

OCTOBER 2022

Plastics Treaty Process and National Policies: A Backgrounder



SUMMARY

UNEA Resolution 5/14 calls for the development of a global plastics treaty. Formal negotiations start at the end of November 2022. The treaty is expected to address the issue of Single Use Plastics (SUPs), under which cigarette filters have been classified. The Resolution encourages broad multi-stakeholder involvement including the private sector. NGOs could be allowed to participate as observers if the Draft Rules of Procedure are adopted. There is no express provision for excluding the tobacco industry from having a seat at the policy development table.

At the national level, over one hundred forty countries have plans to deal with SUPs while only a handful have included cigarette filters or tobacco plastics in their plan. Most of these involve the implementation of the European Union (EU)'s Single-Use Plastics Directive which has a special provision on tobacco products, in particular adopting the Extended Producer Responsibility (EPR) policy. The EU policy seeks to make tobacco companies pay for managing tobacco product waste and raise awareness about littering and its impact on the environment; however, the way EPR is implemented in some parts of the EU has allowed the tobacco industry to partner with governments and to promote itself as a socially responsible actor. Notably, the tobacco industry is actively lobbying policymakers in the environmental sector, including at the EU.

NGOs and the World Health Organization (WHO) have called for a ban on cigarette filters and for holding the tobacco industry accountable for its environmental harms.

Global Treaty

On 2 March, 2022, 175 countries approved a United Nations Environment Assembly (UNEA) Resolution to negotiate an international legally binding agreement to “end plastic pollution” by the end of 2024.[1] The UNEA Resolution 5/14 titled 'End plastic pollution: Towards an international legally binding instrument' mandated an Open-Ended Working Group (OEWG), to undertake preparatory work ahead of the negotiations of the Intergovernmental Negotiating Committee (INC). The Resolution has been preceded by numerous other resolutions on marine litter and microplastics[2] as well as the United Nations Environment Program's (UNEP) first-ever Ministerial Conference on marine litter and plastic pollution, where resolutions affirming the need for a global instrument addressing the plastic crisis, were introduced. Concerns and resolutions regarding marine litter and microplastics have also previously been expressed in other multilateral and regional resolutions of the G7 (2015),[3] the G20 (2017,[4] 2019),[5] ASEAN (2019,[6] 2020),[7] APEC (2019),[8] CARICOM (2019),[9] and AOSIS (2021).[10]

UNEA Resolution 5/14 outlines key contents of the proposed global treaty; these are built upon previous resolutions, declarations, and treaties.[11] Provisions pertaining to private sector inclusion and voluntary approaches would be a cause for concern in the context of tobacco control. Particularly, the adoption of a strong multi-stakeholder approach without excluding the tobacco industry could undermine the global tobacco control treaty – the WHO Framework Convention on Tobacco Control (FCTC).

To learn more, visit [Stop Tobacco Pollution Alliance](#)

“Decides that the intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution, ... which could include **both binding and voluntary approaches**, based on a comprehensive approach that addresses the full life cycle of plastic, ... and including provisions:

- (l) To **encourage action by all stakeholders, including the private sector**, and to promote cooperation at the global, regional, national and local levels;
- (m) To **initiate a multi-stakeholder action agenda;**” (emphasis added)

Source: [UNEA Resolution 5/14 entitled ‘End plastic pollution: Towards an international legally binding instrument’ \(UNEP, 2022\)](#).

While cigarette filters are the most littered single use plastics, any regulation or prohibition of the same would have a health impact. Cigarette filters represent a design feature that misleads users into thinking that cigarettes are safer when in fact plastic fibers in filters fall out^{[12][13]} and filters have been linked to a more aggressive form of lung cancer.^[14] As the WHO and UNEP partnership on World No Tobacco Day 2022 suggests, the problem posed by cigarette filters is a concern for both the health and the environmental sectors.^[15]

At the end of May 2022, the OEWG, comprised of participants from over 124 countries met and agreed on the Rules of Procedure for the negotiations, discussed the work program, and nominated a bureau that will facilitate the meetings^[16] Multi-stakeholder dialogues^[17] were conducted on the sidelines of the OEWG meeting and the discussion on key topics suggests that the uniquely harmful nature^[18] of tobacco and the tobacco industry has not been taken into consideration: solutions discussed focused more on innovation instead of restrictions and prohibitions, and they revolved around stakeholder inclusion and roles, some of which could go against fundamental treaty principles on protecting policies from tobacco industry interference (See Annex A). Notably, some of the stakeholders who attended have close ties with major tobacco companies.

INC documentation that will be produced in time for the first session of the INC include, among others, definitions of terms, broad options for structure, key elements including for implementation, provisions from other environmental treaties, stakeholder engagement provisions and potential approaches, international cooperation provisions from other instruments, plastics science, and needs and challenges in the context of national measures.^[19] Hence, there is an opportunity to provide input to the Secretariat as the OEWG prepares the documentation required for November 2022, when the INC begins negotiations.

Five (5) sessions of the INC are envisioned with a view to finalize a draft by December 2024. Should the draft be adopted through a UN conference, the treaty^[20] could come into force after a predetermined number of signatures is reached. NGOs may be allowed to participate as observers to the INCs if the draft Rules of Procedure are adopted by the INC.^[21]

National and Regional Level

At the national level, over 40 countries have adopted legal frameworks or national plans on dealing with marine plastic pollution, while over 90 governments are implementing a national ban on single use plastics.^[22] However, only a handful of countries have addressed the issue of cigarette filters in these policies and plans.^[23] Ambitious steps were taken to tackle plastics by the EU and Canada in 2018. The EU adopted measures to address plastics including a polluters’ fee and an Extended Producer Responsibility (EPR) scheme for tobacco products/filters.^[24] As of mid-2021, Cyprus, Denmark, France, Malta, Italy, and the Netherlands have adopted some measures on tobacco or cigarette filters in accordance with the EU policy.^[25]

Problems with EPR Approach

Implementation of EPR approaches proved problematic as the tobacco industry used the opportunity to buttress its contribution to “social responsibility” (France) and justify government partnerships (Italy).[26] Canada adopted a SUPs ban to be implemented in December 2022 but exempted cigarette filters.[27] This was justified by the fact that there are no alternatives to filters.[28] Notably, there is a manufacturer of “green” filters[29] while each of the major tobacco companies deny the existence of any commercially feasible option.[30]

Another feature of the EU Single-Use Plastics Directive involves labelling or placing of graphic notification that cigarettes cause pollution and must not be littered. Observers note that despite the graphic notice, filters continue to be littered everywhere along with plastic packages.

Calls for a Ban on Filters

The plastics ban is viewed as an opportunity to ban filters.[31] Other NGOs have called for a filters ban or replacement, such as in Wales (Marine Conservation Society and ASH Wales),[32] Scotland (ASH Scotland, the Marine Conservation Society, Zero Waste Scotland, Scottish Water and Keep Scotland Beautiful),[33] the Netherlands (Ocean Movement, Plastic soup).[34] There are messages against tobacco companies that involve “making them responsible” (Seahugger, US).[35] In 2019, scientists from San Diego University and the London School of Hygiene called for a ban on cigarette filters.[36]- [38] In 2022, the WHO called for banning filters as these provide no benefits and merely pollute the waters. [39]-[41]

Tobacco Industry Interference In Plastics Policy

There is evidence that the tobacco industry is monitoring and making interventions in the environmental sector. For instance, an Access to Information policy report shows that tobacco companies met with the Directorate-General for Environment of the European Commission on the plastics issue during the deliberations on the EU Single-Use Plastics Directive.

In the UK,[42] the tobacco industry was consulted during a round table meeting on cigarette litter while a tobacco control representative was invited as an observer for purposes of transparency.[43] The tobacco industry favors voluntary approaches and the business/manufacturing sector, especially Big Oil, has reportedly lobbied the treaty to “steer away from production restrictions”.

On paper, the tobacco industry appears to commit to product design solutions and to shifting to fully recyclable components in a decade or so.[44] However, some responses from the industry indicate that there is no genuine interest in transforming[45] the cigarette filter.[46] Instead, the tobacco industry is shifting the burden entirely to the consumer, [47] and its EPR activities are aimed at “changing consumer behavior”.[48] Also worrying is the debate on alternatives or substitutes to filters. The EU’s impact assessment report suggests there may be “room for innovation” to ensure that biodegradable filters could be used as an alternative. While it also mentions removing the filters altogether as an option since there are no demonstrable effects on health outcomes, it also toys with the idea that such filter-less cigarettes could be used with re-usable filters.[49]

ANNEX A**Key topics during the multi-stakeholder dialogues ([UNEP/PP/OEWG/1/L.1, 2022](#))**

Multi-stakeholder Topic/Panel	Brief Description on Discussion	Comments/WHO FCTC perspective
Thinking Upstream: Product and material innovation and design	This refers to sustained investment and incentives upstream in the plastics supply chain e.g., innovations in design, additives used, and feedstock to produce plastics, toward higher reuse and recycling (includes fiscal policy and investment incentives).	The WHO FCTC Art 5.3 guidelines provide that no incentive must be provided to the tobacco industry to run its business. To read this along with tax measures (Art 6), if the objectives of the Convention are to be achieved, tobacco must only be taxed, not given tax cuts or subsidies.
Innovative business models	This requires the participation of the entire supply chain, access to technologies, the design of integrated policies, including enabling economic instruments and extended producer responsibility (EPR); right pricing, convenience for consumers and accessibility of collection systems; engaging business to consumers marketing, and business to business relations and relying on government support.	EPR, as currently implemented, provides an avenue to promote the tobacco industry and its so-called socially responsible activities. Tobacco treaty provisions strictly regulate the relationship between business and consumers as well as business and government.
Keeping the value of resources at their End of Life: Environmentally sound management of plastic waste.	This includes empowering municipalities and local governments in undertaking effective collection, sorting, and environmentally sound plastic waste management practices. Products need to be designed to be cycled back, not to become waste, and product lifetime must be extended. It is suggested that “when a product cannot be recycled this denotes a flaw in the design, not of the recycling infrastructure”.	Product regulation guidelines (Art 9/10) discourage product designs that will make the cigarette more attractive.
Just and inclusive transition to a plastic pollution-free economy	This refers to involving, among others, grass-roots organizations, waste pickers, entrepreneurship support networks. “A just transition means both content (such as policies on environment and on labor, skills development, enabled workers ...) and a process in which those that are affected are involved”.	The WHO FCTC excludes the tobacco industry from engaging with governments and from having a seat at the table. “Inclusive” should not be understood to include the tobacco industry.
Inspiring consumer, civic and youth action to transform the plastic value chain	This refers to strategies to turn awareness into action, on the part of consumers, civil society from various sectors and especially youth. This would involve behavioral change strategies and a wide array of policy options.	Civil society participation is also considered essential in the WHO FCTC, but this is qualified to those who do not form part of or are associated with the tobacco industry or those representing its interests.

ANNEX B

Key Substantive Provisions in the Proposed Plastic Treaty according to the UNEA Resolution ([UNEP/EA.5/Res.14, 2022](#))

Decides that the intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution, including in the marine environment henceforth referred to as the instrument, which could include both binding and voluntary approaches, based on a comprehensive approach that addresses the full lifecycle of plastic, taking into account among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities, including provisions:

- a) To specify the objectives of the instrument;
- b) To promote sustainable production and consumption of plastics, including, among others, product design, and environmentally sound waste management, including through resource efficiency and circular economy approaches;
- c) To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution;
- d) To develop, implement and update national action plans reflecting country-driven approaches to contribute to the objectives of the instrument;
- e) To promote national action plans to work towards the prevention, reduction and elimination of plastic pollution, and to support regional and international cooperation;
- f) To specify national reporting, as appropriate;
- g) To periodically assess the progress of implementation of the instrument;
- h) To periodically assess the effectiveness of the instrument in achieving its objectives;
- i) To provide scientific and socio-economic assessments related to plastic pollution;
- j) To increase knowledge through awareness-raising, education and information exchange;
- k) To promote cooperation and coordination with relevant regional and international conventions, instruments and organizations, while recognizing their respective mandates, avoiding duplication, and promoting complementarity of action;
- l) To encourage action by all stakeholders, including the private sector, and to promote cooperation at the global, regional, national and local levels;
- m) To initiate a multi-stakeholder action agenda;
- n) To specify arrangements for capacity-building and technical assistance, technology transfer on mutually agreed terms, and financial assistance, recognizing that the effective implementation of some legal obligations under the instrument is dependent on the availability of capacity building and technical and adequate financial assistance;
- o) To promote research and development of sustainable, affordable, innovative and cost-efficient approaches;
- p) To address compliance;
(Emphasis added)

ANNEX C**INC Meetings Timelines (UNEP, *Final Outcome Summary: 1 June 2022, 2022*)****Proposed timetable for INC meetings**

Meeting	Nominal Timeline
INC-1	Week of 28 November 2022
INC-2	End of April 2023
INC-3	End of November 2023
UNEA 6	Week of 26 February 2024 (The UNEP Executive Director to report on progress)
INC-4	Early May 2024
INC-5	Early December 2024

- 1.** UNEP/EA.5/L.23/Rev.1, End plastic pollution: Towards an international legally binding instrument, 2022. Available from: <https://wedocs.unep.org/handle/20.500.11822/38525>.
- 2.** "They adopted UN Environment's Global Partnership on Marine Litter in 2012; Ocean Plastics Charter in 2018, Amendments to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 2019". Source: Ibid.
- 3.** Federal Ministry for Environment, Nature Conservation and Nuclear Safety (Germany). G7 Action Plan to Combat Marine Litter, 2015. Available from: <https://www.bmu.de/en/pressrelease/g7-countries-outline-measures-against-marine-litter>
See also: Annex I. G7 Action Plan to Combat Marine Litter. In: Workshop on the G7 Action Plan to Combat Marine Litter in Synergy with the Regional Seas Conventions, 2019. Available from: http://gefcrew.org/carrcu/18IGM/4LBSCOP/Ref-Docs/G7_ML_Rec-en.pdf.
- 4.** Ministry of Foreign Affairs (Japan). G20 Action Plan on Marine Litter, 2017. Available from: <https://www.mofa.go.jp/mofaj/files/000272290.pdf>.
- 5.** Ministry of the Environment (Japan). G20 Osaka Blue Ocean Vision and Implementation Framework, 2019. Available from: https://apps1.unep.org/resolution/uploads/for_projectio_n_g20_osaka_blue_ocean_vision_and_g20_implem_tation_framework_moej.pdf.
- 6.** ASEAN. ASEAN Framework of Action on Marine Debris, 2019. Available from: <https://asean.org/asean-framework-of-action-on-marine-debris/>.
See also: ASEAN. Bangkok Declaration on Combating Marine Debris in ASEAN Region, 2019. Available from: <https://asean2019.go.th/en/news/bangkok-declaration-on-combating-marine-debris-in-asean-region/>.
- 7.** ASEAN. ASEAN Regional Action Plan for Combating Marine Debris in the ASEAN Member States, 2019. Available from: https://asean.org/wp-content/uploads/2021/05/FINAL_210524-ASEAN-Regional-Action-Plan_Ready-to-Publish_v2.pdf.
- 8.** APEC. Asia-Pacific Economic Cooperation (APEC) Roadmap on Marine Debris, 2019. Available from: https://www.apec.org/meeting-papers/annual-ministerial-meetings/2019/2019_amm/annex-b.
- 9.** Caribbean Trade Law and Development. CARICOM Heads adopt St. Johns Declaration to address plastic pollution in Caribbean Sea, 2019. Available from: <https://caribbeantradelaw.com/2019/07/06/caricom-heads-adopt-st-johns-declaration-to-address-plastic-pollution-in-caribbean-sea/>.
- 10.** AOSIS. Launch of the Alliance of Small Island States Leaders' Declaration. Available from: <https://www.aosis.org/launch-of-the-alliance-of-small-island-states-leaders-declaration/>.
- 11.** "UNEA Resolution also encourages coordination among existing international environmental treaties, this can include International Convention for the Prevention of Pollution from Ships and its 1978 Protocol, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade, the United Nations Convention on the Law of the Sea, the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters and its 1996 Protocol, the Strategic Approach to International Chemicals Management, the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity." Source: UNEP. UNEA Resolution 5/14 entitled "End plastic pollution: Towards an international legally binding instrument", 2022. Available from: https://wedocs.unep.org/bitstream/handle/20.500.11822/39812/OEWG_PP_1_INF_1_UNEA%20resolution.pdf.
- 12.** Pauly JL, Stegmeier SJ, Allaart HA, et al. Inhaled cellulosic and plastic fibers found in human lung tissue. *Cancer Epidemiol Biomarkers Prev.* 1998;7(5):419-428.
- 13.** Pauly JL, Mepani AB, Lesses JD, et al. Cigarettes with defective filters marketed for 40 years: what Philip Morris never told smokers. *Tobacco Control.* 2002;11:i51-i61.
- 14.** Song MA, Benowitz NL, Berman M, et al. Cigarette Filter Ventilation and its Relationship to Increasing Rates of Lung Adenocarcinoma. *J Natl Cancer Inst.* 2017;109(12):dix075. doi:10.1093/jnci/dix0753.
- 15.** WHO news. World No Tobacco Day campaign raises alarm on tobacco industry environmental impact, 2022. Available from: <https://fctc.who.int/newsroom/news/item/31-05-2022-world-no-tobacco-day-campaign-raises-alarm-on-tobacco-industry-environmental-impact>.
- 16.** Notably, the end of July marks the deadline for designating the focal persons and INC Bureau members. See: UNEP. Proposed approach to the work of the intergovernmental negotiating committee (INC): Final Outcome Summary: 1 June 2022, 2022. Available from: <https://wedocs.unep.org/bitstream/handle/20.500.11822/40429/Outcome%20Summary.pdf>.

17.

UNEP. Draft report of the ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, 2022. Available from: https://wedocs.unep.org/bitstream/handle/20.500.11822/40090/OEWG_PP_1_L1_DRAFT%2520REPORT%25201%2520june.pdf?sequence=1&isAllowed=y.

18.

Tobacco is uniquely harmful to its consumers, has no benefit to humankind, kills 8 million people and costs the economy USD 1.4 trillion annually.

See: WHO. WHO Report on the Global Tobacco Epidemic 2021: Addressing new and emerging products, 2021. Available from: <https://apps.who.int/iris/bitstream/handle/10665/343287/9789240032095-eng.pdf?sequence=1&isAllowed=y>.

19.

“Documents proposed by the OEWG for INC1

i. Glossary of key terms

ii. Broad options for structure of the instrument, taking

into account paragraphs 3 and 4 of UNEA resolution 5/14

iii. Potential elements, based on provisions in paragraphs 3 and 4 of UNEA resolution 5/14; including key concepts, procedures, and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future instrument on plastic pollution

iv. An overview of existing funding currently available for addressing plastic pollution through international funding arrangements, including from other processes, programmes, multilateral funds, development banks and private sector initiatives

v. Description of standard articles on final provisions that are typically included in multilateral environmental agreements

vi. An overview of information ‘to promote cooperation and coordination with relevant regional and international conventions, instruments and organizations, while recognizing their respective mandates, avoid duplication and promoting complementarity of action’ (UNEA resolution 5/14 paragraph 3(k))

vii. An overview of stakeholder engagement frameworks under other instruments, and potential approaches for this instrument

viii. Plastics science – monitoring, sources of plastic pollution, chemicals used in manufacturing, flows across the life cycle, pathways in the environment, health and other impacts, solutions, technologies and costs

ix. Listing of existing information for policy makers, building on UNEP/PP/OEWG/1/INF/3

x. Priorities, needs, challenges and barriers, especially in developing countries, along with an overview of national measures, based on submissions from Member States.”

Source: UNEP. Proposed approach to the work of the intergovernmental negotiating committee (INC) developing an international instrument on plastic pollution, including in the marine environment, 2022. Available from: <https://wedocs.unep.org/bitstream/handle/20.500.11822/39774/Outcome%20Summary.pdf?sequence=18&isAllowed=y>.

20.

Comparisons have been made to the Minamata Convention, on government regulation on the storage, disposal, transport of mercury, and the 2015 Paris Agreement on Climate Change, which relies on countries to set its own commitments using a range of policies.

21.

“Observers from non-governmental organizations Rule 56

Relevant non-governmental organizations participating in the session as observers may make their contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process and taking into account decisions 1/1 and 2/1, adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first and second sessions, concerning the participation of non-governmental organizations.”

Source: UNEP. Draft rules of procedure for the work of the intergovernmental negotiating committee to end plastic pollution, including in the marine environment, 2022.

Available from: https://wedocs.unep.org/bitstream/handle/20.500.11822/40029/OEWG%201_4_Rules%20of%20Procedure%20bracketed%206%20June.pdf?sequence=16&isAllowed=y.

22.

GGTC, Tobacco's Toxic Plastics, 2022 citing UNEP. GGTC, Tobacco's Toxic Plastics, 2022 citing UNEP. Single-use plastics: A roadmap for sustainability, 2018. Available from: <http://www.unep.org/resources/report/single-use-plastics-roadmap-sustainability>.

See also: OECD. Global Plastics Outlook: Economic Drivers, Environmental Impacts and Policy Options, 2022. Available from: <https://doi.org/10.1787/de747aef-en>.

23.

The EU included cigarette filters in the Single-Use Plastics Directive that covers EU Member States, however, only 6 countries mentioned cigarette filters in their legislation.

24.

European Commission. Commission Staff Working Document, Impact Assessment, Reducing Marine Litter: action on single use plastics and fishing gear, 2018. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018SC0254>.

See also: Greenpeace European Unit. EU agrees unprecedented cuts to single-use plastics, 2018. Available from: <https://www.greenpeace.org/eu-unit/issues/pollution/1783/eu-cuts-single-use-plastics/>.

25.

Maillot J. Moving on from single-use plastics: how is Europe doing? Rethink Plastic alliance, 2021) Available from: <https://rethinkplasticalliance.eu/wp-content/uploads/2021/06/SUP-Assessment-Design-final.pdf>.

26.

Case study, see: France's EPR System. In: GGTC. Tobacco's Toxic Plastics: A global outlook, 2022. Available from: <https://ggtc.world/knowledge/all-topics/tobaccos-toxic-plastics-a-global-outlook>.

27.

“At this time, the federal government has identified six single-use plastic items that meet its criteria for being subject to restrictions or a ban: (i) plastic checkout bags; (ii) beverage stir sticks; (iii) six-pack rings; (iv) cutlery; (v) straws; and (vi) food packaging and service ware made from problematic plastics.”

Source: Gordner T and Loney J. Plan for the Ban: Canada Announces Timeline for Single-Use Plastics Prohibition. McMillan LLP, 2022. Available from: <https://www.lexology.com/library/detail.aspx?g=dc6c5c3a-feca-433f-812a-26fc332de871>.

“In 2018, Canada led the creation of the international Ocean Plastics Charter, which has since been signed by 28 countries including France, Germany and Costa Rica. The pledge includes steps to reduce plastics usage, and to work with industry to increase rates of plastics recycling.”

Source: Canada lays out rules banning bags, straws and other single-use plastics. The Guardian, 2018. Available from: <https://www.theguardian.com/environment/2022/jun/20/canada-ban-single-use-plastics>.

28.

“The exclusion of tobacco-waste from the proposed ban on single-use plastics is surprising in some ways:

- Cigarette butts have been identified as a much more frequent waste problem than plastic straws or carrier bags. In the most recent Greats Canadian Shoreline Cleanup, cigarette butts far exceeded other plastic waste.
- Parliamentarians studying the problem of plastic waste recommended that cigarette butts be included in a ban of harmful single-use products.

- The scientific review conducted to support the federal strategy identified cigarette butts as a leading source of discarded plastic.

- Cigarette butts do not biodegrade, but continue to leach toxic amounts of nicotine, pesticides, polycyclic aromatic hydrocarbons, arsenic, and heavy metals such as lead and cadmium.

- E-cigarette waste has been labelled as hazardous waste by U.S. environmental and health agencies.

Continued exceptionalism for the tobacco industry?

It has long been observed that tobacco manufacturers are frequently exempted from regulations that are applied to other industries. In the case of the federal plastics strategy, Environment and Climate Change Canada has made clear the reasons it is exempting cigarette filters from its ban on single use plastics.

The department established 3 criteria to decide which single-use plastics to ban: 1) whether they were found in the environment, 2) whether they were often not recycled and 3) whether they have readily available alternatives. It was the department's determination that there are no alternatives to cigarette filters that seems to underpin their decision to implement measures to mitigate the problems caused by post-consumer tobacco and vaping waste, but not to end the use of these harmful plastics.”

Source: Physicians for a Smoke-Free Canada. Post-consumer tobacco waste – more harmful than plastic straws and stir sticks, 2020. Available from: <https://smoke-free.ca/post-consumer-tobacco-waste-more-harmful-than-plastic-straws-and-stir-sticks/>.

29.

Coons R. Biodegradable cigarette filters achieve key patent. The Digest, 2022. Available from: <https://www.biofuelsdigest.com/bdigest/2022/07/18/biodegradable-cigarette-filters-achieve-key-patent/>.

30.

“Philip Morris International says its objective is to “prevent littering of our products by promoting appropriate behaviour among adult consumers.” This year its subsidiary, Rothmans, Benson and Hedges, provided grants to 17 clean-up operations in Canada -- leveraging the work of volunteers to clean up the waste it caused. British American Tobacco, and its Canadian subsidiary Imperial Tobacco Canada Ltd also promotes measures addressed at consumers, not producers.

“BAT acknowledges that cigarette filters provide a waste issue for regulators. However, it believes that the most appropriate solution is promoting the proper disposal of butts so that they don't pollute the environment.”

“These corporate initiatives of the companies are worrisome. Good implementation of the Framework Convention on Tobacco Control would not permit Corporate Social Responsibility initiatives, like RBH's grants to clean-up squads, nor tobacco industry partnerships, like Imperial Tobacco's former sponsorship of municipal ashtray programs.”

Source: Physicians for a Smoke-Free Canada. Post-consumer tobacco waste – more harmful than plastic straws and stir sticks, 2020. Available from: <https://smoke-free.ca/post-consumer-tobacco-waste-more-harmful-than-plastic-straws-and-stir-sticks/>.

31.

“At Physicians for a Smoke-Free Canada, we support methods that reduce litter without increasing tobacco's visibility.”

Source: Kreisman SH. Cigarette butt: king of single-use plastics. Toronto Star Newspapers, 2019. Available from: <https://www.thestar.com/opinion/contributors/2019/07/07/cigarette-butt-king-of-single-use-plastics.html>.

32.

ASH Wales and the Marine Conservation Society (MCS). ASH Wales and the Marine Conservation Society (MCS) share a growing concern regarding the impact of smoking related litter and, specifically, single-use plastic cigarette filters, and are now working together to tackle the issue, 2021. Available from: <https://ash.wales/wp-content/uploads/2021/03/mcs-ash-wales-ban-plastic-cigarette-filters1.pdf>.

33.

The Herald. Groups call for Scots ban on plastic cigarette filters over 'horrific' environmental impact, 2022.

Available from: <https://www.heraldsotland.com/news/homenews/20176732.groups-call-scots-ban-plastic-cigarette-filters-horrific-environmental-impact/>.

34.

Regnier E. Plastic Cigarette Filters Should Be Prohibited Plastic Soup Foundation, 2020. Available from: <https://www.plasticsoupfoundation.org/en/2020/12/plastic-cigarette-filters-should-be-prohibited/>.

35.

Change.org. Make Big Tobacco Responsible for their Cigarette Butt Pollution. Available from: https://www.change.org/p/phillip-morris-international-make-big-tobacco-responsible-for-their-cigarette-butt-pollution?source_location=topic_page.

36.

“They're made of a type of single-use plastic called cellulose acetate, which means they aren't biodegradable.

The researchers, from London and California, said it would be a 'missed opportunity' to not lump them in with a broader European Union ban planned for next year for those items. But the health experts, who called for 'drastic action' in the prestigious British Medical Journal, stopped short of recommending an alternative.”

Source: Mail Online. Experts want a ban on filtered cigarettes to reduce plastic pollution, 2019. Available from: <https://www.dailymail.co.uk/sciencetech/article-7605793/Scientists-call-ban-single-use-cigarette-filters-stop-littering-globe.html>.

37.

National Geographic. Cigarette butts are toxic plastic pollution. Should they be banned?, 2019. Available from: <https://www.nationalgeographic.com/environment/article/cigarettes-story-of-plastic>.

38.

BMJ. Ban filtered cigarettes to curb global plastic waste, say experts, 2019. Available from: <https://www.bmj.com/company/newsroom/ban-filtered-cigarettes-to-curb-global-plastic-waste-say-experts/>.

39.

“Cigarette filters contain microplastics – the tiny fragments that have been detected in every ocean and even at the bottom of the world’s deepest trench – and make up the second-highest form of plastic pollution worldwide, the report said.

And yet, despite tobacco industry marketing, WHO stressed that there is no evidence filters provide any proven health benefits over smoking non-filtered cigarettes.

The UN agency urged policymakers worldwide to treat cigarette filters as single-use plastics, and to consider banning them.

He pointed out that each one of the estimated 4.5 trillion cigarette butts that end up in our oceans, rivers, sidewalks and beaches every year can pollute 100 litres of water.”

Source: Al Jazeera. Tobacco industry causing huge environmental damage, 2022. Available from: <https://www.aljazeera.com/news/2022/5/31/tobacco-industry-causing-huge-environmental-damage-who-warns>.

40.

“The WHO is calling for policy-makers to treat cigarette filters the same as any other single-use plastic, and consider banning them, to protect public health and the environment: despite tobacco industry marketing, there is no evidence that filters have any proven health benefits.”

Source: UN News. Make tobacco industry accountable for environmental damage: UN health agency, 2022. Available from: <https://news.un.org/en/story/2022/05/1119342>.

41.

London School of Hygiene and Tropical Medicine. Cigarette filters are single-use plastics - should they be banned along with straws?, 2019. Available from: <https://www.scimex.org/newsfeed/cigarette-filters-are-single-use-plastics-should-they-be-banned-along-with-straws>.

42.

Goodfellow L. DEFRA launch public consultation on single-use plastic bans. Ecosurety, 2021. Available from: <https://www.ecosurety.com/news/defra-launch-public-consultation-on-single-use-plastic-bans/>.

43.

“In order to comply with the Litter Strategy for England, UK Tobacco Control Policy and our international legal obligations under the WHO Framework Convention on Tobacco Control (FCTC), this meeting will relate only to environmental policy and not public health policy, and will follow the recommendations in the FCTC guidelines.

“Therefore, at this meeting, we will not agree a partnership with the industry, including accepting any financial or educational contribution on behalf of the department; promote, or offer the tobacco industry any opportunity to promote themselves publicly through claims of social responsibility or similar; or give preferential treatment to the tobacco industry.

Representatives from the Department of Health and Social Care, and Action on Smoking and Health have been invited as witnesses to ensure transparency. Attendees have been informed prior to today that we are meeting on the understanding that no party will use this roundtable as an opportunity to promote their organisational interests, this includes but is not limited to posts on social media, press notices or interviews. In accordance with the FCTC guidelines on transparency, notes from this meeting will be made publicly available on GOV.UK as a factual account of what has been discussed.”

Note that at this meeting, the relationship between Tobacco Manufacturer’s Association and KBT came to light, as well as TMA’s position on the WHO FCTC.

“TMA find that the WHO Framework Convention on Tobacco Control (FCTC) and Local Government Declaration on Tobacco Control (LGDTCC) have been a barrier to investment, including in the past with KBT, and stressed that they believe these to be guidelines and not an obstacle. They also welcome KBT’s ‘change of heart’ on engagement.”

Source: Department for Environment Food & Rural Affairs (UK). Smoking related litter roundtable meeting, 2 Sep 2020. 2020. Available from: <https://www.gov.uk/government/publications/defra-engagement-with-the-tobacco-industry-on-litter/smoking-related-litter-roundtable-meeting-2-sep-2020>.

44.

“About the JT Group

We are constantly searching for ways to further reduce environmental impacts along our value chain (upstream and downstream). We do this through improved product design and development, responsible procurement, efficient delivery of our products and services, and by adopting innovative technologies and ways of working. We will reduce the environmental impact of our products and packaging through:

"Design solutions

- Facilitating responsible collection and disposal
- Consumer awareness and education

More specifically, we will reduce our packaging (including plastic) and ensure that the remaining is 88% reusable or recyclable by 2025, rising to 100% by 2030. In total, recycled content will account for 20% of our tobacco business packaging by 2025."

Source: JT. Environment and our products. Available from: <https://www.jt.com/sustainability/environment/products/index.html>.

According to the U.S. Securities and Exchange Commission, three companies are known to be in the recyclable butts business, Green Butts, Bio Fil, and RJR. See: SEC. Preliminary Offering Circular Of Bio Fil Inc, 2018. Available from: <https://www.sec.gov/Archives/edgar/data/1697746/000169774618000004/offeringcircular.htm>.

45.**"UNWILLINGNESS OF TOBACCO MANUFACTURERS**

The Plastic Cluck Collective has been in contact with the inventor of the Greenbutt. He claims to have spoken to all the major tobacco manufacturers, but none are interested in his biodegradable filter. It's easy to guess why tobacco manufacturers don't voluntarily switch to plastic-free filters. These are not only more expensive to make, but also because they make their own filters and add chemicals such as menthol and propylene glycol. When these (addictive) substances are omitted, typical brand properties disappear."

Source: Regnier E. Plastic Cigarette Filters Should Be Prohibited. Plastic Soup Foundation, 2020. Available from: <https://www.plasticsoupfoundation.org/en/2020/12/plastic-cigarette-filters-should-be-prohibited/>.

46.

This is a claim made by GreenButts which have since, in June 2022, hired as CEO a former tobacco executive (BAT, KBP and RJR).

See: Newswire. Greenbutts appoints former big tobacco executive as chief strategy officer, 2022. Available from: <https://www.newswire.ca/news-releases/greenbutts-appoints-former-big-tobacco-executive-as-chief-strategy-officer-887889594.html>.

Note that Greenbutts hope to receive government subsidy for its products to make it feasible.

"The businessmen say their product is ready for market, and can be delivered for a reasonable price if mass produced. But Lisauskas said that to really take off, the company needs a boost from the government. "We are hoping governments incentivize use of the product," said Lisauskas, "or, at the end of the day, make it mandatory."

Source: Rainey J. Plastic straw ban? Cigarette butts are the single greatest source of ocean trash. NBC News, 2018. Available from: <https://www.nbcnews.com/news/us-news/plastic-straw-ban-cigarette-butts-are-single-greatest-source-ocean-n903661>.

47.

"We recommend against the inclusion of cigarette filters within any aspect of an EPR or any other proposed amendments to the Recycling Regulation. While we discourage the inclusion of filters in the Regulations, we very much stand by our commitment to educate consumers on the proper disposal of cigarette filters. As a Group, BAT also stands by its commitment to continue to invest in innovation and research to reduce the Group's environmental footprint, both in the manufacturing process but also in relation to the materials we use in our products."

Source: Ministry of Environment and Climate (Canada). Submission on the Policy Consultation Paper entitled "Plastics Action Plan", 2020. Available from: <https://cleanbc.gov.bc.ca/app/uploads/sites/436/2020/02/Imperial-Tobacco.pdf>.

48.

"EPR is an established governance scheme to collect waste for recycling or special treatment; it is now being used for the first time to address littering. We support the concept of an industry-wide EPR, provided such schemes are managed in a cost-efficient, proportionate, and targeted way which addresses the objective of reducing litter and changing consumers' behavior."

Source: PMI. Littering prevention - Progress 2020, 2020. Available from: <https://www.pmi.com/sustainability/reporting-on-sustainability/littering-prevention-progress-2020>.

49.

"Availability of Alternatives- Cigarette Filters Plant-derived cellulose filters could be used as an alternative, such as the RAW Biodegradable Slim Filter Tips, although according to anecdotal evidence the draw is not exactly the same as normal plastic based filters. However, there may be room for innovation. Additionally, it has been argued that cigarettes should be sold without filters (such as filterless Gauloise-type cigarettes), as the filters do not have a demonstrable effect on health outcomes. Given that these could then be used with reusable filters, this maintains choice for consumers."

Source: European Commission. Commission Staff Working Document, Impact Assessment, Reducing Marine Litter: action on single use plastics and fishing gear, 2018. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018SC0254>.