

14 December 2010

Mayor Johnson takes more backward steps and gambles with health-based air quality laws

Mayor makes last ditch effort to support the reapplication by the self-styled ‘greenest Government ever’ for a time extension until 2011 to comply with legal standards for dangerous airborne particles (PM₁₀)

‘Clean Air in London’ urges the European Commission to reject the UK’s reapplication for a time extension for PM₁₀ and escalate legal action. A decision is expected ‘within days or weeks’

Still no commitment to ensure air pollution is not worsened if western extension of congestion charge is removed

The Mayor of London has published his final Air Quality Strategy (AQS). See announcement and supporting documents:

http://www.london.gov.uk/media/press_releases_mayoral/mayors-tough-new-air-quality-standards-remove-dirtiest-black-cabs-londo

<http://www.london.gov.uk/air-quality>

Mayor takes more backward steps and gambles with health-based air quality laws

Simon Birkett, Founder and Director of Clean Air in London, said:

“After two and a half years, Mayor Johnson’s final Air Quality Strategy (MAQS) is still not ‘fit for purpose’. The Mayor has stumbled again after still more backward steps since his draft AQS.

“Amazingly, the Mayor has dropped his own proposal to introduce a 10 year age limit for new licenced taxis (black cabs) from 2015. This might explain why the Mayor now expects to reduce emissions of dangerous airborne particles (PM₁₀) in central London by 31% between 2008 and 2015 instead of the 33% previously planned.

“The Mayor’s strategy is very disappointing after he told us, many months ago, that some 4,267 premature deaths in London in 2008 were attributable to long-term exposure to dangerous airborne particles (PM_{2.5}). Shockingly, that number represented about one in 12 deaths in London with each person dying up to nine years early (or maybe 9.8 years on average; see Note 1). The Mayor also told us in March that the economic cost of the health impact of poor air quality could be as high as £2 billion.

“For the two most important air pollutants for public health, nitrogen dioxide (NO₂) and dangerous airborne particles (PM₁₀), the MAQS shows:

- PM₁₀ – the Mayor’s confirmed measures to avoid breaches of the PM₁₀ daily limit value in 2011 (and £300m per year fines) boil down to one recently started, small scale trial of dust suppressants over six months at two locations, which aren’t even those most likely to breach the law.

“This is playing ‘Russian Roulette’ on a city scale and will do nothing to improve the life expectancy of Londoners.”

- NO₂ – by the Mayor’s own admission, ‘annual mean concentrations of NO₂ will exceed the limit value in 2015 at 45% to 65% of roadside locations, unless further action at both London and national level is taken to reduce emissions’ (page 73) and ‘At some locations, however, including kerbsides closest to major roads in central London, limit values will still be exceeded in 2015 to the extent that a further reduction in emissions of 40% to 60% will be needed to meet them’ (page 151).

“The Mayor is trying to ‘wish away’ his duty to comply now with health-based laws for NO₂. His strategy will do nothing to stop London breaching again the NO₂ hourly limit value before the end January 2011 and the NO₂ annual limit value. The Mayor’s response to this problem: give the Government a ‘wish list’ of 14 measures to fund and implement by 2015.

“The complacency of the Mayor on air pollution is being quickly matched by the ‘greenest Government ever’ with both of them thinking they can choose when to comply with health-based air quality laws. This is clearly ridiculous and unacceptable. We need action now to reduce sharply the human cost of air pollution in London and elsewhere.

“The image of our Mayor stumbling after a succession of backward steps on air pollution in London could be reversed in minutes. All it needs is for: the Mayor to admit that the legal standards have been breached in 2010; and the Prime Minister and the Mayor to chair jointly a monthly Clean Air Compliance Taskforce meeting focussed on achieving full compliance with air quality laws.

“Clean Air in London urges the European Commission to reject the UK’s last ditch and desperate effort to delay compliance with legal standards for PM₁₀. Mayor Johnson is ‘setting himself up for a fall’ by predicting full compliance with the PM₁₀ daily limit value throughout London in 2011 when evidence shows the PM₁₀ daily limit value is highly likely to be breached again in 2011.”

Stumbling after backward steps

After disclosing the full impact of air pollution in London in March, the UK received in June a final warning from the European Commission for failing to comply with PM₁₀ laws. Despite this news, the Mayor has gone backwards in the eight months since publishing his draft AQS. We have watched again the Mayor’s backward steps including:

- i. LEZ3 – the postponement of Phase 3 of the London low emission zone (LEZ3), which had been intended to protect over 15% of those worst affected to poor air quality, from 4 October 2010 until 3 January 2012 – about three months later even than TfL thought could still be achieved (TfL report, page 18) (20 September);
- ii. WEZ – the Mayor saying he will remove the western extension of the congestion charging zone (WEZ) from 4 January 2011 – even though it remains a key measure in the Government’s reapplication for a time extension until 2011 for PM₁₀ in London (which the European Commission is still considering). Worse, TfL’s own report on the consultation made clear the only argument in favour of removing the WEZ was short-term political gain: “The Mayor will need to weigh the public support for removal [of the WEZ] against the

potential adverse impacts” (TfL report, page 67) (20 October);

- iii. CCCZ – confirmation that the more-polluting diesel vehicles will get a 100% discount to travel in the central congestion charging zone (CCCZ) while others (e.g. hybrid vehicles with electric capability unless they are ‘plug-in’) will lose theirs (20 October);
- iv. bad news on taxis – the draft AQS told us ‘It is proposed that from 2012 no licence will be issued for a taxi over 15 years old. From 2015 it is proposed that this age limit will tighten to 10 years.’ The Mayor has now dropped the 10 year age limit proposed for new licenced taxis from 2015 and weakened his commitment to have zero-emission taxis joining the fleet from 2020; and
- v. MAQS – the final Air Quality Strategy is still not ‘fit for purpose’. Unusually, even for the Mayor (compared to his other consultations), the Mayor has gone backwards even from the inadequate draft AQS he published in March.

“Instead of stumbling again after so many backward steps, the Mayor should be leading London in a bold charge to take the benefits of the cleaner, greener world he promised us in his manifesto. The benefits of doing so for public health, green businesses and compliance with wider air pollution and sustainability objectives are immeasurable.”

Clean Air in London urges the European Commission to reject UK’s time extension for PM₁₀

“The European Commission should reject quickly the UK’s reapplication for a time extension to comply with PM₁₀ limit values.

Key reasons include:

1. Marylebone Road is not the most polluted location in London as the Government implies. There are worse sites at Bexley – Erith 49 (exceedances); Brent – Neasden Road (61 exceedances); and Ealing – Horn Lane (91 exceedances). Angie Bray MP (Conservative) is due to lead a debate in Parliament’s Westminster Hall at 11.00am on Wednesday 15 December titled ‘Pollution in Horn Lane, Acton’. See Note 3;
2. the UK did not meet any of the basic pre-conditions for a time extension e.g. taking all measures necessary by 2005; or exceedances being due to transboundary air pollution (which required evidence of discussions to mitigate it) or street canyon effects;
3. the UK’s reapplication for a time extension rightly excluded LEZ3 (which the Mayor has postponed) but wrongly included the WEZ (which the Mayor says he will remove within weeks). The Mayor says this doesn’t matter but his own analysis shows the PM₁₀ daily limit value being breached in 2011 in locations where members of the public have access and concentrations of the most deadly PM₁₀ will increase by up to 3.6% (see Note 4). The Mayor has still provided no evidence and given no firm commitment to mitigate the air pollution that will worsen if the WEZ is removed;
4. the UK’s reapplication fails to ‘demonstrate how conformity will be achieved with the limit values before the new deadline’ as required by Article 22. It is clear this strict requirement won’t be met given the Mayor’s consultation documents on the postponement of LEZ3 admitted ‘no margin of safety etc’ (see Note 5); and

5. the publication of the MAQS makes clear London is still going backwards not forwards. The Mayor has confirmed the backward steps already announced (e.g. LEZ3 and the WEZ) and taken new ones. Even the Mayor says a package of measures is necessary if we are to move ahead and yet all we have seen from him is the announcement of a six month trial of dust suppressants for which the results are promised in Autumn 2011. The most meaningful measures in the MAQS were planned years ago by his predecessor.

“The Mayor has published his Air Quality Strategy days or at most a few weeks before the European Commission is due to rule on the UK’s reapplication for a time extension until 2011 to comply with legal standards for PM₁₀ in London. This looks like a last ditch, desperate attempt to support that application (a year after a previous application was rejected for ‘not even meeting the minimum requirements’).

“The Mayor and the Government will get the ‘wake-up call’, so desperately needed, if the European Commission rejects again the UK’s application for a time extension on PM₁₀. We need to make real the prospect of fines for non-compliance by escalating infraction action immediately if we are ever to persuade our current political leaders to take action.

“Clean Air in London urges the European Commission to reject the UK’s last minute pleas to delay further full compliance with the PM₁₀ limit values in London. With it looking highly likely the PM₁₀ daily limit value will be breached in 2011, for the seventh consecutive year, it would be a travesty if the UK and the Mayor obtain a minimum four year delay in infraction action by saying ‘trust us, it’ll be alright on the night’.”

Notes:

1. Kunzli et al, 2001

Assessment of deaths attributable to air pollution: Should we use risk estimates based on time series or on cohort studies? Published 2001

<http://aje.oxfordjournals.org/content/153/11/1050.short>

2. European Commission publications

Rejection of original time extension application (11 December 2009)

http://ec.europa.eu/environment/air/quality/legislation/pdf/uk_en.pdf

European Commission media release about final written warning (3 June 2010)

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/687&format=HTML&aged=0&language=EN&guiLanguage=en>

3. Marylebone Road on Automatic Urban and Rural Network is not the worst site in London

London Air Quality Network

Bexley – Erith: 49 days

http://www.londonair.org.uk/london/asp/publicstats.asp?mapview=all&statyear=2010&MapType=Google®ion=0&site=BX4&postcode=&la_id=&objective=All

Brent – Neasden Lane: 61 days

http://www.londonair.org.uk/london/asp/publicstats.asp?region=0&site=BT5&Maptype=Google&mapview=all&statyear=2010&la_id=&zoom=9&lat=51.431751825946115&lon=-0.17578125&laEdge

Ealing – Horn Lane: 91 days

http://www.londonair.org.uk/london/asp/publicstats.asp?region=0&site=EA8&Maptype=Google&mapview=all&statyear=2010&la_id=&zoom=9&lat=51.431751825946115&lon=-0.17578125&laEdge

Westminster – Marylebone Road: 36 days

http://www.londonair.org.uk/london/asp/publicstats.asp?region=0&site=MY1&Maptype=Google&mapview=all&statyear=2010&la_id=&zoom=9&lat=51.431751825946115&lon=-0.17578125&laEdge

Angie Bray MP – Pollution in Horn Lane, Acton

<http://www.angiebray.org.uk/media-centre/press-releases/government-supports-local-mp-in-tackling-horn/69>

Transcript of Angie Bray's speech (added 19 December 2010)

<http://www.theyworkforyou.com/whall/?id=2010-12-15a.291.0>

4. Western extension of the congestion charging zone

Mayoral response to Mike Tuffrey AM (MQT 1990/2010 dated 9 June 2010) re 3.6% increase

<http://mqt.london.gov.uk/mqt/public/question.do?id=31775>

TfL map with analysis of exceedances of PM₁₀ daily limit value in 2011

Link no longer available

5. No margin of safety (para 5.6.25 on page 33)

Para 5.6.25 on page 33

<http://www.tfl.gov.uk/assets/downloads/roadusers/lez/LEZ/LEZ-VO-Impact-Assessment-May-2010.pdf>

Mayor response to Mike Tuffrey AM (MQT 2340/2010 dated 14 July 2010)

<http://www.london.gov.uk/mqt/public/question.do?id=32152>