

ON KNIGHTSBRIDGE ASSOCIATION LETTERHEAD

12 November 2006

Defra recognises air quality aligns with climate change

ACTION

If you care about the serious health impact of air pollution, please email David Miliband on david.miliband@defra.gsi.gov.uk and Ken Livingstone on mayor@london.gov.uk emphasising your local air pollution concerns and that you want World Health Organisation recommended levels of air quality to be achieved urgently in London. Once the political will exists to tackle air pollution, practical ways of addressing it will be found (as they were in the past for sulphur dioxide, leaded petrol and the ozone layer). It really is that simple.

UPDATE AND OPEN LETTER IN RESPONSE TO DEFRA REPLY

Defra recognises air quality aligns with climate change

Dear Secretary of State and Dr Williams (of Defra)

Thank you, Dr Williams, for your reply to the two letters addressed to the Secretary of State from The Knightsbridge Association in your role as Head of Air and Environment Quality Division at the Department for Environment, Food and Rural Affairs (Defra). We assume that you are replying on behalf of the Secretary of State who was copied in the email attaching your letter. This further letter on behalf of The Knightsbridge Association is addressed to the Secretary of State as well as you.

We have the following comments or questions in respect of your letter dated 7 November and ask respectfully for the Secretary of State and Defra's further consideration and reply to them.

1. Transparency and public awareness of air pollution problems

First, we look forward to seeing the UK Government's final Air Quality Strategy document in the early part of next year and in particular seeing the manner in which you have taken account of our detailed comments previously submitted (which you have acknowledged).

Thank you for emphasising that the UK Government strives to ensure total transparency, particularly with the general public. We do not consider though that Defra meets this objective simply by making information "available for public use on the internet" as you suggest. Two examples of the relative impenetrability of Defra's published information are first, The UK National Air Quality Information Archive (in contrast to the excellent, recently improved, London Air Quality Network):

http://www.airquality.co.uk/archive/data_and_statistics_home.php

and second, Defra's recent report to the European Union (EU) Commission reporting UK breaches of particulate matter (PM10) legal limits in respect of 2005 (which may meet EU reporting needs but, as

far as we are aware, has not been supplemented by a “plain language” version for the general public despite the “life and death” value of the information for some):

<http://cdr.eionet.europa.eu/gb/eu/annualair/envrtdbxw>

We encourage Defra strongly to make the general public aware actively (not passively) of the extent to which EU legal limits for PM10 were breached in respect of 2005 including through the publication of the postcodes of all areas where such breaches took place.

An example of what can be achieved by Defra in this regard was its successful approach to awareness raising through a news release “Bonfire night - smog warning” issued on 3 November. A similar news release should be published alerting the general public to the legal breaches in respect of PM10 in 2005.

The World Health Organisation’s (WHO’s) recent publication “Health effects of transport-related air pollution” makes clear the need for this subject to be taken seriously when it states on page 185 that “The number of casualties attributed to air pollution is comparable to the number of fatalities from traffic accidents, and its imprint is observed in all age groups, including children.”

Please confirm that the UK Government will promote actively public awareness of the extent of the PM10 legal breaches (and related air pollution problems), which were widespread in London, and that it will adopt an active approach in future in respect of significant air quality news equivalent to awareness raising in relation to road traffic accidents and their prevention.

2. Alignment of air quality with climate change

Second, we were pleased to read in your letter that “I can confirm that generally the responses [to the recent Consultation] called for further mainstreaming of air quality to align it with high profile areas such as climate change.”

Sir Nicholas Stern, in his excellent recent report, commented on page 276 that “Climate change policies can help to reduce local air pollution, with important benefits for health”. However, he also made clear, at the bottom of page 277, that “Sometimes climate change objectives will conflict with local air quality aims. This is a particular issue with transport.” Sir Nicholas went on to say, at the top of page

278, that **“Policies to meet air pollution and climate change goals are not always compatible. But if governments wish to meet both objectives together, then there can be considerable cost savings compared to pursuing both separately”.**

It is vital that street level air pollution is included in the forthcoming “Climate Change Bill” in order to ensure that: air pollution is addressed holistically (as opposed to sub-optimally at the expense of air quality); the cost savings highlighted by Sir Nicholas are achieved; and the health benefits of improved air quality are “locked in” to offset the costs of the necessary climate change action. As if to emphasise the last point, Stavros Dimas, the EU Environment Commissioner said in a speech to the British Chamber of Commerce in Brussels on 9 November 2006, that “The most obvious benefit that a clean environment brings to the economy is by preventing the negative impact of pollution. A degraded environment will affect the economy’s bottom line just as much as it affects the quality of people’s lives. The ill health due to air pollution costs the EU economy Euros 14 billion every year”.

Please will you confirm that the UK Government will seek to include all air pollution, including street level air pollution (i.e. air quality), in the forthcoming Climate Change Bill.

3. Air Quality in London

As you say “London is widely recognised as an area with acute air pollution problems”. You confirmed that “Neither Defra nor the Mayor are in anyway suggesting that [the Low Emission Zone] will be or should be the only initiative to help alleviate bad air pollution in London.”

Please confirm that Defra and the Mayor intend that the package of measures to be introduced by them will be expected, in their totality, to achieve EU legal limits throughout London by the target dates in current (or revised) EU legislation (noting that these were largely included in EU legislation in 1999 to be achieved by 1 January 2010 and earlier for PM10).

4. Exposure reduction

Your letter emphasises Defra’s commitment to the “exposure reduction” approach to regulating fine particulate matter (PM2.5) as opposed to the current limit value approach. As we explained in our letter of 25 June, we believe that this approach (that aims for average improvements in air quality across the population as a whole rather than meeting the absolute needs of individuals for clean air) is inconsistent with the WHO’s view that “unlimited and free access to clean air of acceptable quality is a fundamental human necessity and right” and that “an unequal distribution of health risks over the population raises concerns of environmental justice and equity”.

Please explain how the “exposure reduction” approach is consistent with the WHO’s view and further with the approach laid out by the Secretary of State in his speech to the Lunar Society on 26 October 2006 which emphasised in the environmental context “First, equal citizenship rights” and “Second, all citizens should be able to enjoy a social minimum of environmental resources: clean air, drinking water...”. The former must include those who live in, work in and visit air pollution “hotspots” and the latter must surely be interpreted to mean the urgent attainment of WHO recommended levels of air quality. Brompton Road, in Central London, with its high density of retail, office and residential use, is an example of an area with many thousands of people exposed to unacceptably high levels of air pollution that is in serious need of urgent action by the UK Government and devolved administrations.

Again the WHO’s recent publication “Health effects of transport-related air pollution” makes clear the seriousness of the problem for many people who live near busy roads when it states on page 94 that “exposures or concentrations of most pollutants are 2 – 3 times higher near busy roads than in background environments”.

5. New Air Quality Directive

You have made clear that the UK Government fully supports the current draft of the [new Air Quality] Directive. **Please explain what you mean when you go on to say that “We believe that it sets the scene for stronger measures in the near future”.**

Please confirm also that the UK Government intends to enshrine in UK legislation, as a minimum (and preferably further taking account of the points made by The Knightsbridge Association and many others), at least the same standards of air quality that it is seeking currently to have included in the new EU Directive (except to the extent that the final version of the Directive imposes tighter limits) and that it will address particularly the needs of those in air pollution “hotspots”. The proposed Climate Change Bill will provide an excellent opportunity to do so.

You state that the UK Government might seek to 3 and 5-year derogations (i.e. time extensions) from compliance with certain limit values (PM10, Benzene and Nitrogen Dioxide) and that “Any such proposal would not amount to an “exemption” but rather an integral part of planning to achieve compliance at the earliest opportunity, consistent with our European obligations”. In our view, given that the most important EU legal limits for air quality have been in legislation since 1999, we do not see how “the earliest opportunity” is consistent with time extensions beyond January 2010. **Please explain what significant unexpected or unforeseeable difficulties have arisen since 1999.**

6. 12 Air Quality Commitments

Given the extent of support from community organisations and leading politicians across London for the 12 Air Quality Commitments, and in the interests of transparency, will the Secretary of State and you please explain in respect of each of the 12 Air Quality Commitments sought by The Knightsbridge Association in its letter to the Secretary of State dated 25 June why you “think that [they] are not necessary and will detract from the action and effort that [Defra] and the devolved administrations are taking to help improve air quality and the environment for the population.”

Thank you sincerely for taking seriously our concerns about air pollution in London and giving the issues we raise with others your particular attention.

We look forward to hearing from you again.

Yours sincerely,

Simon Birkett
Chair
Transport and Environment Committee
The Knightsbridge Association

Cc: Those copied on our letter of 29 October

Defra letter: Please see below an exact copy of the letter received from Defra

Date 07 November 2006

Dear Mr Birkett,

Thank you for your letters dated 25 June and 29 October in which you raise several issues to do with poor ambient air quality. We have taken note of your detailed comments relating to the dossiers currently under public consultation. This response will only cover your wider air quality concerns.

Government commitment to improving air quality

The UK Government remains committed to protecting the public from the harmful effects of air pollution. We have overall responsibility for ensuring that the air quality limit values in the EU legislation are met and to this end we have in place a package of measures at national and local level to ensure this as far as possible. Within central government, Defra officials are involved in a wide range of high level activities to seek, plan and implement solutions to poor ambient air quality. For example we work closely with air quality experts at home and abroad, and we liaise with our counterparts in other government departments to ensure air quality issues are considered as part of other mainstream policies. Local authorities also play a crucial role in supporting and helping to deliver our air quality objectives.

We strive to ensure total transparency in our dealings with colleagues across Whitehall and particularly with the general public. To this end, all information on local air quality recorded by Defra is regularly updated and is available for public use on the internet. We also frequently run public consultations, the most significant being the recent one covering the new national Air Quality Strategy (on which you have already commented). As you will know from David Miliband's letter of 11 September to Rt Hon Sir Malcolm Rifkind MP, we are now analysing the comments received, and these will be taken into account in developing the final Strategy over the next few months. A summary of the consultation responses will be published on the Defra website shortly, and a more detailed response to comments received will also be published in due course. I can confirm that generally the responses called for further mainstreaming of air quality to align it with high profile areas such as climate change. We plan to publish a final Air Quality Strategy document in the early part of next year.

Air Quality in London

London is widely recognised as an area with acute air pollution problems. Local authorities are taking steps to improve air quality at local level through their statutory duties for air quality management (LAQM) under the Environment Act 1995. They are required to carry out regular reviews and assessments of air quality in their area against standards and objectives in the national Air Quality Strategy and which have been prescribed in regulations for the purpose of LAQM. Where it is found these are unlikely to be met, authorities must designate air quality management areas (AQMAs) and take action to work towards meeting the air quality objectives. London Borough of Kensington & Chelsea designated their whole borough as an AQMA in respect of nitrogen dioxide (NO₂) and particles (PM₁₀) in December 2000. Kensington & Chelsea produced its air quality action plan in 2003 which identified a number of specific measures aimed at improving local air quality. A copy of the air quality action plan can be found on Kensington & Chelsea's website at <http://www.rbkc.gov.uk/environmentandtransport/airquality/reportsanddocuments.aspx>

Westminster declared an AQMA in respect of nitrogen dioxide and PM₁₀ in March 1999. They produced an air quality action plan in January 2001 which can be found at <http://www.westminster.gov.uk/services/environment/pollution/airpollution/air-quality-management/westminster-air-quality-action-plan/>

Measurements of nitrogen dioxide and particles levels continue to take place at Brompton Road and at Cromwell Road in recognition of the significant air pollution challenges faced by residents along these busy thoroughfares. The data show the continuing scale of the problem associated with air quality in London and the need for more progress.

Plans to introduce a Low Emission Zone (LEZ) across London is a matter for the Mayor. Currently a further consultation on details of the scheme and its implementation is taking place to give Londoners and others affected the chance to have their say. It is clear that the LEZ could make a significant contribution towards achieving the UK and European air quality targets in London as well as providing health benefits for Londoners and we support the principle of the scheme. Neither Defra nor the Mayor are in anyway suggesting that this will be or should be the only initiative to help alleviate bad air pollution in London.

New Air Quality Directive

The draft new EU Ambient Air Quality Directive, received first reading political agreement in October Environment Council. As part of the co decision process the document must now go back to the European Parliament for a second reading. The key parts of the directive are the new control measures it introduces for PM_{2.5} and the conditional additional compliance flexibilities it seeks to give Member States facing difficulties meeting the limit values for PM₁₀, NO₂ and Benzene. The UK Government fully supports the current draft of the Directive. We believe that it sets the scene for stronger measures in the near future. During the negotiations we campaigned strongly for the inclusion of the exposure reduction approach to regulating fine particles as opposed to the current limit value approach. The exposure reduction approach is in our view the preferable way to regulate a pollutant such as PM_{2.5} where the evidence suggests there is no threshold for adverse effects, and the legislative framework directs action to reduce impact on the whole population. Whilst we were successful in securing the inclusion of an exposure reduction approach to PM_{2.5}, we were unable to obtain agreement to mandatory exposure reduction targets. However, Member States did agree to a Limit Value for PM_{2.5} beginning in 2015. In the UK we take the potential effects on health posed by PM_{2.5} seriously and will be commenting on domestic action when we publish our new Air Quality Strategy.

As part of the new measures in the Directive, the European Commission also proposed a 3 and 5-year derogation from compliance with certain limit values (PM₁₀, Benzene, and Nitrogen Dioxide). If this provision is adopted, the UK might seek to use it where appropriate. Any such proposal would not amount to an 'exemption' but rather an integral part of planning to achieve compliance at the earliest opportunity, consistent with our European obligations. The UK is not alone in the difficulties it faces, several other Member States have acute problems achieving the PM₁₀ and other limit values. That is why the Commission proposed this flexibility.

In Commissioner Dimas's speech after October Council he committed to bring forward new community measures to help Member States in controlling emissions from road transport and other significant sources. The Euro 5 Regulation proposes to set tighter emission limits of particles and of NO_x for new cars and vans sold in the EU market (e.g. 80% cut in the emission limit for particulate matter from diesel cars). Euro 6 would set significantly lower emission limits for NO_x emissions from diesel cars and would enter into force 5 years after Euro 5. This week, the Commission published a statement on Euro 5 and Euro 6, the details of the developments can be found at

<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/409>

These new policy instruments will be a welcome addition to the range of measures available to help

us meet our national air quality objectives.

Next Steps

The co decision procedure requires that the air quality directive must be reconsidered by the European Parliament. I expect the new Directive to be in force by mid to late 2007. During the Parliament's first consideration of the Directive, the UK Government lobbied UK MEPs to vote against the proposals of the Environment Committee. In our view (which is consistent with that of the European Commission) the amendments proposed would have led to an overall reduction in the health protection offered by existing legislation. I hope that the Parliament will leave the package agreed at October Environment Council unchanged during their second reading.

Twelve National Air Quality Commitments

Notwithstanding our statutory responsibilities, this government is committed to tackling the challenges and threats posed by poor air quality. The UK is already viewed as one of the more active European countries trying to combat poor air quality. For example, we moved quickly to lobby for the introduction of the exposure reduction concept in response to the emerging knowledge of the risks posed by fine particulates, and I believe that it will lead to significant health benefits for a large section of the population.

I think that the commitments you seek are not necessary and will detract from the action and effort that we and the devolved administrations are taking to help improve air quality and the environment for the population.

With best wishes,

Dr M WILLIAMS
Head of Air and Environment Quality Division