

# Tobacco Product Waste (TPW) Policy Options Chart

Policy	Pros	Cons
<b>Tobacco Product Sales Restrictions</b>		
<p>Prohibit the sale of ALL single-use plastic tobacco products</p>	<ul style="list-style-type: none"> <li>• Upstream solution that reduces the problem at its source</li> <li>• Prohibits the sale of the majority of tobacco products</li> <li>• Highest impact source reduction for microplastics</li> <li>• Can enforce through existing Tobacco Retail License (TRL)</li> <li>• Places responsibility on the industry</li> <li>• Helps to meet California Clean Water Act trash amendment requirements</li> <li>• Potential for positive public relations/tourism impact (family friendly, pro-environment)</li> <li>• Fiscal savings for city services for clean-up efforts (storm and wastewater maintenance, anti-litter group efforts)</li> <li>• Fiscal savings for healthcare related services if policy reduces cigarette use and tobacco-related death/disease/health disparities</li> </ul>	<ul style="list-style-type: none"> <li>• Most likely to invite industry pushback including legal challenges</li> <li>• Loss of tobacco sales tax revenue</li> <li>• High impact on tobacco retailers</li> <li>• No jurisdictions have enacted such a policy</li> <li>• Need to write strong definitions to incorporate all intended products; poor definitions could lead to limited efficacy or industry manipulation</li> <li>• Does not stop smokers from using or improperly disposing of products purchased out of jurisdiction</li> <li>• Potential negative impacts on tourism for tourists who want to purchase certain tobacco products</li> </ul>
<p>Prohibit the sale of single-use cigarette</p>	<ul style="list-style-type: none"> <li>• Upstream solution that reduces the problem at its source</li> </ul>	<ul style="list-style-type: none"> <li>• Likely to invite industry pushback including legal challenges</li> </ul>

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<p>filters (i.e., cigarette butts)</p>	<ul style="list-style-type: none"> <li>• Essentially prohibits cigarette sales</li> <li>• High impact source reduction for microplastics– most littered item on the planet</li> <li>• Can enforce through existing protocols (TRL)</li> <li>• Places responsibility on the industry</li> <li>• Helps to meet California Clean Water Act trash amendment requirements</li> <li>• Potential for positive public relations/tourism impact (family friendly, pro-environment)</li> <li>• Fiscal savings for city services for cleanup efforts (storm and wastewater maintenance, anti-litter group efforts)</li> <li>• Fiscal savings for healthcare related services if policy reduces cigarette use and tobacco-related disease/death</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of cigarette sales tax revenue</li> <li>• High impact on tobacco retailers with high percentage of cigarette sales</li> <li>• No jurisdictions have yet enacted such a policy</li> <li>• Does not include all tobacco products that contribute to plastic waste</li> <li>• Does not stop smokers from using or improperly disposing of cigarettes purchased out of jurisdiction</li> <li>• Potential negative impacts on tourism for tourists who want to purchase cigarettes</li> </ul>
<p>1. Prohibit the sale of Electronic Smoking Devices (ESD)</p> <p style="text-align: center;">or</p> <p>2. Prohibit the sale of single-use ESD</p>	<ul style="list-style-type: none"> <li>• Upstream solution</li> <li>• Medium impact source reduction (does not include cigarettes)</li> <li>• Can enforce through existing protocols (TRL)</li> <li>• Places responsibility on the industry</li> <li>• Potential for positive public relations/tourism impact (family friendly, pro-environment)</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of ESD sales tax revenue</li> <li>• High impact on tobacco retailers with high percentage of ESD sales</li> <li>• Does not stop smokers/vapers from using or improperly disposing of ESD products purchased out of jurisdiction</li> <li>• Doesn't reduce cigarette butts, the most littered product</li> </ul>

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<p>(e.g., Puff Bar, Elio, VaporLax, etc.)</p>	<ul style="list-style-type: none"> <li>• Less likely to invite industry pushback/legal challenges</li> <li>• Precedence: 30+ California jurisdictions have enacted</li> <li>• Fiscal savings for city services for cleanup efforts (e.g., stormwater and wastewater maintenance, anti-litter group efforts, etc.)</li> <li>• Fiscal savings for healthcare related services if policy reduces ESD use and tobacco-related disease/death</li> </ul>	<ul style="list-style-type: none"> <li>• Option 2 would still allow non-single use ESDs to be sold</li> <li>• Potential negative impacts on tourism for tourists who want to purchase ESDs</li> <li>• Will have less of an environmental impact than a policy to prohibit the sale of cigarette filters or all ESDs</li> </ul>
<p>Prohibit the sale of other tobacco products that create plastic waste (e.g., lighters, packaging, cigar tips, etc.)</p>	<ul style="list-style-type: none"> <li>• Upstream solution</li> <li>• Can enforce through existing protocols (TRL)</li> <li>• Flexible in terms of products included</li> <li>• Places responsibility on the industry</li> <li>• Less likely than a filter or ESD ban to invite industry pushback/legal challenges</li> </ul>	<ul style="list-style-type: none"> <li>• Low impact source reduction</li> <li>• Does not stop smokers from using or improperly disposing of products purchased out of jurisdiction</li> <li>• No jurisdictions have yet enacted such a policy</li> <li>• Doesn't directly address the tobacco products themselves and therefore doesn't reduce the largest contributors of TPW</li> <li>• Minimal fiscal savings for city services for cleanup efforts</li> </ul>

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Hazardous Waste Regulation on Tobacco Products		
<p>Require hazardous waste tracking, handling, and signage for nicotine and electronic waste at point of sale</p>	<ul style="list-style-type: none"> <li>• Upstream Solution</li> <li>• Minimal loss of sales tax revenue</li> <li>• Helps to meet California Clean Water Act trash amendment requirements</li> <li>• Precedence: state and federal laws on the handling of other hazardous waste materials</li> <li>• Places responsibility on the tobacco retailer</li> </ul>	<ul style="list-style-type: none"> <li>• Doesn't address cigarettes, the largest form of tobacco waste</li> <li>• Doesn't get tobacco products off the market and out of the environment</li> <li>• Requires new and significant enforcement protocols</li> <li>• Requires cooperation from tobacco retailers for hazardous waste compliance, training, signage, disposal, etc.</li> <li>• Potential upfront cost to tobacco retailers to comply with new protocols</li> <li>• Requires cooperation from hazardous waste agencies</li> <li>• Requires working with licensing agencies or training enforcement agencies</li> <li>• Potential cost for city to enforce these new regulations</li> </ul>

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Environmental Justice in Tobacco Retailer Location and Density		
<p>Remedy disproportionate exposure to TPW through density restrictions in low-income and minority communities</p>	<ul style="list-style-type: none"> <li>• Upstream Solution</li> <li>• Limit location and density of <b>future</b> tobacco retailers</li> <li>• Can be enforced through existing protocols (TRL)</li> <li>• May reduce youth tobacco access, marketing and consumption</li> <li>• Precedence for density and zoning policies</li> <li>• Policies reducing the number of tobacco retailers close to youth sensitive areas are often politically viable</li> <li>• Significant environmental justice benefits if policy prohibits retailers from locating in certain high impact communities or if caps on density spread the geographic burden equally</li> </ul>	<ul style="list-style-type: none"> <li>• No impact to <b>current</b> tobacco retailer density or improper disposal</li> <li>• Minimal responsibility on the industry</li> <li>• Potential loss in tobacco sales tax revenue</li> <li>• GIS mapping of a retailer landscape can be expensive and difficult</li> <li>• Density/zoning policies can take years before having an impact</li> </ul>

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Other Approaches		
<p>TPW mitigation fee on tobacco products</p>	<ul style="list-style-type: none"> <li>• Provides revenue stream for existing cleanup efforts (i.e., collects funding for proper disposal and administration of program)</li> <li>• May help lower tobacco purchase and use rates if tax is high enough to deter purchase</li> </ul>	<ul style="list-style-type: none"> <li>• Midstream solution</li> <li>• Does not eliminate tobacco product waste or stop users from purchasing tobacco products in other jurisdictions</li> <li>• No responsibility on the industry</li> <li>• California Prop 26 requires 2/3 super majority approval of the local electorate on any local fees/taxes (so fee would need to be structured accordingly)</li> <li>• Potential legal challenges as California law prohibits the imposition of local tobacco taxes</li> <li>• Keeps responsibility for physical cleanup on government and voluntary groups</li> <li>• Potential impacts to tourism as tax would be born on anyone purchasing tobacco products</li> <li>• Regulatory framework would need to require money collected from fee to be used on tobacco waste cleanup and collection</li> </ul>
<p>Deposit/Return programs on ESD products (Extended Producer Responsibility or EPR)</p>	<ul style="list-style-type: none"> <li>• May help lower ESD purchase rates and tobacco use rates if deposit is high enough to deter purchase</li> <li>• Deposit and return programs have been successful for other types of products</li> </ul>	<ul style="list-style-type: none"> <li>• Midstream solution</li> <li>• Does not place responsibility on the industry</li> <li>• Doesn't work for all tobacco products (including cigarette butts or all types of ESDs)</li> <li>• Requires new and significant enforcement protocols</li> </ul>

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		<ul style="list-style-type: none"><li>• Requires cooperation of tobacco retailers and users for proper collection and disposal</li><li>• Needs significant staff oversight</li><li>• Difficult to administer due to complications of disposing of used ESDs</li><li>• May need to develop hazardous waste protocols for product return and disposal</li><li>• Fee would need to be accurately set to encourage return of the devices</li><li>• No existing data to show efficacy of such a policy Risk of putting the returned product out of sight/out of mind and thus encourage continued consumption and use</li></ul>
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