

Tobacco Control Policy Based on Environmental Protection Law

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Objectives: Based on the environmental protection law, this paper analyzes our current tobacco control policy and studies the effectiveness of the follow-up policy. **Methods:** This paper studies the impact of environmental law on tobacco industry and tobacco control from the legislative principles and regulatory subjects of environmental protection law. Grasping the basic connotation of tobacco control policy is the premise of understanding and implementing tobacco control. This paper analyzes tobacco control policy from the perspective of policy network and policy tools. Through the description of Smith policy model, find out the deficiencies in the implementation of tobacco control policy. **Results:** The smoking population in China tends to be younger, and the control of teenagers' smoking behavior should be more strict. Conduct investigation and management around the school, put forward certain requirements for students' parents, and carry out health education for students. Based on the legislative intention of environmental protection law, we should use policy tools, policy network and policy implementation process theory to supervise and manage the whole process of tobacco control implementation in China from the aspects of tobacco system, policy formulation, policy implementation and policy evaluation.. **Conclusion:** The government should strengthen the scientificity of tobacco control policy-making and improve its operability and unity. It should improve the implementation system of tobacco control policies and improve the construction of law enforcement subjects. An effective administrative punishment mechanism should be established and the information disclosure system of tobacco control policy should be strengthened. The social members should be guided to participate in and supervise. We should evaluate tobacco control policies and strive to improve the formulation, implementation and evaluation of tobacco control policies.

Key words: tobacco harm, environmental protection law, legislative principles, tobacco control policy.

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After years of development, China's tobacco industry has formed a comprehensive industry from tobacco planting, acquisition, processing, storage and transportation to cigarette production and sales, as well as scientific research and

education¹. At the same time, it has also promoted related industries including tobacco machinery, cigarette tow, flavors and fragrances, all kinds of paper and cigarette printing and other auxiliary materials. The production and sales of

tobacco and cigarettes involve nearly 5 million farmers and nearly 4 million retail merchants. The employment and economic life of 45 million people in China are closely related to the tobacco industry²⁻³. In 2020, the tobacco industry will realize industrial and commercial tax profits of more than 310 billion yuan⁴. However, under the halo of high employment rate, high profit rate and high profit tax, people rarely talk about the protection of environmental law in tobacco monopoly management⁵⁻⁶. Indeed, compared with other industries, the tobacco industry can be regarded as an industry with relatively less environmental pollution⁷. However, its pollution problems in production and consumption can not be underestimated.

China is a big country in tobacco production and consumption, and its tobacco consumption ranks first in the world. According to the Framework Convention on tobacco control, smoking should be banned in public places nationwide five years ago. However, today, while the tobacco control campaigns all over the world have achieved remarkable results, the development of China's tobacco control policy has encountered a bottleneck, and the tobacco control situation is still severe. As a public policy, tobacco control policy aims to solve public problems and safeguard public interests. There are many problems in the formulation and implementation of China's tobacco control policy, including the imperfect system of tobacco control laws and regulations, the low level of tobacco control legislation, the imperfect tobacco control mechanism, the unreasonable tobacco tax system, the weak operability of the content of tobacco control policy, the inadequate implementation of tobacco control policy, the poor performance of tobacco control and so on⁸⁻⁹. The situation of tobacco control in China is not optimistic, which is mainly caused by many reasons, such as the imperfect relevant legal system and the

separate implementation of tobacco control policies. At present, in order to truly realize the commitment of comprehensive smoking ban in public places, we must put forward new and effective countermeasures on the basis of fully understanding the current situation of China's tobacco control policy and paying real-time attention to the progress of local tobacco control. For example, a diversified and multi-level legal system for tobacco control should be established. The progress of national tobacco control legislation should be promoted. Local governments should be encouraged to enact or revise tobacco control regulations¹⁰. We should reform the national tobacco monopoly system and the tax system of the tobacco industry. Social units and the public should be encouraged to actively participate in tobacco control policies. We should vigorously popularize the knowledge of tobacco hazards. We should focus on strengthening and improving the implementation of tobacco control. In short, achieving comprehensive tobacco control is a systematic social project, which requires multi pronged and multi-party efforts.

METHODS

Scope of Environmental Law Protection in Tobacco Monopoly Management

ARTICLE 2 of the Environmental Protection Law of the People's Republic of China clearly stipulates that "the environment referred to in this Law refers to the overall of various natural and artificially transformed natural factors affecting human survival and development, including atmosphere, water, ocean, land, mineral resources, forest, grassland, wildlife, natural relics, cultural relics, nature reserves, scenic spots Urban and rural areas, etc."¹¹

ARTICLE 3 of the Tobacco Monopoly Law of the People's Republic of China stipulates that "the State shall exercise monopoly management over the

production, sales, import and export of tobacco monopoly products according to law, and implement the tobacco monopoly license system." It can be seen that the environmental protection law protects a wide range of "environmental" objects. The possible objects of environmental pollution in the process of tobacco monopoly management are mainly air, water, land and cities and villages in the general category. As for each link of tobacco operation regulated by the tobacco monopoly law, the controllable environmental pollution of tobacco monopoly management mainly lies in the processing and consumption of tobacco monopoly products¹²⁻¹³.

Effective Tobacco Control Policy Tools

Firstly, the implementation of tobacco control legislation is the most important policy tool of tobacco control policy. China's existing tobacco control laws and regulations are relatively scattered. At present, local governments' tobacco control legislation is the main, supplemented by tobacco control related regulations scattered in other laws, and regional autonomous tobacco control policies are implemented. There is no national tobacco control laws and regulations, and the current tobacco control policies and regulations are not all in line with the basic requirements of the Framework Convention on tobacco control. Most urban legislation has not been revised, and there is a big gap. The population of cities covered by the existing smoking ban legislation in public places in China only accounts for about 10% of the total population in China, which is still a certain distance from the goal of "comprehensively implementing smoking ban in public places"¹⁴.

Chinese scholars study China's tobacco control policy from the legal perspective, and pay attention to domestic legal practice, implementation and operation from the perspective of law enforcers. He proposed to promote national tobacco

control legislation, modify and improve the name and effectiveness of the legislation, and expand the scope of smoking prohibition in public places. China is a party to the Tobacco Convention, and the tobacco control policies should be consistent with the provisions of the Convention.

Some scholars suggested: "strengthen the construction of organizations, adjust the implementation mechanism of the Convention, establish a strong leadership and coordination mechanism, systematically develop and revise domestic laws in accordance with the requirements of the Framework Convention on tobacco control, and promote the effective implementation of existing laws." China's current local tobacco control administrative regulations have not really played a role, the policies are not comprehensive, the operability is not strong, and the responsibility consciousness of law enforcement subjects is unclear. Moreover, China has not issued national tobacco control laws so far, the local laws and regulations are uneven, the implementation effect is poor, and the monitoring of tobacco use and prevention policies are ineffective.

On June 1, 2015, the regulations of Beijing Municipality on smoking control came into force. On March 1, 2017, the regulations of Shanghai Municipality on smoking control in public places will also be implemented. Smoking control legislation in Beijing and Shanghai clearly stipulates that smoking is prohibited in indoor public places, indoor workplaces and public transport. This will promote the comprehensive indoor smoking ban in public places stipulated in the national regulations on smoking control in public places, and will also play a leading role in the tobacco control legislation of other cities in China¹⁵.

International Legal Basis of Tobacco Control Policy--Framework Convention on Tobacco Control

At the initial stage of the tobacco control campaign, non-governmental organizations became the pioneers and main force of foreign tobacco control campaigns. Most of them had professional and technical background or the support of relevant professional groups, analyzed and publicized the harm of tobacco from the technical perspective of medical treatment and environment, and actively carried out various forms of tobacco control initiatives and practical activities, And regularly hold various tobacco control awareness education activities.

The Framework Convention on tobacco control (hereinafter referred to as the Convention) was adopted at the World Health Assembly held in Switzerland in 2003 and officially entered into force two years later. As the first legally binding international public health treaty, 180 of the 195 who members have acceded to the Convention, covering more than 90% of the world's population. It has become one of the most supported international conventions in the history of the United Nations.

In November 2012, the protocol on the elimination of illicit trade in tobacco products (hereinafter referred to as the protocol) was adopted. So far, 25 countries around the world, including China, have signed the protocol. It is the second international legal instrument on tobacco control after the Convention, which supplements the relevant provisions of the Convention. More and more countries in the world have become parties to the Convention and signatories to the protocol. It is believed that these two international legal instruments will be more and more effective and have more and more far-reaching influence. For parties, the Framework Convention on tobacco control is legally binding. It is for all parties to deal with the increasingly severe situation of tobacco control and

better save the lives of smokers. It can also protect the health rights and interests of passive smokers. This has provided a reliable basis and guidance for the implementation of tobacco control and laid a good legal foundation.

The birth of the Tobacco Convention has a certain guiding role for countries to study and formulate their own tobacco control system, and has become an important basis for States parties to carry out their own legislation. It requires the State Party as follows: "increase the sales price and tax rate of tobacco products. We should protect the public from exposure to tobacco smoke and passive smoking in indoor public places, public transport and other public places through legislation. The State Party shall regulate the publicity and sales of tobacco products within three years after the entry into force of the Convention, and mark health warnings on the packaging and labels of tobacco products. Tobacco advertising and other forms of tobacco publicity are completely prohibited. The State Party should also enact specific legislation on the protection of minors. The sale of tobacco products to minors is prohibited. " According to the requirements of the Convention, countries around the world have successively formulated and implemented tobacco control policies adapted to their national conditions, which not only promoted the development of their own tobacco control movement, but also played a positive role in the accession of non contracting countries to the world tobacco control team.

Typical Tobacco Control Legislation All Over the World

Before the World Health Organization issued the Tobacco Convention, some countries had promulgated laws and regulations on tobacco control. For example, South Africa's tobacco products amendment (1999) is one of the most stringent anti-smoking laws in the world. The law on prevention of smoking hazards and protection of Health (1995) issued by

the Polish government is the first National Non-smoking law in the world. The British Ministry of health has long issued the white paper on public health (2005), which stipulates that smoking in public places will be gradually banned within four years. At present, more than 500000 smokers in Britain have successfully quit smoking. Ireland is the first EU member state to adopt legislation to prohibit smoking in restaurants, bars and hotels and create smoke-free workplaces. The national ban on smoking stipulated in Italy's no smoking law has been extended to all public places except private houses. Singapore is a model country in the world for banning smoking. The policy of banning smoking has been implemented since 1970. The anti smoking law should be revised every few years to expand the scope of smoking prohibition“ "No smoking" has also become the basic code for every Singaporean citizen. The law stipulates that smoking in public places is strictly prohibited, and smoking in public places will be fined up to 5000 yuan. The regulation is so strict that the number of illegal smokers is very small. Singapore is getting closer to becoming a smoke-free country. Various data show that the introduction and implementation of tobacco control laws and regulations have played a very good effect on tobacco control.

Policy Tool Theory

Policy tools refer to the means or ways chosen by policy subjects to influence policy objects and achieve policy objectives in a specific policy environment. The implementation path of policy tools is shown in Figure 1. According to the degree of government

intervention in the process of providing public goods and services, Canadian scholars Hollett and Ramesh divide policy governance tools into three categories: voluntary policy tools, mixed policy tools and mandatory policy tools. As shown in Table 1, families, communities and voluntary organizations are voluntary policy tools. Information and persuasion and subsidies are hybrid tools. Government regulation is a mandatory tool. The intensity of government intervention is increasing.

The introduction and implementation of tobacco control policy shows the position and efforts of our government to actively control tobacco. Although tobacco control has become the consensus of the government and some people in society. There are still smokers smoking in public places, and most people still don't choose to take the initiative to dissuade them in this situation. The implementation of various tobacco control policies in China is greatly affected by external factors. Many factors, such as the universality of the target group of tobacco control policy, the popularity and implementation degree of the policy, and whether the policy tools and means are flexibly used, make the policy subject to great resistance in the implementation process. This restricts the effect of tobacco control in China. During the implementation of China's tobacco control policy, in order to achieve the goal of tobacco control policy, we need to make flexible use of policy tools and multi pronged approach in order to better achieve the goal of tobacco control.

Figure 1
Implementation Path of Policy Tools

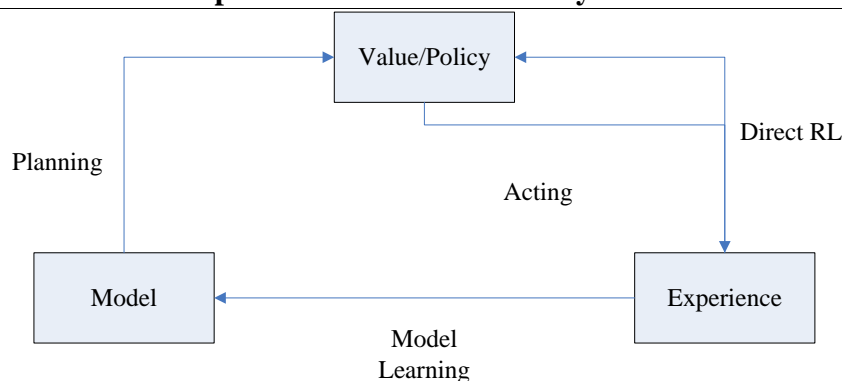


Table 1
Spectrum of Policy Tools

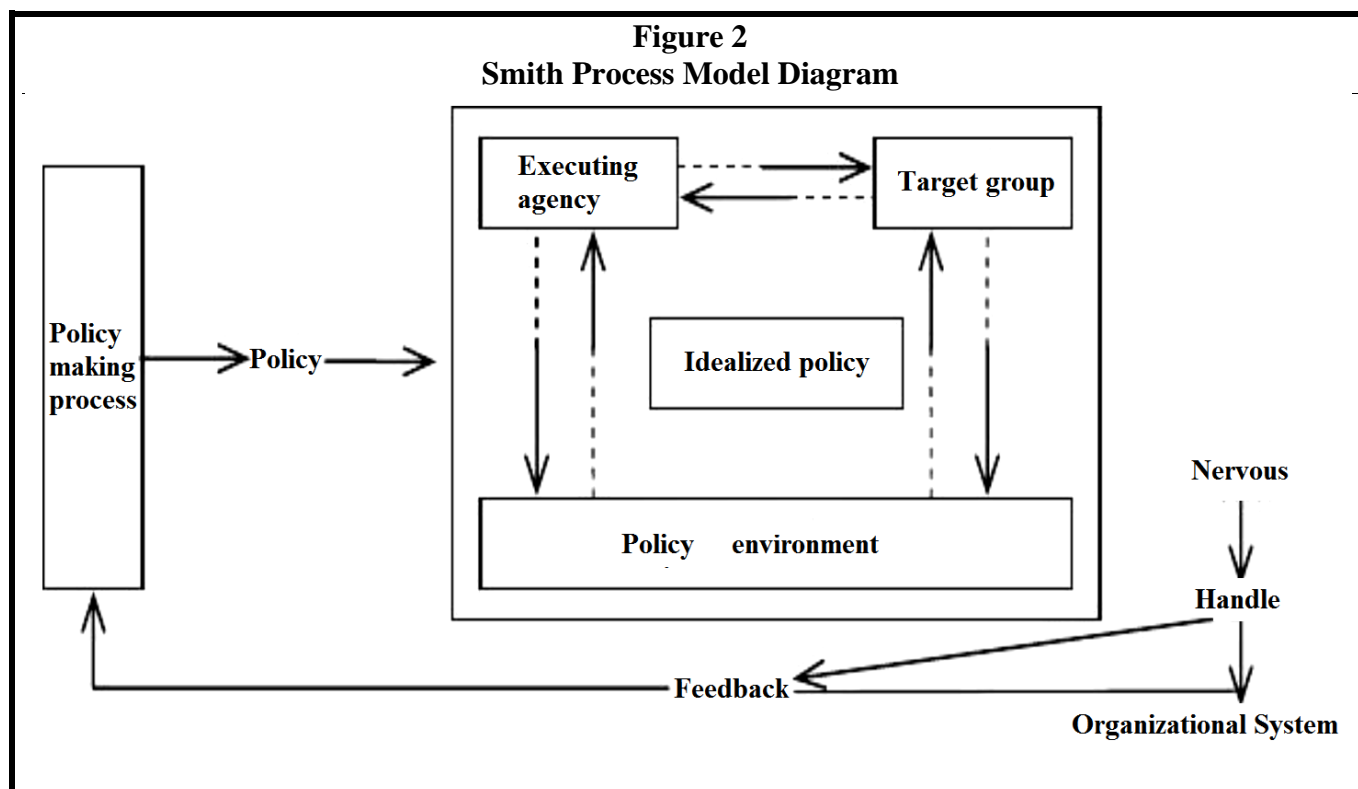
TYPE	CONTENT
Voluntary tools	Family and Community Voluntary Organization Private Market
Hybrid tool	Information and Persuasion Subsidy Taxation and User Payment
Mandatory tool	Control Public Utilities Direct Provision of Services

Note.

Source: Michael Howlett and M.Ramesh, *Studying Policy: Policy Cycles and Policy Subsystems*, Oxford University Press, 1995, P.82

In policy implementation, there is interaction among policy implementing agencies, policy target groups, idealized policies and policy environment. " As shown in Figure 2, the process of policy implementation is a process from the tense state of interaction between the four to a coordinated and gentle state. The results of policy implementation are input into the policy-making process as feedback. In

short, the effective implementation of public policy can not rely on unilateral subjects. It needs the joint efforts, interaction and mutual promotion of multiple parties in order to better achieve the policy objectives.



RESULTS

Particularity of Tobacco Industry System

China's tobacco industry system is very special. China is one of the only states parties to the Convention to implement a complete tobacco monopoly system in the world. The National Tobacco Monopoly Bureau is an important department in the main body of China's tobacco control policy. Its responsibility is to manage tobacco monopoly and control the prevalence of tobacco. China National Tobacco Corporation is the only legitimate tobacco enterprise in China. It organizes and arranges the basic work of the national tobacco industry. As an enterprise, of course, it should pursue the maximization of interests. China implements the tobacco monopoly system and implements the system of unified leadership, vertical management and monopoly operation. The purpose is to safeguard the interests of consumers and protect the national fiscal revenue. The protection of the national fiscal revenue is

the foundation, and the protection of the interests of consumers is the high-level development goal.

Tobacco monopoly system is a tobacco monopoly license system implemented by the state to manage and organize the production and operation of tobacco monopoly products in a planned way, improve the quality of tobacco products, safeguard the interests of consumers and ensure the national financial income. The State Tobacco Monopoly Bureau is the highest administrative department of China's tobacco industry, which carries out centralized and unified management of the national tobacco industry. The tobacco monopoly system without separation of government and enterprise is the biggest resistance to tobacco control in China. The tobacco monopoly bureau is both a tobacco control agency and a tobacco control policy-making department. The government is both an athlete and a referee. On the one hand, it undertakes the responsibility of promoting the development of China's tobacco industry

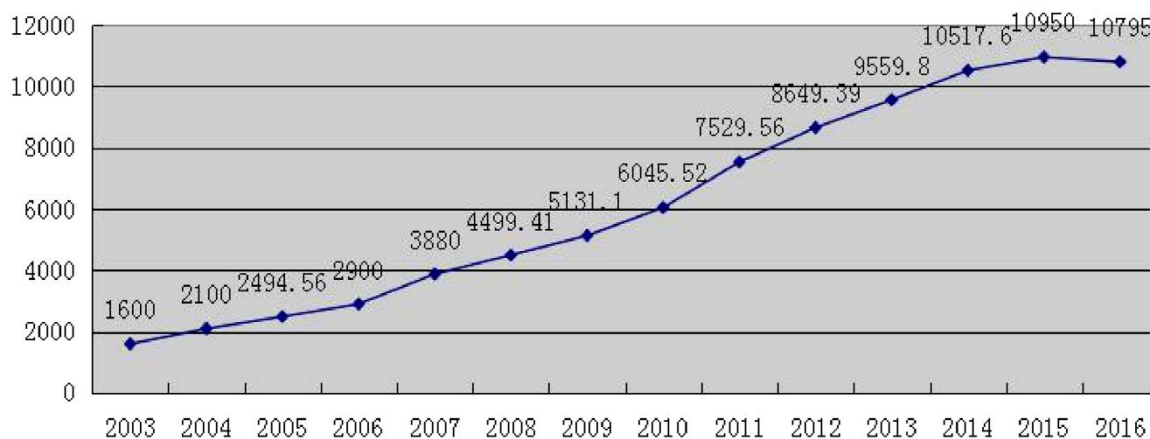
and increasing cigarette production and sales. On the other hand, it also shoulders the important task of legislation and urging tobacco control. One department has to perform two opposite duties. Therefore, Many tobacco control measures that touch the interests of tobacco enterprises can not be implemented smoothly, the implementation of policies is affected, and it is difficult to establish an effective supervision and restriction mechanism.

The Value Conflict between Tobacco Economic Development and Citizen Health

China's tobacco economy is closely related to finance and taxation, and tobacco taxation is an important part of

national finance and taxation. As shown in Figure 3, China's tobacco sales have brought incredible profits to China. Since China decided to join the Framework Convention on tobacco in 2003, China's tobacco tax has continued to grow, which has provided a great driving force for the national economic development. While it has become a durable consumer goods, tobacco has become an indispensable part of our life. There are also a large number of people engaged in the production, operation and sales of the tobacco industry, just as we often consume environmental resources at the cost of economic development. The implementation and development of tobacco control policy will inevitably have a certain impact on the economic benefits of tobacco tax.

**Figure 3
Tobacco Tax Statistics in China**



Tobacco revenue is the main financial source of many provinces and regions. They are highly dependent on the tobacco economy. Many large tobacco provinces develop because of the great benefits brought by tobacco, so it is very difficult to give up tobacco planting and production. However, it must be recognized that there is a conflict between citizen health and the development of tobacco industry. While cigarette tax profits bring national wealth, various diseases caused by smoking and passive smoking also aggravate the health

burden of public resources. Although China has taken many tobacco control measures, it has not achieved results in a short time. At the same time, the promulgation and implementation of the tobacco control policy also had a certain impact on China's tobacco industry. According to Figure 3, in 2016, China's tobacco tax changed the trend of continuous growth and decreased for the first time. How to coordinate the relationship between the two, not only protect the health of citizens, but also

ensure the normal operation of national finance, is a part of China's tobacco control policy.

Lack of Communication and Coordination Among the Implementation Subjects of Tobacco Control Policy

The goals of tobacco control policy makers and policy implementers in China are not completely consistent. If the regulations listed in the tobacco control regulations issued by China harm the interests of local governments or enterprises, the resistance to policy implementation will become great. The results of tobacco control policy are closely related to the implementation of policy executors. The Ministry of health, the Ministry of finance, the tobacco administration and other departments are fully responsible for tobacco control under the leadership of the State Council. Local governments are responsible for legislation and planning guidance related to environmental protection within their respective local jurisdiction. Take the tobacco control regulations of Shanghai as an example: "under the leadership of the people's government at the same level, the municipal, district and county health promotion committees are responsible for the organization and coordination of tobacco control within their respective administrative regions, guiding and supervising the tobacco control work of various departments and industries, and organizing publicity and education activities on tobacco control. Health, education, film and television, sports, tourism, food and drug supervision, transportation and port, commerce, public security and other administrative departments shall do a good job in the supervision and administration of tobacco control in public places in accordance with these regulations and other relevant provisions. " However, in the actual implementation, "multi dragon water

control" is difficult to rush to the scene in time for investigation and evidence collection. In fact, places in China have also formulated strict tobacco control policies. The division of labor among departments may be clear, but there is less cooperation and communication. From the local tobacco control regulations that have been issued, it can be seen that the implementation of tobacco control activities requires the joint efforts of all parties to really solve them. However, the reality is that in the process of joint law enforcement by multiple departments, the working hours and personnel allocation of various departments need to be coordinated. Some departments can not participate in time or are understaffed, so it is difficult to carry out departmental cooperation.

Conflict of Rights Between Smokers and Others

The natural law theory of rights holds that rights are not defined by the law, "natural human rights", rights exist before the law, and the areas not prohibited by the law are people's free space. Whether smoking is a right does not depend on how the law stipulates that smoking is a natural right of freedom, which can not be arbitrarily deprived by the law. According to the basic law of justice, the so-called freedom is to do anything that does not harm others. Smokers believe that smoking is a right owned by citizens themselves, which has nothing to do with others. Smoking is a smoker's freedom of will, and others have no right to interfere, which is taken as the basis that smoking behavior does not hinder others.

Whether smoking is a free right depends on whether it will harm others. To define whether smoking is a free right mainly depends on whether it will harm others. Many smokers regard smoking as a choice of their own will. Therefore, it is one-sided that the government's tobacco control is a violation of its own smoking right.

Smokers have the right to smoke independently, but it must be based on the premise that it does not endanger the public interest. There is clear scientific evidence that it is harmful to smoking. Second hand smoke can cause harmful effects on the health of passive smokers' respiratory system and other body parts. The law cannot interfere with smoking that does not occur in the public sphere, that is, smoking that is limited to the private sphere. Because smoking does no harm to others. However, right does not mean doing whatever you want. The exercise of any right should be under the premise of law and morality, and morality does not have a bottom line. However, if smoking does harm to the health of others and threatens the public interest of others, the government can formulate moral norms to control smoking from the public interest.

Smoking in public transport and public places will fundamentally conflict with the rights of others. The main conflict comes from the conflict between smokers and non-smokers. This is also the fundamental reason why the law prohibits or restricts such acts. The root cause lies in the negative externality of smoking behavior, that is, smoking behavior in public transport and public places will have a direct impact on others. This effect is to expose the general population to common second-hand smoke, which leads to serious health consequences.

Smoking in public places will cause others to smoke passively or even compulsively. This further leads to a right conflict between smokers' "smoking autonomy" and passive smokers' right to life and health. Obviously, in the confrontation and conflict between these two rights, the right to life and health should be protected first. In the local tobacco control legislation in Beijing, the drafters clearly pointed out: "the purpose of tobacco control legislation is to protect the health right of non-smokers. Smokers have the right and freedom to smoke, but

they shall not harm the rights and health of non-smokers. " The conflict of rights caused by smoking in public places mentioned above can also be further defined as the violation of others' free right not to smoke by smoking behavior from smokers. Of course, smokers have the freedom to smoke, but others also have the freedom not to smoke. Smoking in public places leads to passive smoking of others, which makes the conflict between the two inevitable. Because of the fundamental conflict with other people's rights, legislation restricts smoking, which has become the legal basis of restricting smoking.

DISCUSSION

Actively Promote the Improvement of the Legal System of Tobacco Control

(1) Speeding up the formulation of national tobacco control legislation, China's tobacco control work started late. At present, China still does not have a special national tobacco control laws and regulations. It is difficult to continuously promote tobacco control work only by relying on symbolic tobacco control policies and sporadic laws and regulations. Therefore, we should accelerate the promotion of national tobacco control legislation, introduce laws based on the current situation of tobacco in China, clarify smoking prohibition regulations in public places, punishment measures for violators, implementation procedures and law enforcement subjects, and improve the implementation of policies. The problems such as low level of local tobacco control regulations and defects in legislation have been gradually exposed in the process of actual law enforcement. Legislation should be guiding and forward-looking. Local legislation has exposed many problems, so national legislation can better formulate more reasonable laws according to the Framework Convention on tobacco control and domestic conditions. The introduction of flawed national smoke-

free legislation is completely inconsistent with China's basic image as a party to the WHO convention. Therefore, China must be cautious in formulating a national tobacco control legislation. If we can't face up to the importance of tobacco control ideologically and formulate a set of convincing and operable tobacco control policies and regulations, It is difficult to expect whether the implementation effect of China's tobacco control policy can meet the expectations.

(2) Improve relevant laws and regulations, improve other relevant laws and regulations, such as the detailed rules for the implementation of the regulations on health management in public places, the tobacco monopoly law and the advertising law, coordinate and cooperate with each other to form a unified system of tobacco control policies and improve law enforcement efficiency. Focus on strengthening the revision of the law on the protection of minors. China's smokers tend to be younger. The control of teenagers' smoking behavior should be more strict, check and manage the surrounding schools, put forward certain requirements for students' parents and carry out health education for students.

Evaluation of Tobacco Control Legislation

Post legislative evaluation, as the name suggests, is to evaluate the implementation level and effect of some laws and regulations from the perspective of legislation. In terms of policy formulation, most of China's tobacco control policies are formulated by local people's congresses and local governments. Local laws and regulations are a kind of public policy. The law enforcement inspection of the Standing Committee of local people's Congresses is the policy evaluation after legislation. Post legislative evaluation is essentially the continuation of the legislative activities of the National People's Congress. Through legislative evaluation, the effects of laws

and regulations can be truly presented, the potential problems of law making can be found, the inappropriate laws and regulations can be corrected and terminated in time, and the legislative level can be improved. However, post legislative evaluation is not only to evaluate the effectiveness of the current law, but also to provide a basis for the formulation, revision and repeal of the law. At the same time, it provides a scientific basis for law enforcement and judicial departments to improve their law enforcement performance. Local people's congresses also hope to improve the quality of local legislation and supervise the implementation of laws through such post legislative evaluation.

Improving the Supervision, Reward and Punishment Mechanism of Tobacco Control Policy

The practice of tobacco control policy not only needs the guidance of the central government, but also needs the active cooperation of local governments. The general control department of the implementation of tobacco control policy should supervise the performance of responsibilities of all relevant departments; Other relevant departments should also improve tobacco control within their jurisdiction. In order to ensure the legitimacy and consistency of policy implementation, on the one hand, it is necessary to establish an accountability mechanism for poor implementation of tobacco control policy, specify the basic tasks and responsibilities of various departments, and clarify that the heads of various regions and levels perform different responsibilities and obligations in accordance with the provisions of tobacco control regulations. The implementation subject of tobacco control policy shall form a sense of responsibility and earnestly perform the supervision and management of business managers, smoking groups and law enforcement personnel. In case of deviation in the

implementation of tobacco control policy, the relevant competent administrative departments and law enforcement personnel shall be investigated for administrative or criminal responsibility according to the actual situation and legal provisions. On the other hand, we should establish a reward mechanism for the implementation of tobacco control, commend units and individuals with outstanding contributions, and encourage and publicize their behavior. Only by establishing a reasonable reward and punishment system can we ensure the effective implementation of tobacco control. It should be noted that the degree of punishment for managers and individuals in China's local tobacco control legislation is uneven, and the punishment intensity is different. Local governments need to adjust with the times according to the basic tobacco control spirit of the central government.

Improving the Operability of Tobacco Control Policy Tools

Public policy tools are the specific means and methods adopted by people to solve a social problem or achieve a certain policy goal. Improving the operability of tobacco control policy tools is the top priority of tobacco control work. The executive power of the policy is the direct embodiment of its operability, and the authority of the policy is also directly proportional to its operability. In the process of policy implementation, it is necessary to further improve the operability of policy tools in order to effectively strengthen the implementation of the policy, enhance the authority of the policy, make the policy achieve its due effect and give full play to its functions.

At present, China's tobacco control policy performs poorly in three policy tools: voluntary, mixed and mandatory: family and community tobacco control does not play a role, most smokers do not give up smoking because of the rise of tobacco prices, and China's tobacco tax

has not changed significantly. China's current tobacco control laws and regulations have involved tobacco enterprises, trademark advertising, juvenile protection and other aspects. Smoking control regulations in local public places have also been introduced one after another. Although some tobacco control results have been achieved, the goal of tobacco control has not been achieved. It is urgent to improve the operability of tobacco control policy tools.

Voluntary tobacco control policy tools mainly refer to family and community tobacco control, as well as the promotion role of non-governmental organizations. Families smoke the most frequently, and too private places are also difficult to strictly regulate and quantify in the implementation of the tobacco control policy. The smoking behavior of smokers is affected by the surrounding environment, good community tobacco control publicity and the active dissuasion of relatives and friends all contribute to the occurrence of smokers' smoking cessation behavior. The mixed tools mainly include the publicity and persuasion of tobacco control policy, the increase of tobacco tax rate and the price of tobacco products. Generally, people will make behavior choices in favor of their own interests according to the information obtained. Price and tax measures are an important means widely used in tobacco control in various countries. Therefore, China still needs to further adjust tobacco tax rate and tobacco price. Thirdly, as a mandatory tool of tobacco control policy, tobacco control legislation has strong policy guidance, and achieves the purpose of controlling the prevalence of tobacco by means of strong control. In order to further develop the tobacco control policy, China still needs to build and improve the legal system of tobacco control, speed up the introduction of national tobacco control legislation, and improve the legal effectiveness and feasibility of local tobacco control regulations.

Pay Attention to the Unity of Tobacco Control Policies

The formulation of tobacco control policy needs to consider many aspects. In addition to considering the domestic tobacco control environment and current situation, we should also pay attention to the degree of integration with the international tobacco control process. Therefore, the unity of tobacco control policy formulation can not be ignored. There is no national tobacco control legislation in China's existing tobacco control policy system, which only includes the relevant regulations issued by national ministries and commissions scattered in other laws and regulations, as well as the regional tobacco control regulations issued by local governments. These tobacco control laws and regulations are formulated for different objects and regions and apply to different fields. It has different legal effects and tobacco control functions. In fact, national laws and regulations provide direction for local legislation, and local regulations are a supplement to national legislation, which requires policy makers to speed up the pace of national legislation, and the current tobacco control policies formulated by different departments must also cooperate with each other; Although the tobacco control regulations formulated by local governments cover different regions, the gap between them should not be too large to avoid offset or opposition between tobacco control policies with the same or similar functions, which is not conducive to the development of local and national tobacco control campaigns.

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