Written Submission to the Executive Secretary of the INC Plastic Pollution Secretariat

Action on Smoking and Health
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Action on Smoking and Health (ASH) submits this statement on behalf of itself and the global Stop Tobacco Pollution Alliance (STPA).

Proposed Objective:

To protect future generations from the environmental, health and other burdens of plastic pollution.

The objective should be simple and avoid qualifiers such as “in accordance with domestic or international law” or “without undue encumbrance on economic activity.” Such caveats, if desired by Members of the Committee, can be laid out in other sections.

Core obligations, control measures and voluntary approaches

The production of plastic materials or products that are problematic, single-use, toxic and unnecessary should be banned outright. The consummate example is cigarette filters, which are discarded into the environment at the rate of 4.5 trillion annually. Filters do not mitigate the health impacts of smoking, and in fact exacerbate them by making smoking initiation easier and quitting less likely and giving users the illusion that their smoking is less harmful, further exasperating the industry’s inherent violation of basic human rights. Most used filters, or butts, are discarded into the environment and are toxic and deadly to marine life. Recycling is not an option. Many smokers, non-smokers, and policy makers do not know that cigarette filters (attached to >97% of globally sold cigarettes) are made of plastic (cellulose acetate) and persist in the environment for many years. Voluntary measures alone have not, and will not, make a significant difference to the volume of discarded cigarette filters and the threat they pose to the environment. Most people (65% - 75%) who smoke discard filters/butts as part of their smoking ritual and changing this behavior through anti-litter laws, public education, or public smoking restrictions has not changed the volume of discarded filters. Most corporations involved in the production and use of plastic filters are publicly traded so their legal obligation is to maximize profits for their shareholders. Filters on cigarettes are intended to increase sales and maximize profits and not to protect public health. Incentive models designed to reduce plastic filter waste will be effective only if they are sufficient to maintain or increase overall profits. Instead, corporations responsible for the plastic filter market support downstream, ineffective remedies such as clean up campaigns and provide support for voluntary groups who conduct them with the aim of greenwashing the Tobacco Industry and transferring blame from the industry to people who smoke. Further, so-called ‘biodegradable’ filters would not be a viable form of harm reduction, as these would continue to cause significant environmental contamination from tobacco products and would enable the tobacco Industry to present itself as a caring and responsible corporate actor.
Additional input

The international legally binding instrument on plastic pollution, including in the marine environment, is one of the most ambitious and important negotiations in the history of the United Nations. Plastics pollution is a clear threat to the health and well-being of humans and the planet, and the current rate of increase in plastic pollution is inarguably unsustainable. In spite of this urgency, the companies responsible for creating the problem are considered as stakeholders equal to those organizations that are trying to stop it. While their internal research and knowledge of technical details of filters is important to producing a treaty that will effectively end plastic pollution, it is crucial to recognize the inherent conflict of interest regarding the input of tobacco companies and filter manufacturers during these negotiations. Their interests do not coincide with the goals of the treaty, and thus their inputs are likely to hinder effective negotiations by the Parties and result in a weakened treaty that fails to address the problem.

One conflict of interest model that must be considered is Article 5.3 of the World Health Organization Framework Convention on Tobacco Control (FCTC). This article recognizes the inherent conflict of interest between public health and the tobacco industry and requires Parties to exclude the industry from policymaking. This exclusion extends to the biennial Conference of the Parties. In addition, the Treaty to End Plastic Pollution should align with the UN Sustainable Development Goals and the UN Non-communicable Disease Global Action Plan in order to assure a health-focused outcome for the negotiations.

Finally, we urge the Members of the Committee to ground these negotiations in human rights norms. Plastic pollution is a threat to many internationally agreed upon rights, including the rights to health, life, a healthy environment, and development. The laudable desire of the Committee to ensure inclusivity during negotiations and implementation can best be realized by taking a human rights-based approach and by eliminating as much as possible the established conflicts of interest involving the tobacco industry or the affiliates who supply the plastic cigarette filters.

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1 “Clear boundaries on conflict of interest should be established for the negotiations process and the implementation of the new Plastics treaty drawing from existing good practices under international law, for example, article 5.3 of the WHO Framework Convention on Tobacco Control states that “Parties shall act to protect [their public health policies with respect to tobacco control] from commercial and other vested interests of the tobacco industry…”. Office of the UN High Commissioner on Human Rights, Statement to INC-1, https://www.ohchr.org/sites/default/files/documents/issues/climatechange/2022-12-01/OHCHR-inputs-INCl.pdf.