

## **Clean Air (Human Rights) Bill - #CleanAirHRBill and #EllasLaw**

Almost exactly 70 years after the Great Smog killed some 4,000 people in London (5-9 December 1952), Baroness Jones' Clean Air (Human Rights) Bill ("CAHR Bill") topped the ballot of Private Members Bills in the House of Lords.

The CAHR Bill would establish the human right to breathe clean air precisely and explicitly in UK law. It would require the Secretary of State to achieve 'clean air' throughout England and Wales within five years of the passing of the Act and maintain it thereafter. It has been drafted by an experienced environmental and human rights lawyer and an air pollution expert who has advised the United Nations.

Rosamund Adoo Kissi-Debrah has agreed that it should be called Ella's Law in memory of her daughter Ella Roberta who was the first person to have 'air pollution' on her death certificate. Having topped the ballot, the CAHR Bill could become law in the 2022-2023 session of Parliament and before the 10<sup>th</sup> anniversary of Ella Roberta's death on 15 February 2023. It would put 'clean air' on par with equalities in decision making.

The CAHR Bill follows a 'One Air' approach to 'clean air' that encompasses the health and environmental impacts of air pollutants and greenhouse gases. It would set limits and targets for each aspect of 'One Air' based on the best international standards and scientific advice such as the World Health Organisation's new air quality guidelines (September 2021). The Environment Agency and Committee on Climate Change would be required to review the pollutants and limits annually and advise the Secretary of State if they need tightening. The standards may only be tightened. Importantly, the CAHR Bill addresses outdoor air where people spend their time and indoor air in new buildings, public transport underground, where health and safety provisions apply and in buildings regularly accessed by members of the public including children.

The CAHR Bill also requires the Secretary of State to assess air pollution in England and Wales and publish and report detailed information about it, including warnings when needed.

In order to ensure independent scrutiny and continuous improvement, the CAHR Bill establishes a Citizens' Commission for Clean Air (CCCA) which would review annually the Secretary of State's compliance with the CAHR Bill during the previous calendar year and advise the Secretary of State if any methods should be improved from the start of the subsequent year (which he must implement). The CCCA must also monitor and enforce the right to clean air.

In order to help national and local authorities and others, the CAHR Bill requires new regulations to: enable the sale and use of appliances generating wholly renewable energy; enable energy efficiency improvements to domestic and non-domestic premises that reduce energy use and emissions of carbon dioxide; and restrict the sale and use of combustion appliances that emit pollutants to the air including wood burning stoves. These regulations should immediately update the Clean Air Act 1993 and Ecodesign Regulations for modern fuels and technologies and real world emissions. The CAHR Bill also lists 'Clean Air Enactments'.

The CAHR Bill would give duties and matching powers and resources to national and local authorities, including the Mayor of London, to achieve clean air within five years. Where the Secretary of State or others have not achieved clean air by this deadline, or otherwise complied with their duties under the CAHR Bill, the CCCA may issue a notice requiring them to comply with their duty, take specific steps in order to achieve compliance and provide written information of the steps taken, or proposed to be taken, for the purpose of complying with their duty. The CCCA may apply to the Court for an order requiring a person to comply. The CAHR Bill would also allow the CCCA to institute or intervene in legal proceedings if they are relevant to the duty to achieve clean air. It lists fundamental environmental principles that must be followed.

The CAHR Bill is designed to ensure annual review to achieve continuity, tightening, greater understanding and enforcement of limits and targets to achieve and maintain clean air, particularly after five years.