

Backgrounder

Regulatory developments related to managing tobacco waste

The European Union

In 2018, the European Union adopted a EU plastics strategy intended to transform the way plastic products are designed, used, produced and recycled in the EU.¹ Following public consultation, the commission proposed a directive for the reduction of single use plastics in May 2018,² and an amended version was circulated in January 2019.³

The directive proposed that the approach taken to address tobacco product filters was to increase awareness and to apply extended producer responsibility (EPR). As expressed in the communications materials for the proposed directive “Cigarette butts. Producers to contribute to awareness-raising, clean-up, collection and waste treatment of cigarette butts and other plastic tobacco product filters.”⁴ During the public consultation, 91% of respondents had expressed support for rules requiring cigarette companies to contribute financially to costs of cleaning up cigarette butts.⁵ An impact assessment of the proposed directive noted that cigarette butts and filters were the 4th most common marine litter item found on European beaches, accounting for 6% of waste items.⁶ The feasibility of different approaches to managing cigarette waste were summarized, and are presented on Table 1.

Following a vote of the European Parliament in March 2019, the European Union’s Directive 2019/904 on the reduction of the impact of certain plastic products on the environment was adopted.⁷ Under the directive, Member states are required to implement the directive measures by July 2021. The directive requires countries to include tobacco products in their implementation of:

Article 7 on marking requirements

Requirements for “conspicuous, clearly legible and indelible marking” on packaging or product informing consumers of appropriate waste management options and the presence of plastics in the product and the resulting negative impact of littering or other inappropriate means of waste disposal.

Article 8.3 on extended producer responsibility

Producers must be required to cover the costs of awareness raising measures, cleaning up litter resulting from these products, and the costs of data gathering and reporting. (The requirement for extended producer responsibility in the European Union were established in 2008.⁸)

Article 10. Awareness raising.

Member states must inform consumers and incentivise responsible consumer behaviour regarding the impact of littering and other inappropriate waste disposal

Physicians *for a* Smoke-Free Canada

134 Caroline Avenue ♦ Ottawa ♦ Ontario ♦ K1Y 0S9
www.smoke-free.ca ♦ psc @ smoke-free.ca

**Table 1. Feasibility and aims of measures to address Cigarette Butt litter
(from EU Impact Assessment ⁹)**

Measure	Feasibility and Aims
Information campaigns	Feasible. The aims of the campaign would be to inform smokers on the impacts of dropping cigarette butts, not only on beaches but also on land as many are washed into drains, and subsequently into the sea. This would include information on the packs themselves.
Mandatory labelling	Feasible. Labelling on packs of cigarettes, and on packs of filters.
Voluntary agreements, Voluntary commitments and pledges	Feasible. A voluntary agreement could be considered by the tobacco industry to reduce the plastic content in filters over time, which would convey towards the wider public that the tobacco industry is willing to contribute to marine litter solutions.
Specific Requirements on Product Design	Not feasible. No potential litter reduction design features were found.
Setting enhanced technical standards for WWTW and CSOs	Not relevant, items are not flushed.
Extended Producer Responsibility	Feasible. San Francisco, for example, has implemented a scheme in which the fee for cigarette manufacturers includes a component for the costs relating to litter which is based on the proportion of cigarette butts in litter counts.
Implement Deposit Refund System	Not relevant, only relates to drinks bottles.
Sales restrictions / measures for adoption by public authorities	Not feasible. Although, in theory it might be possible to introduce bans on smoking outside in public places and/or on beaches.
Consumption levies	Feasible. The levy would be set such that a differential existed between SUP and NSUP alternatives.
Reduction targets (Single Use Plastics)	Feasible. Alternatives are available, e.g. non-plastic filters
Reduction targets (all Single use Plastics)	Not feasible. Reducing cigarette consumption or filter use overall goes beyond the scope of tackling the marine litter issue.
Ban (of Single Use Plastic items)	Not feasible. Multiple Use alternative does not exist.
Ban (of all Single Use Plastic items)	Not feasible. Multiple use alternative does not exist.

France

In July 2019, the French Minister of State to the Minister for the Ecological Transition (*Secrétaire d'État auprès du ministre de la Transition écologique et solidaire*, Brune Poirson) proposed an Antigasillage (anti-waste) law to address pollution and to impose the costs of doing so on polluting industries.¹⁰ The explanatory impact assessment identifies a cost equivalent to about 0.03 euro per package that will be imposed on manufacturers.¹¹

Canada's strategy on zero plastic waste.

In September 2018, Canada's Federation of Municipalities adopted a resolution to call on the government of Canada to develop a national strategy to reduce consumer and industrial use of single-use plastics, including cigarette filters.¹²

In November 2018, through the Canadian Council of Ministers of the Environment, federal and provincial governments adopted a Strategy on Zero Plastic Waste.¹³ Cigarette filters were identified among the single-use plastics that were responsible for 43% of marine litter. The measures identified in the strategy included Performance-based approaches (product regulation, extended producer responsibility, distribution bans, standards and performance agreements); Market instruments (incentives, fees and taxes, deposit return, public procurement, direct investment) and Voluntary Initiatives (industry targets, corporate initiatives, certification programs, education and awareness).

In June 2019, the House of Commons tabled its report and recommendations "The last straw: turning the tide on plastic pollution in Canada". Among the recommendations of the committee were that "the federal government commit to banning harmful single-use plastic products – such as ... cigarette filters..." (The Conservative Party filed a dissenting opinion, but did not dissent from this recommendation.)¹⁴.

In June, 2019, Canada's Prime Minister announced that the government of Canada would work with other jurisdictions to ban harmful single use plastics by 2021 or later.¹⁵ Cigarette filters were not specifically identified for inclusion in this policy.

Other regulatory initiatives and proposals

California – municipal litter abatement fee

In 2009, San Francisco introduced a cigarette litter abatement fee, originally set at \$0.20 per package. In 2018, the fee was increased to \$0.85 per pack of cigarettes.^{16 17 18 19} The fee is imposed on and remitted by every cigarette retailer. The data from tax revenues, in theory, can be used to assess consumption patterns at a neighbourhood level.²⁰

State of California – ban on filters

In 2019, the California Senate passed Bill SB 424 which would ban filtered cigarettes, disposable plastic holders and mouthpieces and single-use electronic cigarettes, as well as calling for manufacturers to take back any non-recyclable parts of reusable cigarettes. It was passed to the Assembly Committee on Governmental Organization.

New York State – proposed deposit-return system

The New York legislature has passed legislation (not yet signed into law) which would create a state-wide program for collecting and recycling cigarette butts using a deposit and refund system for each cigarette butt, as well as establishing a public education program. Manufacturers would be required to place anti-littering messages on packages.²¹

Korea – waste charge on cigarettes and e-cigarettes

Since 1996, the Republic of Korea has imposed a waste charge on cigarettes, which was increased to 24.4 won per package of 20 cigarettes, e-cigarette cartridges or heat-not-burn sticks in 2015.²²

Canadian municipal partnerships with Terracycle

The City of Vancouver initiated a pilot program for butt recycling in 2013. The program installed 100 cigarette recycling bins on several downtown blocks, and was subsequently expanded to include butt receptacles adjoined to recycling receptacles. Concerns about the program were raised with the city by Vancouver Coastal Health in 2014.^{23 24} In 2019, the city initiated a pocket ashtray pilot program.²⁵

By 2019, other cities had initiated partnership programs with Terracycle, including Montreal,²⁶ of Belleville,²⁷ Hamilton,²⁸ Kingston,²⁹ London,³⁰ and Thunder Bay³¹ have implemented a similar partnership program with Terracycle. Halifax decided against such a program, subsequent to receiving a report outlining challenges experienced by other cities.³²

Research and NGO proposals for expanded regulatory efforts

The journal *Tobacco Control* published a Supplement edition in 2011, in which it presented multiple concerns regarding the environmental impact of TPW.³³

Canadian researchers, in collaboration with international colleagues, have proposed a model *Tobacco Waste Act* to apply the principle of Extended Producer Responsibility tobacco waste.³⁴

The Cigarette Butt Pollution Project is a collaborative project between US-based environmental and public health groups which advances the adoption of measures to reduce tobacco product waste.³⁵ It advocates for a wide range of regulatory measures, including extended producer responsibility laws, to ban disposable filters, expand bans on smoking in designated areas, to adopt deposit-return systems, to implement abatement fees similar to those in San Francisco, etc.³⁶

Tobacco industry litter initiatives

Australia

In 2002, British American Tobacco Australia established a trust, which was branded in 2009 as Butt Free Australia. The company was the major contributor to the trust until it was acquired by KESAB environmental solutions in 2012.

In 2014, the three major companies operating in Australia (BAT, Philip Morris International and Imperial Tobacco) formed the Tobacco Industry Product Stewardship initiative, partnering with Terracycle. Industry funding for this project ended in 2015.^{37 38}

Canada

In 2012, Imperial Tobacco partnered with Terracycle to run cigarette butt recycling programs.³⁹

Endnotes

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