

Clean Air (Human Rights) Bill - #CAHRBill #EllasLaw

Almost exactly 70 years after the Great Smog killed some 4,000 people in London (5-9 December 1952), Baroness Jenny Jones' Clean Air (Human Rights) Bill is scheduled to reach Committee Stage in the House of Lords on Friday 18 November 2022, having topped the ballot of Private Members' Bills on 12 May 2022. Rosamund Adoo Kissi-Debrah has agreed that the Bill could be called Ella's Law.

Important developments since Second Reading on 8 July 2022 have included: the United Nations General Assembly adopting a resolution on 28 July recognising the human right to a clean, healthy and sustainable environment¹; and the European Commission publishing its proposals for the revision of the Air Quality Directives on 26 October. Significantly, the European Commission's press release included a map showing that most of the UK would comply with the World Health Organisation's new air quality guideline for fine particles (PM_{2.5}) of 5 micrograms per cubic metre (µg/m³) by 2030².

Baroness Jones has tabled amendments to the Clean Air (Human Rights) Bill for Committee Stage to deliver on commitments she made to the Delegated Powers and Regulatory Reform Committee and improve the Bill in three other ways. The four types of amendments include:

1. **Time extensions:** This amendment would allow the Secretary of State to postpone the deadline to achieve clean air by a maximum of five years for a pollutant in relation to a specific zone where the initial deadline cannot be achieved, subject to strict conditions. No time extension would be possible beyond 1 January 2033. A consequential amendment is proposed for local authorities.
2. **Limit values:** This amendment would set limit values for PM_{2.5} and nitrogen dioxide (NO₂) of 10 µg/m³ and 20 µg/m³ respectively to be attained by 1 January 2030. These would act as interim thresholds or backstop targets depending on the progress made and would match the latest European proposals. An additional limit value for NO₂ of 40 µg/m³ to be attained by 1 January 2024 would strengthen existing obligations.
3. **Delegated Powers and Regulatory Reform Committee (the "Committee"):** Amendments would respond to observations and recommendations from the Committee that Baroness Jones accepted in a letter to the Committee dated 4 July and in her opening speech at Second Reading. They would match responsibility and accountability and ensure that future tightening of clean air standards after Royal Assent is subject to the approval of a resolution of each House of Parliament and other checks. The proposed mechanism is similar to that used in the Climate Change Act 2008.
4. **Other improvements:** The opportunity is being taken to table a few other amendments to improve the Clean Air (Human Rights) Bill and correct several omissions and typographical errors. These amendments include: adding Network Rail alongside other public authorities; substituting the Citizens' Commission for Clean Air for the Environment Agency; and adding standards aligned to the World Health Organisation's good practice statements for ultrafine particles (PM_{0.1}) in indoor and outdoor air and its air quality guideline for 24-hour mean NO₂ in indoor air.

These amendments would improve an already strong Bill. After Committee Stage, the Clean Air (Human Rights) Bill is expected to progress to Report Stage and Third Reading in the House of Lords before heading to the House of Commons. Full details here: <https://bills.parliament.uk/bills/3161>.

¹ <https://cleanair.london/app/uploads/UNGA-resolution-280722.pdf>

² <https://cleanair.london/app/uploads/European-Commission-press-release-261022.pdf>