CITIZENS PETITION TO THE ENVIRONMENTAL PROTECTION AGENCY OF THE UNITED STATES

William D. Bush,

Petitioner,

re.

MICHAEL S REGAN,
Administrator of the Environmental Protection Agency (the "EPA")
in his official capacity;

William David Bush

Class Advocate Petitioner

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PETITION FOR ISSUANCE OF NEW RULES UNDER SECTION 15 U.S.C. § 2605

INTRODUCTION

1. A cigarette is a scientifically designed drug delivery device that is intentionally engineered to deliver nicotine and toxic chemicals to the brain in seconds. Cigarette smoke contains more than 4,000 chemicals. Some of them are potent carcinogens. These chemicals come from a variety of sources; some come from the chemicals within the soil, the paper surrounding the tobacco column, and the manufacturing process; and still others are deliberately added. All in all, these chemicals include both carcinogens and other potent toxicants that, when burned and inhaled, are transported to numerous organ sites in the human body and emitted into the environment.
2. Cigarette smoking is the single largest preventable cause of premature death in the United States. Each year, millions of people suffer from smoking-related diseases, which often require a long-term course of medical and surgical treatment. Each year more than 400,000 Americans die from cigarette smoking.
3. Nearly one in every five deaths in the United States is smoking related, and approximately 8,600,000 Americans have chronic illnesses related to cigarette smoking
4. Each year, as a result of the diseases, illness, or injuries caused by cigarettes, the United States spends more than $20 billion under a variety of programs to pay for or furnish medical care to smokers.
5. Cigarette smoking causes lung and other types of cancers, emphysema and other chronic lung diseases, heart attacks, strokes, and a variety of other diseases. Cigarette smoking by pregnant women is also a leading cause of low birth weight infants.

6. In the 1940's and early 1950's, scientific researchers published findings that indicated a relationship between cigarette smoking and diseases, including lung cancer.
7. Federal and State public health officials, the public health community, and the public at large recognize that the cigarette industry should be subject to ongoing oversight and regulation.
8. Cigarettes do not just negatively impact the health of individuals, it also endangers the health of the environment.
9. Cigarette butts are the most common form of litter, as an estimated 4.5 trillion cigarette butts are thrown away every year worldwide.
10. An estimated 766,571 metric tons of cigarette butts make their way into the environment every year.
11. Cigarette butts comprise 30%-40% of items collected in annual coastal/urban cleanups.
12. Cigarette butts are the most prominently littered item on U.S. roadways, retail areas, storm drains, loading docks, construction sites and recreational areas.
13. In 2019, cigarette butts were the most littered item found in U.S. beaches and waterways.
14. Cigarette filters are made from cellulose acetate, a plastic which only degrades under severe biological circumstances.
15. Studies show that organic compounds seep from cigarette butts into aquatic ecosystems, becoming acutely toxic to fish and microorganisms.
16. Using US Environmental Protection Agency standard acute fish bioassays, cigarette butt-derived leachate was analyzed for aquatic toxicity. Survival was the single endpoint and data were analyzed using Comprehensive Environmental Toxicity Information System to identify the LC50 of cigarette butt leachate to fish.

17. Over 4000 chemicals may also be introduced to the environment via cigarette particulate matter;- these include chemicals such as hydrogen cyanide, nitrogen oxides, polycyclic aromatic hydrocarbons, ammonia, acetaldehyde, formaldehyde, benzene, phenol, argon, pyridines and acetone, over 50 of which are known to be carcinogenic to humans; again, studies have shown chemicals in cigarette butt leachate can be acutely toxic to aquatic organisms

18. In laboratory experimentation, the chemicals that leached from a single cigarette butt (soaked for 24 hours in a liter of water) released enough toxins to kill 50 percent of the saltwater and freshwater fish exposed to it for 96 hours.

Study Data Sources: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3088407/

POLICY BACKGROUND

CONGRESSIONAL DIRECTION AUTHORITIES TO THE EPA

19. The Congress hereby declares it to be the national policy of the United States that pollution should be prevented or reduced at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner. (42 U.S. Code § 13101(b))

20. Source reduction is fundamentally different and more desirable than waste management and pollution control. The Environmental

Protection Agency needs to address the historical lack of attention to source reduction. (42 U.S. Code § 13101 (4))

21. The Congress finds that— among the many chemical substances and mixtures which are constantly being developed and produced, there are some whose manufacture, processing, distribution in commerce, use, or disposal may present an unreasonable risk of injury to health or the environment;

22. And that authority over chemical substances and mixtures should be exercised in such a manner as not to impede unduly or create unnecessary economic barriers to technological innovation while fulfilling the primary purpose of this chapter to assure that such innovation and commerce in such chemical substances and mixtures do not present an unreasonable risk of injury to health or the environment.

23. It is the intent of Congress that the Administrator shall carry out this chapter in a reasonable and prudent manner, and that the Administrator shall consider the environmental, economic, and social impact of any action the Administrator takes or proposes as provided under this chapter.

PETITION CLAIMS

Count 1

Toxic Chemicals added to and included in Cigarettes are unreasonable

24. The addition and inclusion of toxic chemicals to tobacco products is unreasonable for use in public consumption. There is no benefit to consumers of cigarettes for the added inclusion of these injurious chemicals which harm the public health and the environment through their use consumption. Eliminating or reducing the toxic chemicals added to cigarette product mixtures is justifiable and exactable under current US Law.

25. Cigarette manufactures are aware of their products toxic chemical inclusions and have malice intention against the general health welfare of the United States and the Environment, such which requires aggressive EPA regulation techniques to counter the deceptive tactics of these powerful racketeering organizations.

26. On February 28 2001, the United States Department of Justice brought a lawsuit against nine cigarette manufacturers and two tobacco industry trade associations

27. Judge Gladys Kessler issued a landmark 1,683-page opinion holding the tobacco companies liable for conspiracy and violations of RICO by fraudulently covering up the health risks associated with cigarettes and for marketing their products to children.

28. Kessler wrote that the tobacco companies "have marketed and sold their lethal product with zeal, with deception, with a single-minded focus on their financial success, and without regard for the human tragedy or social costs that success exacted."

Count 2

Cigarette Disposal presents a clear unreasonable risk to the Environment

29. The research studies of toxic waste entering the environment are clear in identifying cigarette butts as a major hazardous waste emission.

30. The producers of cigarettes should be required by the EPA to develop material techniques of biodegradation, that counter or reduce the environmental damages of current consumer market disposal methods; which at the present include massive quantities of unreasonable hazardous chemicals being emitted as trash into the environment.

For these reasons, the Petitioner asks the Administrator to:

a) Determine in accordance with the Control of Toxic Substances Code that the chemical mixtures contained within cigarettes present an unreasonable risk of injury to health and the environment.

b) Order by Rule that the manufacturing producers of cigarettes eliminate the hazardous chemicals used in a mixture with tobacco; including and not limited to the toxic substance inclusions resulting from tobacco growing or handling techniques.

c) Order by Rule that Cigarette manufacturers develop new product designs which eliminate or reduce the cigarette 'butt' disposal risks to the environment.

d) And any other prudent methods of toxic mixture substance control you may see due and fit.

Dated: July, 27, 2021

Respectfully submitted,

By: _____

William David Bush

Advocate Petitioner.

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