

# Using Human Rights and Environmental treaties to hold the tobacco industry accountable for its environmental impact



# FCTC Objective



*“The objective of this Convention and its protocols is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco...”*

# FCTC 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”*



# Treaty Bodies



UNITED NATIONS  
HUMAN RIGHTS  
TREATY BODIES

## The Reporting Cycle Under the Human Rights Treaties

6. Procedures to follow up on implementation of treaty body recommendations

Opportunity for input from UN system, NHRIs & NGOs

1. State party submits its report

2. Treaty body presents State party with list of issues and questions based on concerns raised by report

Opportunity for input from UN system, NHRIs & NGOs

3. State party may submit written replies to list of issues and questions

4. Constructive dialogue between Committee and State party delegation during session

Opportunity for input from UN system, NHRIs & NGOs

5. Treaty body issues its concluding observations on the report, including recommendations

# Lindhqvist definition of Extended Producer Responsibility (EPR)

“An environmental policy protection strategy to reach an environmental objective of a decreased total environmental impact from a product, by making the manufacturer of the product responsible for the entire life-cycle of the product and especially for take-back, recycling and final disposal of the product.”

# 3 key elements

- To internalize the environmental cost of products into their retail price.
- To shift the economic burden of managing toxicity and other environmental harm associated with post-consumer waste away from local governments and taxpayers and on to producers.
- To provide incentives to producers to incorporate environmental considerations in the design of their products.

# EPR and Tobacco, Current Examples and Entry Points

## ❖ European Green Deal: Circular Economy



## ❖ Single Use Plastics Directive (SUP)

DIRECTIVE (EU) 2019/904 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 5 June 2019  
on the reduction of the impact of certain plastic products on the environment

## ❖ Directive on corporative due diligence

Home > Business, Economy, Euro > Doing business in the EU > Corporate sustainability due diligence

### Corporate sustainability due diligence

Fostering sustainability in corporate governance and management systems.

# Spain



## BOLETÍN OFICIAL DE LAS CORTES GENERALES

### CONGRESO DE LOS DIPUTADOS

XIV LEGISLATURA

Serie A: PROYECTOS DE LEY	13 de enero de 2022	Núm. 57-6	Pág. 1
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#### APROBACIÓN POR EL PLENO

**121/000056 Proyecto de Ley de residuos y suelos contaminados para una economía circular (antes denominado Proyecto de Ley de residuos y suelos contaminados).**

El Pleno del Congreso de los Diputados, en su sesión del pasado día 23 de diciembre ha aprobado, con el texto que se inserta a continuación el Proyecto de Ley de residuos y suelos contaminados para una economía circular (antes denominado Proyecto de Ley de residuos y suelos contaminados).

Se ordena la publicación en cumplimiento de lo previsto en el artículo 97 del Reglamento de la Cámara.

Palacio del Congreso de los Diputados, 27 de diciembre de 2021.—P.D. El Secretario General del Congreso de los Diputados, **Carlos Gutiérrez Vicén**.



## BOLETÍN OFICIAL DE LAS CORTES GENERALES

### CONGRESO DE LOS DIPUTADOS

XIV LEGISLATURA

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#### ENMIENDAS DEL SENADO MEDIANTE MENSAJE MOTIVADO

**121/000056 Proyecto de Ley de residuos y suelos contaminados para una economía circular.**



# Tobacco companies' response to EPR

- ❖ minimise the scope of EPR
- ❖ downplay the costs of collection and waste management costs of butts
- ❖ use the SUP directive/EPR to connect with public authorities, municipalities and... NGO's (Australia, US, France, Spain, Belgium, Switzerland etc...)
- ❖ put the focus on the individual responsibility of the smoker (instead of TI - Home ([worldnoashtray.com](http://worldnoashtray.com))) by promoting portable pocket ashtrays and financing awareness campaigns
- ❖ wants to be involved in the establishment of the EPR scheme and subsequently be part of the eco-organism overseeing the technical implementation of the EPR scheme

# Opportunities



Who we are ▾

Where we work ▾

What we do ▾

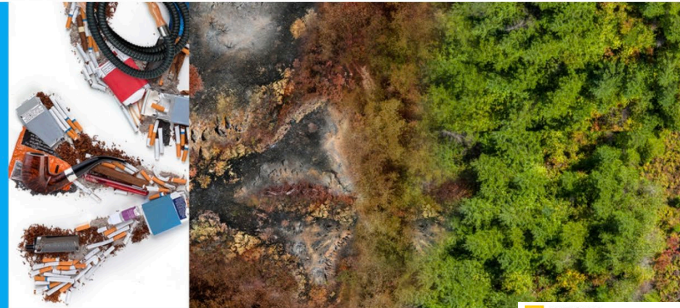
Publications & Data



UN DAY

## World No Tobacco Day

31 May 2022



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ENVIRONMENT | THE STORY OF PLASTIC

## Cigarette butts are toxic plastic pollution. Should they be banned?

Trillions of cigarette butts are thrown into the environment every year, where they leach nicotine and heavy metals before turning into microplastic pollution.



**ASH**  
ACTION  
ON SMOKING & HEALTH

Dedicated to ZERO Tobacco Deaths



## RETHINKING SINGLE-USE PLASTIC PRODUCTS IN TRAVEL & TOURISM

IMPACTS, MANAGEMENT PRACTICES  
AND RECOMMENDATIONS



*“The advent of COVID-19 and consequent proliferation of SUPPs have added urgency to this issue. Yet, the pandemic has also provided us with a unique opportunity to reflect on the changes required to build back greener and secure a sustainable future”*

### TOURISM VALUE CHAIN MAP WITH KEY PLASTIC PRODUCTS AND USES

Adapted from UNEP (2019)



Figure 2: Travel & Tourism value chain: where SUPPs occur

# Recommendations

- ❖ Maximize on environmental platforms like the SUP Directive, Circular Economy, EU Directive on corporate sustainability due diligence
- ❖ And promote EPR, but beware of greenwashing, ensure FCTC Art 5.3 compliance, no industry interference
- ❖ Taking into account a key principle of EPR: “to provide incentives to producers to incorporate environmental considerations in the design of their products”
  - ❖ BAN FILTERS
- ❖ An environmental policy protection strategy to reach an environmental objective of a decreased total environmental impact from a product, by making the manufacturer of the product responsible for the **entire life-cycle of the product**



# Recommendations

- ❖ Upcoming COPs should expand on Art 18
- ❖ Engage in environmental treaties and platforms
  - ❖ UN Ocean Conference
  - ❖ UN Framework Convention Climate Change (FCCC) COP 27 Egypt
  - ❖ United Nations Convention to Combat Desertification (UNCCD) COP 16 Saudi Arabia
  - ❖ upcoming international legally binding agreement to “*end plastic pollution*” 2024)
- ❖ Engage in reporting mechanisms associated with environmental treaties and Human Rights treaties to expose environmental impact of tobacco and promote EPR for tobacco
- ❖ **Litigation to hold the tobacco industry accountable**

# SIGN ON LETTER

FEATURED STORY

## **We Need to Make Big Tobacco Pay for Its Environmental Harms**

The tobacco industry is contributing to the destruction of our environment and leaving governments to deal with the consequences. Through polluter pays initiatives and litigation, governments and activists alike can call for greater accountability and force the industry to pay for the harms it causes.

**HOLD THE INDUSTRY ACCOUNTABLE**

<https://actionnetwork.org/petitions/make-big-tobacco-pay/>

<https://www.corporateaccountability.org/resources/infographic-make-big-tobacco-pay/>



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