

# Big Tobacco targets National Standards Bodies to roll out new tobacco products

Southeast Asia Tobacco Control Alliance

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## Introduction

While five governments in the ASEAN region have banned electronic smoking devices (ESD), other governments are still weighing their regulation. To bypass the Ministry of Health's jurisdiction over tobacco control, the tobacco industry and its front groups are targeting national standards bodies, usually under the Ministry of Trade or Industry, as an alternative government agency to regulate electronic nicotine delivery systems (ENDS) and heated tobacco products (HTP). By shifting this regulatory responsibility to the national standards body, the tobacco industry is shifting attention away from health harms to instead focus on the manufacturing quality of their products.

Because the Ministry of Trade or Industry is usually business friendly, the tobacco industry anticipates this will result in a policy that will make these products widely available.

This handout spotlights how the tobacco industry has influenced national standards bodies across the ASEAN region, how pro-ESD front groups have exerted influence on standards for ENDS and HTPs, and the links of the tobacco industry with international standards bodies. The handout will provide recommendations for governments to counter tobacco industry interference according to the WHO Framework Convention on Tobacco Control (FCTC).

## Industry and front groups pressure governments to create standards for ENDS/HTPs

Internal documents of Philip Morris International (PMI) exposed by Reuters in 2017<sup>1</sup> identified “the lack of ideological think tanks and taxpayers’ organizations” as an industry weakness to be improved. Several new pro-ESD groups have since emerged in the ASEAN region that have been vocal about establishing standards for ESD.

The so-called consumer groups, including the Coalition of Asia Pacific Tobacco Harm Reduction Advocates (CAPHRA), are shifting the focus from public health to product standardization, referencing the international standards bodies. CAPHRA, a member of the International Network of Nicotine Consumer Organizations, which has a grant from the PMI-funded Foundation for a Smoke-Free World,<sup>2</sup> is urging the Philippine government to regulate ESD according to international standards.<sup>3</sup>

In 2015, a year after Thailand banned ENDS/HTPs, a Tobacco Authority of Thailand-funded research by Sasin Management Consulting to study the impact of e-cigarettes on stakeholders recommended that the Thai Industrial Standards Institute standardize ESD using the licensing system and standards utilized in the European Union and the USA.<sup>4</sup> Recently, a pro-ESD group, End Cigarette Smoking in Thailand (a CAPHRA member), urged the government to revoke its ban on ESD, claiming inaction would allow smuggled, unstandardized vaping products to be available in Thailand.<sup>5</sup>

In Malaysia, RELX Technology, an e-cigarette manufacturer, argued that “Reasonable regulations, especially on product standards, protect the interests of consumers.”<sup>6</sup> Meanwhile, the Malaysian E-Vaporizers and Tobacco Alternative Association (MEVTA) estimated that sales of ESD would positively impact the country.<sup>7</sup>

## ***International standards bodies involved in specifications for ENDS/HTPs***

The International Electrotechnical Commission (IEC)<sup>8</sup> and the International Organization for Standardization (ISO) are both creating standards related to ESD.

Malaysia, Philippines, Singapore, Thailand and Vietnam are members of IEC and collaborate with IEC through the national standard organizations.<sup>9</sup> Myanmar, Brunei, Cambodia, and Lao PDR are listed as IEC Affiliate Country Program participants.

One IEC project (PT 60335-2-120), under its Technical Committee 61<sup>10</sup> on the safety of household and similar electrical appliances, is focused on requirements for electric heaters for tobacco products and portable vaping devices. This project will develop a new Part 2 standard covering electrical safety of heaters for tobacco products and battery-operated vaping appliances supplied by batteries and related risks. However, the new Part 2 standard will not cover the health effects of aerosol generated from tobacco units or nicotine, but will only include specific instructions on the packaging of the consumable to be used with the electric heater or the vaping device to warn the user on the potential health effects caused by nicotine.

In 2015, ISO created a subcommittee (SC 3 on vape and vapor products) under its Technical Committee (TC) 126 (Tobacco and tobacco products). As of March 2021,<sup>11</sup> ISO/TC 126/SC 3 has 25 participating countries and 10 observing country members and is in liaison with other organizations, such as IEC/TC 61 and the Cooperation Centre for Scientific Research Relative to Tobacco (CORESTA),<sup>12</sup> which includes all the major tobacco companies and tobacco industry affiliated organizations as members.<sup>13</sup> ISO/TC 126/SC 3 has published two standards:<sup>14</sup> ISO 20714:2019 (Determination of nicotine, propylene glycol, and glycerol in liquids used in electronic nicotine delivery devices — Gas chromatographic method) and ISO 20768:2018 (Routine analytical vaping machine — Definitions and standard conditions).

Although none of the participating and observing country members of ISO/TC 126/SC 3 are from the ASEAN region, the ISO is a high-profile international standards body with 165 country members,<sup>15</sup> including all ASEAN countries (Table 1). Through these national standards bodies, ISO standards can be used as a tool to derail effective regulation, including bans, of ESD in the region, especially when influenced by the industry.

**Table 1: ISO Members in ASEAN**

<b>Country</b>	<b>National standards body</b>
Brunei Darussalam <sup>16</sup>	National Standards Centre (NSC), Ministry of Industry and Primary Resources (MIPR)
Cambodia <sup>17</sup>	Institute of Standards of Cambodia (ISC), Ministry of Industry and Handicraft
Indonesia <sup>18</sup>	National Standardization Agency of Indonesia (Badan Standardisasi Nasional - BSN)
Lao PDR <sup>19</sup>	Department of Standardization & Metrology (DoSM), Ministry of Science and Technology
Malaysia <sup>20</sup>	Department of Standards Malaysia (DSM), Ministry of International Trade and Industry (MOTI)
Myanmar <sup>21</sup>	Department of Research and Innovation (DRI), Ministry of Education (MOE)
Philippines <sup>22</sup>	Bureau of Philippine Standards (BPS, also referred to as the 'Bureau of Product Standards'), Department of Trade and Industry (DTI)
Singapore <sup>23</sup>	Singapore Standards Council (SSC)
Thailand <sup>24</sup>	Thai Industrial Standards Institute (TISI), Ministry of Industry (MOI)
Vietnam <sup>25</sup>	Directorate for Standards, Metrology, and Quality (STAMEQ), Ministry of Science and Technology (MOST)

## The relationship between international standards bodies and the tobacco industry

The tobacco industry has a long-standing close relationship with ISO,<sup>26</sup> playing a major role, through CORESTA, in setting the ISO standards to measure cigarette tar and nicotine yields, which cigarette manufacturers have used to label and market “light” and “low tar” cigarettes as “less harmful” products; this myth has since been discredited.<sup>27</sup>

Several IEC 60335-2-120 project leaders and members<sup>28</sup> are pro-ESD or have links with the tobacco industry, including PMI, British American Tobacco (BAT), and Japan Tobacco International (JTI) (Table 2).

**Table 2: IEC project leaders and members with tobacco industry links<sup>29</sup>**

Name	Organization / expertise	Relationship with TI
<b>Project leaders</b>		
Mr Yusuke Suzuki	Toxicology Research Lab, Central Pharmaceutical Research Institute, Japan Tobacco Inc.	JTI researcher
Mr Flore Chiang	Principal Engineer, Underwriters Laboratories (UL) Taiwan Co., Ltd. He has presented on “Safety for electrical systems of electronic cigarettes and vaping devices” at the Keller and Heckman E-vapor and Tobacco Law Symposium, 6 February 2018. <sup>30</sup>	He is experienced in hazard-based safety engineering in electronic cigarette and vaping devices.
<b>Project members</b>		
Mr David Corkill	Principal Regulatory Compliance Manager and Senior Scientist for Product Safety, BAT, Southampton, United Kingdom, <sup>31 32</sup> his work is related to both ENDS and HTPs.	BAT staff in UK
Ms Sarah Pastorelli	Manager for Toxicological Material Assessment (previously Regulatory Affairs Senior Officer), PMI, Toronto, Ontario. <sup>33</sup>	PMI staff in Canada
Ms Wanessa Russeau	Reduced Risk Products – Regulatory Operations, PMI, Lausanne, Switzerland. <sup>34</sup>	PMI staff in Switzerland
Mr Colin Sinclair	Emerging Products Technology Manager, JTI, Weybridge, United Kingdom. <sup>35</sup>	JTI staff in the UK
Mr Rosario Spinello	Specialist, Emerging Products Testing Global Quality Assurance (GQA), Department R&D QA, JTI, Germany. <sup>36</sup>	JTI staff in Germany

## How standards bodies are mobilized to support ENDS/HTP standardization

In Indonesia, the Philippines, and Vietnam, the national standards bodies have been mobilized to support developing standards for ENDS/HTP. Below are examples from these countries.

### *Indonesia*

In April 2020, the Indonesian Ministry of Industry's Director of Beverages, Tobacco Products and Refreshing Materials echoed the position<sup>37</sup> of a pro-ENDS/HTP group, the Indonesian Personal Vaporizer Association, which requested the Ministry of Industry to work on the standardization of electronic tobacco products. In September, it was reported that the Ministry of Industry started preparing draft standards for HTP with PT HM Sampoerna playing an active role in the process.<sup>38</sup> In 2019, Sampoerna had signed an MOU with the government to conduct research on HTP. The Ministry of Industry's explanation to justify this action was that the product standard test for other tobacco processing products will encourage competitiveness of these products.<sup>39</sup>

### *Vietnam*

According to the Ministry of Industry and Trade (MOIT), the lack of regulations created legal loopholes, enabling a black market of e-cigarettes and heated tobacco products to

flourish; it therefore recommended developing regulations for these products. Unlike Indonesia, the national standards body in Vietnam developed standards because MOIT claimed e-cigarettes and heated tobacco products are different from regular cigarettes.<sup>40</sup>

On 11 December 2020, three national standards were issued under Decision No. 3458/QD-BKHCN of the Ministry of Science and Technology (MOST).<sup>41</sup> STAMEQ is the agency developing the documents and MOST will issue them. They are: 1) TCVN 13154: 2020 (Heated tobacco products – Determination of nitrogen oxides content);<sup>42</sup> 2) TCVN 13155:2020 (Heated tobacco products – Determination of carbon monoxide content);<sup>43</sup> and 3) TCVN 13156: 2020 (Heated tobacco products – Specifications).<sup>44</sup>

### *Philippines*

In 2019, the Bureau of Philippine Standards (BPS) encouraged active participation of the tobacco industry, consumer organizations, and other relevant stakeholders in its policymaking activities related to electronic cigarettes.<sup>45</sup> BPS drafted a Department Administrative Order, to 'strictly ensure that electronic cigarettes to be manufactured, distributed, or sold in the Philippines meet the specified safety requirements prescribed by BPS.'<sup>46</sup>

## Recommendations

- Ministries of Health should continue to maintain jurisdiction of regulation of all products that impact human health, particularly tobacco-related products;
- Based on the precautionary principle and given the known health harms of ESD, governments should regulate these products as strictly as possible, including the possibility of banning their production, marketing, and sale, in the interest of public health; and
- In accordance with the WHO FCTC Article 5.3, individuals and organizations with links to the tobacco and nicotine industry have a conflict of interest and hence should not be involved in developing policy. The government should reject any standards recommended by or developed with the industry, including from the IEC and ISO, which have been compromised and influenced by the tobacco and nicotine industry.

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<sup>2</sup> Foundation for a Smoke-Free World, Awarded grants. Available at <https://www.smokefreeworld.org/awarded-grants/>

<sup>3</sup> The Coalition of Asia Pacific Tobacco Harm Reduction Advocates (CAPHRA). Asian Groups Welcome Hong Kong's Termination of Vaping Ban. Available at: <https://prn.to/3buFio3>

<sup>4</sup> Sasin Management Consulting. A project to study the impact of e-cigarettes on Thailand's stakeholders and recommendations on management from the government sector [Thai document]. Available at: <https://bit.ly/3eo0aPK>

<sup>5</sup> Bangkokbiznews. E-cigarette network accelerates the Thai government to set up an independent committee to study 'E-cigarettes' seriously [Thai document]. 23 June 2020. Available at: <https://www.bangkokbiznews.com/news/detail/886305>

<sup>6</sup> Ibid.

<sup>7</sup> New Straits Times. Malaysia should balance e-cigarette regulations for better economic outcomes. 10 September 2020. Available at: <https://bit.ly/3elqxFV>

<sup>8</sup> The International Electrotechnical Commission (IEC) is a worldwide, independent, not-for-profit membership organization (funded by membership fees and sales). IEC develops state-of-the-art, globally relevant International Standards for electrical, electronic, and information technologies. The IEC's objective is to promote international co-operation on all questions of standardization and related matters, such as the verification of conformity to standards in the fields of electricity, electronics, and related technologies, and thus to promote international understanding. [Ref: International Electrotechnical Commission (IEC). Statutes and Rules of Procedure. Available at: <https://bit.ly/2PPCKSD>]

<sup>9</sup> IEC. Members – National Committees. Available at: <https://www.iec.ch/national-committees#nclist>

<sup>10</sup> IEC. PT 60335-2-120: Particular requirements for electric heaters for tobacco products (EHTP) and portable vaping devices. Available at: <https://bit.ly/2OG4i2M>

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- <sup>15</sup> ISO. ISO members. Available at: <https://www.iso.org/members.html><sup>16</sup> ISO. NSC Brunei Darussalam. Available at: <https://www.iso.org/member/1585.html>
- <sup>17</sup> ISO. ISC Cambodia. Available at: <https://www.iso.org/member/1901.html>
- <sup>18</sup> ISO. BSN Indonesia. Available at: <https://www.iso.org/member/1798.html>
- <sup>19</sup> ISO. DOSM Lao People's Democratic Republic. Available at: <https://www.iso.org/member/537437.html>
- <sup>20</sup> ISO. DSM Malaysia. Available at: <https://www.iso.org/member/1911.html>
- <sup>21</sup> ISO. DRI Myanmar. Available at: <https://www.iso.org/member/382920.html>
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