

Trade-proofing Tobacco Control

WWT 

SPH

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- An extension of the Industry's strategy: use their considerable resources in multiple jurisdictions



- Less influence for the public, NGOs, and public authorities
- Public health protection isn't the goal
- Ambiguous and untested legal terms
- Trade agreements don't respect federalism

1. Purpose

Does the policy serve a public purpose?

Is it the best way to fulfill that purpose?

What evidence is there that the policy will be effective?

**SMOKING CAUSES
PERIPHERAL
VASCULAR DISEASE**



JPS Superkings
Blue

. Authority

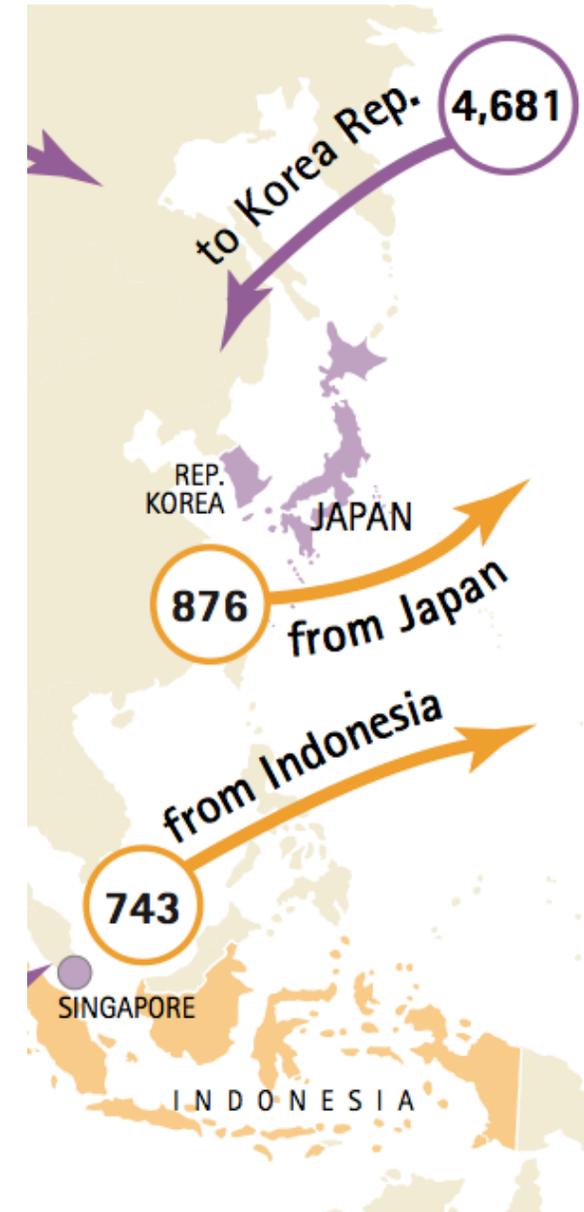
that purpose a
legitimate use of
government authority?



3. Economic Impact

Does the policy discriminate between foreign and domestic firms?

Does it cause unfair competition?



The most trade-resilient policies:

1. Serve a clear, stated public purpose.
2. Are consistent with international consensus (such as the Framework Convention on Tobacco Control) and existing policy commitments.
3. Are based on sound evidence.
4. Do not discriminate among products.
5. Follow democratic procedures.

A global public health framework?

- The US benefits from the FCTC, even though Congress hasn't ratified it.
- The WTO recognizes the FCTC and Doha Declaration as evidence of international consensus.
- For a global public health framework to exist, the US has to participate.