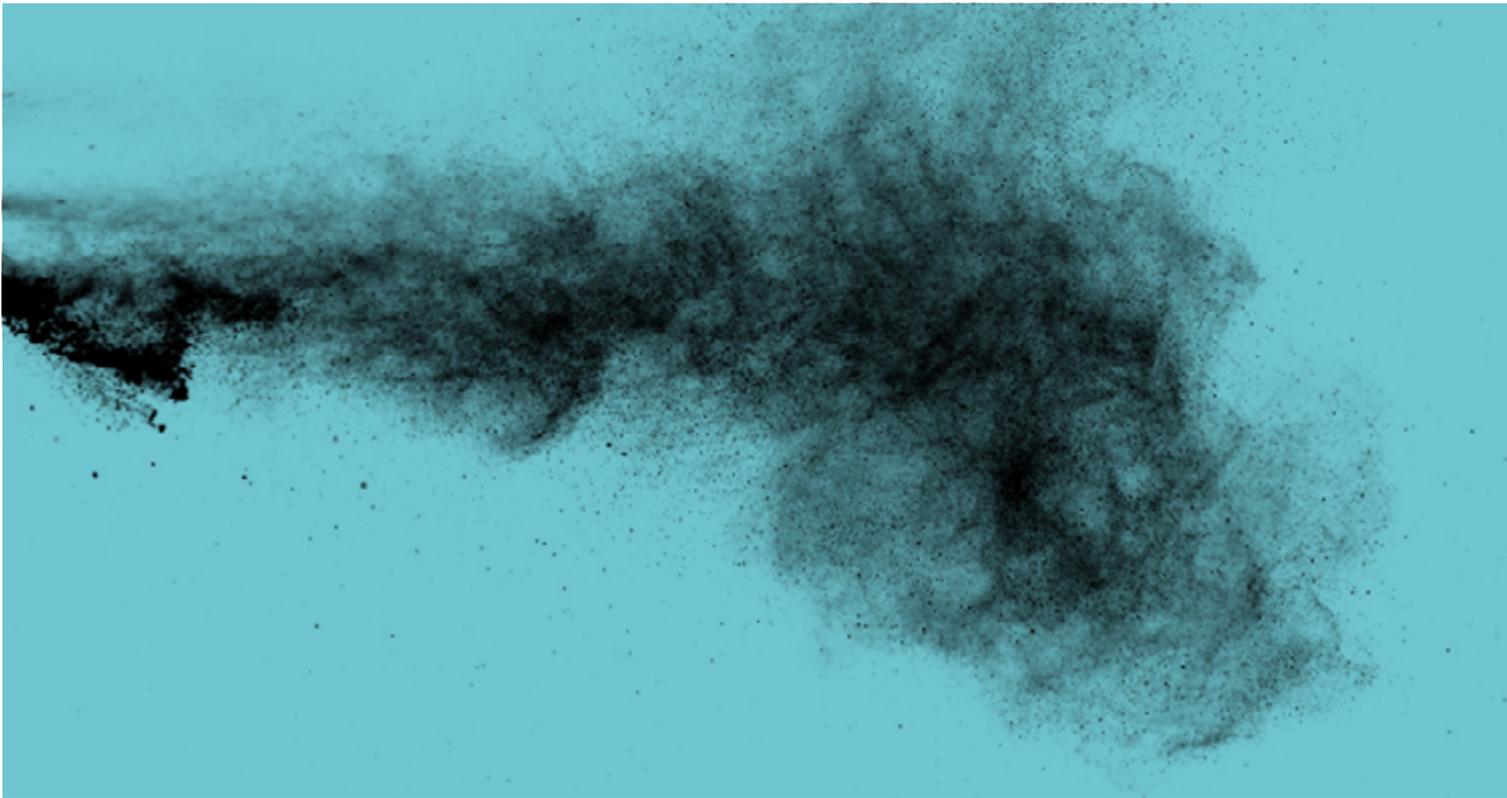


Environment Bill

Second Reading

Parliamentary Briefing February 2020

Chartered Institute of
Environmental Health



Chartered Institute of Environmental Health (CIEH)

CIEH is the professional voice for environmental health representing almost 7,000 members working in the public, private and non-profit sectors. Building on its rich heritage, CIEH ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to our environment and our health.

CIEH is a member of the Healthy Air Campaign and the Environmental Policy Forum.

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Top lines

We welcome proposals for new binding targets for air quality, particularly on fine particulate matter (PM2.5). However, to show real ambition and to protect public health, the government must make a legally binding commitment to achieve World Health Organization (WHO) guideline levels by 2030 for PM10 and NOx.

The target setting process should be strengthened to ensure that the targets are ambitious, make significant progress in a reasonable time frame and that independent expert advice plays a key role in the setting or amendment of any targets.

Although the Bill provides some welcome new powers to local authorities, central government should commit additional resources to local areas to drive effective local action.

The Bill must include a 'clean air duty' on all levels of government, all public bodies and national agencies, so that these all work to contributing to the reduction of air pollution through their decision-making.

Providing powers to the Secretary of State to recall some vehicles, which break their own emissions standards, are welcome but do not go far enough. Road transport is responsible for the vast majority of Air Quality Management Areas in the UK and therefore a range of ambitious measures is needed to reduce the number of the most polluting vehicles on the road and accelerate the adoption of clean vehicles.

Environmental targets (Clauses 1-3)

Targets for air quality should protect human health

The Bill makes no provision for the alignment of air quality targets with WHO guidelines, which are set at levels to protect human health. The Bill only requires two targets to be set for the improvement of air quality: one for PM2.5 (clause 2) and at least one other on any other aspect of air quality (clause 1(2)). If this minimum requirement is implemented, this would mean that we will have far fewer targets than those currently set by the EU limit values, which cover 12 different pollutants. At the very least, we need to see targets for NOx and PM10, as these pollutants are the main reasons for the declaration of Air Quality Management Areas (AQMAs) across the UK. These pollutants are also recognised by the WHO as having no 'safe concentration'.

The Bill should require the setting of new limit values for all pollutants in line with WHO guideline levels and a commitment to move targets further should the evidence base suggest further tightening is required or WHO guidelines are updated.

Targets should also be set according to specific criteria, including to:

- **Minimise, and where possible eliminate, the harmful effects of air pollution on human health and the environment, as quickly as possible**
- **Take into account the advice of the Office for Environmental Protection (OEP) and the Climate Change Committee (CCC)**
- **Prevent regression of standards from old EU limit values**
- **Take into account the latest scientific evidence on air pollution, its sources and effects on human health and the environment, as well as the latest international standards and best practices**
- **Be in accordance with environmental principles, including the precautionary principle, the polluter pays principle and intergenerational equity**

Lack of urgency and independence in the process for setting targets (Clauses 3 and 10)

Targets are due to be set in secondary legislation, which does not need to be laid until October 2022. Whilst the Secretary of State must set interim targets (clause 10), the Bill does not impose an obligation to meet these. Although setting long-term ambition is key, the minimum 15-year 'long-term' target proposed for an air quality standard is too long (clause 1(6)). It would not come into force until 2022, so compliance will be as late as 2037, meaning that little progress could be made until 2030s.

The Bill should require the meeting of all current limit values by 2030 at the latest and include legally binding interim targets to encourage earlier action.

Expert advice does not play a significant and independent role in the target-setting process. Clause 3(1) requires that advice will be sought from 'persons the Secretary of State considers to be independent and to have relevant expertise.'

Advice should be sought from an independently appointed and well-resourced expert panel and this advice should be published. The Secretary of State should also have to take this advice into account when setting targets.

Local air quality management framework (Schedule 11)

Resourcing for local authorities

It is encouraging to see that all ‘relevant public authorities’ will be asked to ‘have regard to’ the National Air Quality Strategy (Schedule 12, para 4). Whilst district councils will remain the lead authority on tackling air pollution in the local area, other public bodies, such as county councils, which control local transport strategies, will need to cooperate. However, district councils will still need adequate resources in order to hold these bodies to account and ensure that they fully comply with the requirements in the local air quality strategy.

Whilst there has been some funding available for air quality work, this funding has mostly been in the form of capital grants, which local authorities have to bid for. This funding often cannot be spent on long term air quality posts within the local authority. As a result, many areas have struggled to make the progress required and to have enough resource to bid for the funding in the first place. Experienced, permanent and competent staff, such as environmental health professionals, are needed within local authorities to manage contractors and make significant progress towards air quality objectives. We need funding for local areas which can be used to increase local authority capacity.

The Bill should introduce a requirement on central government to provide local authorities with dedicated ring-fenced funding in order to resource air quality work locally and increase capacity within local authorities to manage air quality projects.

Responsibilities for improving air quality must extend to all relevant national bodies

Whilst the Bill makes useful provisions for ‘relevant public authorities’ to ‘have regard’ to air quality, it does not require central government or all national agencies to make meaningful commitments or take ambitious action on a national scale to protect human health. A public authority must first be designated as a “relevant public authority” to be captured by the duty (Schedule 11 (4)). This leaves opportunity for bodies with key influence and impact to be left out of the equation, at the Secretary of State’s discretion.

The Bill should introduce a ‘clean air duty’ requiring all levels of government and all public bodies to factor air quality into their decision-making, including targets for relevant national agencies. One such key body would be Highways England, which is responsible for managing 1865 miles of motorways and 2571 miles of major A roads. Unlike local authorities, Highways England has received no legal directives from government to reduce air pollution and pollution is only monitored at a small number of these roads.

A proactive duty to ‘act compatibly with’ or ‘contribute to’ air quality improvement would be more powerful duty than the current proposed duty to ‘have regard to’. Whilst air quality would have to be considered in relevant local decision-making, there is nothing to say that it need be given any particular weight.

Smoke control in England and Wales (Schedule 12)

We welcome the proposals around controlling smoke from domestic chimneys. Currently, local authorities find it difficult to enforce the emission of smoke; the changes proposed in this Bill should make this easier. However, there are no provisions for smoke on fire start-up, which is known to produce short periods of smoke and happens regardless of the type of fuel and device used.

Whilst the new rules around the sale and acquisition of controlled solid fuels in England are to be welcomed, a regulator will need to be appointed and resources made available in order to regulate this new function effectively. There is no indication of how the amount of financial penalty will be decided or who will make that decision.

Environmental recall of motor vehicles (Clauses 71-74)

New powers to enable the Secretary of State to recall cars, which do not meet emissions standards under real world conditions, are a step in the right direction. It is not clear whether this power will be used by the Secretary of State retrospectively to address the legacy of Euro 5 and 6 cars, which did not meet their own emissions standards. Furthermore, we consider that this provision is only one part of a suite of proposals needed in order to reduce emissions and pollution from road transport.

An issue raised by our members, working for local authorities, is that taxis do not have to be licensed by the local authority in which they operate. This system results in taxi firms going to local authorities with the lower fees and standards, whilst operating in another area. Local authorities with air pollution problems, therefore have limited options to tackle taxis in their areas.

The Environment Bill should be introducing incremental minimum standards for all new vehicles, banning the sale of new diesel and petrol cars by 2030.

There should be national provisions to phase out older and most polluting vehicles, including personal cars, taxis, minicabs and heavy goods vehicles and vans by 2025. This includes the use of tools, such as a national scrappage scheme, government support to incentivise the purchase of new low emissions private vehicles (electric and hybrid), and the development of a national infrastructure charging points for zero emissions vehicles.

The Bill should also establish a national vehicle labelling scheme, which is based on real world emissions and extends to the entire market, including second-hand vehicles, in order to help guide consumers and businesses to buy the cleanest possible vehicles.

Last but not least, prescribed standards for public transport vehicles and vehicles used and commissioned by local authorities and other public bodies should also form part of proposals to reduce and remove polluting vehicles off the roads.

Background on air quality and links to health

In the UK, air pollution costs businesses, health care services and society around £20 billion every year and long-term exposure to outdoor air pollution causes the equivalent of 29,000 deaths per year. There is evidence of the contribution of poor air quality to illnesses such as cancer, stroke, asthma and heart disease and there are also strong associations with obesity, dementia and diabetes,, all of which are chronic illnesses on the increase in the UK.

The effects are especially evident in vulnerable people such as children, the elderly and those living with existing cardio-vascular and respiratory conditions. People from lower socio-economic groups have a higher exposure to air pollution than the rest of the population due living on more polluted areas and streets.⁷, Improvements in air quality could help to narrow health inequalities.

Good air quality is a basic requirement and determinant of human health. In the UK, 722 AQMAs exist where pollutant levels exceed EU legal limits. Some of the EU limits are set at twice the World Health Organisation (WHO) acceptable levels. Setting appropriate targets and limit values is essential to ensuring that work to reduce air pollution is ambitious and continues after Brexit, in order to protect the health of the UK population.

Steps taken to address poor air quality will also fundamentally contribute towards reducing fossil fuel use, meeting the UK's greenhouse gas emission reduction targets and thereby contribute towards addressing climate change.

References

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- 2 625 AQMAs are declared due to NO_x and 91 AQMAs are declared due to PM₁₀. <https://uk-air.defra.gov.uk/aqma/summary>
- 3 [WHO air quality guidelines for particulate matter, ozone, nitrogen dioxide and sulphur dioxide](#), World Health Organization, 2005.
- 4 [DEFRA Air Quality grant programme webpage](#), last accessed February 2020.
- 5 [Highways England failing to spend £75m air pollution fund](#), AirQualityNews.com, 7 November 2019
- 6 Every breath we take: the lifelong impact of air pollution, Royal College of Physicians, Feb 2016
- 7 This is the most recent official estimate of the number of deaths linked to air pollution in 2008. [The mortality effects from long-term exposure to particulate air pollution in the United Kingdom](#), COMEAP, 2010.
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- 12 [Barnes, J et al, Emissions vs exposure: Increasing injustice from road traffic-related air pollution in the United Kingdom](#), *Transportation Research Part D: Transport and Environment*, Vol 73, August 2019.
- 13 PM₁₀ annual average concentration set at 40µg/m³ in the Air Quality (England) Regulations 2000 (SI 928), The Air Quality (England) (Amendment) Regulations 2002 (SI 3043). <https://uk-air.defra.gov.uk/aqma/summary>
- 14 PM₁₀ annual average concentration set at 20µg/m³ in 'WHO Air quality guidelines'