

ASH

ACTION
ON SMOKING & HEALTH

Dedicated to ZERO Tobacco Deaths

Annual Report 2021

Setting the sun on the tobacco epidemic

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

In Memory of



Ms. M.R. (Marion) Wells

Marion served on the ASH Board of Trustees for over a decade, following in the steps of her beloved mother who had also served on ASH's Board. **Marion's vision led to some of ASH's biggest successes in the past ten years**, including getting the United Nations to recognize tobacco as a major hurdle to human development. Marion not only never missed a Board meeting, but she also devoted time and effort to support the staff. For example, Marion helped review and edit countless documents for ASH, including articles for scientific journals, policy documents, grants, communication materials and others. She never said no when she was asked for input on policy or communication materials, always giving honest and extremely useful advice to ASH staff as well as the organization.

She will be dearly missed.



TABLE OF CONTENTS

Page 3

Executive Director's Message

Page 5

Phasing Out Cigarettes Sales

Page 6

Criminal Liability Program

Page 8

Linking Tobacco and Human Rights

Page 11

Financial Statement



Truth Initiative
9,069 followers
2w · 🌐

There were 994 tobacco industry lobbyists or firm registrations in 2021 at the state level, many of whom are actively working to protect tobacco company profits. Learn more from Action on Smoking and Health (ASH): <https://lnkd.in/de5mChk4> #TrackTobacco



U.S. Tobacco Lobbyist and Lobbying Firm Registration Tracker

ash.org · 2 min read

ACT - Alliance contre le ta... · 10/26/21 ...
Laurent Huber, directeur exécutif de @AshOrg acte le rôle essentiel du gouvernement dans l'arrêt du tabagisme. Le #tabac est la première cause évitable de mortalité en France, la lutte contre le tabagisme est donc une priorité de santé publique. #SFSP2021



Union for International Cancer Contr...
@uicc

As highlighted in this @AshOrg blog, tobacco control promotes greater #equity in health and would allow more people to fully enjoy their fundamental human rights. #HumanRightsDay 🧡



ash.org
Reducing Inequalities and Advancing Human

Executive Director's Message

As Executive Director of Action on Smoking and Health, I am extremely proud of what has been accomplished in 2021 by the ASH family to advance ASH's Vision of "a world free from the harm caused by tobacco."

In 2021, despite operating under the global COVID-19 pandemic, ASH implemented numerous programs to accomplish its Mission.



"TO ADVOCATE FOR INNOVATIVE LEGAL AND POLICY MEASURES TO END THE GLOBAL TOBACCO EPIDEMIC."

These programs advanced health policy at the local, national, and global levels.

ASH served as an incubator and catalyst for interventions to phase out the sale of commercial tobacco products (what we affectionately call Project Sunset). ASH's coordinating role to advance a global discussion around the tobacco endgame has helped change the view that a concept like phasing out the commercial sale of tobacco products was impossible to now being perceived as not only a realistic goal, but a necessity to achieve globally agreed human rights and development objectives. ASH has collaborated with several countries, as well as jurisdictions in the U.S., like the State of California, that have articulated a tobacco endgame goal. In 2021, Brookline, Massachusetts implemented the innovative Tobacco-Free Generation measure by mandating that anyone born on or after January 1, 2000 will not be able to be legally sold tobacco or vaping products, a policy that is also being considered in New Zealand, Malaysia and other countries.

ASH also advanced health in 2021 through the rule of law by successfully suing the FDA for their failure to take action on menthol cigarettes, along with our co-plaintiffs at the African American Tobacco Control Leadership Council, the American Medical Association, and the National Medical Association.

ASH continued to lead in the promotion of global norms to move local communities toward zero tobacco-use. ASH trained health advocates on how to use international human rights treaties and health goals to reduce tobacco, which has resulted in numerous submissions to human rights treaty bodies calling on governments to act on tobacco. ASH participated in the latest round of negotiations of the WHO Framework Convention on Tobacco Control and, in part thanks to our involvement, topics like tobacco endgame will be addressed in the next round of the tobacco treaty negotiations in 2023.

And why is it so important to address tobacco in order to protect human rights?

When we talk about human rights, we talk about rights that have been recognized at the highest level of international law and codified through human rights treaties.

Not surprisingly, the Committee on Economic, Social and Cultural Rights concluded that:

“HEALTH IS A FUNDAMENTAL HUMAN RIGHT INDISPENSABLE FOR THE EXERCISE OF OTHER HUMAN RIGHTS. EVERY HUMAN BEING IS ENTITLED TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF HEALTH CONDUCIVE TO LIVING A LIFE IN DIGNITY.”

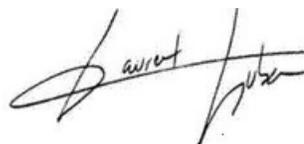
Selling and marketing tobacco products, which damage health and kill when used as intended, is a gross violation of the fundamental right to health. In addition, the behavior of the tobacco industry is an obstacle to our right to a healthy environment.

To protect you, your loved ones, and the rest of us from the harm caused by tobacco, ASH will continue to:

- (1) Promote the local implementation of evidence-based measures to reduce tobacco use.
- (2) Facilitate the use of global mechanisms, such as the UN Human Rights Council and other human rights treaty bodies, to accelerate tobacco control strategies and expose tobacco industry interference in public health.
- (3) Use the law to advance health, such as through strategic involvement in litigation such as our lawsuit against the FDA to ban menthol cigarettes and the exploration of novel ways to use the law to hold the tobacco industry accountable, such as our criminal liability program.
- (4) Serve as a platform to promote the concept of phasing out the commercial sale of tobacco products (Project Sunset). In part thanks to our support, a number of jurisdictions in the U.S. and around the world have implemented or are considering implementing Sunset measures.

Combined, these programs will protect our fundamental right to health from the predatory behaviors of those who profit from selling harmful tobacco products.

Thank you for your continued partnership and support. We truly appreciate you.



**Laurent Huber
Executive Director
Action on Smoking and Health (ASH)**



Goal 1: Serve as an incubator and catalyst for interventions that phase out the sale of commercial tobacco products (Project Sunset)

Project Sunset and tobacco endgame momentum increased dramatically in 2021. At a macro level, endgame transformed from a niche theory to an accepted reality.

On January 1, ordinances to ban tobacco sales outright came into effect in Beverly Hills and Manhattan Beach, CA. These two cities are early examples of the State of California's plan to end the tobacco epidemic by 2035. At least ten other cities and counties are gearing up to follow with their own sales bans. Thanks to a grant from the state Department of Public Health, ASH has been able to provide technical assistance to governments and advocates, and in 2021 was able to hire a second full-time staffer to augment that endeavor. A website dedicated to ASH's California work also launched in 2021: <https://endtobaccoca.ash.org>.

At the other end of the country – and equally exciting – Brookline, Massachusetts implemented its tobacco-free generation (TFG) law, forever banning the sale of tobacco to anyone born this century. This is the first TFG law to be implemented anywhere in the world (Balanga City, Philippines passed a similar law, but is enjoined by pending litigation).

GLOBALLY, THE TRICKLE OF INTEREST IN ENDGAME BECAME A FIRE HOSE IN 2021.

New Zealand revealed its plan to implement a raft of endgame policies, including TFG, a 95% reduction in tobacco retailers, and removing nicotine from cigarettes. Three of the researchers for the New Zealand proposal serve on ASH's Project Sunset Global Steering Committee, and ASH has worked closely with our Kiwi allies. The plan will reach Parliament in June 2022 and is expected to pass. When it does, it will be, by far, the most ambitious endeavor yet to end the tobacco epidemic. And this has not gone unnoticed.

Several countries announced plans to study New Zealand's proposal to see how it might fit into their national strategies, including Singapore, Malaysia, Ireland and Denmark. At the time of writing, a TFG bill is working its way through the Malaysian Parliament.

In 2022, look for a further increase in momentum as countries find inspiration from New Zealand and explore banning cigarette filters. We can see the sun beginning to set on the tobacco epidemic.

Goal 2: Hold the tobacco industry accountable through the rule of law

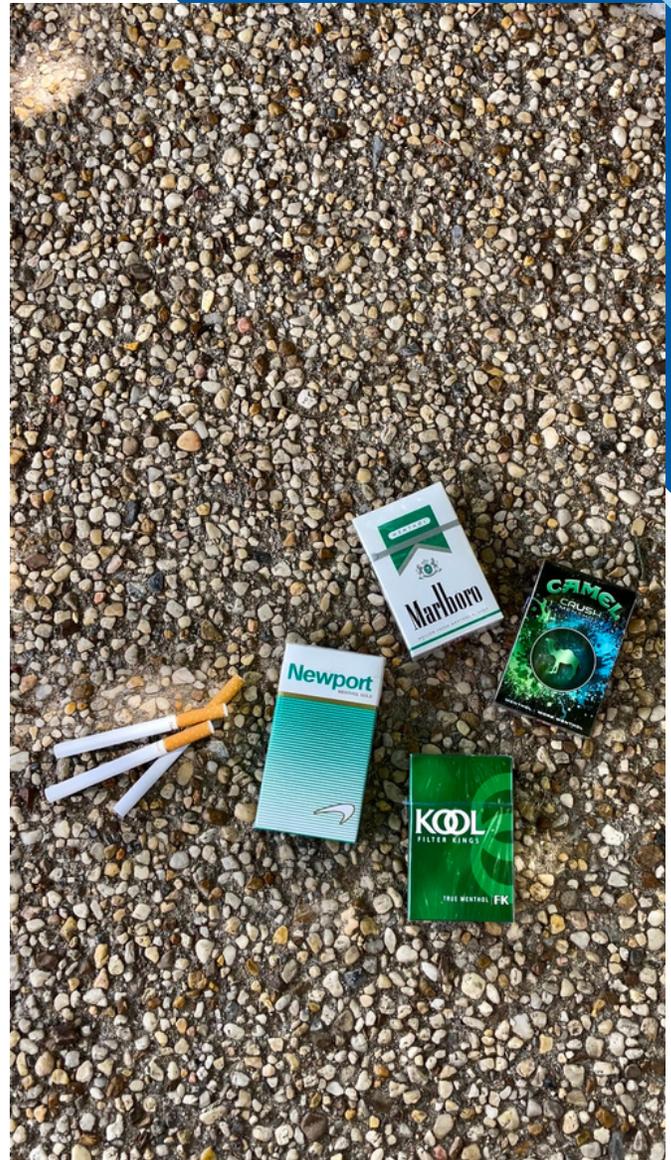
The lawsuit against the U.S. Food and Drug Administration (FDA) that we began in 2020, with our partners at the African American Tobacco Control Leadership Council (AATCLC), continued into 2021. Two important partners, the American Medical Association and the National Medical Association joined the fight shortly after.

THE LAWSUIT SAW SUCCESS ON APRIL 29, 2021, AS THE FDA AGREED TO BEGIN A RULEMAKING PROCESS TO REMOVE MENTHOLATED TOBACCO PRODUCTS FROM SHELVES.

After more than a decade of inaction from the Federal government on menthol, the Biden Administration acted to prioritize Black lives and to make progress towards ending the institutionalized racism African Americans face as a result of menthol cigarettes. The FDA emphasized in their statement that it "...intends to make this proposed rule one of the Agency's highest priorities;" a priority we emphatically agree with.

Our lawsuit against the FDA is ongoing. ASH and our co-plaintiffs (through our legal representation) requested that the court keep jurisdiction over this matter until a formal rule banning menthol is proposed. The court agreed and will continue to monitor progress. A draft rule is expected sometime in 2022.

In addition to our lawsuit, we continued to monitor, participate in, and encourage legal action against the tobacco industry around the world. As part of our goal to be recognized as leaders in this field, and to provide technical assistance to others, ASH drafted an article on Criminal Liability for the 30th anniversary edition of the British Medical Journal Tobacco Control, which will be published in 2022.





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 [UN Guiding Principles] therefore require the cessation of the production and marketing of tobacco.

- Danish Institute for Human Rights,
following a human rights assessment
of Phillip Morris International

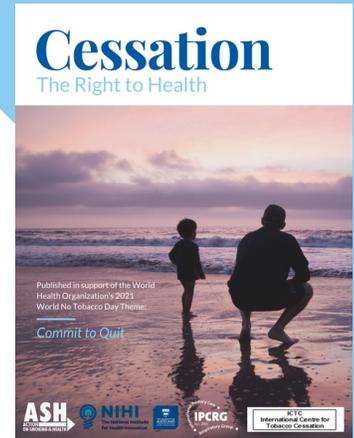
Goal 3: Use global norms to move local communities toward zero tobacco-use prevalence

2021 was a busy and exciting year for our global norms program. ASH has been a coordinating center to promote a human rights approach to advance tobacco control and is increasingly being recognized as leaders in the field.

ASH staff wrote many articles for publication this year, for example, a report on *Cessation: The Right to Health*. We also published articles in the WHO FCTC COP 9 Bulletin, a Swiss publication called *Medicus Mundi*, and drafted an article on Tobacco and Social Justice for the 30th anniversary edition of the *British Medical Journal Tobacco Control*, which will be published in 2022.

In addition to publications, ASH staff submitted (and coordinated submissions) to numerous calls for information from international bodies, for example, to the Human Rights Council Intercessional meeting on human rights and the development agenda in the context of COVID. ASH has also coordinated and supported the submissions of multiple UN agencies (WHO, UNDP, FCTC Secretariat) to engage in this process. One submission this year that ties together our work across our ASH programs was to the Committee on the Elimination of Racial Discrimination, calling on that human rights body to hold the United States to account for its inaction on menthol, as a coordinated action with our lawsuit. This work was done in collaboration with the DC Tobacco-Free Coalition and the African American Tobacco Control Leadership Council (AATCLC) and includes almost 100 signatories from the U.S. and abroad.

We also use human rights arguments and global mechanisms to highlight the negative impact of tobacco on the environment. ASH and a group of our tobacco control colleagues submitted a document to the European Commission on mandatory human rights and environmental due diligence.



Another priority for ASH this year was maintaining and elevating our relationship with international organizations. ASH received Observer status to the WHO FCTC Conference of the Parties (COP), which will allow us to independently engage officially as an organization with the FCTC process. ASH is also frequently invited to participate in international meetings, for example, the Pan American Health Organization/World Health Organization Regional Meeting on Strengthening Implementation of the WHO Framework Convention Tobacco Control (WHO FCTC).

We use human rights arguments and skills to advance local advocacy as well. ASH serves as Chair of the DC Tobacco-Free Coalition, which saw an important victory this year when the DC City Council passed the Flavored Tobacco Product Prohibition Amendment Act of 2021 (B24-0020) on June 29, 2021. Mayor Muriel Bowser signed the bill on July 22, 2021.

ASH also produced tools and publications to aid the tobacco control community, such as our extensive Lobbyist and Lobbying Firm Registration Tracker for all 50 states plus DC. We launched our 2021 Tobacco Industry Interference Index, noting the US's poor performance compared to other countries.

2021 was a productive year, and we are excited to build off this momentum for an even more productive 2022.

Goal 4: Ensure effective communications that create a desire to end the tobacco epidemic

FCTCofficial @FCTCofficial

'Think about what the appropriate measures for your country are, then implement the WHO FCTC to the extent possible—then go beyond it if you can. Keep in mind vulnerable people & keep resisting tobacco industry interference' Dr @BlancoMarquizo during the ASH tobacco endgame webinar

ASH Global action for everyone's health. Tobacco Endgame - Spain

The Washington Post Democracy Dies in Darkness

And New Zealand is soliciting feedback on a proposal that would slash nicotine levels in cigarettes by 95 percent and eventually phase out the legal sale of cigarettes.

"We've allowed ourselves to think of tobacco deaths as a normal part of the fabric of society," said Chris Bostic, the policy director of Action on Smoking & Health, one of the organizers behind the letter. "Over 8 million deaths a year is anything but normal."

TID @TIDJournal

Using communications to promote momentum toward tobacco endgame #TIDjournal | doi.org/10.18332/tid/1...

Using Communications to Promote Momentum Toward Tobacco Endgame

ASH Declared in 2000 Tobacco Decade September 16, 2023

ASH NIH ICRG ICTC

ash.org/cessation-report

Bloomberg Equality Subscribe

Equality
Health Groups Ask UN to Press U.S. on Menthol, Citing Race Issue

By Tiffany Katz
April 21, 2021, 7:00 AM EDT

- Groups cite 'predatory' tobacco targeting of African Americans
- Request is addressed to organization's Human Rights Council

Almost 100 advocacy groups are asking the United Nations to look at the adverse effects of menthol cigarettes on African Americans' health as a human-rights issue, a move that ramps up pressure on the U.S. government to ban the minty flavored tobacco products.

The request to the U.N.'s Human Rights Council, seen by Bloomberg News, is addressed to a committee on the council that seeks to end racial discrimination. The groups want the committee to

Even a single cigarette a day maintains the cardiovascular risk.

This was a productive year as we continued looking for new ways to engage with our audiences online in the increasingly digital world.

Our webinar series that launched in April 2020 continued to draw large audiences of engaged attendees asking thoughtful questions and discussing new, creative ways to approach tobacco control in line with ASH's goals and objectives. About 2/3 of our attendees are U.S. state and local public health advocates and government officials and 1/3 are global advocates and government officials. We regularly look for new ways to engage this audience to raise the profile of ASH and to empower webinar attendees to adapt new strategies in the fight to end the tobacco epidemic.

We published several editorials in the British Medical Journal Blog and Tobacco Induced Diseases Journal. We self-published our 2021 Tobacco Industry Interference Index and our report with the International Centre for Tobacco Cessation (ICTC) entitled *Cessation: The Right to Health*.

With the news emerging on our lawsuit against the FDA over menthol, ASH was quoted and mentioned in several key outlets including The New York Times, The Washington Post, Newsweek, CNN, The Associated Press, and TIME. There was an exciting feature in Bloomberg News on our joint report to the Committee on the Elimination Against Racial Discrimination (CERD).

Our presence on social media grew with the launch of our TikTok account, leading ASH staff to develop guides for other organizations on how to use the platform. Given the strong focus on vertical form video, ASH worked hard to adapt our strategies and produce content that would be optimized in all social media algorithms – even seeing a few videos go “viral” following our efforts.

ENDING THE TOBACCO EPIDEMIC



IF WE AT ASH COULD SHARE ONE MESSAGE THIS YEAR, IT WOULD BE:

THE TOBACCO EPIDEMIC HAS NOT ENDED.

The tobacco industry was responsible for the deaths of over eight million people in 2021, the most of any year in history. That death toll exceeds the number of lives lost because of COVID-19. That's a huge number.

The world stopped for COVID-19, but it barely flinches at the lives lost by tobacco. We must remember that each victim of tobacco is a family member, a friend, a human being whose life was cut short. And the communities hardest hit are often those that can least afford it.

Several years ago, ASH decided that it is no longer a tobacco control organization. We do not aim to control or mitigate the impact of tobacco; we aim to end disease and death from tobacco entirely. Tobacco serves no purpose beyond lining the pockets of tobacco executives (who cynically insist that they have plans to end the tobacco epidemic). It is a problem that can be solved, and we here at ASH have never been more dedicated to solving it.

The tobacco epidemic has been sustained by a lack of political courage; governments have had it in their power to end it for decades. But we're witnessing a shift as more and more governments begin to see the light and put health and people ahead of corporate profits.

ASH is fortunate to work with literally thousands of allies around the globe who prioritize health. Increasingly, those allies are following ASH's lead and striving for a day when tobacco is no longer a commercial product. That day is not tomorrow, but in 2021 we got a glimpse of it. In 2022 and beyond, we will do everything within our power to get even closer to that world as our shared reality.

STATEMENT OF FINANCIAL POSITION

	<u>2021</u>	<u>2020</u>
ASSETS		
Current Assets		
Cash and cash equivalents	\$ 143,600	\$ 62,663
Accounts receivable	-	100,664
Grants and contributions receivable	1,150,365	42,749
Prepaid expenses	17,233	12,503
Investments	81,468	64,334
	<u>1,392,666</u>	<u>282,913</u>
Property and Equipment, net	<u>-</u>	<u>-</u>
Other Assets		
Security deposit	5,085	5,085
Restricted cash	671,996	602,637
Restricted investments	4,581,439	4,875,223
	<u>5,258,520</u>	<u>5,482,945</u>
Total Assets	<u><u>\$ 6,651,186</u></u>	<u><u>\$ 5,765,858</u></u>
LIABILITIES AND NET ASSETS		
Current Liabilities		
Accounts payable	\$ 29,033	\$ 46,885
Accrued expenses and other liabilities	207,081	186,547
Deferred revenue	68,645	80,526
	<u>304,759</u>	<u>313,958</u>
Long-term Liabilities		
Loan - Paycheck Protection Program	124,380	-
	<u>429,139</u>	<u>313,958</u>
Net Assets		
Without donor restrictions		
Undesignated	968,612	(25,960)
Board-designated	554,762	521,713
	<u>1,523,374</u>	<u>495,753</u>
With donor restrictions	4,698,673	4,956,147
	<u>6,222,047</u>	<u>5,451,900</u>
Total Liabilities and Net Assets	<u><u>\$ 6,651,186</u></u>	<u><u>\$ 5,765,858</u></u>

ASH Board of Trustees

Doug Blanke (chair)
Bunyan Bryant
Stanley Harmon
Dr. Cheryl Heaton
John Mirisch
Dr. Alfred Munzer

ASH Staff Team

Chris Bostic
Liz Furgurson
Nichelle Gray
Laurent Huber (Executive Director)
Megan Arendt-Manning
Carol Maytum
Kelsey Romeo-Stuppy

Partner Organizations

Advancing Tobacco Free Communities (ATFC)
Alliance Contre le Tabac (ACT)
American Academy of Pediatrics
American Cancer Society
American Heart Association
Americans for Nonsmokers' Rights
American Lung Association
Association of State and Territorial Health Officials
Bill & Melinda Gates Foundation
Bloomberg Initiative
Campaign for Tobacco-Free Kids
Canadian Cancer Society
Corporate Accountability International
Craigslist Charitable Fund
F.M. Kirby Foundation
Fragasso Financial Advisors
Framework Convention Alliance
Fundación Interamericana del Corazón Argentina
Georgetown University Law Center – Harrison Institute
Georgetown University Law Center – O'Neil Institute for National and Global Health Law
Harvard School of Public Health
Human Rights and Tobacco Control Network
International Development Research Centre

Johns Hopkins University
National Association of Attorneys General
National Association of County and City Health Officials
NCD Alliance
NoFumadores.org
Non-Communicable Disease Roundtable
Pan American Health Organization
Public Citizen
Public Health Law Center
Robert Wood Johnson Foundation
Seaway Valley Prevention Council
Southeast Asia Tobacco Control Alliance
The State University of New York, Potsdam
The Ohio State University Moritz College of Law
Truth Initiative
The South Centre The University of Maryland
Francis King Carey School of Law
Thoracic Foundation
University of California, San Francisco Center for Tobacco Control Research and Education
United Nations Economic and Social Council
United Nations Human Rights Council
WHO FCTC Secretariat
World Health Organization



Estate Planning for Peace of Mind

Guest Author: Dr. Carolyn Dresler

After recently retiring from income-producing work, I found myself revising my will. I still volunteer my time for causes of importance to me, like ASH. So, while I was working on my will, I was similarly thinking about those causes that are important to me to support.

I was thinking about my legacy, but mostly I thought about the work I currently support, and my hope for that important work to continue when I die and no longer need my retirement money that I am living on now.

I am hesitant to give away my retirement funds as I need them to live on now. BUT, once I don't need them, I want them to support work I'm passionate about!

So, I chose my most important non-profits, including ASH because I can't wait to see them help more jurisdictions phase out the sale of cigarettes, and I put them into my will. I've not donated funds to all of the listed organizations while alive, but they are the organizations I want to support when I am gone.

It is so very easy to do. And having a plan provides so much peace of mind.

For me, the easiest method was to list ASH as one of the beneficiaries for my investments, retirement or annuity funds. Done! Another option is to add a short, simple paragraph into the will itself declaring how much or what percentage you want to give to ASH.

That really is all there is to it.

Of course, you can support ASH with donations now, as I do as well. But you can also give to ASH after you have died, having a lasting legacy for public health. **The amount or percentage isn't what's important, it the security to know your hard-earned money is going to support the causes that are most important to you.**



Contact the ASH Team with Questions



If you have questions about how to include ASH in your estate planning, call Nichelle Gray, ASH's Manager of Engagement and Special Programs, at **(202) 659 – 4310**, Monday to Friday from 9:00am – 5:00pm Eastern, or email her at hq@ash.org.

You can also visit: <https://ash.org/planned-giving>



STAY INVOLVED IN OUR MOVEMENT!

Share your story with ASH

We want to know how tobacco has impacted your life and what motivates you to stay involved with our work. Email your story to HQ@ash.org and we can feature your experiences on our website, social media, and future reports. Your story may be the tipping point to get more people involved in the fight against big tobacco!

Follow us on Social Media

Your daily updates on the latest successes in our movement can be found on Facebook, Twitter, and LinkedIn.



Share this report

There's a reason why you stand with ASH. Let your friends, family, and coworkers know why ending the tobacco epidemic is important to you. www.ASH.org

Make a donation

You are the reason we can stand up to big tobacco every day. Your generosity and dedication allow ASH to be the catalyst for innovative concepts and groundbreaking programs which improve health for all. Without your help, we would not be the incubator pushing for a tobacco-free future.

www.ash.org/donate



Sign up for newsletters

Email us at HQ@ash.org to begin receiving our quarterly newsletter of progress and ways to get involved.



HQ@ash.org
(202) 659 - 4310
1250 Connecticut Ave, NW
Seventh Floor
Washington, D.C. 20036



@ASHorg



Facebook.com/ASHglobalAction



ASH

ACTION
ON SMOKING & HEALTH

Dedicated to ZERO Tobacco Deaths

