONDO*

**June 8, 2020:** reply from the  
Director of the Cabinet of the  
Presidency of the Government

We reiterate our gratitude for keeping us informed of this proposal and of the initiative carried out by Nofumadores.org and contribute to reducing the pollution of our beaches and coasts, while avoiding passive exposure to tobacco smoke in our beaches.

# Results

MINISTERIO  
DE SANIDAD

Salvador Illa Roca  
Ministro

Sra. D<sup>a</sup>. Raquel Fernández Megina  
Presidenta  
Nofumadores.org  
[informacion@nofumadores.org](mailto:informacion@nofumadores.org)

Madrid, 12 de junio de 2020

Estimada Sra. Fernández,

Agradezco sus cartas de fecha de 12 y 29 de mayo en la que me trasladan propuestas de varias entidades respecto a una hostelería libre de humos en la desescalada por COVID-19 y de que todas las playas sean libres de humo y colillas.

En primer lugar, quiero agradecerle el reconocimiento de la entidad a la que representa y del resto de entidades firmantes de su escrito, tanto al esfuerzo que el Ministerio de Sanidad realiza en cuanto al avance de las medidas de prevención y control del tabaquismo, como a la labor realizada en las difíciles circunstancias que estamos atravesando debido a la situación de crisis sanitaria ocasionada por la COVID-19. Durante este tiempo, hemos tenido que hacer frente a una situación de pandemia mundial que, afortunadamente, empieza a remitir gracias al enorme esfuerzo realizado por todos los sectores implicados.

Sin duda, y tal y como expresa en sus cartas, las medidas de prevención y control del tabaquismo deben ser buena parte de la respuesta frente a esta enfermedad, en función de la morbi-mortalidad generada por parte del tabaquismo y en cuanto al mayor riesgo que supone respecto al discurso de la misma.

En este sentido, este Departamento ha puesto en marcha una serie de iniciativas de respuesta inmediata, como la publicación en la página web del Ministerio de recomendaciones ante el consumo en situación de confinamiento<sup>1</sup>, las de tipo informativo frente a ciertas afirmaciones sobre la relación entre la nicotina y la enfermedad<sup>2</sup>, o por último, de evaluación y estudio para conocer el impacto de la situación actual en la población<sup>3</sup>.

Esta obtención de datos, junto con las consideraciones realizadas en sus cartas y la documentación aportada tan amablemente por su entidad tanto en esta ocasión como anteriormente, nos sirven para adoptar otras medidas a corto y medio plazo. A este respecto, y tras haber analizado las tres propuestas de medidas presentadas por su entidad, le informo de que he dado instrucciones a mi equipo para explorar de manera conjunta junto con el Ministerio para la Transición Ecológica y el Reto Demográfico la posibilidad de impulsar, mejorar o ampliar las actuales redes de Playas Sin Humo al objeto de que nuestras costas sean espacios libres de humo y colillas.

- **June 12, 2020:** The Minister of Health informed us in written that they will **work alongside the Ministry of Ecological Transition on the smoke-free beaches initiative**

... after having analyzed the three proposed measures presented by your entity, I inform you that I have instructed my team to jointly explore together with the Ministry for Ecological Transition and Demographic Challenge the possibility of promoting, improving or expanding the current networks of Smoke-free in order that that our coasts are spaces free of smoke and cigarette butts.

# Results

- Social support is very high and keeps growing.

REGIÓN DE MURCIA

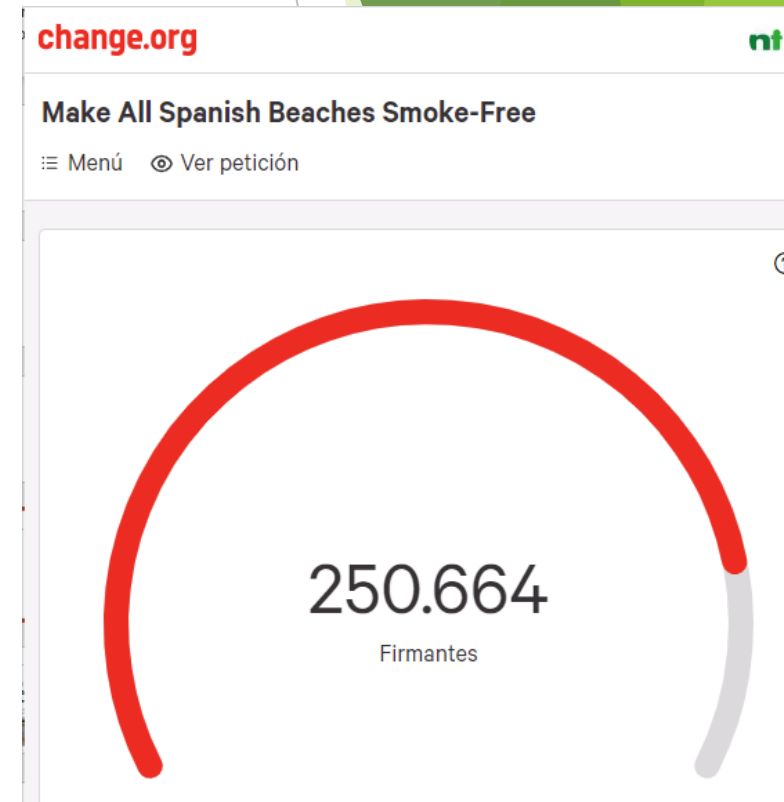
About 90 percent of those surveyed consider "smoke-free beaches" to be good or very good

El Gobierno regional puso en marcha este programa en 2018 para sensibilizar, promocionar la salud y proteger el medio ambiente

**SOCIEDAD** | Encuesta de mallorcadiario.com

Domingo 02 de agosto de 2020

74.1 percent of citizens believe that smoking should be banned on beaches and terraces





# Results

- ▶ Every summer the number of beaches that join smoke-free beach programs increases considerably, a sign of citizen support that encourages coastal City Councils to implement them.
- ▶ By 2020, the number of the smoke-free beaches has increased to **475 (15,83 %)**

MIJAS

## Mijas will have two smoke-free beaches to promote healthy habits

- También afectará a los que utilicen otros dispositivos para el consumo de tabaco como cigarrillos electrónicos y cachimbas

January 29, 2020



Mijas contará con dos playas sin humo para promover hábitos saludables

ELISA MORENO  
Mijas, 29 Enero, 2020 - 21:25h



**Mijas** va a habilitar este verano **dos playas 'sin humo'** en la que no estará permitido fumar, ya sea a través de cigarros o de otros dispositivos para el consumo de tabaco como cigarrillos electrónicos o cachimba, para garantizar que los ciudadanos puedan disfrutar de un espacio donde no se pueda fumar frente al mar y también con el objetivo de promover hábitos saludables.

Así lo ha aprobado este miércoles el **pleno** en la sesión ordinaria correspondiente al mes de enero, sumándose así a la iniciativa que ya puso en marcha **por primera vez en 2018 el municipio de Torrox** y a la que el año pasado se sumó **Estepona**, quien delimitó una superficie aproximada de un kilómetro en la playa de La Rada en la que no estaba permitido fumar.

ELISA MORENO  
Mijas, 29 Enero, 2020 - 21:25h



# Results

VIGO

## The Popular Party proposes a smoking ban on Cangas' beaches

El próximo pleno debatirá una moción cambiar la ordenanza municipal



XOAN CARLOS GIL

February 27th, 2020

CANGAS / LA VOZ 27/02/2020 05:00 H

El debate sobre las playas sin humos llegará al municipio gallego con más arenas en el próximo pleno. El PP de Cangas instará a la corporación a que apruebe la adhesión a esta medida que arrancó en Baiona hace más de un lustro y que ahora secundan localidades de dentro y fuera de Galicia.

Los populares proponen una modificación de la actual ordenanza de playas para prohibir fumar en todos los arenales. Destacan que las colillas son uno de los principales residuos de los espacios naturales, así como su impacto ambiental, ya que tardan más de 10 años en descomponerse.



## Results

# San Roque is considering joining a program that bans smoking on beaches

- En las localidades de la Red Andaluza de Servicios Sanitarios y Espacios Libres de Humo no existe vigilancia ni sanción en caso de incumplimiento



La playa de Puente Mayorga. / E.S.

March 1st, 2020

La Delegación de Salud del **Ayuntamiento de San Roque** estudia su incorporación a un programa de la **Red Andaluza de Servicios Sanitarios y Espacios Libres de Humo** (RASSELH) que implicaría la prohibición de fumar en las playas del municipio.

El objetivo fundamental de la campaña, llamada **Playas sin humo**, es concienciar a la población de los beneficios de mantener el litoral libre de tabaco como forma de respetar no solo el **medioambiente**, sino también la propia salud a través de la educación en valores.

En virtud de este programa no está permitido fumar, pero **no existe vigilancia ni sanción** en caso de incumplimiento de la ciudadanía, lo que significa que queda a elección de cada persona, de forma voluntaria, escoger una playa sin humo como lugar de ocio y por lo tanto el cumplimiento de la norma de "no fumar".

"Tras recibir la invitación de la Delegación Territorial de Salud de la Junta en Cádiz, estamos estudiando integrarnos al programa para **reforzar más si cabe la campaña de concienciación que realizamos en todo el litoral sanroqueño** cada año", explica el teniente de alcalde de Salud, Juan Serván.

# Results

europapress / galicia

Actualizado 18/05/2020 14:38:44 +00:00 CET

A Coruña's city council will ask bathers not to smoke on its beaches this summer

May 18th, 2020

[nofumadores.org](http://nofumadores.org)





# Results

## El Campello bans smoking on all of its beaches

El municipio se adhiere a la Red Playas Sin Humo de la Generalitat. La iniciativa no tiene carácter sancionador e incluye campañas de concienciación. Las colillas son un problema de contaminación y de contagio del virus

J. A. Rico | 12.06.2020 | 11:09

June 12th, 2020



El Campello prohíbe fumar en todas sus playas

# Results

VIVIR EN CÁDIZ

## No smoking: the beaches of Cádiz with smoke-free areas this summer

**nofumadores.org**

- Varios arenales se suman a la iniciativa de la Junta contra el tabaco en las playas

July 2nd, 2020



El Palmar cuenta con una zona libre de humo. / MANUEL ARAGÓN PINA

Cádiz será la provincia con mas **zonas sin humo en sus playas**. El Consejero de Salud y Familia, Jesús Aguirre, presentó esta semana en Conil esta iniciativa de la Junta que este año logra más adeptos. El verano pasado, Vejer, con su kilómetro libre de humo, fue el municipio pionero y esta vez playas de Conil, Tarifa, Barbate y La Línea se apuntan.

Así, los arenales que contarán con zonas sin humo en Cádiz **son los siguientes**:

- El Chorrillo en Conil
- El Palmar en Vejer
- Playa Chica, Atlanterra, Valdevaqueros, Lances, Bolonia en Tarifa
- El Carmen y Zahara de los Atunnes en Barbate

Además, **la playa interior de Zahara de la Sierra, Arroyomolinos**, también tendrá una zona delimitada donde no se podrá fumar.



# Results

nofumadores.org

## El Carabassí, first smoke-free beach in Elche

El alcalde, Carlos González, y la secretaria autonómica de Salud Pública, Isaura Navarro, izan la bandera "Platges sense fum" en el arenal para concienciar a los usuarios de los perjuicios que causa el tabaco



El Carabassí, la primera playa de Elche libre de humo

04.08.2020 | 14:44 | Redacción | El August 4th, 2020



## Make Carabassí beach (Elche) a tobacco smoke-free space

1.905 personas han firmado. ¡Ayuda a conseguir 2.500!



Carabassí sin humos ha iniciado esta petición dirigida a Carlos González Serna Alcalde de Elche y 1 otro/a

**SPAIN:  
SMOKE-FREE OUTDOOR  
SPACES IN CORONAVIRUS  
TIMES  
LATEST NEWS**

**[nofumadores.org](http://nofumadores.org)**



# Nofumadores.org campaigning

MANIFEST TO URGE THE SPANISH GOVERNMENT  
TO DECLARE OUTDOOR HOSPITALITY INDUSTRY  
SPACES SMOKE AND VAPOR-FREE



change.org



## Terrazas sin humos ¡YA!

Qué hay de nuevo

Detalles de la petición



## Terrazas sin humos ¡YA!

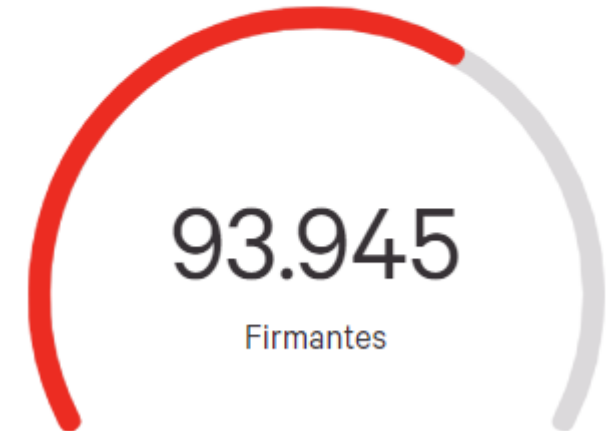
92.903 personas han firmado. ¡Ayuda a conseguir 150.000!



## Terrazas sin humos ¡YA!

Menú

Ver petición



SMOKE-FREE TERRACES NOW!

# Smoke-free outdoor spaces in coronavirus times

Galicia bans smoking on the street or in terraces if safety distance cannot be guaranteed

Núñez Feijóo ha anunciado la sorprendente medida, que entra en vigor desde este mismo jueves.

LD/Agencias 2020-08-12

28



August 12th, 2020

# Smoke-free outdoor spaces in coronavirus times

AGREEMENT BETWEEN HEALTH MINISTRY AND ALL THE REGIONAL GOVERNMENTS

## Nightlife venues closed down and smoking banned on the street all over Spain

Sanidad ha pactado con las CCAA cerrar los locales de ocio nocturno, reforzar el control de botellones en vía pública y prohibir en toda España fumar cuando no se pueda mantener la distancia



El ministro de Sanidad, Salvador Illa. (EFE)

August 14th, 2020



# Smoke-free outdoor spaces in coronavirus times

Health Authorities materializes the project 'Smoke-free beaches' by banning smoking in the sands of Cantabria

August 23th, 2020



La Consejería de Sanidad destaca este domingo que ha hecho realidad el proyecto de '**Playas sin humo**' que desde la Dirección General de Salud Pública se viene impulsando en los últimos años, con la publicación de la resolución que **prohíbe fumar en las playas como medida para prevenir el contagio del coronavirus**.

Este proyecto de 'Playas sin humo', puesto en marcha con la resolución publicada el pasado sábado 15 de agosto en el Boletín Oficial de Cantabria (BOC) y que a primeros de mes se presentó a los alcaldes de los municipios costeros de Cantabria con **buena acogida**, tiene como objetivo que las playas y zonas de baño sean verdaderos espacios de disfrute, convivencia, respeto mutuo, ocio saludable y contacto con la naturaleza.

En un comunicado, la directora general de Salud Pública, Paloma Navas, ha explicado que la limitación del tabaco en la costa tiene un **doble objetivo**, centrado por un lado en la mejora de los hábitos saludables y en evitar que los fumadores pasivos estén sometidos al humo y, por otro lado, en mejorar la calidad de la arena y del agua.



# Smoke-free outdoor spaces in coronavirus times

**elDiario.es**

Hazte socio/a

Coronavirus Mascarillas Vuelta al cole Memoria histórica José Luis Martínez-Almeida Juan Carlos I

## Stop smoking on the terraces: the coronavirus drives a giant step in the public health strategy against tobacco

El Ministerio de Sanidad buscaba ampliar la Ley Antitabaco, cuyos efectos sobre la población ya acusaban desgaste, y la pandemia ha dado un pretexto para una normativa que las asociaciones piden que vaya incluso a más

— Prohibir fumar al aire libre: una medida inédita y positiva para la salud pública, pero incierta ante la COVID-19

August 21st, 2020

"We already asked for it before the pandemic, but now the situation has worsened and it's become more evident," says Fernández Megina, "because COVID-19 pandemic has been added to the tobacco pandemic." The hope is "that it stays." But the spokeswoman for Nofumadores.org goes further and sees the measure as "a first step; good but insufficient." "What we hope is that it be decreed as a ban, because now it is not; you can still smoke if you are two meters apart. And that actually complicates things for the terraces managers, who are the ones who have to deal with the conflict," she says.

The platform supports this type of policy because its objective is to "denormalize tobacco consumption. Regardless of it being legal, even its manufacturers admit it damages health and kills. And now it also increases the risk of contracting COVID-19. In a country where people socialize at restaurants and bars, banning smoke in outdoor terraces is key to denormalizing consumption in general."

# Smoke-free outdoor spaces in coronavirus times

## Balearic Islands bans smoking in the street, reduces capacity and closes beaches at night

La presidenta del [Govern](#), [Francina Armengol](#), y la consellera Patricia Gómez comparecen tras la reunión con los presidentes y presidentas de los consells insulares, así como con el

**...smoking ban in the Balearic Islands in any public space regardless the distance between people,...**

playas y parque se cerraran por la noche y la obligatoriedad de llevar mascarilla se extiende a los paseos marítimos y a centros de trabajo, aunque con excepciones en este último caso.

August 26th, 2020

### TOBACCO

Banned on the streets and outdoor spaces for public use (including terraces), even when you can keep the safety distance

### NEW PREVENTION MEASURES

**MASCARILLA**  
Pasa a ser obligatoria también en paseos marítimos. También en centros de trabajo excepto si son al aire libre. Distancia de seguridad en espacios cerrados con distancia o barrera física. También en restaurantes y bares mientras se espera el pedido y en sobremesa.

**TABACO**  
Prohibido en la vía pública y espacios al aire libre de uso público (incluye terrazas), incluso cuando se puede mantener la distancia.

**REUNIONES SOCIALES Y FAMILIARES**  
Máximo 10 personas en interiores y exteriores.

**PLAYAS Y PARQUES**  
Cerrados entre las 21 h y las 7 h.

**VELATORIOS Y ENTIERROS**  
Velatorios: máx. 30 pers. exterior, 15 pers. interior. Entierros: máx. 30 pers.

**BARES Y RESTAURANTES**  
50% del aforo en interiores y exteriores. Obligatorio uso de mascarilla mientras se espera el pedido y en sobremesa.

**CONSUMO DE COMIDA Y BEBIDA**  
Prohibido en espectáculos deportivos y culturales en recintos cerrados, y en el transporte público. Por lo tanto, mascarilla.

**OCIO NOCTURNO**  
Sigue cerrado 15 días más.

**MERCADOS MUNICIPALES**  
50% de los puestos.

**PROSTÍBULOS**  
Prohibida la actividad.

**DEPORTES DE CONTACTO**  
Prohibida la práctica 15 días más.

RECUERDA  
LAS 3 EMES

MANOS LIMPIAS  
METROS DE DISTANCIA  
MASCARILLA

# THANK YOU

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# Q&A

## Stay Involved



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[Info@ash.org](mailto:Info@ash.org)

Global action for *everyone's* health.

**ASH**  
ACTION  
ON SMOKING & HEALTH

**NEXT WEBINAR:** September 10<sup>th</sup> at 12:00pm ET

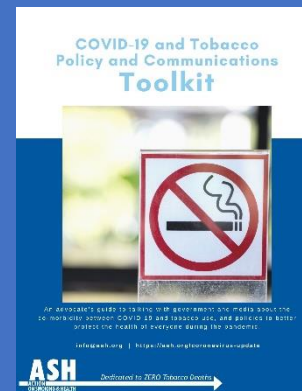
### Addressing Cessation in Priority Populations

Speakers: **Martin Raw** (Director of the International Centre for Tobacco Cessation and Visiting Professor at New York University School of Global Public Health); **Rachel Smolowitz and Michael Stavros** (Sheppard Pratt Hospital); and **Carolyn Dresler, MD, MPA** (ASH Volunteer).

[Registration Link in Thank You Email](#)



Recordings from previous webinars and Live Chats on social media: <https://ash.org/webinars>



## Toolkit for Advocates

Talking with government and media about the COVID-19 and tobacco use co-morbidity and policies to protect the health of everyone during the pandemic.

[ash.org/covid19](https://ash.org/covid19)