

General Plan Public Comment Toolkit



2025



**PUBLIC HEALTH
LAW CENTER**
at Mitchell Hamline School of Law



SIERRA CLUB
MOTHER LODGE

RISE 
Rural Initiatives Strengthening Equity

Overview

Participating in the general plan update process offers tobacco prevention projects and coalitions an opportunity to contribute to the public discourse and visioning of their community's future development. Ensuring health and tobacco-related issues are included in this conversation can be key to future policy success.

Who is this Toolkit for?

This toolkit is designed for CTPP project staff and coalition members who are interested in participating in their local general plan cycle and have a foundational understanding of general plans.

For an introduction to General Plans, see [PHLC General Plans and Tobacco Control in California](#) and CTPP's General Plans focus area in *Partners*.



What this Toolkit Provides

This toolkit offers information, resources, and examples to help create written and verbal public comments to be presented to local decision-making bodies.

Important Considerations

Each community has its own way of organizing their general plan, with significant variation from one community to another. As opposed to a plug-in model ordinance, the language in this toolkit is designed as a guide and not intended to be definitive or precise for every community.

This toolkit is for informational purposes and should not be considered legal advice. If you require a specific legal opinion, we encourage you to consult with local counsel.

Suggested Community Engagement

Tobacco project staff are encouraged to attend local planning commission and general plan update meetings and engage in conversations with planning staff, stakeholders, and community members for many reasons, including determining community readiness for the goals and policies in this toolkit.

How the Information is Organized

Because not all general plan updates include all elements, this toolkit is organized by tobacco-related topic. Each topic is then divided into sections that cover pertinent general plan elements where the tobacco-related topic can be addressed.

On the next page is a template showing how each section is organized. Following that is a table of contents for quick access to tobacco-related topics and general plan elements.

**This document utilizes CTPP's definition of tobacco product, which refers to all products intended for human consumption that are made or derived from tobacco or nicotine, whether natural or synthetic. When the word 'tobacco' is used throughout this toolkit, it is used to refer to tobacco in a commercial context. Commercial tobacco is manufactured with chemical additives for recreational use and profit, resulting in disease and death. By contrast, traditional tobacco is and has been used in sacred ways by Indigenous communities and tribes for centuries. For more information, visit <http://keepitsacred.itcml.org>.*

***This toolkit is for informational purposes and should not be considered legal advice. If you require a specific legal opinion, we encourage you to consult with local counsel.*

Topic Layout Template

Tobacco-related Topic

This area indicates which element(s) may be used to address the tobacco-related topic. Elements may be combined when there is significant overlap.

Applicable Element(s)	The element(s) that can be used to address the topic area. <i>NOTE: Not all communities are required to have an Environmental Justice Element, though environmental justice-related concerns are crucial and can be addressed in other elements. Therefore, you will see environmental justice-related information in each element grouping.</i>
Legal Requirement Summary	Federal and State statutes codify mandatory element requirements. The requirements that relate to commercial tobacco are summarized in plain language, with links and references to the specific legal codes for more details.
How Tobacco Prevention Priority Areas Can Be Addressed	Current CTPP Priority Areas: Area 1: Counter Pro-tobacco Influences Area 2: Reduce Secondhand Smoke Exposure Area 3: Reduce the Availability of Tobacco Products Area 4: Promote Tobacco Cessation. This section will note the relevant priority areas within this element and, <i>in italics</i>, how the best practice goals and policies can address it.
Evidence	Outlines the topic-related problem and citations for data that support the problem.
Relevant Resources	Additional resources that support the topic and element.
Best Practice Language	Language that a project/coalition can offer through the written public comment period. Included are the goals and policies that are the most protective of public health (End Game) followed by those that reduce accessibility and exposure to tobacco products. NOTE: End Game language is denoted with a . Depending on community readiness, projects are encouraged to advocate for the most protective goals and policies. As opposed to plug-in model ordinance language, general plans vary from community to community. The best practice goals and policies listed here can be offered in written public comments with the understanding they may need to be modified and tailored by planning staff to fit your general plan format. Technical assistance, may be available through the Public Health Law Center.
Sample Verbal/ Written Public Comment Excerpt	Common language that can be used for providing verbal/written public comments to a governing body, such as a board of supervisors, city council, or planning commission. Can be used in conjunction with Creating Verbal Public Comments for a General Plan/Element Update Guide found on the RISE website.
References	Sources and citations for the information presented.

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• Element Grouping 2: TBD	X

Tobacco/Nicotine Product Waste (TPW)

Tobacco Product Waste (TPW) is generally recognized as pollution or trash from tobacco products, such as cigarette butts, vapes, oral nicotine pouches, cigarillo tips, and any product packaging. It is pervasive and persistent in our communities and can be addressed in multiple mandated elements, including *Safety*, *Land Use*, *Open Space*, *Conservation*, and the sometimes-mandated *Environmental Justice Element*. Additionally, TPW can be addressed in optional elements like *Agriculture*, *Economic Development*, and *Health*.

Applicable Element(s)	Land Use, Environmental Justice
Legal Requirement Summary	The primary function of the General Plan's Land Use Element is to lay out a pattern for a city or county's future development. It must address the type, intensity, and distribution of land uses within the jurisdiction and among other things, should be consistent with the natural resources conservation requirements of the Conservation Element. The Land Use Element should also reflect the community's vision; promote thoughtful, equitable, and accessible distribution of different land uses, including residential, commercial, industrial, agricultural and open space; and align well with other general plan elements." Gov. Code § 65302(a).¹ The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civil engagement in the public decision-making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California EPA (see mapping tool) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).¹
How Tobacco Prevention Priority Areas Can Be Addressed	Area 1: Counter pro-tobacco influences by <i>reducing retailer proximity to environmental and youth-sensitive areas</i>. Area 2: Reduce exposure to secondhand smoke <i>and tobacco product waste</i> by <i>reducing retailers, retailer density, and proximity to sensitive areas</i>. Area 3: Reduce the availability of tobacco products by <i>reducing retailer density, particularly among priority populations</i>.
Evidence	• Tobacco product waste aggregates where tobacco retail stores are sited.^{2,3} • Tobacco retail establishments are more densely located in low-income and communities of color.^{4,5} These communities are disproportionately designated as disadvantaged communities as defined by Gov. Code § 65302(h)¹ due to their higher exposure to various environmental hazards.⁶ • Cigarette butts are made up of thousands of plastic microfibers that contain thousands of toxic and carcinogenic chemicals from commercial tobacco smoke, such as nicotine, pesticides, polycyclic aromatic hydrocarbons (PAHs), arsenic, and heavy metals such as lead and cadmium.⁷

Evidence (continued)	- Discarded nicotine e-liquid is legally classified as an acute hazardous waste under the federal Resource Conservation and Recovery Act (RCRA) and California law, because human exposure to it, even in small quantities, can cause death or permanent injury/illness.^{8,9} This is the case regardless of whether the products are spent or if they are unused in their original packaging.^{9,10,11} - E-cigarettes can also be known to use lithium-ion batteries, chargers, and atomizers. These items contain nonrenewable metals and chemicals that are toxic to landfills, so they should be handled as either recyclable e-waste or characteristic hazardous waste, where they cannot be recycled.¹² - There is currently no safe procedure established for consumers to dispose of commercial tobacco products.¹³ - Studies have estimated the economic cost attributable to tobacco litter to be between \$4.7 million and \$90 million for large cities. These estimates do not factor in e-cigarette waste, which is more complex and costly to manage.¹⁴
Relevant Resources	CalEnviroScreen Data Report https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40 CalEnviroScreen Data Dashboard https://experience.arcgis.com/experience/6b863505f9454cea802f4be0b4b49d62 Tobacco Retailer Mapping Tool https://cthat.org
Best Practice Language	EG Goal: Phase out all commercial tobacco sales. EG Policy Adopt an ordinance prohibiting any commercial tobacco sales by [date]. EG Policy (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses; discontinue any renewals by [date]. EG Policy: Remove any existing land use designation that permits tobacco retailer establishments. Goal: Reduce tobacco retailer proximity to and density near open space and disadvantaged communities. Policy: Restrict New Commercial Tobacco Retailers. Discourage new tobacco retail establishments (i.e., smoke shops, vape shops, grocery stores that sell tobacco products) to prevent addiction, encourage cessation, and reduce exposure to environmental hazards. Policy: Cap the number of licenses issued in regions that meet the definition of “disadvantaged communities.” Licenses may be capped at zero (0), meaning no new license shall be issued. Policy: Prohibit tobacco retailers from being located within one thousand (1,000) feet of one another. Policy: Limit tobacco retailers within one thousand (1,000) feet of youth-populated areas such as schools, parks, and/or childcare. Policy: Restrict commercial tobacco retailers from operating within one thousand (1,000) feet of important open spaces.

Sample Verbal/ Written Public Comment Excerpt	<i>Tobacco smoke contains over 4,000 chemical compounds, of which over 60 are known carcinogens. The EPA has classified nicotine as an “acute hazardous waste.” Nicotine and other leachates seep into groundwater, posing a considerable risk of contaminating the food we consume and the water we ingest, bathe, and recreate in. Pets, wildlife, and people that ingest or handle tobacco product waste are at risk of poisoning.</i> <i>Studies indicate tobacco product waste aggregates where tobacco retail stores are sited. Once littered, these items are difficult and costly to clean up and a significant portion will inevitably remain in the environment. Even when disposed of properly, these products release secondhand and thirdhand smoke and aerosols, which contaminate and degrade our land and waters.</i> <i>With all of this in mind, and to meet our legal obligation for the land use element to lessen harm of our natural resources, it's important for our community to make sure that the concentration and location of these retail sites and products are not situated near vulnerable areas, such as the spaces where our young people spend time, where our food is grown, where families recreate and live, particularly those experiencing higher exposure to toxic hazards.</i>
References	1. Cal Gov Code § 65302 (Amended 2024). 2. Araújo MCB, Costa MF. A critical review of the issue of cigarette butt pollution in coastal environments. <i>Environ Res.</i> 2019;172:137-149. doi:10.1016/j.envres.2019.02.005. 3. Marah M, Novotny TE. Geographic patterns of cigarette butt waste in the urban environment. <i>Tob Control.</i> 2011;20 Suppl 1(Suppl_1):i42-i44. doi:10.1136/tc.2010.042424. 4. Lowe AT, Maki A, Figueroa C, Venugopal PD. Place-based estimates of cigarette butt litter raise environmental justice concerns in the United States. <i>PLoS One.</i> 2024;19(8):e0308930. Published 2024 Aug 15. doi:10.1371/journal.pone.0308930. 5. Kong AY, Delamater PL, Gottfredson NC, Ribisl KM, Baggett CD, Golden SD. Neighborhood Inequities in Tobacco Retailer Density and the Presence of Tobacco-Selling Pharmacies and Tobacco Shops. <i>Health Educ Behav.</i> 2022;49(3):478-487. doi:10.1177/10901981211008390. 6. Flegal C, Rice S, Mann J, Tran J. California unincorporated: Mapping disadvantaged communities in the San Joaquin Valley. <i>Policy Link</i>; 2013. [Accessed April 28, 2025]. https://www.policylink.org/sites/default/files/CA%20UNINCORPORATED_FINAL.pdf. 7. Acarer Arat S. A review on cigarette butts: Environmental abundance, characterization, and toxic pollutants released into water from cigarette butts. <i>Sci Total Environ.</i> 2024;928:172327. doi:10.1016/j.scitotenv.2024.172327. 8. Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof, 40 CFR § 261.33 (2025). [Accessed April 30, 2025]. https://www.ecfr.gov/current/title-40/section-261.33. 9. Cal Code Regs 22 § 66261.33 (Barclays 2025). 10. Cal Code Regs 22 § 66261.7 (Barclays 2025). 11. "Letter from Barnes Johnson, EPA, to Daniel K. DeWitt (May 8, 2015), https://rcrapublic.epa.gov/files/14850.pdf". 12. Hendlin YH. Alert: Public Health Implications of Electronic Cigarette Waste. <i>Am J Public Health.</i> 2018;108(11):1489-1490. doi:10.2105/AJPH.2018.304699. 13. World Health Organization. Tobacco and its environmental impact: an overview. 2017. [Accessed April 30, 2025]. https://www.who.int/publications/i/item/9789241512497. 14. Schneider JE, Scheibling CM, Peterson NA, Granados PS, Fulton L, Novotny TE. Online Simulation Model to Estimate the Total Costs of Tobacco Product Waste in Large U.S. Cities. <i>Int J Environ Res Public Health.</i> 2020;17(13):4705. Published 2020 Jun 30. doi:10.3390/ijerph17134705.

Applicable Element(s)	Conservation, Open Space, Agriculture, Environmental Justice
Legal Requirement Summary	The Conservation Element focuses on the conservation and sustainable development and utilization of natural resources, and the prevention of their wasteful exploitation, degradation, and destruction. Natural resources include the jurisdiction's "water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources." Gov. Code § 65302(d).¹ The Open Space Element is meant "to assure that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved wherever possible." The value of open-space land resources refers to their value when used in an undeveloped form, as opposed to its value for development. Open-space uses include the following: the preservation of natural resources (e.g., wildlife habitats, shores, bodies of water, and watersheds); managed production (e.g., commercial fisheries, agricultural lands, rangeland); outdoor recreation; public health and safety (e.g., areas presenting high fire risk); tribal resources (e.g., religious or ceremonial sites); and military-adjacent lands. Gov. Code § 65560(h),² § 65562.³ The Agriculture Element is an optional element that may be developed to promote local agriculture, support long-term protection of agricultural land, and minimize the encroachment of urban development. Protection of agricultural land can also be addressed within the Open Space Element. If adopted as a separate element, its requirements include the identification and designation of priority land for agricultural conservation, cooperating with other public agencies and agricultural associations to protect that land, and establishing partnerships for their long-term protection and stewardship. Gov. Code § 65565.⁴ The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civil engagement in the public decision-making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California EPA (see SB 535 Mapping Tool) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).¹
How Tobacco Prevention Priority Areas Can Be Addressed	Area 1: Counter pro-tobacco influences by <i>reducing concentration of retail establishments near environmentally sensitive areas.</i> Area 2: Reduce exposure to secondhand smoke thirdhand smoke, <i>and tobacco product waste through restrictions on use near open spaces.</i> Area 4: Promote tobacco cessation <i>through requiring no smoking signage that includes cessation resource information.</i>

Evidence	• Tobacco product waste contaminates water and soil and harms wildlife.^{5,6} • Cigarette butts are made up of thousands of plastic microfibers that contain thousands of toxic and carcinogenic chemicals from commercial tobacco smoke, such as nicotine, pesticides, polycyclic aromatic hydrocarbons (PAHs), arsenic, and heavy metals such as lead and cadmium.⁷ • E-cigarette and vape e-liquids contain nicotine, which when discarded is legally classified as an acute hazardous waste under the federal Resource Conservation and Recovery Act (RCRA) and California law, because human exposure to it, even in small quantities, can cause death or permanent injury/illness.^{8,9} • This is the case regardless of whether the products are spent or if they are unused in their original packaging.^{9,10} • E-cigarettes can also be known to use lithium-ion batteries, chargers, and atomizers. These items contain nonrenewable metals and chemicals that are toxic to landfills, so they should be handled as either recyclable e-waste or characteristic hazardous waste where they cannot be recycled.¹¹ • Tobacco product waste aggregates where tobacco retail stores are sited.^{12,13} • There is currently no safe procedure established for consumers to dispose of commercial tobacco products.¹⁴ • Studies have estimated the economic cost attributable to tobacco litter to be between \$4.7 million and \$90 million for large cities. These estimates do not factor in e-cigarette waste, which is more complex and costly to manage.¹⁵ (NOTE: While specific data on rural communities is lacking, these communities may have even greater difficulty shouldering the economic costs of TPW cleanup than larger cities.)
Relevant Resources	CalEnviroScreen Data Report https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40 CalEnviroScreen Data Dashboard https://experience.arcgis.com/experience/6b863505f9454cea802f4be0b4b49d62 SB 535 Disadvantaged Communities Mapping Tool https://oehha.ca.gov/calenviroscreen/sb535 Tobacco Retailer Mapping Tool (CTHAT) https://cthat.org Cleanup Toolkit https://static1.squarespace.com/static/6131305e74b368742c8688d0/t/660ee12e439e12280f2005da/1712251182355/SC+TPW+Clean+Up+Toolkit.pdf Tobacco Product Waste in California: A White Paper https://merg.sdsu.edu/wp-content/uploads/2022/05/Tobacco-Product-Waste-in-California_-A-White-Paper.pdf Thirdhand Smoke Resource Center https://thirdhandsmoke.org

Best Practice Language

EG Goal: Phase out all commercial tobacco sales.

EG Policy Adopt an ordinance prohibiting any commercial tobacco sales by [date].

EG Policy (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses; discontinue any renewals by [date].

Goal: Protect important open spaces by preventing commercial tobacco litter pollution and engaging in mitigation activities to clean up existing waste.

Policy: Restrict tobacco retailers from operating within one thousand (1,000) feet of important open spaces.

Policy: Require the adoption of a comprehensive smoke- and tobacco-free spaces ordinance. As part of a smoke- and tobacco-free spaces ordinance, prohibit ash receptacles in areas where smoking and tobacco use is prohibited to prevent accidental transport of tobacco waste into the environment by wind and other environmental factors.

Policy: Where smoking and tobacco use is prohibited, post multilingual signage in open spaces stating: "Tobacco products contain heavy metals and known carcinogens. Nicotine is a highly toxic and addictive chemical, which is classified as an acute hazardous waste under federal law. Littered tobacco and nicotine products pollute land and water and can poison children, pets, and wildlife. We thank you for keeping our environment clean and our wildlife and families safe by refraining from using tobacco products in this area." Include information about cessation such as the contact information for Kick It California and/or a local cessation resource.

Policy: Collaborate with organizations not affiliated with the tobacco industry to host periodic tobacco litter cleanup events in important open spaces to mitigate existing waste. Encourage organizations to collect relevant data, such as quantity and type of littered items and time spent.

Policy: Prohibit the sale of tobacco and nicotine products generally recognized as single-use, such as single-use electronic smoking devices (commonly known as 'vapes'); "filtered" cigarettes; little cigars, cigarillos, and cigars with tips; snus; and oral pouches.

Sample Verbal/ Written Public Comment Excerpt

Tobacco smoke contains over 4,000 chemical compounds, of which over 60 are known carcinogens. Additionally, the EPA has classified nicotine as an "acute hazardous waste." Nicotine and other leachates seep into groundwater, posing a considerable risk of contaminating the food we consume and the water we ingest, bathe, and recreate in. Pets, wildlife, and people that ingest or handle tobacco product waste are at risk of poisoning. Studies indicate tobacco product waste accumulates where tobacco retail stores are sited. Once littered, these items are difficult and costly to clean up and a significant portion will inevitably remain in the environment. Even when disposed of properly, these products release secondhand and thirdhand smoke and aerosols, which contaminate and degrade our land and waters. With all of this in mind, it's important for our community to make sure that the use and disposal of these products do not happen near our precious open spaces—including where we live, grow food, and recreate. These efforts are consistent with and help us meet our [city's/county's] legal obligation under the conservation and open space element statutes to prevent the degradation and destruction of our natural resources and to preserve our undeveloped open space lands in their natural state.

References

1. Cal Gov Code § 65302 (Amended 2024).
2. Cal Gov Code § 65560 (Amended 2017).
3. Cal Gov Code § 65562 (1970).
4. Cal Gov Code § 65565 (2017).
5. Truth Initiative. Tobacco and the environment. April 26, 2023. [Accessed April 30, 2025]. <https://truthinitiative.org/research-resources/harmful-effects-tobacco/tobacco-and-environment>.
6. World Health Organization. Tobacco: poisoning our planet. 2022. [Accessed April 30, 2025]. <https://iris.who.int/bitstream/handle/10665/354579/9789240051287-eng.pdf?sequence=1>.
7. Acarer Arat S. A review on cigarette butts: Environmental abundance, characterization, and toxic pollutants released into water from cigarette butts. *Sci Total Environ*. 2024;928:172327. doi:10.1016/j.scitotenv.2024.172327.
8. Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof, 40 CFR § 261.33 (2025). [Accessed April 30, 2025]. <https://www.ecfr.gov/current/title-40/section-261.33>.
9. Cal Code Regs 22 § 66261.33 (Barclays 2025).
10. Cal Code Regs 22 § 66261.7 (Barclays 2025).
11. Hendlin YH. Alert: Public Health Implications of Electronic Cigarette Waste. *Am J Public Health*. 2018;108(11):1489-1490. doi:10.2105/AJPH.2018.304699.
12. Araújo MCB, Costa MF. A critical review of the issue of cigarette butt pollution in coastal environments. *Environ Res*. 2019;172:137-149. doi:10.1016/j.envres.2019.02.005.
13. Marah M, Novotny TE. Geographic patterns of cigarette butt waste in the urban environment. *Tob Control*. 2011;20 Suppl 1(Suppl_1):i42-i44. doi:10.1136/tc.2010.042424.
14. World Health Organization. Tobacco and its environmental impact: an overview. 2017. [Accessed April 30, 2025]. <https://www.who.int/publications/i/item/9789241512497>.
15. Schneider JE, Scheibling CM, Peterson NA, Granados PS, Fulton L, Novotny TE. Online Simulation Model to Estimate the Total Costs of Tobacco Product Waste in Large U.S. Cities. *Int J Environ Res Public Health*. 2020;17(13):4705. Published 2020 Jun 30. doi:10.3390/ijerph17134705.

Applicable Element(s)	Safety, Environmental Justice
Legal Requirement Summary	The Safety Element requires cities and counties to anticipate and plan for the consequences of possible natural disasters and to ensure the adoption of emergency operations planning. It must establish development policy, regulations, and programs to minimize the impact of the possible hazards on public health and infrastructure. It must also address the risk of fire for land classified as state responsibility areas and land classified as very high fire hazard severity zones. Gov. Code § 65302(g).¹ The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civil engagement in the public decision-making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California EPA (see Disadvantaged Communities Mapping Tool in resources) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).¹
How Tobacco Prevention Priority Areas Can Be Addressed	Area 1: Counter pro-tobacco Influences by <i>reducing concentration of retail establishments near essential public facilities and areas with high potential for wildfire.</i> Area 2: Reduce exposure to secondhand smoke <i>and tobacco product waste by promoting safe handling of tobacco hazardous waste.</i> Area 3: Reduce the availability of tobacco products <i>by discouraging the sale of tobacco products unsafe for disassembly.</i>
Evidence	• In 2023, 27 wildfires were caused by cigarettes or other smoking materials on state-owned land in California.² • A 2025 study reveals that even "fire safe" labeled cigarettes can start wildfires, particularly in dry and windy conditions.³ • Lithium batteries can catch on fire when damaged, which often happens when disposed of in trash or recycle bins, resulting in increased fire risk during transport and at waste facilities.⁴ • Fires caused by lithium batteries pose a unique challenge to firefighters as they can be hard to extinguish. Fire personnel often have no choice but to let lithium fires burn themselves out. While research is limited, there are concerns regarding emissions, including the release of hydrogen fluoride, carbon monoxide, and metal particulates.⁵ • Tobacco product waste aggregates where tobacco retail stores are sited.^{6,7} • Cigarette butts are made up of thousands of plastic microfibers that contain thousands of toxic and carcinogenic chemicals from commercial tobacco smoke, such as nicotine, pesticides, polycyclic aromatic hydrocarbons (PAHs), arsenic, and heavy metals such as lead and cadmium.⁸

Evidence (continued)	- E-cigarette and vape e-liquids contain nicotine, which when discarded is legally classified as an acute hazardous waste under the federal Resource Conservation and Recovery Act (RCRA) and California law, because human exposure to it, even in small quantities, can cause death or permanent injury/illness.^{9,10} This is the case regardless of whether the products are spent or if they are unused in their original packaging.^{10,11} - E-cigarettes typically use lithium-ion batteries, chargers, and atomizers. These items contain nonrenewable metals and chemicals that are toxic to landfills, so they should be handled as either recyclable e-waste or characteristic hazardous waste, where they cannot be recycled.¹² - There is currently no safe procedure established for consumers to dispose of commercial tobacco products.¹³ - Studies have estimated the economic cost attributable to tobacco litter to be between \$4.7 million and \$90 million for large cities. These estimates do not factor in e-cigarette waste, which is more complex and costly to manage.¹⁴ (NOTE: While specific data on rural communities is lacking, these communities may have even greater difficulty shouldering the economic costs of TPW cleanup than larger cities.)
Relevant Resources	CalEnviroScreen Data Report https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40 CalEnviroScreen Data Dashboard https://experience.arcgis.com/experience/6b863505f9454cea802f4be0b4b49d6 Disadvantaged Communities Mapping Tool https://oehha.ca.gov/calenviroscreen/sb535 Fire Hazard Severity Zone (FHSZ) Map https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones Hazardous Waste Laws and Tobacco Product Waste: What Retailers Need to Know https://www.publichealthlawcenter.org/sites/default/files/resources/Tobacco-Waste-Disposal-Tobacco-Retailers.pdf
Best Practice Language	 Goal: Phase out all commercial tobacco sales.  Policy Adopt an ordinance prohibiting any commercial tobacco sales by [date].  Policy (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses; discontinue any renewals by [date]. Goal: Reduce the risk of wildfires and protect communities from exposure to tobacco product waste during natural disasters like floods, earthquakes, and wildfires. Ensure compliance with existing hazardous waste law. Policy: Require tobacco retailers to keep records of all tobacco product waste disposed from their unsold inventory, whether due to expiration or compliance with other tobacco control laws. The records should provide sufficient information to determine whether the retailer has complied with the federal Resource Conservation and Recovery Act (RCRA) and state law requirements for hazardous waste generators and related state regulations.

Best Practice Goals & Policies for This/These Element(s) (continued)

Policy: Collaborate with the local Certified Unified Program Agency (CUPA) and any other local hazardous waste management agencies to develop training and informational materials on generator legal responsibilities and logistic best practices for businesses that generate hazardous waste (e.g. auto repair and oil change establishments, paint and construction, lawn care and pest control, tobacco retailers, and vape lounges).

Policy: Support the continued operation and expansion of household and business hazardous material waste drop-off events throughout the jurisdiction and raise awareness about less obvious hazardous waste items (e.g. vapes and e-cigarettes that are marketed as disposable but which are actually hazardous waste).

Policy: Prohibit the sale of "mixed hazardous waste products," which includes any tobacco product that contains liquid for use in an electronic smoking device in combination with electronic waste into a single product that cannot be classified and disposed of only as acute hazardous waste, non-acute hazardous waste, or universal waste alone without disassembly by a waste management entity.

Policy: To reduce the risk of wildfires, require the adoption of a comprehensive smoke- and tobacco-free spaces ordinance that prohibits the use of tobacco product within state responsibility areas and high fire hazard severity zones, and within 1,000 feet of essential public facilities. Also, prohibit ash receptacles in areas where smoking and tobacco use is prohibited to prevent accidental transport of tobacco waste into the environment by wind and other environmental factors. Restrict the development of new commercial tobacco retailers within 1,000 feet of state responsibility areas, high fire hazard severity zones, and near essential public facilities such as hospitals and health care facilities, fire stations, and emergency shelters to prevent the spread of accidental fire due to lithium-ion battery explosions or improperly discarded tobacco litter.

**Sample Verbal/
Written Public
Comment Excerpt**

We know that tobacco smoke contains over 4,000 chemical compounds, of which over 60 are known carcinogens. The EPA has classified nicotine as an "acute hazardous waste" because human exposure to it, even in small quantities, can cause death or permanent injury/illness. This is the case regardless of whether the products are spent or if they are unused in their original packaging. E-cigarettes can also be known to use lithium-ion batteries, chargers, and atomizers, which add another layer of potential harm. Proper handling of e-cigarettes that are not designed for safe separation of their nicotine and e-waste components are particularly hazardous for waste management staff and add higher expenses to an already costly disposal process.

Understanding where these products are stored and ensuring that they are not where they can pose a danger to our residents, the environment, and our first responders—particularly in the case of an emergency, such as a flood, fire, or a seismic hazard event—is a crucial step in protecting our health and safety. Also, studies indicate tobacco product waste accumulates where tobacco retail stores are sited, which adds to the concern. Once littered, these items are difficult and costly to clean up, and a significant portion will inevitably remain in the environment, imposing irreparable harm.

Sample Verbal/ Written Public Comment Excerpt (continued)	<i>Fires that involve lithium batteries pose a unique challenge to firefighters as they are notoriously hard to extinguish. While research on the threat of emissions from lithium battery fires is still limited, concerns include the release of hydrogen fluoride, carbon monoxide, and metal particulates.</i> <i>Many of these issues can and should be addressed in the Safety (and/or Justice) Element. If we don't outright ban these products, which would be the preferred alternative to maximize community safety, we can use the Safety Element to develop a uniform plan and mapping that applies to all facilities receiving, storing, and disposing of these dangerous products. This approach will help us best understand the estimated concentration of hazardous materials, the potential danger, and a responsible course of action in the case of emergency.</i> <i>With all of this in mind, it's important for the health of our community to make sure that we address the presence of these products in our communities. The safety element statute directs us to protect the community from unreasonable risks to public health and infrastructure during seismic events, flooding, and wildfires. Tracking the location where tobacco products and associated wastes are concentrated and seeking to reduce the presence of these hazardous materials in our community is consistent with, and can help us meet, our [city's/county's] legal obligation.</i>
References	1. Cal Gov Code § 65302 (Amended 2024). 2. California Department of Forestry & Fire Protection. 2023 Wildfire activity statistics. Office of the State Fire Marshal. 2023. [Accessed April 30, 2025]. https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdn-endpoint.azureedge.net/-/media/calfire-website/our-impact/fire-statistics/2023_redbook_final.pdf. 3. McAllister S, Williams S, Grob I. Can “fire safe” cigarettes (FSCs) start wildfires? Fire Technology. 2025. doi: 10.1007/s10694-025-01699-w. 4. Environmental Protection Agency. How to safely dispose of e-cigarettes: Information for individuals. Office of Resource Conservation & Recovery. November 2023. [Accessed April 30, 2025]. https://www.epa.gov/system/files/documents/2024-02/epa_vapedisposal_a4.pdf. 5. Bundy S. Hidden cost of California's lithium industry. Econews. March 2025. 55(2):15. [Accessed April 30, 2025]. https://drive.google.com/file/d/1qAG0cwJDTRewStTmtITz4LnMvbqVcZvd/view. 6. Araújo MCB, Costa MF. A critical review of the issue of cigarette butt pollution in coastal environments. Environ Res. 2019;172:137-149. doi:10.1016/j.envres.2019.02.005. 7. Marah M, Novotny TE. Geographic patterns of cigarette butt waste in the urban environment. Tob Control. 2011;20 Suppl 1(Suppl_1):i42-i44. doi:10.1136/tc.2010.042424. 8. Acarer Arat S. A review on cigarette butts: Environmental abundance, characterization, and toxic pollutants released into water from cigarette butts. Sci Total Environ. 2024;928:172327. doi:10.1016/j.scitotenv.2024.172327. 9. Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof, 40 CFR § 261.33 (2025). [Accessed April 30, 2025]. https://www.ecfr.gov/current/title-40/section-261.33. 10. Cal Code Regs 22 CCR § 66261.33 (Barclays 2025). 11. Cal Code Regs 22 § 66261.7 (Barclays 2025). 12. Hendlin YH. Alert: Public Health Implications of Electronic Cigarette Waste. Am J Public Health. 2018;108(11):1489-1490. doi:10.2105/AJPH.2018.304699. 13. World Health Organization. Tobacco and its environmental impact: an overview. 2017. [Accessed April 30, 2025]. https://www.who.int/publications/i/item/9789241512497. 14. Schneider JE, Scheibling CM, Peterson NA, Granados PS, Fulton L, Novotny TE. Online Simulation Model to Estimate the Total Costs of Tobacco Product Waste in Large U.S. Cities. Int J Environ Res Public Health. 2020;17(13):4705. Published 2020 Jun 30. doi:10.3390/ijerph17134705.