

# Increasing Cooperation between the WHO Framework Convention on Tobacco Control and the Treaty to End Plastic Pollution

April 16, 2024



**FCTC**  
WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL  
SECRETARIAT-KNOWLEDGE HUB



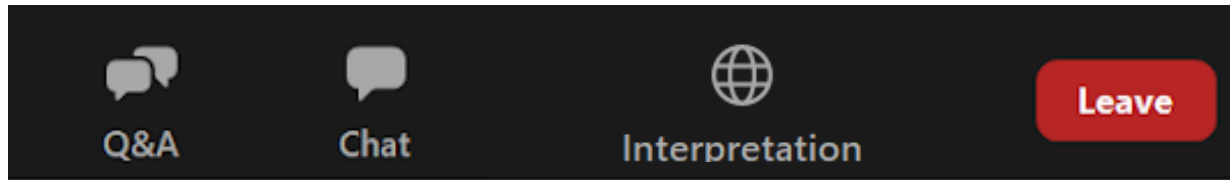
CENTRO DE  
ESTUDOS  
SOBRE TABACO  
E SAÚDE - CETAB  
ENSP • FIOCRUZ



Global Center for  
Good Governance  
in Tobacco Control



# TECHNOLOGY



**Ask questions through the Q&A box. We will review them to answer at the end.**

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# SPEAKERS



**Dr. Adriana Blanco**

*Head of the Secretariat, WHO Framework Convention on Tobacco Control*



**Dr. Thomas Novotny**

*Professor Emeritus, San Diego State University; Cigarette Butts Pollution Project*



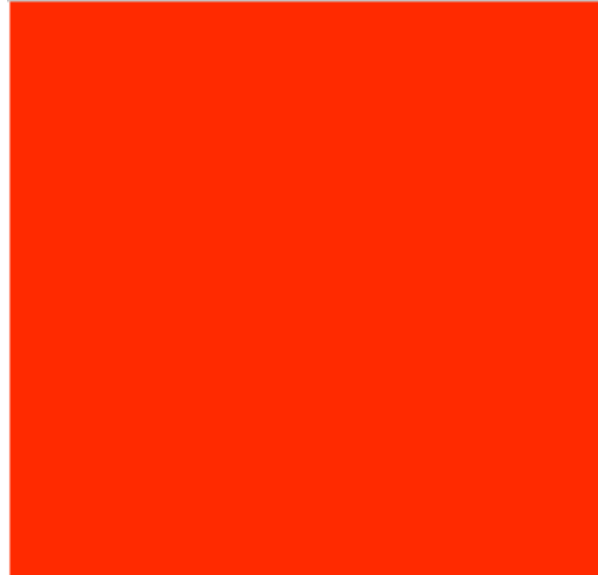
**Dr. Rob Ralston**

*Lecturer, University of Edinburgh, School of Social and Political Science*



Global Center for Good Governance in Tobacco Control





## Increasing cooperation between the WHO Framework Convention on Tobacco Control and the treaty to end plastic pollution

Adriana Blanco Marquizo

16 April 2024



**FCTC**

WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL

S E C R E T A R I A T

# WHO Framework Convention on Tobacco Control



## PART V: PROTECTION OF THE ENVIRONMENT

### Article 18

#### *Protection of the environment and the health of persons*

In carrying out their obligations under this Convention, the Parties agree to have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within their respective territories.

The purpose of these recommendations is to provide Parties with a **FRAMEWORK** within which they may adopt the comprehensive **policies** and effective **measures** required to fulfil their obligations under Articles 17 and 18 of the WHO FCTC, through identification and development of **effective strategies** for **alternative crops and livelihoods** and for **Protecting tobacco growers** and **the environment** from harms related to tobacco production.



# 8<sup>th</sup> Session of the Conference of the Parties (COP8) – Geneva 2018

## HIGH LEVEL SEGMENT: TOBACCO CONTROL AND GLOBAL CLIMATE ACTION

Mr Paul Desanker, Manager of the Adaptation Programme at UNFCCC (on behalf of the Executive Secretary of the UNFCCC Ms. Patricia Espinosa)

*“As the climate warmed, land use would become less secure. Tobacco production demanded significant amounts of water and resulted in deforestation.*

*The move away from the cultivation of tobacco provided an opportunity to plant crops that would contribute to food security.*

*It would be useful to explore ways in which support could be given to the joint objectives of the two conventions on climate change and tobacco control”.*



[FCTC/COP8\(19\)](#) Implementation of Articles 17 and 18 (alternative livelihoods and protection of the environment

Invites Parties to:

- ...(b) engage in collaboration across sectors, aimed at mitigating the environmental damage caused by tobacco
- (c) raise awareness... on the impact of tobacco cultivation, production and consumption on both the terrestrial and marine environment and the health of persons; ...and
- (e) share best practices to address the environmental externalities associated with tobacco growing and manufacturing.

# Publications presented at COP 8



<https://www.who.int/publications/i/item/9789241512497>



<https://www.who.int/publications/m/item/cigarette-smoking>

# WHO FCTC Knowledge Hub on Articles 17&18



**TOBACCO**  
a threat to the environment  
and to workers' health

All campaign materials are  
available at: [NEWS > MEDIA](#)

WHO FCTC Knowledge Hub for Articles 17 and 18

**Why is Article 17 so Poorly Implemented – and How Can Parties Overcome That?**

Read the full story:  
[Newsroom > News](#)

WHO FCTC Knowledge Hub for Articles 17 and 18

## About the Knowledge Hub

The WHO Framework Convention for Tobacco Control Knowledge Hub for Articles 17 and 18 works to develop, analyze, synthesize and disseminate knowledge on these two articles – which relate to economically viable alternatives to tobacco production, and to the protection of the environment and the health of persons.

It supports the Convention Secretariat to facilitate the exchange of information and cooperation between Parties, providing assistance to Parties in the implementation of Articles 17 and 18.

The WHO FCTC Knowledge Hub for Articles 17 and 18 is housed in Brazil, in the [Center for Studies on Tobacco or Health \(CETAB\)](#) of the [Sergio Aronson National School of Public Health \(ENSP\)](#) at [Fundação de Amparo à Pesquisa \(FAPESP\)](#).

The Memorandum of Understanding (MOU) on the establishment of a Knowledge Hub at CETAB was signed by the Convention Secretariat and Fioruz on 08 July 2020.



### Our team:



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# WHO World No Tobacco Day 2022 built up global momentum



Tobacco is not just poisoning people; it is poisoning our planet.

The tobacco industry damages the environment in ways that go far beyond the effects of the smoke that cigarettes put into the air.

Tobacco can no longer be categorized simply as a health threat – it is a threat to human development as a whole.



# PARTNERSHIP WITH UN ENVIRONMENT PROGRAMME (UNEP)

[Clean Seas campaign](#) – joint campaign between UNEP and Secretariat of the WHO FCTC to raise awareness around the issue of cigarette filters and plastics pollution



unep Cigarette filters break into smaller plastic pieces leaching out some of the 7000 chemicals contained in a single cigarette.



unep Cigarette butts contain filters that are composed of thousands of cellulose acetate fibres that take years to degrade and never disappear from the environment.



unep Cigarette butts amount to approximately 767,000 kilograms of plastic trash each year - equivalent in weight to 875 humpback whales.



[GIF Video](#)



[GIF Video](#)



[GIF Video](#)



[Long Video](#)

[Short animated video \(English\)](#)  
[Arabic](#) [Chinese](#) [French](#) [Russian](#) [Spanish](#)

# PARTICIPATION OF THE CONVENTION SECRETARIAT IN INTERNATIONAL NEGOTIATIONS

Conferences of the parties to the Basel, Rotterdam and Stockholm conventions (bc cop-15, rc cop-10, sc cop-10) - June 2022



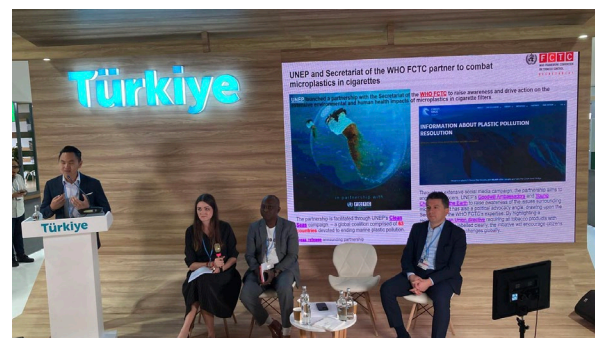
**FCTC**  
WHO FRAMEWORK CONVENTION  
ON TOBACCO CONTROL  
SECRETARIAT



## UNEP Plastic Pollution Treaty negotiations – INC1, INC2, INC3



## COP27 UNFCCC Climate Change Conference (November 2022)



# 3rd Session of the Intergovernmental Negotiating Committee on Plastic Pollution INC-3

A list of criteria of *“Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics”* was requested by some Member States.

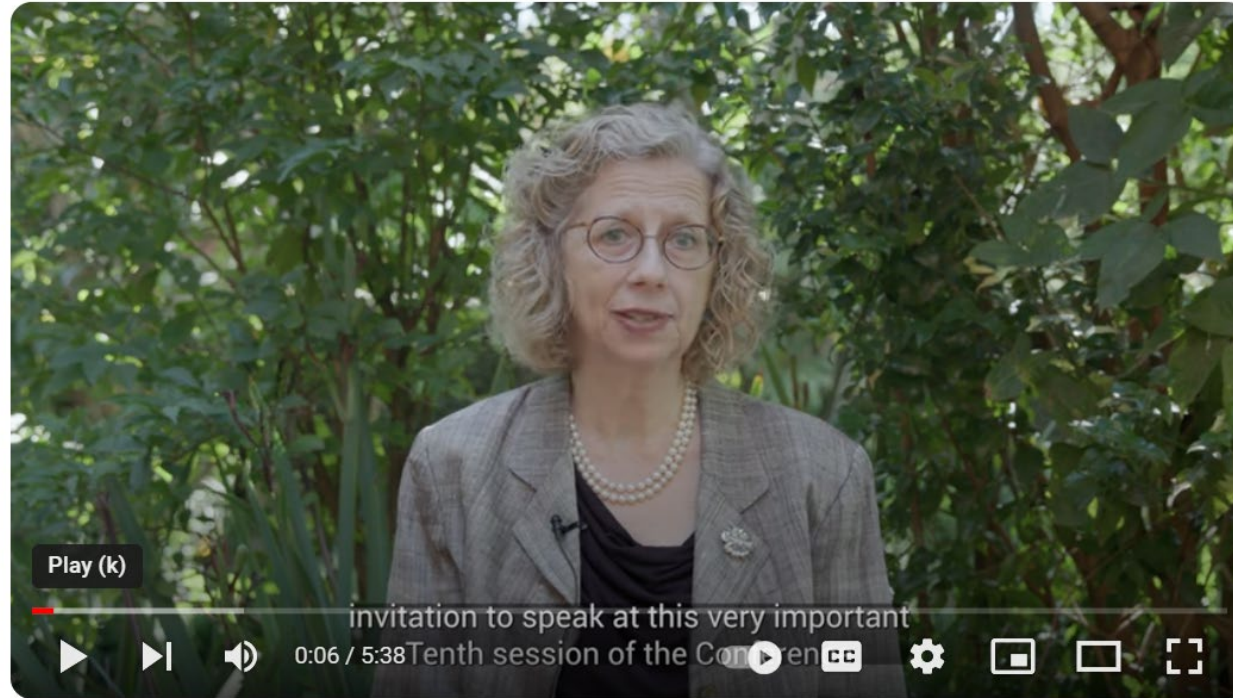
Such a list had been drafted, but at INC-3, **Palau called for** *“the inclusion of **cigarette filters** on the list as they are the most littered items in the world, harm land and marine eco-systems, are very difficult to collect, and disintegrate into toxic micro-plastics”*.



This synergy between the WHO FCTC and the Plastic Treaty INC will help make progress towards SDG Target 3.a and its indicator which is to reduce tobacco use prevalence.

It is expected that Palau will reflect this in its Voluntary National Review (VNR) to be presented this year.

# 10<sup>th</sup> Session of the Conference of the Parties (COP 10) Panama, February 2024



Message of Inger Andersen, Executive Director of UNEP at the COP10

- [Message of Inger Andersen, Executive Director of UNEP at the COP10 \(youtube.com\)](https://www.youtube.com/watch?v=...)

# Side event at COP10 on Articles 17&18



## FCTC/COP10(14) Implementation of Article 18 of the WHO FCTC

### DECIDES:

- (a) to urge Parties to take into account the **environmental impacts from cultivation, manufacture, consumption and waste disposal of tobacco products and related electronic devices**, and to strengthen the implementation of Article 18 of the WHO FCTC, including through national policies related to tobacco and/or protection of the environment; ...
  
- (c) to invite Parties, under **Article 19** of the WHO FCTC, **to hold the tobacco industry accountable for the damage it causes** to the environment and the adverse health effects on workers involved in the cultivation and manufacture of tobacco products, and the disposal and treatment of waste resulting from their manufacture and consumption; ...
  
- (e) to urge Parties to coordinate their efforts to **address plastic waste of tobacco products and related electronic devices** with the objectives of the WHO FCTC in relation to national policies and **international treaties** and fora dealing with plastics and hazardous waste, as appropriate; ...

## FCTC/COP10(14) cont.

- (g) to encourage Parties to consider **comprehensive regulatory options regarding filters in cigarettes and in other tobacco and related products, and their related electronic devices**, taking into consideration their public health impacts and in accordance with national law;
- (h) to urge Parties, in accordance with **Article 5.3** of the WHO FCTC, to protect tobacco-related environmental policies from the commercial and vested interests of the tobacco industry and those working to further its interests;
- (i) to urge Parties to counter the so-called **corporate social responsibility activities** of the tobacco industry, and to ensure that WHO FCTC objectives are not undermined through the industry's implementation of extended producer responsibility systems;



## **FCTC/COP10(14) cont.**

REQUESTS the Convention Secretariat:

- To promote international cooperation and exchange of information the implementation of Article 18 of the WHO FCTC, especially with the WHO FCTC Knowledge Hub for Articles 17 and 18;
- To **examine regulatory options** regarding the prevention and management of waste generated by the tobacco industry and its products, including a **ban on plastic cigarette filters** and the management of hazardous waste from cigarettes, based on scientific evidence;
- To **prepare a report to COP11** that outlines the various plastics used in the manufacture of tobacco products and packaging, and how, as waste, they harm the environment; and the options that Parties may have to curb or prevent such harm.

# Resources

**Tobacco and its environmental impact: an overview**

<https://fctc.who.int/publications/i/item/9789241512497>

**Cigarette smoking: an assessment of tobacco's global environmental footprint across its entire supply chain, and policy strategies to reduce it**

<https://fctc.who.int/publications/m/item/cigarette-smoking>

**WHO FCTC Secretariat campaigns and communication/media resources on tobacco and the environment**

<https://fctc.who.int/newsroom/spotlight/environment>

**WHO Report - Tobacco: Poisoning our planet**

<https://www.who.int/publications/i/item/9789240051287>

**3 Myths about Cigarette filters and the plastic they contain**

<https://exposetobacco.org/wp-content/uploads/Cigarette-Filters-Plastic-Pollution.pdf>

**Talking trash: behind the tobacco industry's "green" public relations**

[https://exposetobacco.org/wp-content/uploads/Talking\\_Trash\\_EN.pdf](https://exposetobacco.org/wp-content/uploads/Talking_Trash_EN.pdf)

**World No Tobacco Day 2023 - Food security**

<https://www.who.int/publications/i/item/9789240073937>

**World No Tobacco Day 2022 – Tobacco poisoning our planet**

<https://www.who.int/campaigns/world-no-tobacco-day/2022>

**Tobacco Control and Tobacco Farming: Separating Myth from Reality**

<https://idrc-crdi.ca/en/book/tobacco-control-and-tobacco-farming-separating-myth-reality>



It's Bigger than We Think



# **Cigarette Filters and Tobacco Product Waste – Problematic and Avoidable Plastics to be Banned**

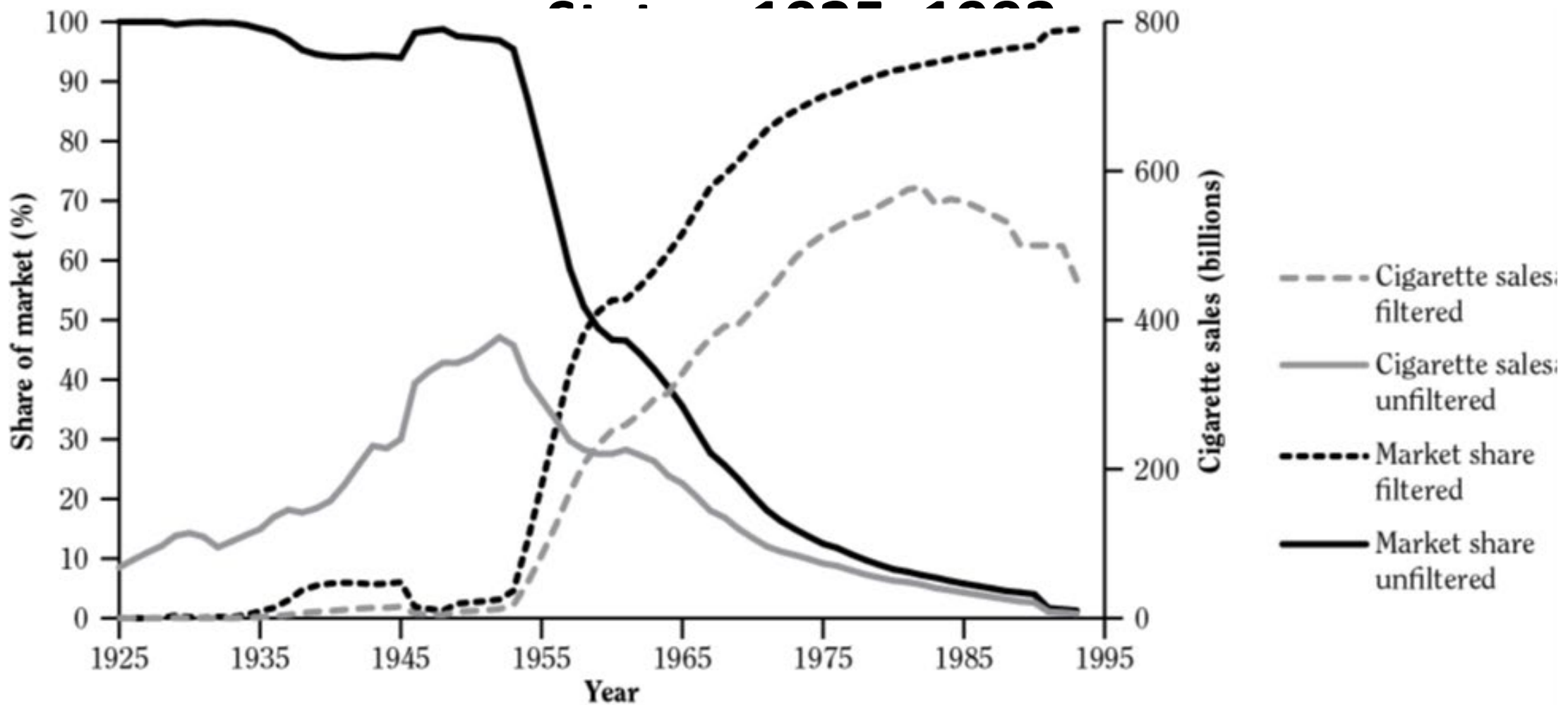
**Thomas E. Novotny MD MPH  
Action on Smoking and Health  
Cigarette Butt Pollution Project**

# History of Filters

- 1860's—to keep tobacco bits out of mouth;
- 1930's-1940's—protect against 'poisons' (nicotine)
  - Paper, wool, cotton, silica, cellulose, porcelain;
- 1936--First filter: Viceroy:
- 1940s-1950s--First health concerns led research to get 'safe' cigarette
- 1950s researchers and industry identified tobacco carcinogens
- 1951—1% cigarettes filtered, by 1958—50% filtered



# Market share and total annual cigarette sales of filtered and unfiltered cigarettes in the United States



**In 2020, 98.8% of Commercial Cigarettes Sold in California are Filtered (FTC)**

# Robert Proctor's Book, *Golden Holocaust: 'The Filter Flim Flam'*

- Main purpose of the cigarette filter for tobacco industry:
  - lower manufacturing costs (cellulose acetate is cheaper than tobacco leaf);
  - keep tobacco bits out of mouths of smokers; and
  - convince people that filtered brands were somehow 'safer' than unfiltered brands.

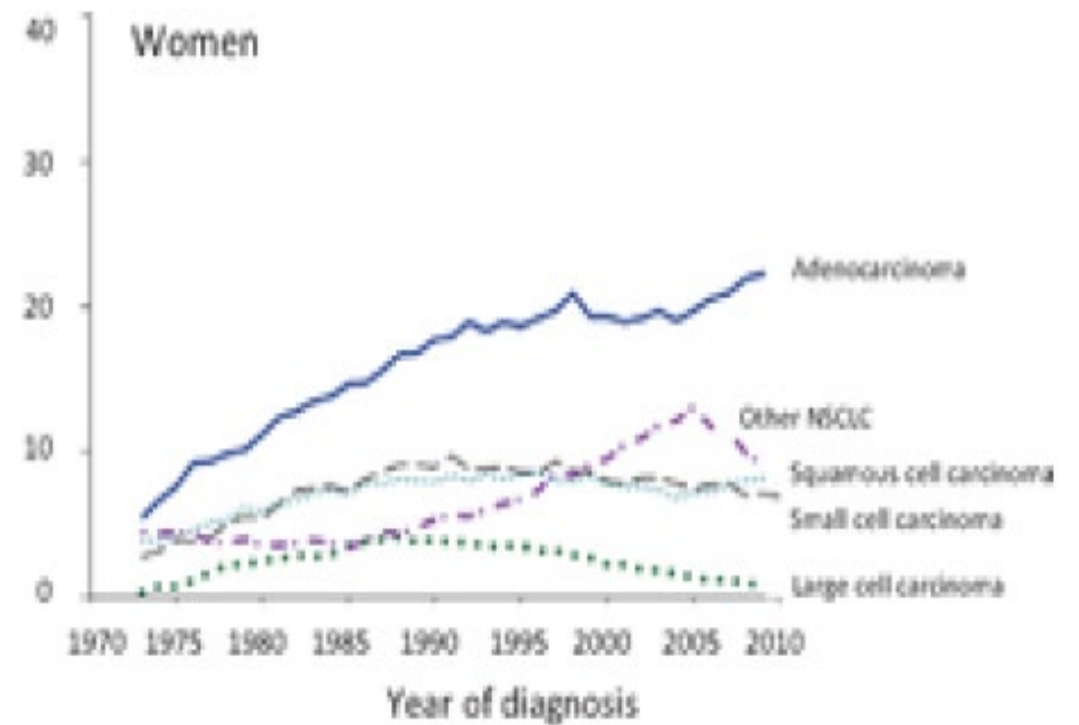
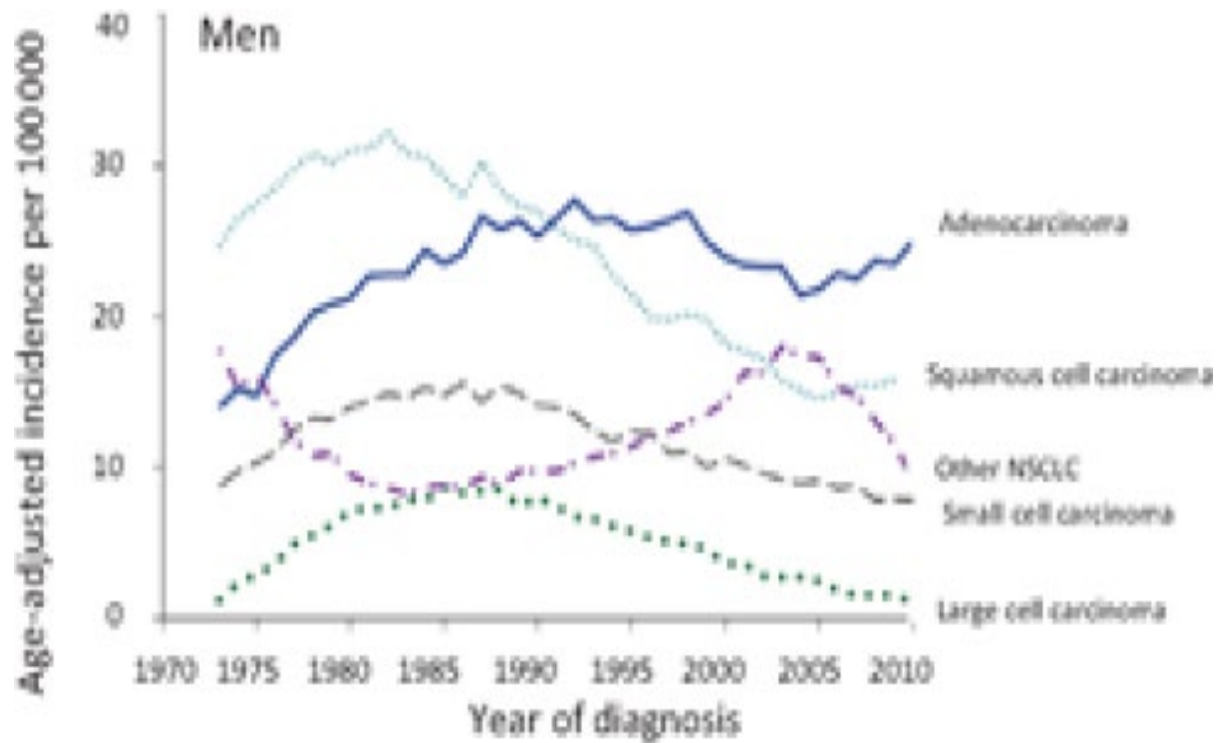


# Anatomy of the Filter

- By the 1950s, cellulose acetate was most common type filter
  - Manufactured by chemical companies (Eastman, Dow)
  - Charcoal and flavor beads added to some;
- Plant based acetylated polymer;
- 12-15,000 strands form 'tow';
- Fibers combined with plasticizer.
- *Degradability*: Somewhat photodegradable, poorly biodegradable, 10-year persistence;
- Breaks up into small pieces as microplastic waste;
- *Other problems*: Filter fallout-- cellulose acetate fibers found in lungs of smokers.



# Lung Adenocarcinoma Incidence Increases, 1970-2010



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



# Knowledge Gap on Utility and Composition of the Commercial Cigarette Filter

- National U.S. Panel Survey 2021:
  - 33.2% of smokers, 21.3% of non-smokers believe filters reduce harms of smoking;
  - Only 28.9% knew that cigarette filters were made of plastic;
- Young U.S. adult survey 2021
  - 89% thought filters harmful to environment
  - 43% knew they were plastic;
- Philip Morris International smoker survey:
  - 13% thought filters were plastic (59% thought cotton)
  - 25% thought tossing butts was the correct way to dispose of them.

# Cellulose Acetate Filter Waste is a Health and Environmental Hazard

- Cellulose acetate a dominant fiber in urban runoff waters;
- 0.3 million MT filters disposed of annually across globe;
- Each filter releases~100 microfibers/day (<0.2 mm);
- Toxic to water flea, frogs, worms, mollusks, fish;
- Changes diversity of microbial communities;
- Unknown human health effects.



# What Happens When Smokers Can't Smoke Filtered Cigarettes?

- Cigarettes taste worse;
- Less 'satisfaction' and enjoyment;
- More aversion and 'harshness';
- Fewer cigarettes smoked/day.
- Deeper inhalation needed with filters compared with unfiltered cigarettes;
- Nicotine and carcinogen exposures do not differ for filtered and unfiltered cigarette smoking.

# Tobacco Industry ‘Solutions’: Downstream and Ineffective

- *Biodegradability:*
  - ten year industry effort among multiple companies yielded no marketable product;
- *Recycling:*
  - complicated logistics,
  - no evaluation of product or process safety;
- *Philip Morris International: “Our World Is Not an Ashtray” Initiative*
  - Volunteer/NGO financial supports;
  - Diverts focus away from actual industry accountability.



# Conclusions

- The commercial cigarette filter is a fraudulent marketing tool that makes it easier to initiate smoking, harder to quit, and overall more harmful than unfiltered smoking;
- More than >90% of discarded cigarettes have the plastic filter and are the single most common non-biodegradable global trash item, numbering in the trillions;
- There is growing evidence that discarded filters are a source of toxic chemical and microplastic environmental pollution;
- Cellulose acetate cigarette filters are non-essential, hazardous, single-use plastic attachments to cigarettes that do not reduce the risks of smoking;
- This non-essential consumer product should be listed in Annex B, part II, to be banned in order to protect both human and environmental health.

# MITIGATING INDIVIDUAL, INSTITUTIONAL AND STRUCTURAL CONFLICTS IN PLASTIC TREATY NEGOTIATIONS

## LESSONS FROM THE WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

**Dr Rob Ralston**

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THE UNIVERSITY *of* EDINBURGH  
School of Social  
& Political Science



21 NOVEMBER 2023

# Big Oil influence at UN talks thwarts progress towards reaching an effective Global Plastics Treaty

The influence of the global petrochemicals industry and plastic-producing countries has frustrated meaningful progress towards agreeing a Global Plastics Treaty.

A graphic featuring a background of crumpled plastic. In the foreground, there are silhouettes of oil pumpjacks. In the top left corner, there is a stylized icon of a hand holding a drop of oil, with a red exclamation mark above it. In the top right corner, there is a logo for the Global Plastics Treaty, which consists of two speech bubbles and the text 'GLOBAL PLASTICS TREATY'.

**143 FOSSIL FUEL AND CHEMICAL INDUSTRY LOBBYISTS**

gained access to the third round of negotiations to advance a global plastics treaty, outnumbering the 70 smallest Member States delegations at the negotiations.

*According to INC-3 Participants Analysis by Center for International Environmental Law*

**#Break Free From Plastic**

**POLLUTERS IN THE ROOM**  
#PlasticsTreaty #INC4 @breakfreefromplastic



May 20, 2023

Dear Director Andersen and Executive Secretary Mathur-Filipp,

We are writing to you as 174 civil society groups and scientists ahead of the upcoming UN Global Plastics Treaty talks in Paris, INC-2, with a shared concern about a major threat to an impactful Treaty outcome – the role that the fossil fuel and petrochemical industries and their lobbyists are having on the negotiations. To ensure this landmark opportunity to curb the global plastic pollution crisis is not undermined, we are calling on you to take the following urgent measures:

- **Recognise that the public interest in addressing plastic pollution is not compatible with the private interests of the fossil fuel and petrochemical companies that produce plastic.**

Plastic pollution has flooded our planet, harming people's health, accelerating social injustice, destroying biodiversity and fuelling the climate crisis. Indeed scientists at the Stockholm Institute recently alerted the public that plastic pollution had already ['exceeded safe planetary boundaries'](#), threatening the very stability of the earth's system.

Despite this, the production of virgin plastics - 99% of which are made from oil and gas - is increasing year on year. And with giant fossil fuel and petrochemical companies like ExxonMobil, Dow, Shell and others reportedly investing heavily in [building yet more production capacity and petrochemical facilities](#), this growth is set to continue. Indeed, according to industry estimates, plastic production could [double within the next 10-15\\* years, and triple by 2050](#).

Scientists and civil society groups from around the world agree that it is essential that the UN Plastics Treaty agrees a roadmap for dramatically reducing plastic production, a view already supported by several governments.

It is clear that the fossil fuel lobby is [actively working](#) to prevent the Plastics Treaty from containing essential controls on plastic production. It is not just the signatories of this letter who hold this view. The Office of the United Nations High Commissioner for Human Rights [recently said](#) "There is a fundamental and irreconcilable conflict between the interests of the plastics industry and businesses deeply implicated

UNEP and INC encouraged by civil society organisations to recognise that the **‘public interest in addressing plastic pollution is not compatible with the private interests of the fossil fuel and petrochemical companies that produce plastic’**

**Article 5.3** of the WHO Framework Convention on Tobacco Control [FCTC] widely regarded as a model that could / should apply to treaty negotiations



# FCTC ARTICLE 5.3

## Norms, rules and procedures

WHO FCTC the **only international treaty** that explicitly addresses the potential for a corporate actor to subvert its objectives

Article 5.3 a general obligation of the treaty that requires parties to protect public health policy from tobacco industry interference

Article 5.3 can be conceptualised as a **procedural instrument** comprised of a set of **governance norms, rules and procedures**



## Corporate interests and the UN treaty on plastic pollution: neglecting lessons from the WHO Framework Convention on Tobacco Control

Published Online  
October 4, 2023  
[https://doi.org/10.1016/S0140-6736\(23\)02040-8](https://doi.org/10.1016/S0140-6736(23)02040-8)

The political commitment of UN member states to negotiate an international treaty on plastic pollution offers a chance to tackle the global plastics crisis and the harmful impacts of unsustainable plastics production on climate change, biodiversity, health, and human rights.<sup>1,2</sup> The escalation of this crisis is alarming, with plastic production expected to increase to 34 billion tonnes by 2050, fuelled by US\$400 billion of oil and petrochemical industry investment to increase the supply of virgin (fossil-fuel based) plastic.<sup>3</sup> In this context, the resolution of the UN Environment Assembly to develop a legally binding

instrument by the end of 2024 has the potential to be transformative for global environmental governance.<sup>4</sup> Yet there is the risk of this opportunity being wasted, amid concerns about the active involvement in this process of businesses (such as petrochemical industries and consumer goods and beverage corporations) whose economic activities and interests conflict with treaty objectives, as their business models rely on expanding the production and use of plastics.<sup>5,6</sup>

The global governance of plastics to date has been characterised by fragmented authority and little coherence, involving piecemeal demand-side restrictions and relying on industry self-regulation and voluntary corporate social responsibility initiatives that are insufficient—and even counter-productive—to address this crisis.<sup>7</sup> In this context, the treaty is an opportunity to catalyse global action through its objective to “end plastic pollution”.<sup>4</sup> Although many member states recognise the need to reduce the production of plastics, concerns have been raised by civil society organisations, rights-holders (ie, Indigenous peoples, women, children and young people, and workers),<sup>8</sup> and UN bodies about tensions between the policy objectives of the proposed treaty and corporate interests. The UN Human Rights Office noted a “fundamental and irreconcilable conflict between the interests of the plastics industry and businesses deeply implicated throughout its supply chain”.<sup>9</sup> An open letter from Greenpeace to the UN Environment Programme and the Intergovernmental Negotiating Committee (the body tasked with developing this legally binding instrument), signed by over 170 civil society organisations and scientists, noted that the fossil fuel lobby is actively working to prevent the treaty on plastic pollution from containing essential controls on plastic production and adopting a conflict of interest policy and guidelines on industry participation in treaty negotiations.<sup>10</sup>

Beyond the conflicts with the petrochemical industry, there are comparable tensions between treaty objectives and consumer goods companies that rely on single-use plastics for packaging. The vision statement of the Business Coalition for a Global Plastics Treaty<sup>11</sup> has been

Relevance to a UN treaty on plastic pollution	
<b>WHO FCTC norms</b>	
Fundamental and irreconcilable conflict of interest between public health interests and the interests of the tobacco industry	Identify corporate actors whose interests fundamentally conflict with treaty objectives, notably those associated with the petrochemical and fossil fuel industries; and recognise and articulate the potential for conflicting interests between treaty objectives and corporations across the plastics value chain, such as petrochemical companies and food and beverage manufacturers (eg, the Coca-Cola Company, Unilever, Nestlé, and Mars)
Public health policies should be protected from the interests of the tobacco industry	Negotiations should be insulated from corporate actors with fundamental conflicts of interest with treaty objectives; and interactions and engagement with corporate actors across the plastics value chain should be actively managed to prevent disproportionate political influence over policies that conflict with economic interests
<b>WHO FCTC procedures and practices</b>	
Screening and accreditation of delegates, requiring declarations of interests regarding affiliations with, or funding from, the tobacco industry	Adopt similar procedures for Intergovernmental Negotiating Committees and Conference of the Parties of the UN treaty on plastic pollution, requiring declarations of affiliations and funding from corporations across the plastics supply chain
Ensure interactions with the tobacco industry are transparent, legitimate, and accountable	Create a public register of government interactions with the fossil fuel and petrochemical industry in negotiating and implementing the treaty on plastic pollution; and develop guidance for policy officials on identifying and managing necessary interactions with corporate actors
Avoid conflicts of interest for government officials and employees	Adopt conflict of interest guidelines, including the revolving door between regulators and industry
Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry	Recognise the limits of approaches based on extended producer responsibility, voluntary commitments, and industry self-regulation and corporate social responsibility

FCTC=Framework Convention on Tobacco Control.

Table: The applicability of guidelines for managing conflicts of interest in the WHO FCTC<sup>14</sup> to the development and implementation of a UN treaty on plastic pollution

### Relevance to a UN treaty on plastic pollution

#### WHO FCTC norms

Fundamental and irreconcilable conflict of interest between public health interests and the interests of the tobacco industry

Identify corporate actors whose interests fundamentally conflict with treaty objectives, notably those associated with the petrochemical and fossil fuel industries; and recognise and articulate the potential for conflicting interests between treaty objectives and corporations across the plastics value chain, such as petrochemical companies and food and beverage manufacturers (eg, the Coca-Cola Company, Unilever, Nestlé, and Mars)

Public health policies should be protected from the interests of the tobacco industry

Negotiations should be insulated from corporate actors with fundamental conflicts of interest with treaty objectives; and interactions and engagement with corporate actors across the plastics value chain should be actively managed to prevent disproportionate political influence over policies that conflict with economic interests

#### WHO FCTC procedures and practices

Screening and accreditation of delegates, requiring declarations of interests regarding affiliations with, or funding from, the tobacco industry

Adopt similar procedures for Intergovernmental Negotiating Committees and Conference of the Parties of the UN treaty on plastic pollution, requiring declarations of affiliations and funding from corporations across the plastics supply chain

Ensure interactions with the tobacco industry are transparent, legitimate, and accountable

Create a public register of government interactions with the fossil fuel and petrochemical industry in negotiating and implementing the treaty on plastic pollution; and develop guidance for policy officials on identifying and managing necessary interactions with corporate actors

Avoid conflicts of interest for government officials and employees

Adopt conflict of interest guidelines, including the revolving door between regulators and industry

Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry

Recognise the limits of approaches based on extended producer responsibility, voluntary commitments, and industry self-regulation and corporate social responsibility

FCTC=Framework Convention on Tobacco Control.

**Table: The applicability of guidelines for managing conflicts of interest in the WHO FCTC<sup>14</sup> to the development and implementation of a UN treaty on plastic pollution**

# CONCEPTUALISING CONFLICTS OF INTEREST

## INDIVIDUAL CONFLICTS

A set of conditions in which professional judgement concerning a primary interest tends to be unduly influenced by a secondary interest

November 2023

## Policy Brief

Input to the third session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution (INC-3) in Nairobi, Kenya, November 13-19, 2023.

### Conflicts of Interest in the Assessment of Plastics

– Addressing the industry's role in the ongoing Plastics Treaty negotiations and the forthcoming Science-Policy Interface for plastic pollution

When developing the structure and scope for the international legally binding instrument on plastic pollution and its subsidiary bodies, it is of utmost importance to address the issue of *Conflict of Interest*. Treaty negotiations must be based on valid and reliable science to support evidence-based decision-making and to identify sustainable solutions. Including experts with a *Conflict of Interest* would compromise credibility and create a high risk of conflicting and/or incompatible outcomes and delay the effectiveness of the treaty.

Right now, the Intergovernmental Negotiating Committee (INC) made up of United Nations (UN) member states is negotiating to develop the structure, scope, obligations and provisions of the new UN Plastics Treaty. Ideally, the treaty will include a subsidiary body as a science-policy interface tailored to the needs of the treaty. A strong *Conflict of Interest* policy to govern the participation in discussions and decision-making (including membership in expert working groups) should be implemented. Failure to minimize and appropriately manage *Conflicts of Interest* in the treaty negotiations and its future subsidiary bodies may result in:

- loss of credibility,
- conflicting and/or incompatible outcomes,
- delayed implementation or promotion of inappropriate solutions,
- eroding trust in science and scientists.

#### What is Conflict of Interest?

*Conflict of Interest* refers to financial or other interests which could significantly impair an individual's objectivity or create an unfair advantage for any person or organization. It is unavoidable and indeed beneficial that every expert represents a particular view and brings their values into the discussion – this does not constitute a *Conflict of Interest*. A *Conflict of Interest* only arises when an individual could have a direct and material gain from a certain outcome of this scientific work that can interfere with the impartial investigation of the scientific question.

#### RECOMMENDATIONS FOR INC-3, UPCOMING INTER-SESSIONAL WORK AND THE CONTENT OF THE PLASTICS TREATY

(see next page)

In the context of the Plastics Treaty, past or present employment by or consulting for the chemical or plastics industry and related organizations constitutes a *Conflict of Interest*. The same is true for experts who have received research funding from such sources.

#### What are the Tactics for Manufacturing Doubt?

According to a new scientific publication conducted by experts representing 36 institutions, more than two dozen strategies and tactics have been used to counter scientific evidence or to promote narratives favourable to specific industry sectors. Examples include:

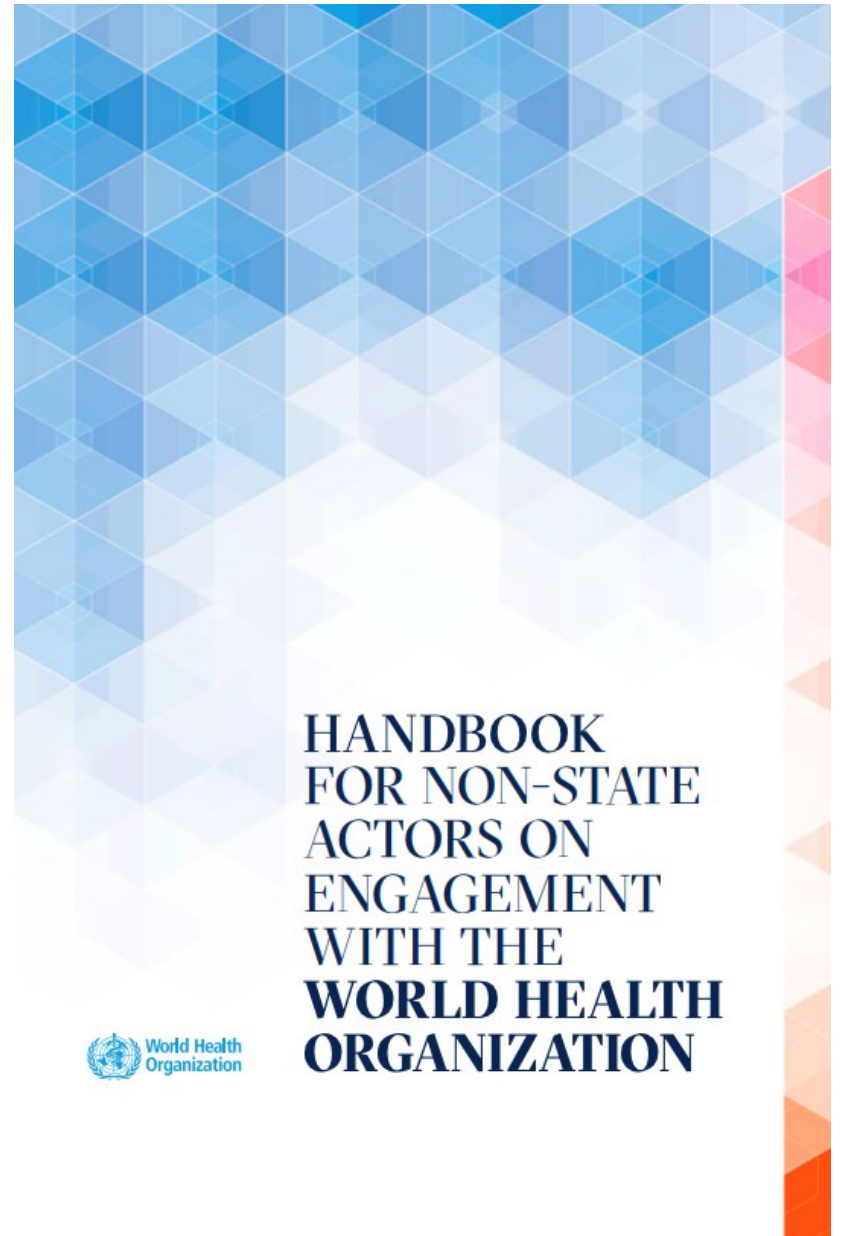
1. Criticizing study designs or overemphasizing the shortcomings of scientific studies.
2. Discrediting, intimidating or threatening scientists.
3. Publishing misinformation, e.g., through consulting companies that specialize in supporting private interests.
4. Hiding or obscuring the sources of funding for research.
5. Cherry-picking data, designing studies to fail or come to a desired conclusion, or conducting meta-analyses that dilute scientific evidence.
6. Extensive lobbying towards policymakers so that the voice of the vested interest is often the main or even the only one heard in public consultations.

For a compilation of documented examples, please see section 4 in the below-mentioned scientific publication.

# CONCEPTUALISING CONFLICTS OF INTEREST

## INSTITUTIONAL CONFLICTS

A set of conditions in which the integrity of an institution's mission can be distorted



**HANDBOOK  
FOR NON-STATE  
ACTORS ON  
ENGAGEMENT  
WITH THE  
WORLD HEALTH  
ORGANIZATION**



# CONCEPTUALISING CONFLICTS OF INTEREST

## STRUCTURAL CONFLICTS

Divergent material, political, and organisational interests that can produce conflicts and contradictions in tackling social and environmental problems

Engages with the idea that there often exist contradictions between the public interest and industry interest in some dimension of regulation or public policy



# LESSONS FROM THE FCTC

FCTC negotiations and treaty obligations reflected an expansive understanding of conflict of interest

Conflicts and contradictions between the interests of the tobacco industry and human rights / health / environmental goals clear from the outset

Distinctiveness of Article 5.3 as an instrument flows from structural conception of conflict of interest

Relevance to a UN treaty on plastic pollution	
<b>WHO FCTC norms</b>	
Fundamental and irreconcilable conflict of interest between public health interests and the interests of the tobacco industry	Identify corporate actors whose interests fundamentally conflict with treaty objectives, notably those associated with the petrochemical and fossil fuel industries; and recognise and articulate the potential for conflicting interests between treaty objectives and corporations across the plastics value chain, such as petrochemical companies and food and beverage manufacturers (eg, the Coca-Cola Company, Unilever, Nestlé, and Mars)
Public health policies should be protected from the interests of the tobacco industry	Negotiations should be insulated from corporate actors with fundamental conflicts of interest with treaty objectives; and interactions and engagement with corporate actors across the plastics value chain should be actively managed to prevent disproportionate political influence over policies that conflict with economic interests
<b>WHO FCTC procedures and practices</b>	
Screening and accreditation of delegates, requiring declarations of interests regarding affiliations with, or funding from, the tobacco industry	Adopt similar procedures for Intergovernmental Negotiating Committees and Conference of the Parties of the UN treaty on plastic pollution, requiring declarations of affiliations and funding from corporations across the plastics supply chain
Ensure interactions with the tobacco industry are transparent, legitimate, and accountable	Create a public register of government interactions with the fossil fuel and petrochemical industry in negotiating and implementing the treaty on plastic pollution; and develop guidance for policy officials on identifying and managing necessary interactions with corporate actors
Avoid conflicts of interest for government officials and employees	Adopt conflict of interest guidelines, including the revolving door between regulators and industry
Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry	Recognise the limits of approaches based on extended producer responsibility, voluntary commitments, and industry self-regulation and corporate social responsibility
FCTC=Framework Convention on Tobacco Control.	
<b>Table: The applicability of guidelines for managing conflicts of interest in the WHO FCTC<sup>44</sup> to the development and implementation of a UN treaty on plastic pollution</b>	

# INC4 + INC5

Civil society mobilization around stronger measures to regulate conflicts of interest in the INC process

Building consensus on conflict and contradictions beyond the petrochemical industry – what is the legitimate role of food and beverage companies

Using the idea of conflict of interest to advance wider goals around democratic participation and representation in UN decision-making

# STAY INVOLVED

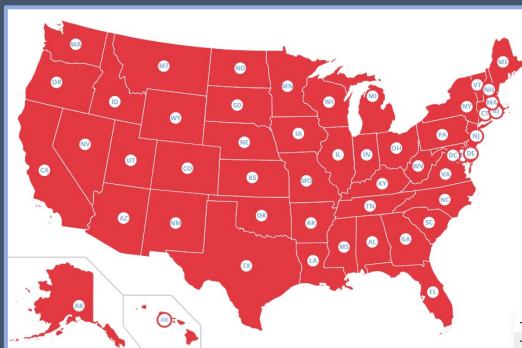


Please complete our survey after the webinar ends. Thank you!

## NEXT WEBINAR:

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MAY 2, 2024



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