



Inquiry into air quality

CIEH submission to the EFRA call for evidence

August 2020

About the Chartered Institute of Environmental Health (CIEH)

CIEH is the professional voice for environmental health representing over 7,000 members working in the public, private and third sectors, in 52 countries around the world. It 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 health and health protection.

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Key points

Whilst the Government's 2019 Air Quality Strategy includes some good proposals, many of these are overly reliant on the action from local authorities, which lack the resources to deliver the changes needed to clean up air pollution.

With over 700 Air Quality Management Areas linked mostly to road transport dotted all over the UK, the problem of poor air quality is widespread and would benefit from central Government action and stricter targets being given to national agencies.

The Environment Bill has some positive proposals around bringing together public bodies to work jointly to improve air quality. However, the target setting process needs strengthening and targets need to be brought in line with World Health Organisation guidelines to protect human health from the effects of air pollution.

The impact of COVID-19 and the lockdown on air pollution has mostly been positive, with more home working and less business-related travel. However, it remains to be seen whether this experience will translate into a large drop in commuting and business travel patterns.

Conversely, COVID-19 has also meant that more key workers have been using their cars to get to work and fewer people have been using public transport. There were also increases in bonfires early on in the lockdown period as people were burning their garden waste due to the closure of recycling centres.

1. Did the UK Government's 2019 Air Quality Strategy set out an effective and deliverable strategy to tackle the UK's poor air quality and address the issues raised in our 2018 report? Has the UK Government put in place the necessary structures and resources to deliver its strategy?

Whilst 2019 Air Quality Strategy contains some good proposals, it also places a reliance on action by local authorities (LAs) to achieve the desired outcomes. Unfortunately, this reliance comes without the necessary resources to achieve improvements in air quality. Resources that were previously not adequate to address high levels of pollution have been stretched further during the current pandemic. Many regulatory staff have been overwhelmed with other priorities, including being deployed into different roles to control the spread of COVID-19, support healthcare systems and essential services as well as supporting businesses to re-open safely following long periods of closure.

Whilst there is a major role for local action in improving air pollution hotspots, there is also a strong case for national measures to ensure an overall consistency of approach and improvement of pollution on the scale needed to improve health outcomes for the population as a whole. A large proportion of harmful emissions come from road transport. With over 700 Air Quality Management Areas already declared across the UK, the problem is widespread rather than being confined to a couple of isolated localities. This is a good reason why central Government action is needed to address pollution from road transport. The vast majority of the Air Quality Management Areas already established across the UK are due to the high levels of nitrogen oxides (NO_x) and particulate matter (PM), which are pollutants associated with road transport.

The Government should be introducing incremental minimum standards for all new vehicles and 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 Government could 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.

Action is also needed from national agencies, such as Highways England. The Environment Bill makes useful provisions for 'relevant public authorities' to 'have regard' to air quality. However, 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. 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 in the Bill to say that it need be given any particular weight.

2. Will the Environment Bill provide England with a robust legal framework to define and enforce air quality limits?

The Environment Bill as drafted is inadequate to properly address the challenges posed by air quality. The governance provisions of the Environment Bill actually constitute an overall weakening of the framework for applying environmental law in England. It is essential that there is an effective, independent body that will be capable of holding the Executive (UK governments) to account with regard to air quality.

Secondly, 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 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

The process for the setting of these targets should also be strengthened (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 we agree that setting out a long-term ambition is useful, 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.

Furthermore, 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.

3. What progress had the UK Government made on reducing air pollution and enforcing legal pollution limits before the Covid-19 pandemic?

We do not believe that enough action was taken before the pandemic to reduce air pollution, as every year brought new episodes of high air pollution. We have particular concerns that more deprived members of the population tend to suffer far more significantly from the adverse effects of air pollution than other sectors of the population, due to living on or near busy roads, for example.

4. What does the early evidence from the COVID-19 pandemic say about the impact of poor air quality on health, and health inequalities for disadvantaged communities and other at-risk groups, and possible policy responses?

A number of studies from Italy and the US have linked increased air pollution with the risk of dying from COVID 19. However, there are already links between greater social deprivation and higher exposure to poor air quality so it is difficult to draw strong conclusions from these initial studies.

5. What are the current and emerging risks and opportunities for air quality posed by: **a) Short-term policy and societal changes in response to the pandemic, for example changes to transport to reduce the risk of transmission, and;** **b) Medium and long-term actions to promote economic recovery.**

Before lockdown, road-based transport was the biggest contribution to air pollution in cities and urban areas. The lockdown has shown that there are many opportunities for reducing the need for work-based travel. The recent improvements in the technology for virtual meetings means that although some meeting may still need to be done in person, a vast majority of meetings can be done virtually with savings in travel time and costs. The impact of COVID-19 has forced every company to re-think how work is undertaken and to consider how to reign back on unnecessary journeys to work or meetings. The experience of home working during lockdown has also been appreciated by many workers. This experience could result in a shift in working and travel patterns, with shift towards less travel for work and fewer commutes.

Following this pandemic, there is a strong case for a comprehensive review of major infrastructure projects, such as Heathrow, HS2 and road widening schemes, and for the

prioritisation of fast broad band and mobile phone coverage, which would nudge people and companies towards home and remote working.

However, the lockdown has also meant that some behaviours led to higher levels of air pollution being generated than before. In the short-term, there have been more cars used on the roads for travel to work by key workers. There has also been a reduction in the use of public transport to minimise the risk of contracting COVID-19 and because of more limited bus capacity. The number of deliveries during lockdown are likely to have gone up as everyone shopped online for food and other items. Many people are still reluctant to visit shops in person. In our submission to DEFRA's Air Quality Expert Group, we have also highlighted the growth in the number of bonfires and garden fires in the early weeks of lockdown, due to the closure of recycling centres.

Environmental health practitioners working for local authorities have been at the heart of managing the lockdown and re-opening of businesses and they have also been deployed widely across different priorities, including managing deliveries of food for the vulnerable, setting up temporary mortuaries, helping to get people discharged from hospital but making homes safer and a host of other issues. Going forward, these same people will continue to be involved in implementing local lockdowns and working on track and trace programmes, along with dealing with a huge backlog of work put on hold during the pandemic. This will mean that local air quality plans are likely to be delayed and local projects to improve air quality may be put on hold for some time.

The experience of cleaner air reported by many people during the first few weeks of lockdown may also help to encourage some to consider cleaner vehicles. However, if more people end up losing their jobs or facing lower incomes than before the pandemic, it may mean that the adoption of electric vehicles will be slower than expected. As part of the green recovery, the Government should offer financial incentives to assist the public in making the change to clean vehicles.