

Tobacco Control Legal System Based on Environmental Protection Law Under the Background of Framework Convention on Tobacco Control

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Objectives: This paper studies the legal system of tobacco control based on environmental protection law under the background of the Framework Convention on tobacco control. **Methods:** Using the research methods of comparative analysis and literature analysis, and taking the tobacco control law as the starting point, this paper expounds the development of global tobacco control civilization and the historical process of tobacco control at home and abroad. By analyzing the problems existing in the production, sales and consumption of tobacco products in China, we can trace the source in the specific links of the life cycle of tobacco products. At the same time, this paper systematically analyzes the defects of China's tobacco control system in taxation and private rights, and summarizes the shortcomings of China's tobacco control system. **Results:** Many cities have begun to try to enact non-smoking regulations to control smoking in public places. China's deficiencies in this regard are mainly due to the low level of relevant laws and regulations, which are basically local laws and administrative rules. The second is the problem of implementation, resulting in the inadequate or virtual implementation of many laws. **Conclusion:** From the development trend of various countries, the view of respecting others' health rights and gradually banning smoking has gradually become everyone's consensus. The consolidation of this understanding needs the support of laws to form a set of non-smoking system with national laws as the core and administrative rules and local regulations as the supplement. Rights and responsibilities are clear, and rewards and punishments are based on evidence. Only in this way can we ensure to reduce the smoking rate, protect everyone's health, and finally form a good atmosphere of no smoking and no respect for smoking in the whole society.

Key words: environmental protection law, tobacco control policy, legal system, regulatory hierarchy.

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The tobacco industry plays an important role in China's economy, but with the development of science and technology and people's attention to their own health,

the toxic effect of tobacco products on health is more and more recognized and accepted by people¹. Many countries and regions have begun to restrict the production and consumption of tobacco

through laws. From a worldwide perspective, it is the general trend to carry out more strict management and control on the production, sales and consumption of tobacco products². It is imperative for China to join the Framework Convention on tobacco control and implement a stricter legal system for the control of tobacco industry and products³⁻⁵.

Because China is one of the few countries that implement tobacco monopoly in the world, compared with developed countries, the basis of China's tobacco control law is tobacco monopoly. Historically, this system has played a certain role in stabilizing the market and developing the tobacco economy. However, from the perspective of today's globalized economy, it has become incompatible with the current economic development trend. Excessive industry protection is not conducive to the development of the industry itself, but also to protect non-smoking groups from second-hand smoke⁶. Today, more and more countries begin to control smoking through legislation. How should China legislate to control tobacco and protect citizens' own health rights. This paper compares the development of tobacco control system in foreign countries, in order to make some preliminary and tentative thinking and Discussion on the basic theory of tobacco control (i.e. cross disciplines such as medicine and law, environmental science and law, and social prevention and control).

Since the signing of the World Health Organization Framework Convention on tobacco control (hereinafter referred to as the "Convention on tobacco control")⁷, tobacco control in countries all over the world has risen from the spontaneous movement of citizens to the level of national legislation. In the past, although some countries formulated laws to strictly control the behavior of domestic smokers (such as Singapore), it was only an independent behavior taken by countries

according to their own national conditions, and there was no consensus among them⁸. However, the signing of the Convention on tobacco control has completely changed this situation. More and more countries begin to take the Convention on tobacco control as the core legislation to control the behavior of smokers. It has been more than ten years since China joined the Treaty on November 10, 2003, but the problems existing in China's tobacco control system, such as the too close relationship between the government and tobacco enterprises, the unclear rights and responsibilities in laws and regulations, have not been improved⁹⁻¹⁰. Therefore, the relevant legal system and model of tobacco control need to be changed.

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.

Two End Points of Pollution in the Process of Tobacco Monopoly Management

There are five persistent diseases that may pollute the environment in tobacco processing. All kinds of pollution produced in the process of tobacco processing will not only affect the health of employees of tobacco production enterprises and the quality of tobacco products, but also affect the surrounding environment of production enterprises to varying degrees¹⁴. According to the environmental protection and labor departments, there are no toxic substances and class I and class II hazardous substances referred to in the "trial emission standard for industrial three wastes" in the production plant of tobacco products. The monitoring results of pH value, maximum temperature, suspended solids, chemical oxygen demand, biological oxygen demand, nicotine and other relevant indicators in its industrial wastewater show that the wastewater can be discharged directly. For the tobacco stalk expansion technology adopted by some cigarette factories, the wastewater in the expansion section needs to be treated, but the daily treatment capacity is very small, so it can be loaded and transported to the wastewater treatment station for treatment. Smoke smell, dust, heat pollution, noise and solid waste are the main aspects that may endanger the environment in the production of tobacco products¹⁵.

(1) From the perspective of smoke odor pollution, the smoke odor emitted by tobacco products production enterprises is a comprehensive odor generated by the

mixing of various substance odors. It comes from the volatile organic compounds produced in the whole process of tobacco processing, some of which come from tobacco additives. According to the sampling analysis results, the smoke smell is mainly composed of dozens of volatile and semi volatile organic compounds such as nicotine, which has a significant impact on the environment.

(2) From the perspective of dust pollution, dust includes smoke and tobacco dust, which is mainly produced by boiler coal combustion. The main components of tobacco dust are tobacco dust and free silica, and the concentration range is generally 0.6 ~ 44.1 mg / m³. The harm of dust is mainly manifested in the damage to human respiratory system.

(3) From the perspective of thermal pollution, the temperature and humidity of tobacco production enterprises are mainly in different production processes such as tobacco redrying, fermentation, vacuum moisture regain, moistening and silk drying. According to the investigation results of the environmental quality status of tobacco production enterprises, the air temperature in the operation area in some sections of the unmodified cigarette factory in the south is more than 40 °C, and the internal and external temperature difference is large, The relative temperature and humidity exceed the corresponding national standards, and this heat pollution source must be controlled.

(4) From the perspective of noise pollution, the noise of tobacco products production enterprises mainly comes from mechanical noise and air flow noise. The equipment with high noise mainly includes leaf beaters, abnormal vibration conveyors, high-speed coiling and wrapping units, air compressors, vacuum pumps, high-speed fans, etc. from the noise investigation results of processing enterprises, many processing plants exceed 85dB (a), All have exceeded the national allowable standards.

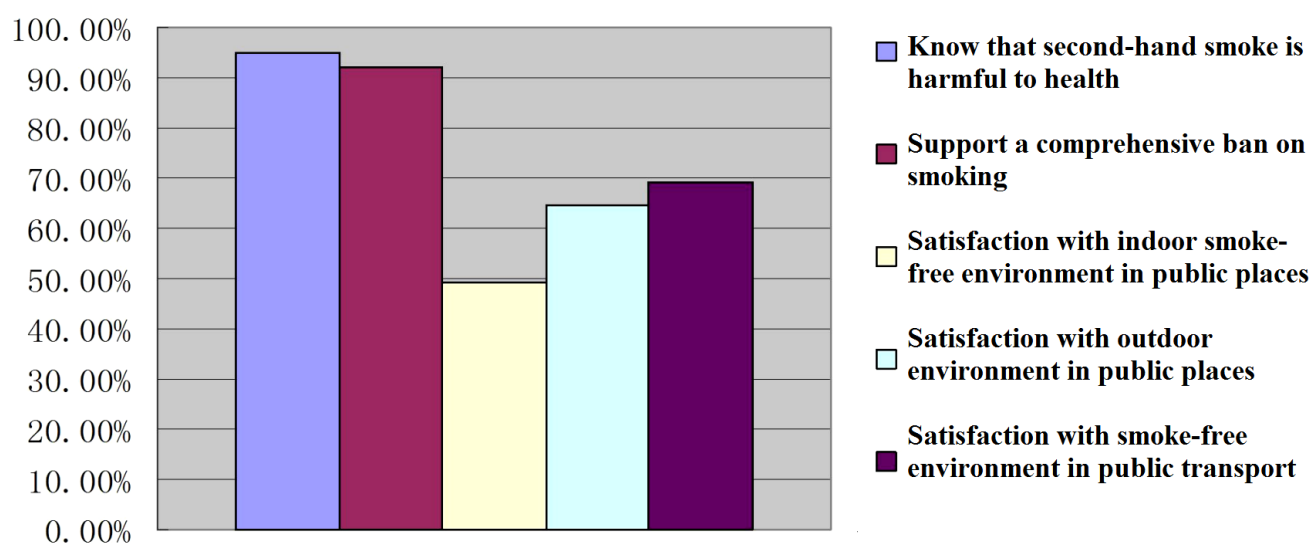
(5) From the perspective of solid waste pollution, the main solid waste of tobacco processing and production comes from tobacco itself (scrap tobacco leaves, tobacco dust and tobacco stems) and packaging materials, and a small amount of special waste from lighting equipment, batteries and oil should also be paid attention to.

Environmental tobacco smoke is the main patient who pricks the peripheral nerve of tobacco monopoly management. The so-called environmental tobacco smoke refers to some substances produced by smoking tobacco products in indoor air. Cigarette is the main source of environmental tobacco smoke, including two main aspects: side flow smoke and mainstream smoke. Other small sources include smoke released from the combustion cone and through the cigarette paper during smoking, and smoke released from the end of the cigarette between two suction. In fact, although cigarette side flow smoke and mainstream smoke are the main sources of environmental tobacco smoke, they need to undergo a series of physical and chemical changes to form environmental tobacco smoke, including oxidation, photochemical reaction and free radical quenching. In general, although there are essential differences between environmental tobacco smoke and main side flow smoke, they do some harm to human body. For example, the burning of tobacco leaves can also produce formaldehyde. People's long-term exposure to low-dose formaldehyde can reduce the immune level of the body, cause neurasthenia, drowsiness, memory loss and other symptoms, and serious mental depression. Long term irritation of the respiratory tract can cause the decline

of pulmonary function. It is also an allergen. Some people can induce allergic dermatitis and asthma after exposure. Another example: the number of smokers in the world has reached 1.1 billion. More than 7 million teenagers smoke passively around the world, especially children in their families. In Cuba, the rate of passive smoking among children is as high as 69%. The situation of passive smoking in China is also worrying. The number of smokers has been increasing, and the adult consumption of cigarettes has also continued to rise. 54% of adult non-smokers smoke passively at least one day a week, and most people do not know enough about passive smoking. Passive smoking not only increases the risk of lung cancer, but also increases the incidence of coronary heart disease and cardiovascular disease, and can lead to infertility. In February 2017, the China Tobacco Control Association released the survey report on the public's attitude towards comprehensive indoor smoking prohibition in public places in 10 cities in Beijing. The survey report shows (as shown in Figure 1) that the public has a high awareness of the hazards of tobacco products, indicating that China's tobacco control publicity has achieved some results.

Figure 1

The Survey Report (Source: <https://pubs.rsc.org/en/content/articlehtml/2019/tb/c9tb00826>)



RESULTS

Legal Problems Caused by Tobacco Pollution -- Environmental Legal Liability

According to **ARTICLE 24** of the environmental protection law of the people's Republic of China, tobacco production enterprises have two environmental protection obligations: first, bring environmental protection into the plan and establish an environmental protection responsibility system. Second, take effective measures to prevent and control the environmental pollution and harm caused by waste gas, waste water, waste residue, dust, odor gas and noise generated in production activities. Otherwise, it shall bear the following responsibilities:

(1). General environmental pollution liability. For a tobacco production enterprise that violates the provisions of the environmental protection law and causes an environmental pollution accident, the competent administrative department of environmental protection or other departments legally exercising the power of environmental supervision and management shall impose a fine according

to the harmful consequences and in accordance with **ARTICLE 38** of the environmental protection law of the people's Republic of China. If the circumstances are serious, The relevant responsible persons shall be given administrative sanctions by the unit to which they belong or the competent government organ.

2. Major environmental pollution accidents. For a tobacco production enterprise that violates the provisions of the environmental protection law and causes a major environmental pollution accident, the persons directly responsible shall be investigated for criminal responsibility in accordance with **ARTICLE 43** of the environmental protection law of the people's Republic of China. There are two aspects worth mentioning here: first, what is "significant"? It is generally believed that those who cause heavy losses of public and private property or serious consequences of personal casualties are "major". Second, how is the criminal law stipulated **ARTICLE 338** of the criminal law of the people's Republic of China stipulates that whoever, in violation of

state regulations, discharges, dumps or disposes of radioactive waste, waste containing pathogens of infectious diseases, toxic substances or other hazardous waste into the land, water body or atmosphere, resulting in a major environmental pollution accident, causing heavy losses to public and private property or serious consequences of personal casualties, He shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined. If the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Legal Liability of Tobacco Monopoly

ARTICLE 7 of the regulations for the implementation of the tobacco monopoly law of the people's Republic of China clearly stipulates that to obtain a license for a tobacco monopoly production enterprise, the following conditions shall be met: there shall be funds suitable for the production of tobacco monopoly products. Have the technology, equipment and conditions required for the production of tobacco monopoly products. It meets the industrial policy requirements of the national tobacco industry. Other conditions prescribed by the Department of tobacco monopoly administration under the State Council. The second condition is closely related to environmental protection. This condition contains two meanings: one is technical ability, which is specifically manifested in having corresponding technicians, reasonable process flow and good technical equipment and facilities. Second, there should be factories, sites and equipment suitable for the production of tobacco

monopoly products. If an applicant for a license for a tobacco monopoly production enterprise produces tobacco products or other tobacco monopoly products without obtaining the license qualification, the Department of tobacco monopoly administration will impose corresponding administrative penalties in accordance with **ARTICLE 56** of the regulations for the implementation of the tobacco monopoly law of the people's Republic of China. Legal liability for labor in accordance with the relevant provisions of **ARTICLE 52** of the labor law of the people's Republic of China, tobacco monopoly production enterprises must establish and improve the labor safety and health system, strictly implement the national labor safety and health regulations and standards, educate workers on labor safety and health, prevent accidents in the process of labor and reduce occupational hazards. At the same time, tobacco monopoly production enterprises should also ensure that labor safety and health facilities meet the standards set by the state environmental protection law of the people's Republic of China also clearly stipulates that if environmental pollution hazards are caused, the tobacco monopoly production enterprise shall have the responsibility to eliminate the hazards and compensate the units or individuals directly damaged. It should be noted that due to irresistible natural disasters and timely and reasonable measures, the environmental pollution damage still can not be avoided shall be exempted from liability. The description of the statistics is shown in Table 1.

Table 1
The description of the statistics

	N	Minimum value	maximum value	mean value	standard deviation
Tenacity 1	1060	0	4	2.76	.963
Tenacity 2	1060	0	4	2.63	1.000
Tenacity 3	1060	0	4	1.80	1.063
Tenacity 4	1060	0	4	2.35	.870
Tenacity 5	1060	0	4	2.70	.890
Tenacity 6	1060	0	4	2.42	1.051
Tenacity 7	1060	0	4	2.47	.971
Tenacity 8	1060	0	4	2.57	.879
Tenacity 9	1060	0	4	3.09	.871
Tenacity 10	1060	0	4	3.10	.853
Tenacity 11	1060	0	4	2.71	.873
Tenacity 12	1060	0	4	2.61	.990
Tenacity 13	1060	0	4	2.32	1.009
Strength 1	1060	0	4	2.42	.901
Strength 2	1060	0	4	2.24	1.013
Strength 3	1060	0	4	2.65	.942
Strength 4	1060	0	4	2.48	1.008
Strength 5	1060	0	4	2.41	.975
Strength 6	1060	0	4	2.58	.975
Strength 7	1060	0	4	2.01	.964
Strength 8	1060	0	4	2.44	.927
Optimism 1	1060	0	4	2.53	.953
Optimism 2	1060	0	4	2.51	.943
Optimism 3	1060	0	4	2.81	.893
Optimism 4	1060	0	4	2.45	.988
Valid n (list status)	1060				

International Legal Responsibility of Tobacco Control Treaty

The Framework Convention on tobacco control is an international legal document on tobacco control promoted by WHO in accordance with the powers stipulated in **ARTICLE 19** of its organic law and reached by Member States in the form of international agreement. It is the first worldwide multilateral agreement on tobacco. Its main goal is to "protect present and future generations from the effects of tobacco consumption and exposure to tobacco smoke on health, society Destructive impact on the

environment and economy ". The experiment result is shown in Figure 2.

(1) On the responsibility of tobacco pollution at the end of consumption "The Framework Convention" on tobacco control has 11 parts and 38 articles. The contents include: preamble, use of terms, objectives, guiding principles and general obligations of the Convention, specific obligations of tobacco control, environmental protection, issues related to responsibility, scientific and technical cooperation and information communication, institutional arrangements and financial resources, dispute settlement, development of the

Convention, etc. The content closely related to the tobacco industry is the provisions of the Convention on passive smoking. In order to protect non-smokers, the Convention requires each party to take effective measures to protect non-smokers from exposure to tobacco smoke in indoor workplaces, public transport and indoor public places.

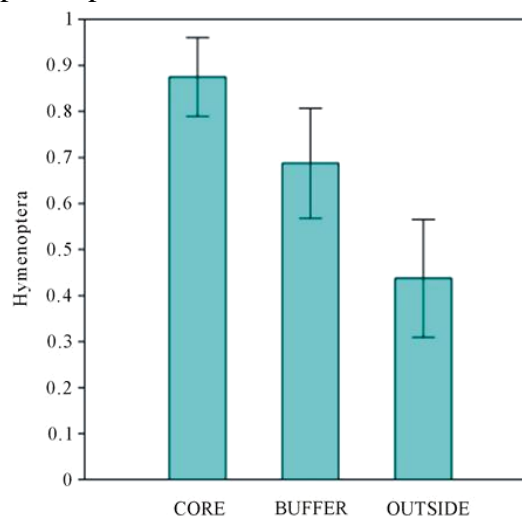


Figure 2 The experiment result

(2) On the responsibility of tobacco production endpoint pollution. Who maintains that the Framework Convention on tobacco control should protect national and international tobacco control measures, and should not be weakened by normal trade agreements and export policies. International management measures similar to environmental pollutants, such as toxic wastes and pesticides, should be taken for tobacco. The transportation of such substances should be controlled by relevant international conventions, such as the Basel Convention on the control of transboundary movements of dangerous substances and their treatment and the Montreal Protocol on substances that Deplete the ozone layer.

DISCUSSION

Tobacco control is different from smoking prohibition. It can be predicted that the tobacco industry, as a wonderful flower of sunset industry, will still exist in

our lives in the near future. How to urge the tobacco industry to provide consumers with high-quality and low-cost tobacco products, restrict citizens' smoking behavior, persuade and encourage them to get rid of tobacco when conditions permit. Protect women, children and the elderly from smoke. Promoting the formation of an atmosphere of advocating non-smoking, encouraging smoking cessation and restricting smoking is a problem to be faced by China's tobacco control legal system.

Improving the Environmental Protection Legal System and Form a Unified Tobacco Production Control Pattern

The main direction of the adjustment of China's tobacco control legal system should be to adjust the tobacco monopoly law, standardize the functional division of each department of tobacco monopoly, change the situation of no separation between government and enterprises, let enterprises truly return to the market and let the tobacco monopoly Department truly realize the function of monitoring. On this basis, break the regional restrictions and let the state uniformly control the total cigarette quota. Formulate relevant laws and regulations to distribute production quotas among various tobacco groups through open market behaviors (such as bidding and competitive bidding), change the situation previously decided by the tobacco monopoly department, and let enterprises participate in the market competition at the stage of output distribution. Adjust the business behavior of enterprises with the market, realize the survival of the fittest, and gradually eliminate the non-selling brands from the market, so as to concentrate the production quota on the enterprises that can produce excellent products.

Secondly, we should reform the relevant tax system according to the current situation of China's tobacco enterprises. Under the current tax system, China's

tobacco industry implements a fixed amount handed over to the central government every year, and the rest belongs to the local government. The original tax pattern based on the geographical division of manufacturers is no longer appropriate, because the original tax unit is only an enterprise subordinate to the tobacco group. If the tax is levied according to the administrative division, it will separate the normal operation of the enterprise and is not conducive to the realization of the overall goal of the enterprise. Therefore, it should be considered to tax the total output of tobacco groups, and then distribute it to local governments. This can not only weaken the local connection with enterprises, but also conducive to the development of enterprises themselves.

Straightening out the Connection Between Laws and Regulations to Ensure Their Enforceability

Because China still retains the tobacco monopoly system, the existing tobacco control system can be roughly divided into two parts, that is, the tobacco monopoly system with the tobacco monopoly law as the core and the tobacco control system with the regulations on smoking control in public places (Draft for approval). Because their formulation purposes and subjective starting points are different, there will inevitably be overlap and conflict in the content. For example, in terms of the provisions on smoking in public places, the provisions of the two laws are different, and the level of the former is higher than that of the latter from the perspective of the formulation organ, which lays a hidden danger for future implementation. In order to avoid the above situation, we can consider adding the content of tobacco control to China's existing tobacco monopoly system, such as encouraging consumers to quit smoking and protecting non-smokers from second-hand smoke in the general provisions, which can not only improve the implementation of relevant laws and

regulations, but also help to form a tobacco control atmosphere in China.

On the other hand, the structure of China's tobacco monopoly laws and regulations is unreasonable, which is mainly reflected in many relevant regulations in practice, but there are too many administrative rules and local regulations, which is not conducive to the implementation of relevant regulations and the state's supervision over the exercise of the power of relevant departments. The tobacco administrative department is used to adjusting the industry department in the form of notice, which virtually weakens the role of law. For example, the national cigarette production quota and distribution are not regulated by the state at the level of laws or regulations, but decided by the tobacco administrative department. This gives the tobacco administrative department great rights, but there is no corresponding regulatory measures, so it is difficult to ensure the objectivity and fairness of the behavior of the management department. Therefore, we should consider adjusting and refining laws, regulations and administrative rules. Straighten out the hierarchical relationship between them, so that they can be linked, perform their duties, refine layers from top to bottom, and gradually realize the intention of the law. Instead of letting the tobacco management department take the administrative regulations as a tool to fill the loopholes and use them without scruples.

Finally, when formulating relevant laws and regulations, the executive subject should be unified as much as possible, that is, the executive subject should be single as much as possible. If it must be executed by different subjects, the responsibility distribution of the executing subjects should be considered to avoid affecting the enforceability due to the uncertainty of the provisions. Second, for the provisions on the same content between different laws and regulations, the connection

between them should be considered, and the solutions to conflicts should be specified. Avoid execution deviation due to lack of interpretation.

Making Specific Provisions on Tobacco Advertising with Reference to the Tobacco Control Convention

In the tobacco control convention, there are forms of tobacco prohibition publicity, including all forms of tobacco advertising, promotion and sponsorship. At the same time, relevant media include radio, television, print media and other media as appropriate, such as the Internet. Its degree is not large and its scope is not wide. From the above contents, we can see that the publicity media for banning tobacco advertising in the Convention include not only radio and television, printing and other media, but also its expression is not limited to enumeration. Restrictions include not only advertising, but also promotion and sponsorship. That is, no matter publicity or sponsorship, it is prohibited as long as it is related to tobacco. For example, tobacco company used to be the main sponsor of the famous world formula one auto race. We can often see Marlboro or 35 logo on the car body and players' racing clothes. However, the introduction of the Convention undoubtedly sentenced these sponsors to death. At the beginning of the new season, European countries have had great differences around the issue of tobacco sponsorship, which once affected the normal progress of this important event. But anyway, it is a foregone conclusion that tobacco sponsorship will withdraw from the formula race. In the future, we may never see the logo of major tobacco companies on the car body. Compared with foreign countries' determination to ban tobacco advertising, China is still far from it. The Standing Committee of the National People's Congress voted and adopted the Convention in August 2005, and then the Convention officially entered into force in China in January 2006.

However, so far, China has not completely banned tobacco advertising at the legal level. According to the relevant provisions and practices of China's legislative law, the effectiveness of the tobacco control convention should be ranked between the Constitution and the law. However, because the Convention is not a civil and commercial law, it can not be directly applied in China, but can only be transformed. Therefore, how to modify the content of tobacco advertising in China's laws with reference to the tobacco control convention is both a promotion and a challenge for us.

Strengthening the Supervision of Tobacco Consumption and Protect the Interests of Vulnerable Groups

Some cities in China have stipulated smoking ban in public places in smoking ban regulations, such as hospitals and schools, where vulnerable groups are concentrated. However, compared with foreign countries, China's relevant laws and regulations expose the following problems: first, the level is low, mostly local regulations. Secondly, the scope of public places is too broad, which is not conducive to law enforcement. Thirdly, there is a lack of induction for smokers in vulnerable groups. For the above problems, we should take the following measures:

First, pass national tobacco control laws and regulations as soon as possible, and gradually promote local tobacco control legislation according to the actual situation of all localities on this basis. Compared with China, as early as the last century, some countries began to formulate smoking control laws and implement smoking prohibition in public places. For example, Singapore promulgated the world's first anti smoking law in 1970, strictly prohibiting smoking in public places (cinemas, elevators, buses).

Second, gradually refine the scope of public places. On the basis of national

anti-smoking laws and regulations, provinces and regions can have differences in specific contents, but they should be gradually tightened with the passage of time. For example, Norway passed the Norwegian law on the prevention of smoking in 1973, which has been continuously revised to expand the public areas where smoking is prohibited. By the time the latest amendment came into force in 2004, the areas where smoking is prohibited have included restaurants, bars, workshops with walls and roofs and public areas.

Third, smokers in vulnerable groups can formulate relevant provisions in local laws and regulations to encourage them to quit smoking. For example, the French government launched paid smoking cessation services for pregnant women in 2015. Expectant mothers who don't smoke will receive hundreds of euros. After all, compared with the simple mandatory administrative punishment, the guiding laws and regulations are obviously more popular and achieve better management results at some times. At the same time, the law enforcement power of smoking prohibition in public places should be clarified in laws and regulations. In terms of anti-smoking law enforcement, it can be divided into single department law enforcement and multi department law enforcement according to different law enforcement subjects. For example, in France, the power to implement the smoking ban falls into the hands of the "cigarette police", gendarmerie, traffic police and pickets. They have the right to give violators tickets similar to illegal parking. In New York City, the health and mental health bureau is responsible for the enforcement of anti-smoking laws. The housing bureau, the Consumer Affairs Bureau, the Environmental Protection Bureau, the fire department and the health and cleaning bureau also have the power to enforce laws. China's regulations on smoking control in public places (Draft for approval) stipulates that for individuals

who violate these regulations, the administrative law enforcement personnel of the corresponding competent department shall order them to make corrections immediately and may impose a fine of not less than 50 yuan but not more than 500 yuan. However, the regulations do not specify who will collect evidence and impose fines. Although some places in China have formulated anti-smoking regulations, they are not unified in implementation. In Beijing, health supervisors and health inspectors carry out voluntary tobacco control inspection. Among them, only the love Health Association, full-time health supervisors and part-time supervisors have the right to bill and punish. Lanzhou city is to set up smoking counsellors to do tobacco control counseling, publicity and education. The effect of implementation also varies greatly. Compared with the law enforcement in Beijing, smoking counsellors in Lanzhou can only give oral persuasion and publicity, so the effect is limited. From this, we can see that whether it is the joint management of multiple departments or the establishment of special departments, the power of punishment must be decentralized. The management department without the power of punishment is like a toothless tiger, which is difficult to produce deterrent and restrictive effect compared with the executor. At the same time, it should also be considered that if multiple departments cooperate in law enforcement, the rights of various departments must be divided and cooperate with each other.

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