



TOBACCO PRODUCT WASTE: A TOXIC CHALLENGE

TODAY'S PRESENTERS

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THE PUBLIC HEALTH LAW CENTER



LEGAL TECHNICAL ASSISTANCE

-  Legal Research
-  Policy Development, Implementation, Defense
-  Publications
-  Trainings
-  Direct Representation
-  Lobby

EQUALITY:

Everyone gets the same – regardless if it's needed or right for them.



EQUITY:

Everyone gets what they need – understanding the barriers, circumstances, and conditions.



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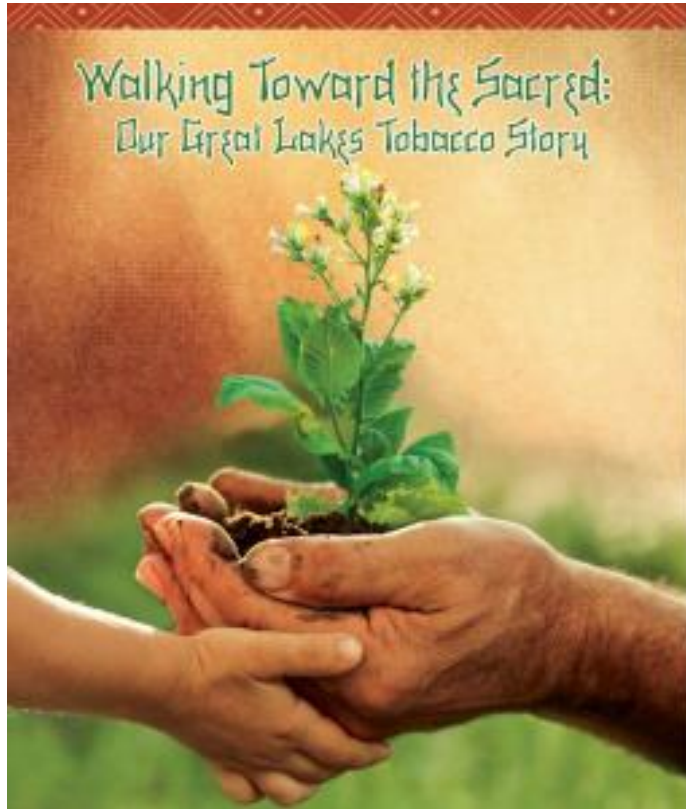


based on work for First Nations Health Authority at Gathering Wisdom VI

Drawing
CHANGE

Image credit: [Sam Bradd](#)

COMMERCIAL TOBACCO IS NOT TRADITIONAL TOBACCO



[Available at this link](#)



Nicotiana rustica, Solanaceae, Mapacho, flower. Botanical Garden KIT, Karlsruhe, Germany. Wikimedia Commons.

TOBACCO PRODUCT WASTE

- Plastic waste
 - Cigarette butts; Cigar tips and wrappers; E-cigarette casings; Cartridges; Packaging and wrapping; Pouches, etc.
- Hazardous waste
 - Nicotine
 - Batteries
 - Toxic metals



CIGARETTE BUTTS HAZARDOUS WASTE

Throwaway Culture

- Most commonly littered item

Cellulose Acetate

- Non-biodegradable; creates microplastic

Toxic Chemicals & Metals

- Nicotine, lead, arsenic, etc.



E-CIGARETTE/VAPES HAZARDOUS WASTE

Nicotine and nicotine salts

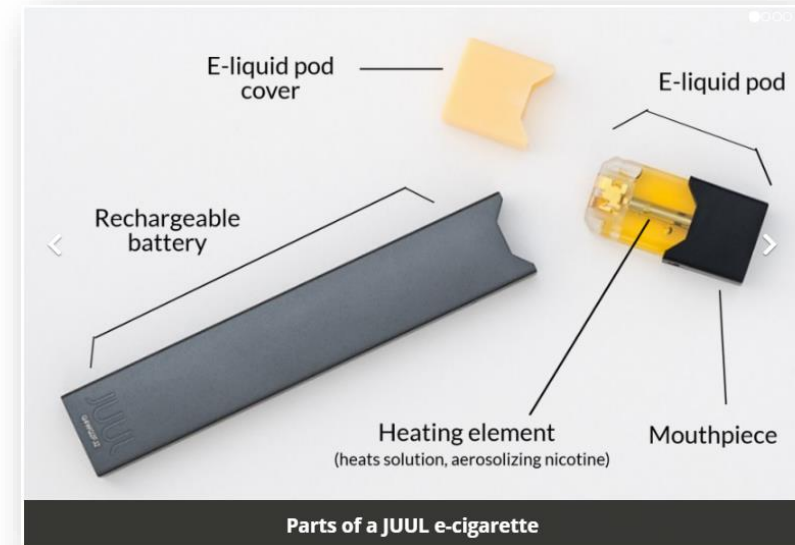
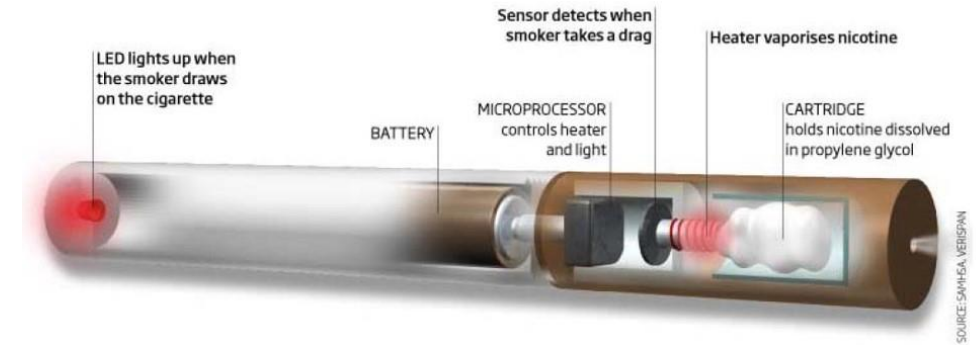
- Classified as an acute hazardous waste

Batteries

- Hazardous waste; fire/explosion risk

Metals

- Leach into ground and water



The Observer

Single-use vapes sparking surge in fires at UK waste plants

The 1.3m disposable e-cigarettes discarded every week often end up in general waste and their broken batteries are highly flammable

James Tapper

Sat 13 May 2023 09:39 EDT

Recycling firms are now dealing with so many vapes that they are struggling to insure their facilities. Some are now using artificial intelligence to detect vapes and their lithium-ion batteries, as well as installing thermal imaging cameras and automatic foam jets.

The hazardous material dealt with at waste and recycling plants means they can potentially cause fires similar to 2020's Bradford tyre fire which burned for a week and forced 20 schools to close and required every firefighter in West Yorkshire.

Source: [Single-use vapes sparking surge in fires at UK waste plants | Vaping | The Guardian](#)

THE HILL

ENERGY & ENVIRONMENT

Why vapes and e-cigarettes are bad for the planet

BY ALEJANDRA O'CONNELL-DOMENECH - 05/20/23 4:00 PM ET



SHARE



TWEET



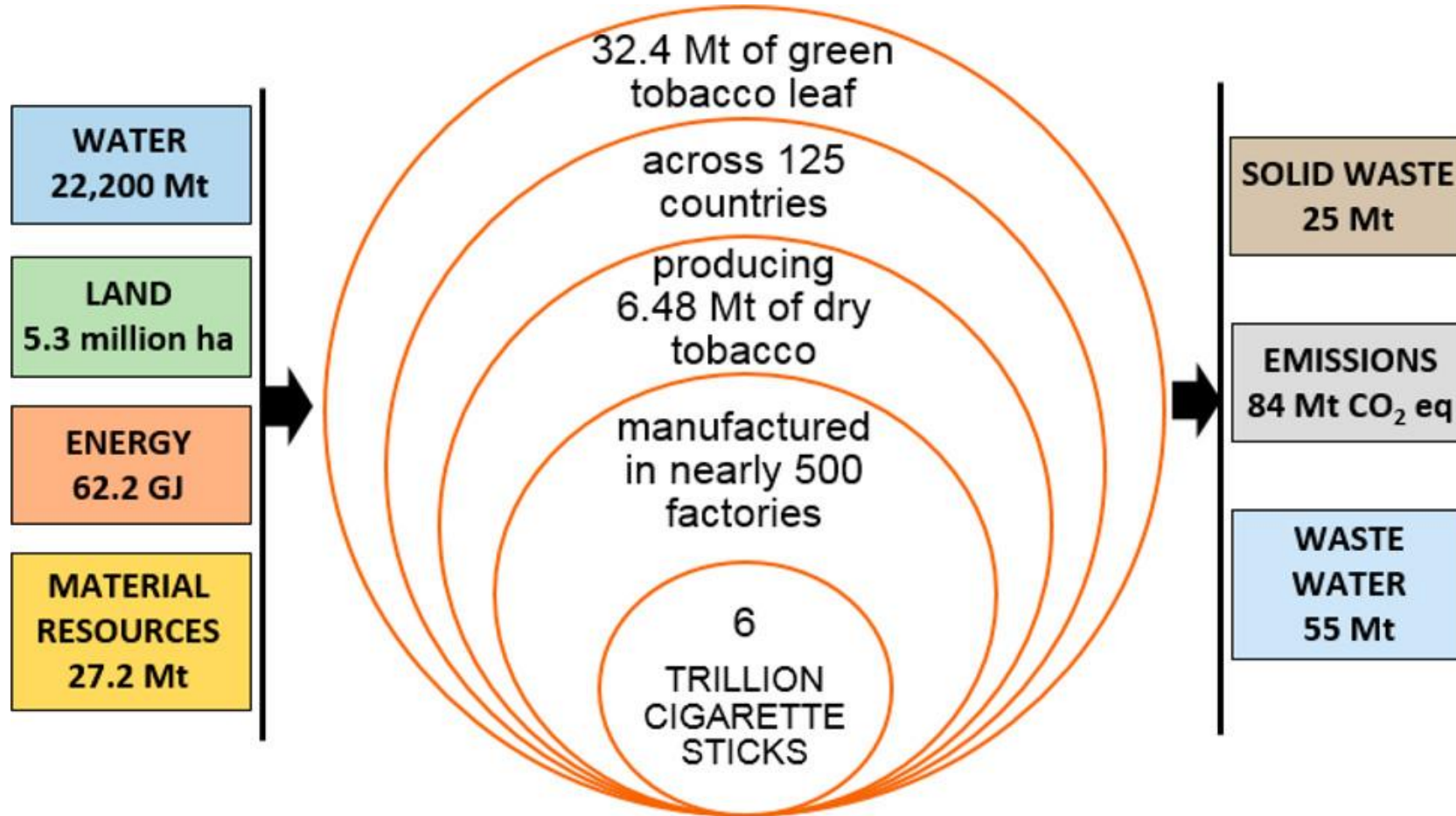
The exact amount of such waste produced from unrecycled vapes and e-cigarettes is hard to pin down. And the Environmental Protection Agency (EPA) does not have any data to quantify the volume of plastic waste produced by vapes, a spokesperson told The Hill.

But The Bureau of Investigative Journalism estimates in the United States, about five vapes are thrown away every second. That amounts to 150 million devices ending up in landfills or on the ground over the course of a year.

Source: [Why vapes and e-cigarettes are bad for the planet | The Hill](#)

TOBACCO PRODUCT POLLUTION

THE BIGGER PICTURE



UNREGULATED TOBACCO PRODUCT WASTE

- Resource Conservation and Recovery Act (RCRA)
- National Environmental Policy Act (NEPA)
- Toxic Substances Control Act (TSCA)
- Clean Water Act (CWA)



UNREGULATED TOBACCO PRODUCT WASTE

- Resource Conservation and Recovery Act (RCRA)
 - Little to no enforcement for e-waste
 - No (current) enforcement for cigarette butts
- National Environmental Policy Act (NEPA)
- Toxic Substances Control Act (TSCA)
- Clean Water Act (CWA)



UNREGULATED TOBACCO PRODUCT WASTE

- Resource Conservation and Recovery Act (RCRA)
- National Environmental Policy Act (NEPA)
 - Toothless reviews by FDA
- Toxic Substances Control Act (TSCA)
- Clean Water Act (CWA)



UNREGULATED TOBACCO PRODUCT WASTE

- Resource Conservation and Recovery Act (RCRA)
- National Environmental Policy Act (NEPA)
- Toxic Substances Control Act (TSCA)
 - Does not regulate tobacco products at all
- Clean Water Act (CWA)



UNREGULATED TOBACCO PRODUCT WASTE

- Resource Conservation and Recovery Act (RCRA)
- National Environmental Policy Act (NEPA)
- Toxic Substances Control Act (TSCA)
- Clean Water Act (CWA)
 - Covers acute sources of pollution, not diffuse sources (like TPW litter)



ENVIRONMENTAL INJUSTICE AND WASTE

- The concept of “away”
 - Incentivizes throw-away culture
 - Overburden some/underburden others
- Disparate municipal services
 - Street sweeping, garbage collection
 - Siting of landfills and incineration facilities

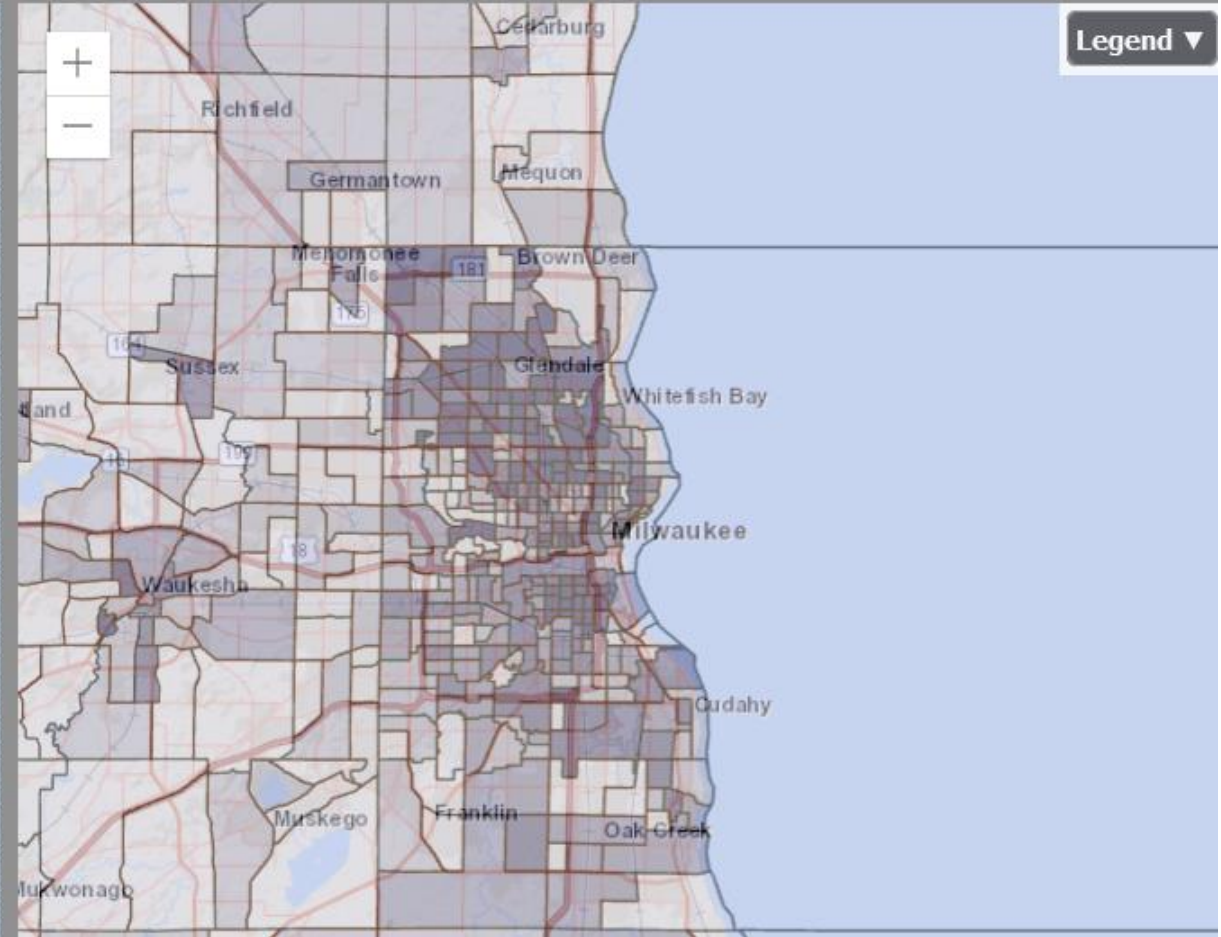
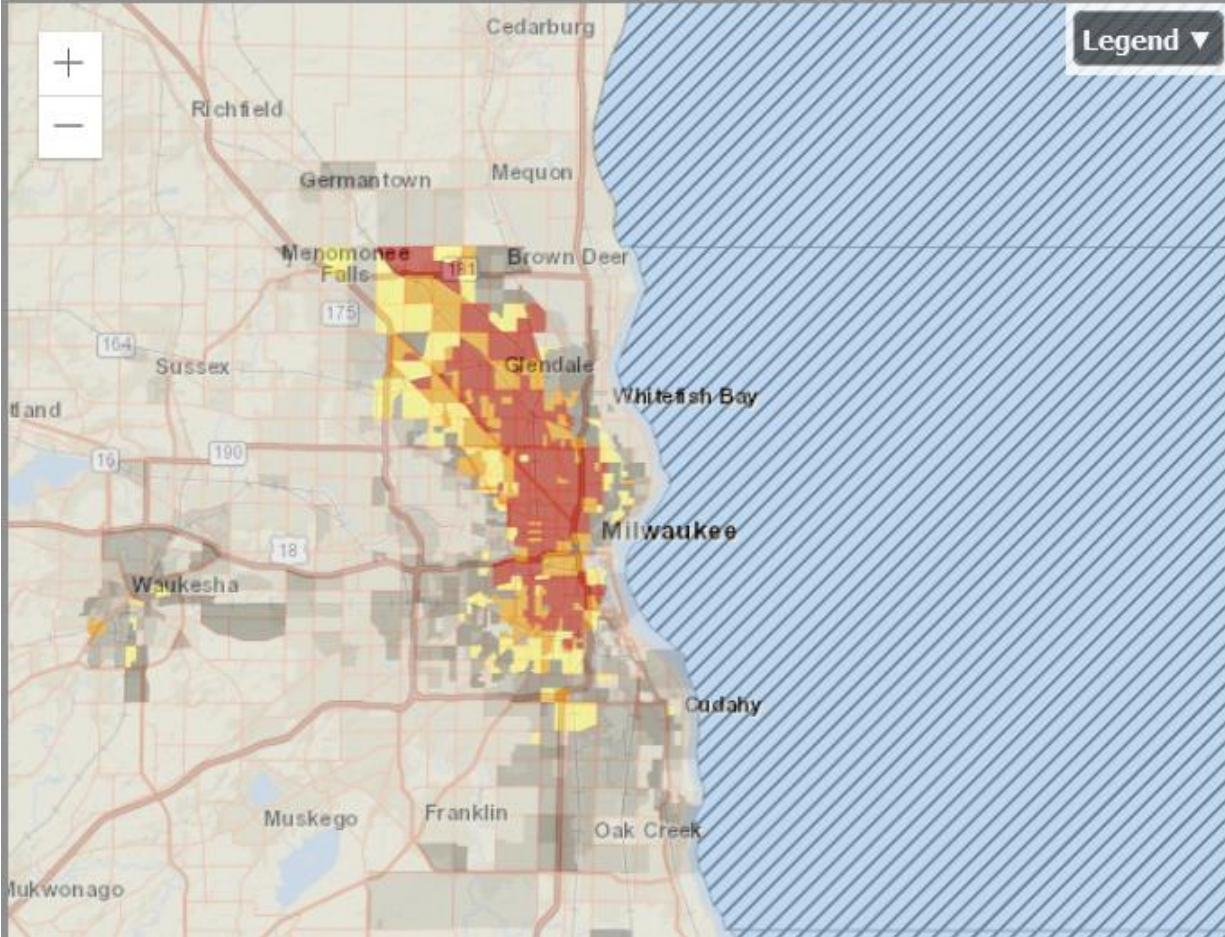


A compactor pushes loads of garbage at the Prairie View Landfill in Wilmington, Ill. (JOHN SMIERCIAK / Chicago Tribune)

Photo source: [chicagotribune.com](https://www.chicagotribune.com)

EJ Index for Hazardous Waste Proximity

Population Below Poverty Level -- 2017-2021 ACS



Policy solutions to manage TPW must keep in mind where this waste will be stored and disposed of

TOBACCO PRODUCT WASTE POLICY OPTIONS THAT CENTER ENVIRONMENTAL JUSTICE

- Cut it at the source
- Reduce the spread
- Push burdens onto the industry
- Make tangible investments



POLICY OPTIONS TO ADDRESS TPW

- Upstream
- Midstream
- Downstream



POLICY OPTIONS TO ADDRESS TPW

UPSTREAM SOLUTIONS

- Shift consumption patterns to reduce the source of the waste
 - Comprehensive Sales bans
 - Sales restrictions
 - Retailer location restrictions
 - Upstream educational campaigns



POLICY OPTIONS TO ADDRESS TPW UPSTREAM SOLUTIONS

- Manhattan Beach and Beverly Hills (Endgame)
- Brookline, MA (Nicotine Free Generation)
- Watsonville, CA and Massachusetts (e-cigarettes sales ban)
- New Orleans, LA, Washington, D.C. and Chicago, IL (school proximity)



POLICY OPTIONS TO ADDRESS TPW MIDSTREAM SOLUTIONS

- Midstream solutions impose additional costs or regulations on the consumption or retail of tobacco products
 - Fees and point-of-sale regulations
 - Manufacturer/retailer measures
 - Use restrictions



POLICY OPTIONS TO ADDRESS TPW MIDSTREAM SOLUTIONS

- Midstream solutions impose additional costs or regulations on the consumption or retail of tobacco products
 - Fees and point-of-sale deposits
 - Mitigation fees and/or taxes
 - Deposit/return schemes
 - Manufacturer/retailer regulations
 - Use restrictions



POLICY OPTIONS TO ADDRESS TPW MIDSTREAM SOLUTIONS

- Midstream solutions impose additional costs or regulations on the consumption or retail of tobacco products
 - Fees and point-of-sale regulations
 - Manufacturer/retailer regulations
 - Extended producer responsibility
 - Hazardous waste laws
 - Labeling /warning signs
 - Use restrictions



POLICY OPTIONS TO ADDRESS TPW MIDSTREAM SOLUTIONS

- Midstream solutions impose additional costs or regulations on the consumption or retail of tobacco products
 - Fees and point-of-sale regulations
 - Manufacturer/retailer regulations
 - Use restrictions
 - Clean air laws
 - Multi-unit housing smoke-free/tobacco-free laws



POLICY OPTIONS TO ADDRESS TPW

DOWNSTREAM SOLUTIONS

- Downstream solutions mitigate, manage, or propose ways to clean up TPW *after* it has been created
 - Cleanups
 - Waste receptacles
 - Recycling
 - Penalties for littering



Cigarette butts are turned into mosquito repellent and stuffing for soft toys at this Indian factory



At Gupta's factory on the outskirts of the Indian capital, workers also separate out the butts' **tobacco**, which is turned into compost powder.

His company - Code Effort - has **recycled** over 300 million cigarette butts from the city streets so far.



Recycled fibre made from cigarette filter tips is seen in a cotton gin machine at a cigarette butt recycling factory in Noida, India. - REUTERS/Anushree Fadnavis

Source: [Cigarette butts are turned into mosquito repellent and stuffing for soft toys at this Indian factory | Euronews](#)

POLICY OPTIONS TO ADDRESS TPW DOWNSTREAM SOLUTIONS

E-Cigarette Waste Disposal Kit Supplies

	<p>Used Battery Container one per site 9.75"Lx7.75"Wx9.625"H PIG: DRM136; Grainger Item: 381PS1</p>		<p>Nitrile or latex gloves keep a few pairs on site</p>		<p>Vaping Guidelines Sticker 5"x5" Matte white Vinyl Sticker one per bin</p>
	<p>Hazardous Waste Label one per bin</p>		<p>Clear sealable bags keep a few bags on site</p>		<p>Vape Bin Fill Line Sticker 4"x2" Clear Stickers</p>

To request supplies, contact the Tobacco Education and Prevention Partnership at 303.413.7567

Learn More
Nicotine Exposure or Poisoning: Call Poison Control at 1.800.222.1222
Disposal: Call Environmental Services at 720.561.5693
Hazardous Materials: Boulder County Hazardous Materials Management Facility at 720.564.2243
Tobacco or Vaping and Health: Call Boulder County Public Health at 303.413.756H



VAPE AWARE
Your environment • Your responsibility
Boco.org/VapeAware



BOULDER COUNTY
PUBLIC HEALTH
Occasionally for a healthy life



Credit: Boulder County, CO, [Electronic Device Disposal Guide for Schools](#)

LITIGATION

BALTIMORE V. PHILIP MORRIS USA, INC ET. AL.

- City sued tobacco companies over cigarette butt litter
- Asking court for costs of cleanup and an order to stop selling plastic cigarettes in Baltimore
- In early stages, but similar suits are possible



JUUL SETTLEMENT FUNDS

- AG settlements
 - 33-state
 - 7-state
 - Individual states
- MDL settlement



*Juul Waste Photo by Jeremiah Mock

POLICY OPTIONS TO ADDRESS TPW

Upstream: Politically difficult, but most efficient and equitable

Midstream: varying degrees of feasibility and effectiveness, require significant investment

Downstream: Politically feasible, but on their own least effective or equitable





QUESTIONS



MORE MATERIALS AVAILABLE

- PHLC Tobacco Product Waste Policy [Toolkit](#) and [overview FAQ](#)
- Truth Initiative [Report](#)
- [PIRG report on Vape Waste](#)
- [White Paper](#)
- Boulder County [Vape Aware Toolkit](#)
- [FDA best practices and guidance document for schools](#)
- Utah [schools guidance document](#) and [e-cigarette disposal for retailers pamphlet](#)
- Tobacco Free Colorado-specific [guidance](#)

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