

8.2

Coordination: Establishment of a National Coordinating Mechanism

Effective enforcement of a tobacco control programme at the national level can be achieved by establishing a national coordinating mechanism that includes government and non-government stakeholders. A common Indian Tobacco Control Plan, with synchronized action by different groups, would provide greater synergy to the campaign and ensure uniform action. With the enforcement of the Indian Tobacco Control Act, coordination at the national level would ensure its effective implementation. A national coordinating mechanism becomes absolutely essential from the point of view of legislation enforcement. India, being a signatory to the FCTC and having ratified it, will also be required to adhere to the provisions of the FCTC when it comes into force. To implement the provisions of the Indian Tobacco Control Act and FCTC, establishing a national coordination mechanism is an essential need of the time. Article 5.2 (a) of the FCTC obliges the ratifying parties to establish or reinforce and finance a national coordinating mechanism or fiscal points for tobacco control.⁷

At the national level, concerted and strategic tobacco control efforts can lead to meaningful changes in tobacco consumption. Developing a national plan of action for tobacco control and establishing the infrastructure, with adequate capacity, to implement the plan of action are important steps in meeting the challenge of effective tobacco control.⁸

Based on experiences from other countries and

WHO's guidelines for a national coordination mechanism, it would be ideal for a country to form a national coordination mechanism through four types of agencies:

- NRA, affiliated to or operated by the Government;
- National Coordinating Body (NCB), having multiple stakeholders including civil society groups, whose role is recognized and recommended by the FCTC;
- An IMCC to effectively enforce the national and international legislations related to tobacco control in the country;
- A State-level Coordinating Body (SCB): For larger countries, a multisectoral committee at the State and district level is recommended, to coordinate with the Central Government and implement action at the State and district level.

The structure and composition of these committees would differ from one another but their overall goal would be to develop a national plan of action for tobacco control, to select and coordinate appropriate components and activities involving policy and legislation, smoking cessation, education and advocacy, and to integrate other elements embodied in the national laws and FCTC.⁸ These committees should have regular reporting mechanisms to ensure accountability, and allow community involvement and participation.

Need for an NRA

Contemporary tobacco products include many ingredients and additives. It has been extensively researched and shown that nicotine is the main ingredient in tobacco which causes addiction. Apart from nicotine there are other toxic chemicals in tobacco. Harmful ingredients in tobacco and tobacco smoke are a cause of great concern to health professionals, policy-makers and regulators around the globe. The essential need to regulate tobacco products has been detailed in Section 7.2 of this report. Apart from

the obvious need to regulate tobacco products, the FCTC's three articles (Articles 9, 10 and 11) also address the regulation of tobacco products.

Tobacco product regulation around the globe

Some countries with progressive tobacco control programmes, such as Canada and Brazil, have regulated tobacco products in their countries by establishing permissible upper limits for tobacco product constituents and emissions. The functions of the regulatory authority in Canada include:⁹

- prescribing the level of ingredients in the tobacco product as well as in its emissions
- proscribing certain ingredients from being added to tobacco products
- prescribing tobacco testing methods
- prescribing mandatory information that tobacco manufacturers should provide to the Canadian government about their product and its emission.

The Brazilian government requires that all tobacco companies must register tobacco products, by brand, and declare to the government all information on the types of additives used and compounds present in the mainstream and side-stream smoke of the products (see Box 8.1).¹⁰

Tobacco companies under the European Union are required to disclose a list of all ingredients for each brand and provide appropriate reasons for the inclusion of each additive in the tobacco product along with an explanation of the reason for that additive. This information is not restricted to the government but is made public and consumers are informed about the ingredients and additives.⁹

The US Department of Health and Human Services specifies that every company is required to send a list of all the ingredients that its company uses in the tobacco products. This information is not segregated as per different brands or varieties. This information is not made public.⁹

Need for establishing an NCB

The WHO FCTC recognizes the importance of participation of civil society to achieve the goal of reducing tobacco-related morbidity and mortality.⁸ A multisectoral tobacco control programme should also involve the private sector. An NCB can include stakeholders such as health professionals, lawyers, the media, NGOs, economists, members from business, industry and labour unions, children's rights groups, environmental groups, etc. The NCB's main role should be to act as a watchdog to ensure the enforcement of existing legislations and guide the development of future policies based on need and scientific evidence for efficacy. The NCB would also work on broader issues of public health education, mobilizing communities and advocacy.

Need for an IMCC

The Health Ministry is usually the focal point to spearhead the tobacco control action plan in any country. However, the Health Ministry has to coordinate with other ministries to ensure action on all aspects of tobacco control. To ensure effective enforcement of the national legislation as well as the provisions of the FCTC, such coordination between ministries is essential.

What is needed in India?

Since the Indian Act contains mainly regulatory provisions related to the production, packaging and sale of tobacco products, the establishment of an Indian NRA becomes an urgent necessity even while the goal of a broad-based NCB needs to be pursued. Without a strong and effective NRA the provisions of the Indian Act may face the prospect of implementation failure. To obviate such a danger, establishment of an Indian NRA through research (for precedents in other countries), modelling (in accordance with national needs and systems) and advocacy (to mobilize political support for the establishment of such an agency) is an immediate priority.

Box 8.1 National Coordinating Mechanism, Brazil: A case study

Brazil is an example to follow as a basis for developing a national coordinating mechanism on tobacco control in any country. It has formed both a National Commission on Tobacco Use (NCTU), which is an inter-ministerial group to guide tobacco control efforts at the national level, as well as an autonomous agency that regulates and controls the production, content and advertising of tobacco products. This agency monitors and enforces Brazil's tobacco control legislation.¹¹ The National Regulatory Authority functioning in Brazil is the ANVISA (Agencia Nacional de Vigilancia Sanitaria) or National Health Surveillance Agency, which was established in January 1999, as a result of the Federal Government's decision. Establishment of this agency augmented the Brazilian government's tobacco control efforts and Brazil became a world leader in regulating and controlling tobacco products.¹² This agency is an independently administered, financially autonomous, regulatory agency and is linked to the Ministry of Health under a management contract.¹³

ANVISA's role in regulating tobacco products

ANVISA regulates tobacco products in Brazil as per legislation by performing the following functions:

- ANVISA prescribes the maximum levels of tar, nicotine and carbon monoxide presently allowed in cigarette smoke released by tobacco products sold in Brazil. It has also prescribed for a further gradual reduction in the levels of tar, nicotine and carbon monoxide in tobacco products.
- ANVISA mandates the annual registry of tobacco products (smoked and smokeless forms) and reporting by the industry. This registration is applicable to national, importing or exporting tobacco companies.¹⁴ Tobacco companies have to pay a fee for each brand that they produce. Under reporting, the companies have to declare information related to:
 - type and amount of tobacco used in the product
 - ingredients and additives used
 - specification of filters and wraps
 - studies supporting the use of ingredients and additives
 - composites present in the primary and secondary smoke
 - total composites present in tobacco
 - data on sales and production.

This registration is reviewed by ANVISA's Management of Smoking Products division under the technical supervision of the National Coordination for Cancer Prevention and surveillance of the National Institute of Cancer.¹⁴ The fund generated through collections from the registration fee has been used for funding tobacco control initiatives such as the Laboratory for Tobacco Analysis and the Centre for Clinical Studies on Nicotine Addiction at the National Cancer Institute in Brazil.

- ANVISA also prohibits the use of any deceptive message on tobacco packages. It prescribes and monitors the labelling of tobacco packages: ANVISA requires every cigarette pack to carry information on the levels of tar, nicotine and carbon monoxide along with a specified warning, 'There are no safe levels for the consumption of these substances.'
- Testing methods are defined to be in accordance with the ISO (International Standards Organization) and acknowledged by ABNT (Brazilian Association of Technical Norms).

ANVISA'S role in monitoring the display of health warnings

ANVISA's resolution determines that packages and advertisement material of smoking tobacco products, except those intended for exportation, should include health warnings followed by pictures illustrating their meanings.

- ANVISA mandates that all tobacco products embody on packages and advertisements warning levels to consumers about the harms associated with the use of these products.
- ANVISA prescribes the content for health warnings as well as the logo of stop smoking hotline numbers to be printed on advertisements of the product on posters, billboards and placards inside stores, as mandated by law.
- These warnings are monitored and controlled by ANVISA and violators are penalized under the federal law.

An NRA, based on best practices established internationally, should include several functions under its ambit. It should

- develop requirements for each tobacco product
- decide standards for constituents
- decide standards for emissions
- design tobacco product packages
- decide and specify testing methodologies
- measure compliance with the prescribed performance standards and requirements
- prohibit deceptive and misleading information
- restrict the use of any toxic chemicals and additives
- regulate ‘harm reduction’ products
- mandate the registration of national, importing or exporting tobacco companies and their products.

Objectives of the National Coordination Mechanism

The National Coordinating Mechanism should have the following objectives:

Establishment of an NRA

- To regulate all tobacco products (smoking and smokeless) and their marketing, the contents and emissions of tobacco products, tobacco product disclosures, and packaging and labelling of tobacco products;
- To regulate ‘harm reduction’ products (nicotine replacement therapies [NRTs], *beedi* substitutes, oral tobacco substitutes);
- To set standards for the testing of constituents and emissions of tobacco products.

Establishment of IMCCs (at Central and State levels)

- To strengthen enforcement (ban on advertisements and ban on smoking in public places);
- To discuss among the ministries on tobacco-related issues and guide the formation of rules on the provisions of the Indian Act and to

guide enforcement of the FCTC, when it gets enforced;

- To conduct inter-ministerial discussions to plan and decide on a common Indian Tobacco Control Programme (ITCP) and steer the efforts of all ministries towards achievement of a common goal of tobacco control in India;
- To guide multisectoral implementation of the tobacco control programme following the guidelines of the ITCP.

Establishment of an NCB

- To monitor violations related to the provisions of the Indian Tobacco Control Act that have been enacted and notified;
- To guide and assist the Health Ministry in implementing the ITCP in India;
- To coordinate activities at the national level related to implementing the provisions of the FCTC on education, communication, training and public awareness.

Establishment of an SCB

- To ensure effective enforcement of tobacco control laws at the State level;
- To involve multisectoral State-level units in implementing the activities envisaged in the National Programme for Tobacco Control at the State level.

Figure 8.1 describes the interaction between the agencies at the Central and State level to coordinate the National Programme for Tobacco Control in India. At the Centre, IMCC would interact with the NCB as well as NRA. At the Centre, the IMCC would devise an action plan to implement the objectives of the National Programme for Tobacco Control. To plan this action they would receive inputs from the NCB. Subsequent to having identified the objectives and actions, the IMCC will instruct the NRA and NCB to function on the basis of the guidelines issued by the IMCC. The Central-level IMCC would also communicate this action plan to IMCCs at the State level to ensure uniform action for tobacco control. Similarly, the NCB at the

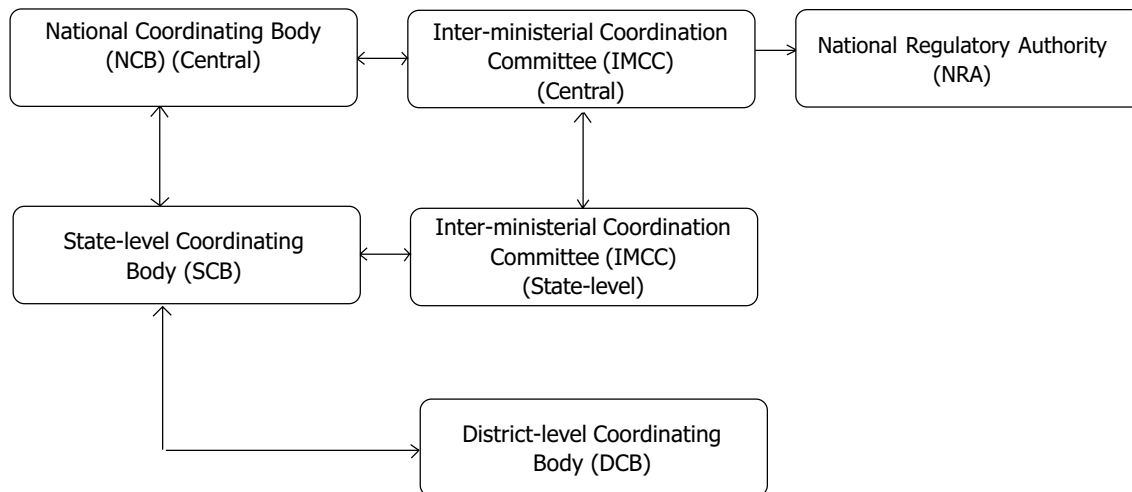


Fig. 8.1 Proposed scheme for a national coordinating mechanism for tobacco control

Centre would coordinate with the SCB at the State level to organize similar activities and advocacy against violations. The SCB would also interact with the IMCC at State level to coordinate State-level action on tobacco control. The SCB and IMCC at the State level would also be responsible for passing on the action plan to the District-level Coordinating Body (DCB) which will be responsible for organizing action and activities at the district level. The DCB would

also send feedback and suggestions to the other bodies through the SCB so that these can be incorporated as activities are planned at the Central level in India. Such smooth interaction between the coordinating agencies at the Central and State level will leave no scope for ambiguity in interpreting the laws related to tobacco control at any level and orders passed at the Centre would reach every district in India.

8.2 COORDINATION: ESTABLISHMENT OF A NATIONAL COORDINATING MECHANISM

KEY MESSAGES

- A national coordination mechanism is essential from the point of view of legislation enforcement.
- A national coordination mechanism should have four types of agencies—a National Regulatory Authority (NRA), a National Coordinating Body, an Inter-ministerial Coordination Committee and a State-level Coordinating Body.
- Without a strong and effective NRA, the provisions of the Indian Act may be faced with implementation failure.