

Contact

Simon Birkett
Founder and Director
Clean Air in London
contact@cleanair.london
+44 20 7193 2474

Complaints
Advertising Standards Authority
Mid City Place
71 High Holborn
London WC1V 6QT

24 November 2014

Dear Sir or Madam

Complaint about Mayor of London's advertising for the Ultra Low Emission Zone**Londoners may be wildly misled by the Mayor's claims of reductions in vehicle pollution**

I am writing on behalf of Clean Air in London (CAL) to lodge a serious complaint about advertising by or on behalf of the Mayor of London for the proposed Ultra Low Emission Zone (ULEZ) that was published in the Evening Standard on 13 November 2014 (image attached in Appendix).

In CAL's considered opinion, Londoners may be wildly misled by the Mayor's claims of reductions in vehicle pollution in the ULEZ advertisement. The Mayor's claim that 'Introducing the [ULEZ] in 2020 will encourage the use of newer cleaner vehicles to reduce vehicle pollution by half' seems to be based on computer modelled projections of reductions solely in exhaust emissions of oxides of nitrogen (NOx). The Mayor seems to be excluding *inter alia*: carbon dioxide (CO₂); particulate matter (PM_{2.5} and PM₁₀); and many non-exhaust vehicle emissions of PM₁₀ such as re-suspension, brake wear and tyre wear which make up a major element of vehicle pollution. The Mayor's claims raise secondary questions about the difference between: computer modelled versus actual pollution; emissions (i.e. tailpipe) versus concentrations (in the atmosphere we breathe) attributable to vehicles; and the link so directly or emphatically between 'encouraging' and such a specific 'outcome'.

Details of the consultation being undertaken by or on behalf of the Mayor can be seen here:

<https://consultations.tfl.gov.uk/environment/ultra-low-emission-zone>

<http://cleanair.london/hot-topics/stop-hiding-air-pollution-and-ban-diesel-exhaust-in-two-stages-to-2020-as-coal-was-banned-60-years-ago/>

CAL considers the Advertising Standards Authority should censure the Mayor and require him to amend future advertisements and claims about the ULEZ. For the avoidance of doubt, CAL is not suggesting any error or omission by the Evening Standard.

Clean Air in London

CAL is a voluntary organisation which campaigns to achieve urgently and sustainably full compliance with World Health Organisation guidelines for air quality throughout London and elsewhere.

CAL is independent of any government funding, has cross party support and a large number of supporters, both individuals in London and organisations. CAL provides a channel for both public concern and expert opinion on air pollution in London. This document provides both general and expert comments. CAL has no direct or personal interest in the ULEZ.

Traffic is a major cause of air pollution in London, which in turn causes thousands of premature deaths per year, and many thousands more illnesses, chronic illness and disability. For this reason, traffic measures are also measures to deal with air pollution.

ULEZ advertisement

The advertisement stated prominently:

1. **“Taxis and private hire vehicles will also need to meet new emission standards and buses will need to be hybrid or zero emission when driving.”**

CAL considers that statement is not true and may result in people being wildly misled about the benefits and/or costs of the scheme *inter alia* for the following reasons:

- i. Taxis would be subject to separate arrangements, if any, to be implemented from 2018 and ‘will be exempt from the ULEZ standards and charges’. In contrast ‘Every PHV [Private Hire Vehicle e.g. minicab] driving in the ULEZ will be required to meet the ULEZ standards or a daily charge (similar to other cars, vans etc) must be paid’.

The online consultation materials state specifically:

“It is proposed that from January 2018 all vehicles presented for licensing as taxis must be ‘zero emission capable’.

“Since 2012, a 15 year age limit has removed over 6,000 of the oldest and most polluting taxis. TfL proposes to reduce the age limit for all non zero emission capable taxis from 15 years to 10 years (irrespective of date of licensing), with effect from 2020.

“The taxi requirement will apply Londonwide as well as in the ULEZ. It is proposed that all taxis will be exempt from the ULEZ standards and charges.” [CAL emphasis]

This requirement would address newly licenced taxis not existing taxis.

In contrast, with respect to PHVs:

“It is proposed that from January 2018, all newly manufactured vehicles (under 18 months old) presented for licensing as PHVs must be ‘zero emission capable’. Other vehicles presented for licensing as PHVs must comply as a minimum with the ULEZ standards and also continue to meet the 10 year age limit. The PHV requirement will apply Londonwide as well as in the ULEZ.

“Every PHV driving in the ULEZ will be required to meet the ULEZ standards or a daily charge (similar to other cars, vans etc) must be paid.” [CAL emphasis]

- ii. CAL brings to your attention also that while buses would need to be hybrid or zero emission when driving in the ULEZ, the Mayor proposes that at least some 300 of the so-called ‘New Bus for London’ (Routemaster) would be exempt from the ULEZ restrictions. Nearly 10% of the bus fleet could be affected if 700 buses were excluded from the ULEZ standard. This is not mentioned in the advertisement.

The consultation materials (page 58 of Supplementary information) state specifically:

“However, to reduce disruption to already-contracted services (and therefore retain value for money), Euro V hybrid buses would need to continue to operate in the ULEZ beyond 2020 (there are around 700 in total Londonwide). TfL will seek to introduce a retrofit solution for the regular (non-New Routemasters) Euro V hybrids (around 400) to ensure they achieve Euro VI NOx emissions from 2020, in a similar way to the current pan-London programme to raise Euro III buses to achieve Euro VI for NOx.

“Approximately 300 New Routemasters (which have NOx emissions much closer to the Euro VI standards than other Euro V buses) would continue to operate in the ULEZ without modification at 2020, as it is considered that the cost of retrofitting to make them nearer to or equivalent to Euro VI by that date (approximately £7m) would be more effectively spent on reducing emissions from the higher-emitting buses currently operating on routes outside the ULEZ.” [CAL emphasis.]

http://cleanair.london/wp-content/uploads/CAL-294-ULEZ-Supplementary-information_Final-291014.pdf

2. **“Introducing the zone in 2020 will encourage the use of newer, cleaner vehicles to reduce vehicle pollution by half.”**

CAL considers that statement is not true and may result in people being wildly misled about the benefits and/or costs of the scheme *inter alia* for the following reasons:

- i. The Mayor’s claims seem to be based solely on computer modelled projections of reductions in exhaust emissions of NOx only (in the Central Congestion Charging Zone).

The Integrated Impact Assessment for the ULEZ states on page 20:

“ULEZ would also result in a reduction of NOx emissions by just over 50% in the CCZ by 2020 lessening over time and towards the Outer Zone.”

http://cleanair.london/wp-content/uploads/CAL-294-ULEZ-IIA-report_Final_ULEZ-consultation.pdf

The Mayor seems not to be considering *inter alia*: CO₂; particulate matter (PM_{2.5} and PM₁₀); and the many non-exhaust vehicle emissions of PM₁₀ such as re-suspension, brake wear and tyre wear which make up a major element of vehicle pollution. The Mayor’s claims raise secondary questions about the difference between: computer modelled versus actual pollution; and emissions (i.e. tailpipe) versus concentrations (in the atmosphere we breathe) attributable to vehicles.

CAL brings to your attention statements in the ULEZ consultation documents and analysis done previously by King’s College London.

The Integrated Impact Assessment for the ULEZ states on page 20:

“ULEZ would result in further reductions in total road traffic CO₂ emissions by 123,000 tonnes per annum in 2020 and 169,000 tonnes per annum in 2025 in central London. This equates to overall reductions of 2% in 2020 and 3% in 2025.”

The Integrated Impact Assessment for the ULEZ states on page 21:

“The ULEZ would result in reductions in PM₁₀ emissions between 2020 and 2025 of 16% or 17 tonnes per annum and reductions of PM_{2.5} emissions by 19% or 7 tonnes per annum between 2020 and 2025.”

Please see also the analysis by King’s College London for the Mayor’s London Atmospheric Emissions Inventory 2010 on the slide titled ‘Exhaust/Non Exhaust PM₁₀ emissions trend from road traffic’, ‘Road Traffic PM₁₀ apportionment’ which showed the small contribution of vehicle exhaust emissions to total vehicle emissions. Other key sources of PM₁₀ vehicle pollution include ‘Re-suspension’, ‘Brake wear’ and ‘Tyre wear’. See slide 20:

http://www.londonair.org.uk/london/asp/LAQNSeminar/pdf/June2013/David_Dajnak_Emissions_and_Modelling_Remapping_London%E2%80%99s_Air_pollution.pdf

As you many know, PM₁₀ is the total mass concentration of all particles in the air up to a diameter of 10 microns.

- ii. Even if ‘half’ was true which CAL considers it is not for the above reasons, the statement in the advertisement says ‘**will** encourage the use of newer, cleaner vehicles to reduce vehicle pollution by half’. ‘Encouraging’ should not be linked so directly or emphatically to such a specific ‘outcome’. Also, there is no use for example of ‘up to’. [**CAL emphasis.**]
- iii. The benefits of the ULEZ are far from certain. The Mayor has scrapped his earlier plans to ban the oldest vehicles and has now decided to exempt up to 30,000 residents until September 2023.

In February 2013, the Mayor proposed a ban of the most polluting vehicles.

<https://www.london.gov.uk/media/mayor-press-releases/2013/02/mayor-of-london-announces-game-changer-for-air-quality-in-the>

The Mayor is now proposing no more than a daily charge for older vehicles.

Up to 30,000 residents would be exempt from the ULEZ charges until September 2023. The Supplementary information (page 77) states:

“It is proposed all residents living in the ULEZ while it is operational in the phase September 2020 to September 2023 will be granted a three year time-limited 100 per cent discount on any ULEZ charge that their vehicle might incur. This is to acknowledge that they are unable to avoid the ULEZ (for example by re-routing a journey) and may require more time to change their vehicle for one to meet the ULEZ emissions standards. An ULEZ residents’ vehicles would therefore need to be compliant with applicable ULEZ emissions standards from 7 September 2023 (instead of 2020). After that point all residents must pay 100 per cent of the daily charge to drive a non-compliant vehicle in the ULEZ. This provides residents with eight years advance notice.”

The Mayor estimated in June 2010 that around 30,000 residents were registered for the 90% discount from the congestion charge in the Central London Congestion Charging Zone. See:

http://questions.london.gov.uk/QuestionSearch/searchclient/questions/question_31772

A daily charge cannot be as certain to restrict vehicles as a ban.

By way of background, CAL recollects there were one or more complaints previously about the Mayor’s advertising of one or more earlier phases of London’s low emission zone i.e. prior to 2012. The Mayor may have been claiming that an earlier phase required vehicles to meet the Euro 3 or Euro 4 engine standard whereas it required vehicles only to match the Euro 3 (or 4) standard for particulate matter (i.e. not other tailpipe emissions such as oxides of nitrogen). CAL recollects that the Mayor amended subsequent claims. Any such complaints may have been considered formally by the Advertising Standards Authority.

I have copied Mrs Walley, Chair of Parliament’s Environmental Audit Committee, which has an ongoing inquiry into air quality with a particular focus on London.

I look forward to hearing from you. Please correspond by email to contact@cleanair.london.

Yours faithfully

Simon Birkett
Founder and Director
Clean Air in London

cc: Mrs Joan Walley, Chair, Environmental Audit Committee