

2022

TOBACCO AND THE ENVIRONMENT:

Case Studies on Policies that Protect our Environment and our Health from Tobacco





INTRODUCTION

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While it is widely known that tobacco is harmful to health, the devastating harms of tobacco on the environment are often overlooked. Cigarettes are destructive to the environment throughout their entire life cycle, but tobacco product waste is a particular problem. Cigarette butts are the most abundant form of plastic waste in the world, with about **4.5 trillion individual butts littered each year!** Cigarette butts are toxic to animals and children that may swallow them, they pollute groundwater, and they leach chemicals into soil. Compounding this problem is the waste from other items related to smoking such as cigarette packages and lighters or matches. Cigarette butts and other tobacco-related trash are a massive environmental problem.

However, some countries and jurisdictions are making huge strides in this area. The following three case studies provide examples that other jurisdictions can also follow, as we work towards better health for ourselves and our environment.

**THERE ARE 4.5 TRILLION
CIGARETTE BUTTS LITTERING OUR
WORLD AT THIS MOMENT.
IF THAT NUMBER SEEMS A LITTLE
HARD TO IMAGINE,**

PICTURE THIS:



**600 CIGARETTE BUTTS FOR EVERY
SINGLE LIVING PERSON.**

CASE STUDY 1:



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EUROPEAN UNION (EU) PROPOSAL ON MANDATORY ENVIRONMENTAL AND HUMAN RIGHTS DUE DILIGENCE

In 2021, 70 Tobacco Control and Public Health organizations worldwide signed a position paper calling for an ambitious European Due Diligence legislation.ⁱⁱ Tobacco is thwarting sustainability in all stages of the production and consumption chain. **Tobacco use causes 8 million deaths per year** and is the single most preventable risk factor for all non-communicable diseases (NCDs). Therefore, the WHO Framework Convention on Tobacco Control (WHO FCTC) is specifically mentioned as the prime instrument to achieve Sustainable Development Goal (SDG) 3, namely as Target 3.A. At the same time, human rights violations and environmental destruction are rampant in the supply chain of tobacco while tobacco corporations ignore their responsibility to act upon these in a significant way.

THE IMPACT OF TOBACCO PRODUCTS ON OUR ENVIRONMENT

The understanding of the environmental impact of tobacco production and consumption is increasing. This attention will only increase thanks to the WHO's chosen theme of this year's [World No Tobacco Day \(WNTD\): "Tobacco: Threat to our environment"](#). Besides raising awareness among the public about the negative environmental impacts of tobacco, WHO FCTC also calls for action and policies that will hold the tobacco industry accountable and prevent environmental harms caused by tobacco. This is absolutely necessary because the figures speak for themselves: **600,000,000 trees** are chopped down every year to make cigarettes, **84,000,000 tons of CO2** emissions are released into the air raising global temperatures, **22,000,000,000 liters of water** are used to make cigarettes.ⁱⁱⁱ

The deadliest consumer product of all time is also a mega-polluter of the environment, even after consumption. That is reason enough for the United Nations Environment Program (UNEP) and the WHO FCTC to join forces. They launched a partnership to raise awareness and drive action on the impact of littered cigarette butts, which are the most discarded waste item worldwide.^{iv} Contrary to what most people think, butts are made of plastic (cellulose acetate). When broken down, they release microplastics, toxics, and heavy metals into the (aquatic) environment.

Next to traditional cigarettes, e-cigarettes cause environmental damage. From mining to manufacturing, using, and disposing, each stage of the e-cigarette product lifecycle presents novel environmental harms compared with traditional cigarettes.^v Tobacco companies already recognize that e-cigarettes pose new environmental burdens, necessitating them to “manage new areas of impact due to the increasing use of electronics and batteries in [their] products.”^{vi}

The tobacco industry ignores its responsibility when it comes to the environmental costs on ecosystems, humans, flora and fauna of their business. These companies have promoted policies that avoid all environmental responsibility of the producer, and they attempt to divert public attention away from their environmental responsibilities through corporate social responsibility programs.^{vii} The external environmental costs are borne by society and the low- and middle-income countries in particular.^{viii}





TOBACCO AND THE VIOLATION OF HUMAN RIGHTS

Tobacco smoke and exposure to secondhand smoke kills more than 8 million people each year.^x Besides the general right to life and the right to health, tobacco products:

- Violate children's rights,^x including the protection of children from child labor in tobacco production^{xi} and the protection from misleading information (e.g. advertising)
- Women's rights,^{xii} including protection from the impact of (passive) smoking during pregnancy; and
- Adversely impacts the rights of other vulnerable populations, such as the LGBT+ community, racial minorities, and indigenous populations, largely through targeted advertising.^{xiii}

After conducting a human rights assessment for a multinational tobacco company, the Danish Institute for Human Rights concluded:

“According to the United Nations Guiding Principles (UNGPs) companies should avoid causing or contributing to adverse impacts on human rights. Where such impacts occur, companies should immediately cease the actions that cause or contribute to the impacts. Tobacco is deeply harmful to human health, and there can be no doubt that the production and marketing of tobacco is irreconcilable with the human right to health. For the tobacco industry, the UNGPs therefore require the cessation of the production and marketing of tobacco.”^{xiv}



THE TOBACCO INDUSTRY: A HIGH IMPACT INDUSTRY

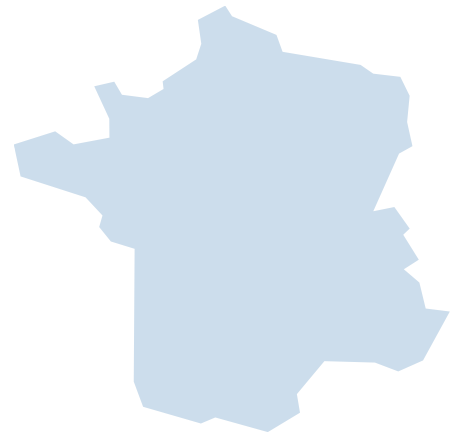
The tobacco industry is responsible for **8 million deaths per year**. But the impact this most lethal consumption product has on the market does not stop here. The impact of the production and consumption of tobacco products on the environment is much less known and is all too often overlooked, even though the FCTC includes a specific article on the environmental concerns regarding tobacco and the people who are working in that field.

The tobacco industry passes on the health costs for tobacco consumption to society. In Belgium, it is estimated the annual health costs caused by tobacco consumption are €13 billion.^{xv} This amount includes direct costs (the financial resources used to deal with the consequences of tobacco consumption, namely medical conditions and accidents; for example, doctor visits, hospital admissions and outpatient care), indirect costs (productivity losses due to disease and premature death caused by tobacco consumption) and loss of quality of life. But on top of that the tobacco industry also passes on the environmental costs to society. The costs are twofold: the health costs caused by the consumption of tobacco and the environmental costs for the impact of tobacco production and consumption.

The EU proposal applies to ‘**high impact sectors**’, which is based on the existing sectorial OECD due diligence guidance. It includes sectors such as textile, the wholesale of clothing and foodware, agriculture and extractives. Considering the above, it should be concluded that the proposal leaves out an extremely high-impact sector, namely the tobacco industry. In the forthcoming negotiations, the European Parliament and the Council have the opportunity to rectify this.

CASE STUDY 2:

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FRANCE: THE BAN ON FILTERS

LIMITATIONS AND PERSPECTIVES FOR THE DEVELOPMENT OF CURRENT ARRANGEMENTS

A so called "eco-organization" named [Alcome](#) was [approved](#)^{xvi} by the public authorities in France on July 28, 2021 for a six year period. [Alcome presents itself](#)^{xvii} as an eco-organization, whose objective is to **"reduce the presence of butts thrown inappropriately in the public space"**. Alcome is very directly linked to the tobacco industry, as shown by its founding members: the French Association of Smoking Tobacco Suppliers (ASTS), the French Confederation of tobacconists, British American Tobacco, Confédération des buralistes, Japan Tobacco International France, SEITA Imperial Brands and Philip Morris International.

The goal of this eco-organization is to reduce the number of cigarette butts discarded on the ground by 40% within six years. The eco-organization [Alcome](#), approved by the public authorities until 2027, poses three main problems:

- The principle of Extended Producer Responsibility is rejected by the eco-organisation, which places the responsibility for cigarette butt pollution on the incivility of smokers, in accordance with a typical tobacco industry strategy. Alcome proposes an incomplete solution, limited to the management of the waste produced, without providing a solution for the prevention and reduction of the production of this waste, in accordance with the objectives of the [AGEC law](#);
- Alcome is an eco-organization directly linked to the tobacco industry, with the goal of starting partnerships with local authorities. This situation is a violation of the implementation of the [Guidelines of Article 5.3 of the WHO Framework Convention on Tobacco Control \(2008\)](#)^{xviii}, which limit interactions between the tobacco industry and public authorities to what is strictly necessary;



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- The participation of the tobacco industry, even only through financial contributions, is then used by the manufacturers to whitewash their image and attempt to announce their good social acts. These practices constitute a violation of the ban on CSR operations by the tobacco industry.

RECOMMENDATIONS

- In terms of product regulation, it seems essential to require manufacturers to remove cigarette filters for both health and environmental reasons;
- Removing the cigarette filter will alleviate the problem of plastic when cigarette butts are littered, but that would not eliminate cigarette butt litter overall. To reduce this waste, we recommend removing the waste at the source, through the pursuit of all public health measures that facilitate a reduction in the consumption of tobacco products, and therefore in the production of potential waste. In particular, we recommend the expansion of smoke-free areas;
- Finally, we recommend a revision of the eco-organization system. It is essential that Extended Producer Responsibility integrates specific references to the tobacco industry. The tobacco industry should be required to fund this organization, but not be allowed to participate. The complete independence of the eco-organization from the tobacco industry is part of France's international commitments;
- By the very nature of its business, the tobacco industry violates many fundamental human rights. It is therefore necessary that the proposed directive on corporate sustainability due diligence take into account the uniqueness of the tobacco industry, whose core business is irreconcilable with the logic of promoting human rights. We recommend that the directive specifies that the mitigation of the tobacco industry's infringement of human rights can only be



achieved through a reduction in the production and consumption of all forms of tobacco products, which, in turn, is ensured through the implementation of tobacco control measures.

In France, given its approval by the French Government order on July 28, 2021, the tobacco industry and eco-organization Alcome have already signed multiple partnerships with local authorities on the management of cigarette butts. Each of these partnerships helps present the tobacco industry in a positive light, far from the tobacco denormalization objectives that should be the focus of these campaigns.

Throughout 2021, ACT - Alliance contre le Tabac, with the support of the Comité National Contre le Tabagisme's(CNCT) expertise in the field of public policy protection against the tobacco industry, held several meetings with representatives of the Ministry of the Environment to alert them to the dangers of delegating cigarette butt waste management to the tobacco industry. Based on the non-compliance of the provisions in force with Article 5.3 of the WHO Framework Convention on Tobacco Control (FCTC), French NGOs are requesting that the decree setting out the terms of reference of the eco-organization be amended, so that it is limited to the financing of the system and is not involved in its management or in raising awareness on this subject.

Furthermore, in February 2022, following joint work between several European organizations (ACT, CNCT, Smoke Free Partnership, European Network for Smoking and Tobacco Prevention (ENSP), Belgian Anti-Tobacco Alliance), a letter was sent to the European Commission to alert it to the transposition that was being made in certain countries, in particular France, of the directive on single-use plastic products, which contradicts the European Union's international commitments on tobacco.

Finally, in March 2022, given the lack of response from the Ministry of the Environment to the associations' demands, tobacco control organizations sent a request to the Ministry of the Environment asking to view the various documents communicated by the tobacco industry to the Ministry of the Ecological Transition prior to the drafting of the decree providing for the implementation of EPR in France.

**IT CAN TAKE AT LEAST
NINE MONTHS FOR A
CIGARETTE BUTT TO
DEGRADE.**

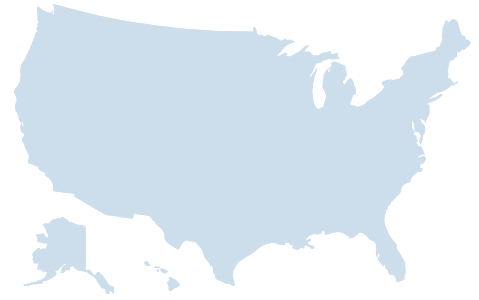


**THE SUN MAY BREAK
CIGARETTE BUTTS DOWN, BUT
ONLY INTO SMALLER PIECES OF
WASTE WHICH DILUTE INTO OUR
WATER/SOIL.^{XIX}**

CASE STUDY 3:

THE UNITED STATES

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There is a growing understanding of the significant negative environmental externalities of commercial tobacco in the U.S. among environmental groups, public health groups and the public at large. For several decades, environmental action on cigarette filters was limited mainly to beaches and beach communities and focused primarily on litter. This has changed as research has demonstrated **tobacco waste's impact on natural food chains, soil and water toxicity and the sheer cost of cleanup borne by taxpayers**. Growing alarm over climate change also plays a significant role in the environmental community's growing interest in tobacco waste. Two movements over the past two years serve to illustrate greater collaboration between U.S. tobacco control and environmental groups.

In 2009, citing the Polluter Pays Principles and Extended Producer Responsibility, the City of San Francisco imposed a litter abatement fee^{xx} for each pack of cigarettes sold to compensate for the significant cleanup costs attributable to cigarette filters. Originally \$.20 per pack, the legislation included an annual reassessment of the actual cleanup costs and subsequent increase in the fee. In 2022, the fee was raised to \$1.05 per pack. Unlike excise taxes, the fee is imposed directly on retailers rather than wholesalers. But like a tax increase, the fee led to an increase in the retail price of cigarettes as retailers passed the cost to consumers, further driving down consumption and prevalence in the city.

Immediately upon adoption, the city was sued by Philip Morris USA (the number one cigarette supplier in the U.S.) along with several local retailers.^{xxi} They argued that the fee was a disguised tax. Under California law, city councils lack the authority to impose any new or increased tax without direct voter approval. However, cities may impose measures to defray legitimate costs that are a direct result of corporate activity. The court agreed with San Francisco, citing the significant research the city had undertaken to calculate the actual cost of cleanup. The fee imposed was not arbitrary but accurately reflected mitigation costs. The ability of regulators to increase the fee as needed without further action by the city council has allowed the fee to keep pace with increasing cleanup costs.



A second trend in the U.S. demonstrating the growing nexus between public health and environment is linked to the nascent tobacco endgame movement. **Five cities in the U.S. have passed tobacco endgame policies** – Dolgeville, New York and Bloomington, Minnesota are phasing out tobacco retailer licenses; Brookline, Massachusetts has implemented a Tobacco Free Generation ordinance forbidding tobacco sales to anyone born this century; and Beverly Hills and Manhattan Beach, California have banned all tobacco sales.^{xxii} While environmental interests supported all of these measures, in California they are increasingly taking a leading role.

The State of California has set an aggressive tobacco target – < 2% prevalence statewide by 2035^{xxiii} – and has put significant resources behind the effort. While myriad strategies are being considered at the city and county level, there is a strong focus on **phasing out commercial sales**. In several communities considering a complete sales phase-out, environmental groups have taken a leading role in advocacy and mobilization of local support. Particularly in Manhattan Beach – which as the name implies is a beach community, with strong environmental protection roots – local environmental groups were significantly involved from the outset, and instrumental in making the case to the city council that that the benefits of the tobacco sales ban would go far beyond health, saving taxpayer money on cleanup and toxic abatement and making the city more attractive for visitors and investment.



The Surfrider Foundation has been particularly involved in Manhattan Beach, not only with its most recent tobacco endgame law but in previous efforts for smokefree public places.^{xxiv} Similarly, environmental groups were prominent in the coalition pushing for a sales ban in South Pasadena, CA (where the Council recently decided to delay action on a sales ban in favor of banning all flavored tobacco products).

At the California state level, a tobacco product waste (TPW) bill is currently before the legislature seeking to outlaw the sale of disposable tobacco products, including filters and one-use e-cigarettes.^{xxv} While TPW bills have been proposed before in the U.S. – and in fact there are also bills currently pending in Maine, New York and Vermont – the effort in California is unique in that the advocacy group taking primary responsibility for organizing civil society and working with legislative champions is an environmental group, the National Stewardship Action Council. Public health groups are, of course, supportive and involved, but the bill is being presented mainly as an environmental protection effort.

The growing synergy between public health and environmental groups in the U.S. is a welcome development, especially as society struggles to mitigate climate change. Environmental groups see tobacco as low-hanging fruit; if we can't agree to remove a driver of climate change and environmental degradation that also sickens and kills millions, how can we hope to address industries that actually provide benefits to society? The tobacco endgame effort in California is proactively embracing alliances with environmental (as well as other public interest) groups, and tobacco control advocates everywhere would be wise to do so as well. With the stakes so high for both public health and the environment, we cannot afford to remain in silos.

CONCLUSION

Tobacco product waste is a huge problem in our society, but France, the EU, and some jurisdictions in the United States, as well as many other countries and localities are illuminating a clear way forward.

Protecting the world from tobacco product waste is a win-win.

Phasing out the sale of cigarettes is good for health and for the environment.



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