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Mr David Miliband
Secretary of State
Department of Environment, Food and Rural Affairs
Nobel House
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By email to: david.miliband@defra.gsi.gov.uk + climatechangeconsultation@defra.gsi.gov.uk

Dear Secretary of State

Response to Consultation on Climate Change Bill: Treat air pollution holistically

Summary

This letter is sent on behalf of the Campaign for Clean Air in London in response to the Consultation by the Department of the Environment, Food and Rural Affairs (Defra) on the draft Climate Change Bill.

We support fully the need to have Climate Change legislation that sets legally binding limits for carbon dioxide (CO₂) within a robust, consistent and ambitious framework broadly in the form of the draft Climate Change Bill. However, in our view, two further points are important:

1. the United Kingdom (UK) will miss a great opportunity to lead the world if it introduces a key piece of air pollution legislation that addresses climate change in isolation. Does the UK want to be the first and only country with a Climate Change Act and the only one that fails to treat air pollution holistically? Or will it adopt a very simple mechanism to include appropriate measures for air quality in the legislation, full details of which are contained in this letter, to ensure that air pollution is addressed holistically? The Intergovernmental Panel on Climate Change (IPCC) recommended such an approach in the last few days; and
2. Annual Budgets for CO₂ would be more effective at tackling climate change than five year Budgets. How can the Government, as the Environment and Climate Change Minister was doing in New York on 8 May, encourage companies to treat carbon (i.e. budgeting and) reporting as the same “no-brainer” as proper financial (i.e. budgeting and) reporting as part of the Government’s Carbon Disclosure Project, when it will not set Annual Budgets for CO₂ itself?

Other points are raised in this letter on which your comments would be most welcome.

Finally, we ask for your advice, support and, if appropriate, personal intervention to ensure that air pollution – primarily climate change and air quality – matters are addressed holistically as part of the numerous, rapid changes currently taking place in direct and closely related European Union (EU) and UK legislation and in national and local Air Quality Strategies currently being revised.

The Campaign for Clean Air in London

The Campaign for Clean Air in London has only one aim which is to achieve urgently at least World Health Organisation (WHO) recommended standards of air quality throughout London. Most of these have been required to be met since 1999 legislation by January 2005 (in respect of coarse particulate matter i.e. PM₁₀) and January 2010 (for nitrogen dioxide i.e. NO₂).

We have written recently therefore to the Olympic Delivery Authority asking it to commit, as part of its wider commitment for London 2012 to be the greenest Games in modern times, to London achieving sustainably at least WHO recommended standards of air quality throughout London by no later than the London 2012 Summer Olympics. You were copied on that letter. Subsequently, the Mayor of London has made a landmark speech, setting out a vision of an economically successful, socially just and environmentally sustainable London to be achieved within the next five years before it faces challenges from the rapidly growing Asian cities. It is hard to imagine a better legacy from the London 2012 Summer Olympics.

The Campaign for Clean Air in London has received support from the Mayor of London, leading politicians from the four main political parties in London as well as leading business and community groups including the Central London Partnership, London First and The Knightsbridge Business Group. We have recently received a pledge of support from the National Society for Clean Air and Environmental Protection. Our campaign website is shown in the letterhead above. I wrote to you on 12 November last year and again on 5 January this year, on behalf of The Knightsbridge Association which supports our campaign, and have still not received replies to those letters.

Proposed UK Climate Change Bill

The Campaign for Clean Air in London supports fully the general plans for a Climate Change Act broadly along the lines of the draft Climate Change Bill. We believe furthermore that it is necessary urgently to establish a robust, consistent and ambitious legal framework to tackle air pollution holistically from the EU down to national, city and local level. In this regard, it is essential to treat both air quality and climate change measures in all air pollution proposals.

In this respect, the IPCC made clear in the Working Group III report, titled “Mitigation of Climate Change” and published on 4 May 2007 as part of its 4th Assessment report, in its Summary for Policymakers in paragraph 24 on page 31:

“Governments have a crucial supportive role in providing appropriate enabling environment, such as, institutional, policy, legal and regulatory frameworks, to sustain investment flows and for effective technology transfer – without which it may be difficult to achieve emission reductions at a significant scale”.

This recommendation was categorised as “high agreement, much evidence” which you will know is the highest of nine categories used by the IPCC to communicate the importance and certainty of a recommendation.

The IPCC recommended earlier in the Summary for Policy Makers, in paragraph 8 on page 16, that:

“While studies use different methodologies, in all analysed world regions near term health co-benefits from reduced air pollution as a result of actions to reduce Green House Gas (GHG) emissions can be substantial and offset a substantial fraction of mitigation costs (*high agreement, much evidence*).

- Including co-benefits other than health, such as increased energy security, and increased agricultural production and reduced pressure on natural ecosystems, due to increased tropospheric ozone concentrations, would further enhance cost savings.
- Integrating air pollution abatement and climate change mitigation policies offers potentially large cost reductions compared to treating those policies in isolation.”

Again, we note that “high agreement, much evidence” is the highest of nine categories used by the IPCC to communicate the importance and certainty of a recommendation.

These recommendations could not be clearer or more firmly stated. Against this background, how can the UK not adopt an holistic approach to air pollution in the forthcoming Climate Change Bill? Particularly when a simple mechanism would achieve the required effect? Everywhere, people and organisations, including Defra, are saying that air quality and climate change are inextricably linked but, for some unknown reason, the UK Government has done nothing about treating the two holistically in the biggest piece of UK sponsored air pollution legislation since the Clean Air Act. We found only two incidental mentions of air quality in all the Climate Change Bill consultation papers.

On 13 March, the day that you announced your consultation on the proposed Climate change Bill, our views were submitted to your weblog and published under “An Environmental Bill of Rights?”:

http://webarchive.nationalarchives.gov.uk/20070206141218/davidmiliband.defra.gov.uk/blogs/ministerial_blog/default.aspx

In the intervening two months, having researched the relevant consultation documents, all the evidence and other comment suggests that our initial reaction was correct. We therefore repeat that text in full below:

“Dear Secretary of State

You have today put the UK at the forefront of measures to address Climate Change and thinking generally about Air Pollution. Sincere congratulations.

From your statements and press release today there is nothing explicit about treating Air Pollution holistically i.e. Climate Change and Air Quality. Also, we hope there will be a separate Environmental Contract to come covering air, energy, waste, water etc.

We'll read all the documents but below is an "off-the-cuff" reply to your Consultation. The draft Climate Change Bill seems to address only the Climate Change aspects of Air Pollution, mainly carbon dioxide.

1. Unless the final legislation addresses also the Air Quality aspects of Air Pollution (mainly nitrogen dioxide, street level ozone and particulate matter), we could see a Parliament, worried about missing Climate Change targets, insisting on more diesel engines which

produce 20% less carbon dioxide but much more of the particulate matter that triggers several thousand deaths a year across the United Kingdom.

Air Pollution could be treated holistically simply by including in the final legislation:

An obligation for each air pollutant for the Government to meet the European Union (EU) legal limit(s) for that pollutant by the "Carbon Budget" date ("Milestone") (whether finally decided as annual, five yearly or other) immediately following the earliest date required to meet the EU legal limit(s) for it. The obligation at that "Milestone" should be no less strict than the "26% to 32% by 2020" or the "60% by 2050" Climate Change obligation since no such mechanism should contemplate "time extensions". These Milestones would then form absolute backstop dates hopefully well after results are delivered upon;

2. In each annual report to Parliament, the Committee on Climate Change should report also, to the same quantitative and other standards, on progress made towards meeting the EU legal limit(s) for each air pollutant against a simple pro-rating of Air Quality targets from (say) 2006 actuals to the relevant EU legal limit level and date for that pollutant or, for particulate matter where that date has already been missed, then to the next Milestone date; and
3. In each annual report to Parliament, any Climate Change recommendations should take full and explicit account of and highlight Air Quality compliance issues.

[We are] leaving it to others to argue whether the "Milestones" or "Carbon Budgets" should be annual, five yearly or some other frequency since the above approach for Air Quality is flexible enough to cope with any outcome.

In [our] view though, annual Milestones that are taken seriously and delivered upon are as necessary for Climate Change as they are for Air Quality.

Climate Change campaigners could learn from the poor experience in respect of Air Quality whereby EU legal limits for particulate matter were breached in 2005 and then in even more UK cities in 2006. We have no idea when the Government expects these EU legal limits to be met even though thousands of citizens every year face the prospect of an early death from this one pollutant alone.

Please take this request seriously. By treating Air Pollution holistically, thousands of lives could be saved.

We look forward to participating in the debate you have started. Yours etc."

Given that the UK Government is setting a precedent for the world with such proposed legislation, there would be great value in it adopting an approach that would truly lead the world.

Furthermore, the above approach could be used in all other areas to ensure a robust, transparent and consistent approach to air pollution locally, nationally and internationally e.g. in EU legislation and/or in commitments made by the Mayor of London and the local London boroughs. We encourage them to do so also.

Letter to Commissioner Dimas dated 12 May 2007

We wrote to Commissioner Dimas, of the Environment Directorate-General of the European Commission, on 12 May to ask for his reassurance, skillful facilitation and decisive action please in respect of three matters:

- “first, please will [he] explain the reasons for the delay in the Second Reading of the proposed new European Union (EU) Directive on Air Pollution and give reassurances about the likely consequences of that delay?;
- second, please will the Environment Directorate seek to achieve, as facilitator for the Second Reading, at least the “Highest Common Denominator” compromise between the position taken formally last year by the Council of Ministers and the European Parliament in respect of that Directive?; and
- third, please will the Environment Directorate-General (DG) commence now the process for formal enforcement action against the Member States that breached the EU Legal Limits for coarse particulate matter (PM₁₀) in 2005 (and subsequently in respect of 2006)?”

We would welcome please your comments on that letter in respect of any matters that may be relevant to the UK in particular:

- i. confirmation that Defra agrees that breaches of EU Legal Limits for PM₁₀ took place in 2006 at the pollution monitoring stations referred to in that letter;
- ii. each of the four points made at the top of page 8 of that letter such as how those with a duty to work towards EU Legal Limits can be properly fulfilling their responsibilities when air pollution is getting worse not better;
- iii. the proposed move to “Exposure Reduction” which could see the lives of those who live in “hot spot” areas being compromised while air pollution is reduced for those who already have clean air. Would you please comment on how such an approach, and/or that of cost-benefit which is planned for the new Defra Air Quality Strategy, can be reconciled with environmental justice and the basic human right of free access to clean air of an acceptable quality?;
- iv. an update on the readiness of the UK to monitor nationally fine particulate matter (i.e. PM_{2.5});
- v. whether the delay in Defra publishing its new Air Quality Strategy is, in any way, linked to the delay in the EU Directive on Air Pollution (as it might understandably be);
- vi. the impression being created that air quality is the “poor relation” of climate change when it comes to air pollution;
- vii. whether the UK Government would support in principle, as a Member of the Council of Ministers, the suggested compromise with the European Parliament as described in the letter to Commissioner Dimas; and
- viii. whether the UK Government agrees that enforcement is a crucial part of any effective legislative framework.

These are important points and your insights would be appreciated greatly.

Londoners need the Government’s support to achieve London’s objectives

There are at least six further areas where the Government's help is needed urgently if London is to achieve its air pollution objectives for climate change and air quality in an holistic, successful and sustainable way. These are:

1. the Defra sponsored Air Quality Expert Group's report published recently called "Air Quality and Climate Change: A UK Perspective" included (at least) two alarming statistics. First, they expect a 93% growth in nitrogen dioxide (NO₂) emissions (in tonnes) from diesel fuelled cars between 2002 and 2020 (with a huge shift from petrol to diesel) - see page 164. Second, the report states that life cycle emissions of diesel cars over petrol result in 67% more each of NO_x and particulate matter (PM₁₀) although perhaps 20% less carbon dioxide (page 186) - and they cast doubt on the extent of the latter benefit.

It may seem attractive to let this happen from a narrow climate change perspective alone but such an outcome will mean worse air pollution overall with a disproportionate number of deaths from poor air quality (since PM₁₀ alone causes between 12,000 and 24,000 premature deaths in the UK annually). It is vital therefore that strategic measures are introduced soon to discourage the long term shift from petrol to diesel vehicles in cities (as well as reducing vehicle use generally) if we are to head off this trend and save tens of thousands of lives. Sadly, the shift to diesel would almost completely undo the likely benefit from improved engine technology in the same period (according to the same report).

The IPCC's third and final Climate Change report highlighted the spiralling growth of transport emissions as a key climate change problem.

Please therefore press for much earlier, tougher and more ambitious action on the treatment of diesel emissions generally as part of an holistic approach to air pollution. It is possible that there is no longer a role for diesel engines in cities;

2. if the UK is to reduce air pollution nationally, in the most cost-effective manner possible, please will Defra commit to follow the advice of the IPCC set out in the Working Group III report, titled "Mitigation of Climate Change" and published on 4 May 2007 as part of its 4th Assessment report i.e. treat climate change and air quality as being inextricably interlinked;
3. please will Defra include NO₂ as well as particulate matter and ozone in its sustainability indicators and give assurances that the joint Defra-DfT public service agreement on air quality will not be replaced by an agreement or measures that would be less robust or transparent from an air quality perspective;
4. in respect of the excellent London Air Quality Network, please will Defra seek two improvements: add a line to the graphs available to show allowed EU Legal Limit levels for individual air pollutants (since the parts per billion scale is misleading when the EU Legal Limits are in µg/m³) and change the warning colour scheme so that it runs up to the maximum recommended level by the World Health Organisation, which are effectively the same as EU Legal Limits, instead of starting at that maximum level (i.e. not have green up to that level and yellow and red beyond it);
5. the Mayor decided not include NO_x abatement measures in the Low Emission Zone as there is no accreditation system for these technologies and therefore no way of guaranteeing these reductions for vehicles. Please will you press for such technologies and testing standards to be approved urgently as a means of mitigating the cost for vehicle owners

- that do not wish (particularly) to upgrade to Euro IV emission standard engines; and
6. the Mayor has emphasised that he has no control over taxation policy to implement effective fiscal incentives and penalties to help reduce transport emissions which contribute to poor air quality and climate change. Please will you press within the Government most particularly for incentives to be introduced.

Thank you for taking seriously our concerns about air pollution in London and giving the issues we raise your particular attention. We recognise that you are already taking many steps that will improve air quality across the UK.

We are copying Commissioner Dimas since the issues raised may be relevant in other countries if the Climate Change Bill becomes legislation as we hope it will (suitably amended).

Please acknowledge receipt of this letter. We look forward to hearing from you (at the email address below).

With best wishes.

Yours sincerely

Simon Birkett
Principal Contact
Campaign for Clean Air in London

Enc (to Defra only): Letter to Commissioner Dimas dated 12 May 2007

By hand:

Winston Fletcher, Chair, The Knightsbridge Association

Carol Seymour-Newton, Honorary Secretary, The Knightsbridge Association

Cc: Commissioner Dimas

Marianne Klingbiel, Head of Unit, Air Quality, Environment DG

Ken Livingstone, Mayor of London

Sian Berry, Principal Speaker and Green Party candidate for Mayor of London

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Robert Buxton, Deputy Chairman, West London Residents Association

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Nick Fairholm, Transport for London

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