

The Rt. Hon. Caroline Spelman MP
Secretary of State for Environment Food and Rural Affairs
Defra
Nobel House
17 Smith Square
London SW1P 3JR

26 July 2012

Dear Secretary of State

Worst summer smog since July 2006

I am writing on behalf of Clean Air in London (CAL) to express grave concerns about the Government's failure to warn people adequately about the current and continuing smog episode in London, South West England and elsewhere.

The excellent London Air Quality Network has stated today:

“These are the greatest widespread ground level ozone concentrations measured in south-east England since the July 2006 heatwave.”

In CAL's opinion the Government must ensure that those who might be affected by air pollution are warned and given appropriate health advice. This can only be achieved through active, not passive (e.g. simply placing information on an obscure webpage), communication. Once Information or alert thresholds are breached, the duties on the Secretary of State are very specific and necessary.

As you will be aware, the Department of Environment Food and Rural Affairs (Defra) displayed a 'Pollution Episode Warning' on its website timed at 16:40 GMT on Wednesday 25 July stating:

Air Pollution alerts are in place for the following regions:

Greater London

Pollution Episode Warning on the 25-07-2012 at 16:50 GMT

Ozone Public information threshold $180 \mu\text{g}/\text{m}^3$ breached at London N. Kensington ($190 \mu\text{g}/\text{m}^3$)

<http://uk-air.defra.gov.uk/latest/alerts>

Also and/or subsequently an 'Information bulletin' timed at 2.04pm on 26 July 2012

<http://www.defra.gov.uk/news/2012/07/25/air-pollution-forecast/>

<http://uk-air.defra.gov.uk/forecasting/>

A second Pollution Episode Warning was issued on 26-07-2012 at 14:50 GMT for South West England.

I am writing to ask you please to confirm and provide evidence you have met and intend to meet fully, including during the forthcoming Olympic and Paralympic Games, your duties under the Directive for ambient air quality and cleaner air for Europe (Directive 2008/50/EC) and Regulation 21 of the Air Quality Standards Regulations 2010 (AQSR 2010) and otherwise to inform the public and disseminate information in relation to the current and continuing summer smog episode in London, South West England and elsewhere.

For example, Regulation 21 states:

*“Where any of the information or alert thresholds in Schedule 5 are exceeded the Secretary of State must **inform** the public by means of radio, television, newspapers or the internet.” CAL emphasis.*

Other examples of your duties to inform the public are set out in an appendix to this letter.

Please also consider this letter as a request for information under the Environmental Information Regulations 2004/Freedom of Information Act 2000 for the following information:

- i. copies of all information Defra or its agents have provided directly or for onward transmission to the London Organising Committee of the Olympic and Paralympic Games (LOCOG) that relates in any way to air quality since 1 January 2012;
- ii. confirming to whom and/or which organisation(s):
 - the ‘Pollution Episode Warning’ and associated Information Bulletin dated 25 July; and/or
 - the ‘Pollution Episode Warning’ and associated Information Bulletin dated 26 Julywere actively distributed, if anyone e.g. by email, post or hand to newsdesks, other Government departments, the Mayor of London, the Greater London Authority, the London Ambulance Service and other health services and/or LOCOG;
- iii. how many webpage views have there been of the Defra and/or UK-AIR website for each of the items mentioned in (ii) above;
- iv. all information held by Defra that relates to levels of ozone that might exceed the Information threshold at locations other than on or near the Automatic Urban and Rural Network (AURN) e.g. in Haringey, Newham, Sevenoaks and/or Tower Hamlets;
- v. information that might help CAL understand why Defra and the Met Office did not publicly forecast this smog episode and indeed lowered their predictions for the Daily Air Quality Index at the start of this week when CAL had expressed concern that air pollution might worsen during the week; and
- vi. any other information that would assist CAL in understanding whether you have complied with your duties including in relation to each item listed in Annex XVI, paragraph 4 of Directive 2008/50/EC on Public information.



You will be aware of the extraordinary public interest in this matter not least given the number of excess deaths estimated by Defra to have occurred in the July 2006 and August 2003 summer smog episodes.

I look forward to hearing from you and receiving reassurance at the earliest possible time.

Yours sincerely

Simon Birkett
Founder and Director
Clean Air in London

APPENDIX

Duties of the Secretary of State in relation to public information during smog episodes

The Secretary of States duties in relation to the provision of public information during smog episodes derive from the Directive on ambient air quality and cleaner air for Europe (Directive 2008/50/EC) which includes:

Recital (12):

*“The existing target values and long-term objectives of ensuring effective protection against harmful effects on human health and vegetation and ecosystems from exposure to ozone should remain unchanged. An alert threshold and an information threshold for ozone should be set for the protection of the general population and sensitive sections, respectively, from brief exposures to elevated ozone concentrations. **Those thresholds should trigger the dissemination of information to the public on the risks of exposure and the implementation, if appropriate, of short term measures to reduce ozone levels where the alert threshold is exceeded.**” CAL emphasis.*

Article 2, Definitions:

‘information threshold’ shall mean a level beyond which there is a risk to human health from brief exposure for particularly sensitive sections of the population and for which immediate and appropriate information is necessary

Article 19, Measures required in the event of information or alert thresholds being exceeded:

“Where the information threshold specified in Annex XII or any of the alert thresholds laid down therein is exceeded, Member States shall take the necessary steps to inform the public by means of radio, television, newspapers or the Internet.

“Member States shall also forward to the Commission, on a provisional basis, information concerning the levels recorded and the duration of the periods during which the alert threshold or information threshold was exceeded.”

Article 25 (4): Public information

“Where the information threshold or alert thresholds are exceeded in zones or agglomerations close to national borders, information shall be provided as soon as possible to the competent authorities in the neighbouring Member States concerned. That information shall also be made available to the public.”

Annex XVI, paragraph 4 PUBLIC INFORMATION

Member States shall ensure that timely information about actual or predicted exceedances of alert thresholds, and any information threshold is provided to the public. Details supplied shall include at least the following information:

- a) *information on observed exceedance(s):*

- *location or area of the exceedance,*
 - *type of threshold exceeded (information or alert),*
 - *start time and duration of the exceedance,*
 - *highest one hour concentration and in addition highest eight hour mean concentration in the case of ozone;*
- b) *forecast for the following afternoon/day(s):*
- *geographical area of expected exceedances of information and/or alert threshold,*
 - *expected changes in pollution (improvement, stabilisation or deterioration), together with the reasons for those changes;*
- c) *information on the type of population concerned, possible health effects and recommended behaviour:*
- *information on population groups at risk,*
 - *description of likely symptoms,*
 - *recommended precautions to be taken by the population concerned,*
 - *where to find further information;*
- d) *information on preventive action to reduce pollution and/or exposure to it: indication of main source sectors; recommendations for action to reduce emissions;*
- e) *in the case of predicted exceedances, Member State shall take steps to ensure that such details are supplied to the extent practicable.*