

Action on Smoking and Health (ASH) response to Department for Environment, Food and Rural Affairs consultation on Extended Producer Responsibility for Packaging

Closing Friday 4<sup>th</sup> June 2021

**Introduction**

1. Action on Smoking and Health (ASH) is a public health charity set up by the Royal College of Physicians in 1971 to advocate for policy measures to reduce the harm caused by tobacco. ASH receives funding for its full programme of work from the British Heart Foundation and Cancer Research UK. ASH has also received project funding from the Department of Health and Social Care to support delivery of the Tobacco Control Plan for England. ASH has no direct or indirect links to, nor does it receive funding from, the tobacco industry.
2. ASH endorses the submission and recommendations made to this consultation by Fresh. ASH is responding to this consultation due to the significant harm caused by tobacco production and waste on the environment. ASH welcomes the opportunity this consultation presents to implement an Extended Producer Responsibility (EPR) scheme covering tobacco packaging. Though the scope of this consultation is on packaging, ASH strongly recommends that any EPR scheme includes a requirement for tobacco companies to also meet the costs of dealing with cigarette butts. ASH's response is set out as follows:
  - Tobacco production and waste causes substantial environmental harm (*paras 3 – 7*)
  - A non-regulatory producer responsibility approach is not consistent with our obligations as a Party to the WHO Framework Convention on Tobacco Control (FCTC) (*paras 8 – 10*)
  - A legislative approach is needed to ensure tobacco companies take responsibility for the environmental harm their products do (*paras 11 – 15*)

**Tobacco production and waste causes substantial environmental harm**

3. Tobacco is a uniquely harmful consumer product, killing 1 in 2 of its long-term users.<sup>1</sup> For every person killed by smoking, at least another 30 are living with serious smoking related illness.<sup>2</sup> Every year, tobacco use costs the UK over £12 billion.<sup>3</sup> In light of these ongoing harms and costs, addressing tobacco use remains a top public health priority.
4. The health harms caused by tobacco are well established, while the environmental damage caused by tobacco production and consumption is less well understood. Nevertheless, a growing body of evidence now demonstrates that every stage of the tobacco supply chain has serious environmental consequences and as the Public Health Minister Jo Churchill MP has said, "the environmental impact of smoking due to cigarette butt and package littering is still a major issue."<sup>4</sup>
5. A 2018 assessment of the tobacco industry's entire supply chain on behalf of the WHO Framework Convention on Tobacco Control (FCTC) reveals the industry's total carbon footprint to be 84 million tonnes annually.<sup>5,6</sup> To contextualise this, entire countries such as Peru and Israel have comparable emission levels.<sup>5,6,7</sup> The report findings also reveal the industry uses 21 million tonnes oil equivalent of fossil fuels each year, equivalent to the primary energy consumption of New Zealand and Hungary.<sup>5,6,7,8</sup> The tobacco supply chain also requires 22,200 million tonnes of water each year, more than 2.5 times the annual water supply to the entire population of the UK.<sup>5,6,9</sup>
6. When it comes to tobacco use and final disposal of tobacco packaging and materials, the record is no better. Research consistently demonstrates low levels of proper cigarette disposal and

cigarette filters have been recorded as the most widely littered item worldwide over the last two decades.<sup>10,11,12,13,14</sup> According to Keep Britain Tidy, smoking related litter is the most common type of litter in England, accounting for 68% of all littered items and found on around 80% of surveyed sites.<sup>4</sup> Conventional cigarette filters are made from single-use plastics, most commonly cellulose acetate.<sup>15,11,12,13,14</sup> Research shows filters lose an average of 38% of mass in two years of decomposition, leaching multiple toxic substances into the air, water and land.<sup>13,14</sup> Cigarette filters alone are estimated to generate around 8 tonnes of waste every day across England.<sup>16</sup> The Government estimates cleaning up littered cigarette butts costs local authorities in England £40 million every year.<sup>4</sup>

7. More recently, tobacco companies increasingly talk about biodegradable cigarette filters, which they claim would be “eco-friendly” or “green”.<sup>10,15,14</sup> Academics have recently warned that such assertions should be treated with caution, with little evidence available to support the claim as biodegradable filters would still leach harmful chemicals into the environment if discarded improperly (which, as set out above, they very often are).<sup>10,11,15</sup>

#### **A non-regulatory producer responsibility approach is not viable**

8. A non-regulatory or voluntary approach to addressing the issue of tobacco packaging and cigarette filter litter is an unworkable and unacceptable under Article 5.3 of the WHO FCTC,<sup>17</sup> to which the UK is a Party. The guidelines to Article 5.3 which the UK has adopted do not permit any branch of government or public sector body to “accept, support or endorse partnerships and non-binding or non-enforceable agreements as well as any voluntary arrangement with the tobacco industry or any entity or person working to further its interests.”<sup>18</sup> The Local Government Association (LGA) have made clear to ASH that involvement with any such non-regulatory scheme for tobacco litter by local authorities would not be acceptable.<sup>19</sup>
9. Further, in correspondence to ASH on this issue, Minister Pow noted that: “[...] despite being called to account on many occasions, the industry has not been willing to seriously engage in tackling smoking related litter to date. Defra has a responsibility to safeguard the natural environment on behalf of the public. We believe the tobacco industry should be investing sufficient sums to remedy the litter caused by its products. This is the very minimum of what is required from these companies in line with the polluter pays principle.”

#### **A legislative approach is needed to ensure tobacco manufacturers take responsibility for the environmental harm their products cause**

10. ASH welcomes Minister Pow’s commitment to the WHO FCTC,<sup>19</sup> the FCTC guidelines and the Local Government Declaration on Tobacco Control and the Minister’s belief that any scheme through which the tobacco industry would be made to pay for smoking related litter “must be legally enforceable, restricting the tobacco company’s ability to promote their relationship or contribute to it.”
11. In light of these considerations, a statutory EPR scheme is the most appropriate solution. As set out in our recent correspondence with Minister Pow, the Environmental Bill currently going through parliament allows for this. Schedule 5 of the Bill confers power on the relevant national authority to make regulations requiring the payment of sums in respect of the costs of disposing of products and materials. These powers are not limited to packaging and an EPR scheme for

tobacco packaging therefore could, and should, also require tobacco companies to fund 100% of the net costs of dealing with cigarette butts in residual waste, recycling and litter.

12. As noted by the Minister at the September roundtable,<sup>19</sup> the tobacco industry is immensely profitable and currently bears no responsibility for the harm it causes. Tobacco companies might take voluntary measures to change behaviour or investment on packaging and littering in response to the possibility of an EPR, but the Government should not rely on this solving the problem. A statutory EPR on tobacco packaging and cigarette butts is still essential given the significant environmental damage they are proven to cause.
13. A regulatory EPR on tobacco packaging and cigarette butts would also not only support the Government's ambition to be smoke-free by 2030,<sup>20</sup> but, now that the UK has left the EU, would also help the UK to retain its role as a global leader on tobacco control.
14. ASH would like to take this opportunity to reiterate our offer of support to the Government in the introduction of a statutory EPR scheme for tobacco packaging and cigarette butts and for further discussion on any of the above points.

## References

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  - <sup>2</sup> U.S. Department of Health and Human Services. [The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General](#). 2014.
  - <sup>3</sup> Department of Health. [Towards a smoke-free generation: A tobacco control plan for England](#). July 2017.
  - <sup>4</sup> Department for Environment Food and Rural Affairs, Department of Health and Social Care. [Press release: Government explores next steps to clean up tobacco litter in England](#). March 2021.
  - <sup>5</sup> Zafeiridou M, Hopkinson NS, Voulvoulis N. [Cigarette smoking: an assessment of tobacco's global environmental footprint across its entire supply chain, and policy strategies to reduce it](#). Geneva: World Health Organization; 2018. Licence: CC BY-NC-SA 3.0 IGO.
  - <sup>6</sup> Zafeiridou M, Hopkinson NS, Voulvoulis N. [Cigarette Smoking: An Assessment of Tobacco's Global Environmental Footprint Across Its Entire Supply Chain](#). *Environ Sci Technol*. 2018; 52(15):8087–94.
  - <sup>7</sup> WHO. [New report from the Secretariat of the WHO FCTC demonstrates how smoking destroys the environment and undermines sustainable development](#). WHO [Internet]. World Health Organization; [cited 2021 Feb 1].
  - <sup>8</sup> BP. [BP Statistical Review of World Energy](#), June 2017. Accessed June 2021.
  - <sup>9</sup> OECD. [Annual water consumption per capita worldwide in 2013, by select country \(in cubic meters\)](#). Statista: The Statistics Portal.
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  - <sup>11</sup> Green DS, Kregting L, Boots B. [Smoked cigarette butt leachate impacts survival and behaviour of freshwater invertebrates](#). *Environmental Pollution*. 2020; 266:115286.
  - <sup>12</sup> European Commission. [Circular Economy: Commission welcomes Council final adoption of new rules on single-use plastics to reduce marine plastic litter](#), 21 May 2019 (accessed June 2021).
  - <sup>13</sup> Bonanomi G, Incerti G, Cesarano G, Gaglione SA, Lanzotti V. [Cigarette Butt Decomposition and Associated Chemical Changes Assessed by 13C CPMAS NMR](#). *PLOS ONE*. Public Library of Science; 2015; 10(1):e0117393.
  - <sup>14</sup> Green DS, Boots B, Da Silva Carvalho J, Starkey T. [Cigarette butts have adverse effects on initial growth of perennial ryegrass \(gramineae: \*Lolium perenne\* L.\) and white clover \(leguminosae: \*Trifolium repens\* L.\)](#). *Ecotoxicology and Environmental Safety*. 2019; 182:109418.
  - <sup>15</sup> Araújo MCB, Costa MF. [A critical review of the issue of cigarette butt pollution in coastal environments](#). *Environmental Research*. 2019; 172:137–49.
  - <sup>16</sup> ASH. [Ready Reckoner](#). November 2019 (accessed June 2021).
  - <sup>17</sup> WHO. [Article 5.3 of the WHO Framework Convention on Tobacco Control](#). Accessed June 2021.

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<sup>18</sup> WHO. [Guidelines for implementation of Article 5.3 of the WHO Framework Convention on Tobacco Control](#). Accessed June 2021.

<sup>19</sup> Department for Environment, Food and Rural Affairs. [Correspondence: Smoking related litter roundtable meeting, 2 Sep 2020](#). September 2020.

<sup>20</sup> Department of Health and Social Care and Cabinet Office. [Advancing our health: Prevention in the 2020s](#). July 2019.