

The Rt. Hon. Tessa Jowell MP
Minister for the Olympics and London and Co-Chair of the Olympic Board
Cabinet Office
70 Whitehall
London SW1A 2AS

By post and email

17 January 2008

Dear Minister

London 2012: “Greenest Games ever” or “Most sustainable ever” breaches of air quality laws with EU and IOC legal action?

Government has no actions planned yet to comply with Nitrogen Dioxide (NO₂) air quality laws in London by 2010, 2015 or 2020

Commitments received from the four main candidates for Mayor of London

The Campaign for Clean Air in London (CCAL) is writing to obtain a commitment now from the Government, on behalf of itself and the whole Olympic Family in the United Kingdom (the UK Olympic Family), in relation to the London 2012 Olympic Games and the London 2012 Paralympic Games (London 2012). The commitment is that they will take all necessary actions to ensure that London 2012 will, at an absolute minimum, comply sustainably and fully with the letter and spirit of all applicable UK and European Union (EU) air quality laws and the Host City Contract for London 2012.

CCAL also urges the Government to go further and make a commitment with regard to nitrogen dioxide (NO₂). The commitment is to ensure that London 2012 meets the existing EU Limit Values for NO₂, which are due (under the existing EU air quality directives) to be met by January 2010, by London 2012. This is not much to ask given that:

- existing legislation has been in force since 1999; and
- the planned new EU Directive on air quality will require all applicable efforts to be made to meet NO₂ obligations by January 2010 with a likely requirement to rectify any residual breach as soon as possible thereafter and absolutely by January 2015 (i.e. less than 28 months after the end of the 2012 Paralympic Games).

London 2012 offers the promise of a “One Planet Olympics” as “the Greenest Games ever”. This means complying with air quality laws, which represent an absolute test of achievement and greenness, not breaching them then and thereafter in “the most sustainable ever” way. CCAL urges you therefore, as the Minister responsible, to grasp the obvious opportunity and confirm the UK’s commitment to deliver the “greenest and most sustainable Games ever” by complying fully with air quality laws and EU Limit Values for NO₂ by London 2012.

CCAL invited each of the four main London Mayoral candidates to make these commitments and their responses are included in this letter (see pages 3 and 4). Please reply personally to this letter - particularly given the personal commitment shown to this issue by London’s political leaders.

Respectfully, the Prime Minister and you could not receive a louder or clearer call for the Government to take urgent action in respect of London's air quality.

Summary

London 2012 offers a wonderful opportunity for the UK to deliver a spectacular and memorable event and to showcase its many achievements to the world.

To underpin this vision, the UK Government, the Mayor of London and the BOA (British Olympic Authority) have undertaken to the International Olympic Committee (IOC) to carry out their obligations and activities under the Host City Contract in a manner which embraces the concept of environmental sustainable development, and which complies with applicable environmental legislation and serves to promote the protection of the environment.

Despite this opportunity and the associated commitments, CCAL has seen no evidence yet that the Government has any plans for London by 2012 to: meet current and/or expected EU legislation for air quality in London; comply with the terms of its guarantee that "all work necessary for the planning, construction and operation of facilities for the Olympic Games will be fully compliant with local, regional and national regulations, international agreements and protocols in relation to environmental protection"; or deliver the "Greenest Games". On the contrary, the evidence today shows ongoing breaches of EU Limit Values for NO₂ in 2010, 2015 and 2020. The Government clearly lacks the political will necessary to improve London's air quality.

Beijing 2008 is constantly in the news about its air pollution (which is up to three times the maximum level recommended by the World Health Organisation (WHO)) despite the major efforts being made by the Chinese Government to meet air quality standards for the 2008 Olympic Games and 2008 Paralympic Games. With air pollution in some of London's busiest streets being well over twice the maximum level recommended by the WHO, the UK (particularly as a developed country) has its own serious air pollution problem. However well China does over the next few months, air quality will be remembered now as a sensitive, health and media issue for all future Olympic Games and Paralympic Games.

If the Government does not meet its air quality obligations by 2012, the UK can expect to:

- Be subject to infringement action by the European Commission for legal breaches of EU Limit Values for air quality in the first few months of 2012 or earlier;
- Breach the Environmental Compliance Guarantee given to the IOC by the UK Government, the Mayor of London and the British Olympic Association, as stakeholders in the London 2012 Organising Committee and controllers of the Olympic Delivery Authority as shown in the Candidate File and subsequently in the Host City Contract; and
- Fail embarrassingly in its much reported ambition to deliver the Greenest Games.

Please bear in mind also that climate change is likely to require bolder action much earlier than would otherwise be necessary. The European Environment Agency stated recently that meteorological factors are already having an adverse impact on air quality of between 15% and 25% for particulate matter (PM₁₀). The Government and the UK Olympic Family must aim meaningfully ahead of climate change not offer flimsy excuses later for not foreseeing these already

expected changes. Plan now or fail, yet again, later.

CCAL intends to press the European Commission and the IOC to use robustly the full weight of their respective legal and other powers against the Government to force the UK to comply fully with all its air quality obligations. Furthermore, by putting the Government and the UK Olympic Family on notice now of the relevant issues, CCAL considers that any embarrassment caused to the UK or its Olympic Family in late 2011, early 2012 or thereafter, will have arisen solely from their failures rather than CCAL's actions.

CCAL has copied this letter to the Prime Minister given the cross-cutting departmental issues involved. CCAL wrote to the previous Prime Minister on 23 December 2006 inviting him to "Pledge [his] support to the cross-party Campaign for Clean Air in London which aims to achieve urgently World Health Organisation recommended standards of air quality throughout London". Despite an acknowledgement dated 5 January 2007 indicating that the letter was receiving "attention and a reply would be sent as soon as possible" and occasional follow up requests by CCAL including a letter to the (new) Prime Minister dated 17 December 2007, which was also acknowledged promising a reply "as soon as possible", CCAL has still not received a reply to its original letter. CCAL launched a wholly separate petition to the Prime Minister on air quality in March 2007 which has been well supported by many of London's political and community leaders and others.

Given the seriousness, urgency and scope of the issues raised in this letter, CCAL has copied this letter also to the most senior members of the Olympic Movement and relevant others.

Comments from the four main candidates for Mayor of London and CCAL

CCAL has received the following comments from the four main candidates for Mayor of London for inclusion in this letter. They are shown first from Mayor Livingstone (out of respect for the office of Mayor of London) and then in alphabetical order.

Mayor of London Ken Livingstone said: "Tackling environmental pollution is a top concern and air quality is a key issue within that. I want to improve London's air quality to the point where pollution no longer poses a risk to human health. I have introduced initiatives to improve air quality across London, including the Low Emission Zone which starts on 4th February.

"In August 2008 London will officially become the Host City for the 2012 Olympic Games and Paralympic Games. I am working with London 2012 to ensure that the London 2012 Games are a truly sustainable Games, and to make the Games a platform for demonstrating long-term solutions for improving air quality across London. For example, during development of the Olympic sites, meeting the stringent requirements from the London Best Practice Guidance will reduce emissions from demolition and construction. During the Games, we are committed to sustainable transport solutions, for example all spectator travel, except for people with disabilities, will use public transport, cycle or walk to the Games."

Sian Berry, Green Party candidate for Mayor of London said:

"In 2012, London will be inviting the world's greatest athletes into our city. The staging of the Olympic and Paralympic Games in London offers us a tremendous opportunity to ensure our air quality meets European and World Health Organisation standards in time for these athletes to compete in a healthy atmosphere. This is not only a requirement under UK and EU law but a moral

obligation as well. Most importantly, we owe it to the people who live in London every day to meet these standards at the earliest possible date. The health of our citizens is suffering every moment we delay and fudge on this issue. Radical action to improve air quality in London is possible and, as Mayor, I would make this a high priority for our city. Every Londoner, every athlete and every visitor to London deserves the chance to breathe clean air in 2012.”

Boris Johnston MP, Conservative Party candidate for Mayor on London, said:

“The Olympic Games and Paralympic Games in 2012 promise to be superb sporting festivals, but they will fail if they do not leave a positive lasting legacy. It must be our aim that, instead of doing the bare minimum, the Games act as a catalyst for wide-ranging change. Just as we want them to set new and improved standards in access for people with disabilities, they should do the same for environmental policy.

“The approach taken with regard to – for example – procurement, recycling, transport, packaging, waste disposal and emissions will have a profound and enduring effect, and not just on London. I am determined that we should set the standard for future Games to follow.”

Brian Paddick, Liberal Democrat candidate for Mayor on London, said:

“We must take all practical and effective measures we can to reduce air pollution in London, not just for the sake of Londoners, but as an example to other countries. I am committed to doing whatever I can to help London put on the greenest ever Olympic and Paralympic Games.”

Simon Birkett, Principal Contact for CCAL, said: “The UK has a wonderful opportunity to host the greenest and most sustainable ever Games in 2012. Instead, it seems much more likely today that the UK will face legal action initiated by the European Commission (probably in early 2012) and the International Olympic Committee for breaching legally binding obligations in respect of air quality. The UK and its Olympic Family also face the prospect of an embarrassing public relations disaster after the challenges facing China on air quality. CCAL is seeking therefore a commitment now from the Government, on behalf of itself and the whole Olympic Family in the UK, that they will take all necessary actions to ensure that the London 2012 Olympics and the London 2012 Paralympic Games will, at an absolute minimum, comply fully and sustainably with all applicable UK and European Union legal obligations for air quality.”

Simon Birkett said: “The Campaign for Clean Air in London thanks the four main Mayoral candidates for their commitments to improve air quality to ensure the success of London 2012.” He went on to say: “Sian Berry has supported the Campaign for Clean Air in London in its efforts to uncover: the inconsistencies and muddle following the Government’s commitments to deliver the greenest and most sustainable ever Games for London 2012; and the likely breaches of the Environmental Obligations under the Host City Contract unless further action is taken. Brian Paddick has committed to doing whatever he can to deliver the greenest ever Olympic Games – a powerful commitment to deliver an unambiguous outcome. Ken Livingstone has a clear vision to improve London’s air quality to the point where pollution no longer poses a risk to human health and has practical measures to do so well underway like the much needed Low Emission Zone. Boris Johnston is clearly determined that we should set the standard for future Games to follow. London is well represented by its political leaders.”

The Campaign for Clean Air in London

The Campaign for Clean Air in London has only one aim which is to achieve urgently at least World Health Organisation (WHO) recommended standards of air quality throughout London. Most of these have been required to be met since 1999 legislation by January 2005 for particulate matter (i.e. PM₁₀) and by January 2010 for NO₂. CCAL has received support from the Mayor of London, leading politicians from the four main political parties in London and all the amenity societies in Central London as well as leading business groups including the Central London Partnership, London First and The Knightsbridge Business Group. It has also received a Pledge of support from Environmental Protection UK (formerly the National Society for Clean Air and Environmental Protection) and the Alliance Against Urban 4x4's. CCAL's campaign website address is shown in the letterhead above.

New EU Directive on ambient air quality and cleaner air for Europe

The planned new EU Directive on ambient air and cleaner air for Europe (the new EU Directive) is due to be implemented in mid-2008 to replace four existing EU Directives on air quality and one Council Decision. CCAL understands that EU Environment Ministers are due to approve formally the new EU Directive within a few weeks once the complicated process of cross-checking in many languages the text agreed with the European Parliament has been completed. The new EU Directive was formally approved by the European Parliament on 11

December 2007. The Government has confirmed to CCAL that the UK will have no special "opt out" from the obligations of the new EU Directive e.g. at Heathrow. Of greatest relevance to

London 2012, the new Directive will:

1. Re-confirm the existing binding daily based and annual EU Limit Values for particulate matter, so called PM₁₀, with the possibility of conditional time extensions for up to three years after the entry into force of the new EU Directive i.e. 2008 plus 3 = 2011 (i.e. to 2011 for daily EU Limit Values and January 2012 for annual EU Limit Values);
2. Re-confirm the existing binding hourly based and annual average EU Limit Values for nitrogen dioxide, so called NO₂, and benzene with the possibility of conditional time extensions for a maximum of five years i.e. 2010 plus 5 = 2015 (i.e. to January 2015);
3. Set an annual average target value for fine particulate matter, so called PM_{2.5}, of 25 µg/m³ (i.e. micrograms per cubic metre) to be attained where possible in 2010 and a binding EU Limit Value set at the same level to be attained everywhere by 2015 to ensure that EU citizens are not excessively exposed to fine particles;
4. Set an Exposure Reduction Target which requires that average concentrations for PM_{2.5} in urban background areas be reduced by 10-20% between 2010 and 2020 since these are considered most representative of the population exposure (with a sliding scale of smaller reduction targets for Member States with low or medium exposure and higher targets for those with higher average exposure in 2010);
5. Require the assessment of air quality everywhere except: in any locations where members of the public do not have access and there is no fixed habitation; on factory premises or at industrial installations to which all relevant provisions concerning health and safety at

work apply; and on the carriageway of roads and the central reservations of roads except where there is normally pedestrian access to the central reservation;

6. Be linked to a Declaration by the European Commission on future EU measures which undertakes also to put forward new legislation in 2008 to reduce air pollution emissions at source; and
7. Incorporate specific references to measures addressing sensitive segments of the population such as children.

The UK faces the possibility of infringement action by the European Commission in respect of air quality at several stages over the next four years if it continues to fail to meet its legally binding obligations. Of greatest potential impact on the London 2012 Games is the likelihood, if legally binding obligations have not been met by then, that infringement action will be taken in late 2011 or early 2012 for breaches of PM₁₀ obligations. This may lead to one or more judgements by the European Court of Justice against the UK as a Member State in respect of London as a “specific location” (or otherwise) with very substantial fines, negative publicity and considerable public concern.

In a response to several letters to Mayor Livingstone and Sarah Legge (Principal Policy Adviser – Air Quality) on various air quality related matters, Sarah Legge wrote to CCAL in a letter dated 14 December 2008 stating that:

“We welcome the European Commission’s action on breaches of the current air quality directives. The infraction proceedings on SO₂ [sulphur dioxide] have no direct impact on London’s air quality but have sent a strong message to government that healthy air is important and air quality must be improved.

“We also welcome the European Commission’s action on breaches of PM₁₀ limit values. Although they have not issued formal infringement proceedings (a decision taken in light of the ongoing discussions on the new directive), they have sent requests for information to the 23 member states that have reported exceedances of the PM₁₀ values for 2005, including the UK. This letter requires the UK government to provide information on the measures they are taking to eliminate or reduce the PM₁₀ exceedances. We understand that the UK government’s response will include some of the key actions taken in London. It will be interesting to see how the Commission will respond.”

CCAL is pleased to see such a forthright stance from the Mayor of London and his Principal Policy Adviser – Air Quality. Some of the most important future air quality obligations in the new EU Directive will require the UK to meet, as soon as possible, standards that were set in 1999 in the current air quality directives to be met by January 2005 for PM₁₀ and January 2010 for NO₂. CCAL has written therefore to the European Commission urging it to take the most robust action against the UK as a Member State for any breaches of air quality obligations as perhaps the only means of getting central Government to take seriously its air quality obligations and to support London in its efforts to improve air quality.

The new EU Directive is due to be implemented in mid-2008 replacing some four current EU Directives and a related Council Decision. If the new EU Directive is delayed or not duly implemented for some unexpected reason, CCAL will be pressing the European Commission to take infringement action urgently under current EU legislation to force the UK to meet legally binding

obligations for PM₁₀ for which no time extensions have been allowed since 1 January 2005.

Against the background of air quality being seen as one of the top issues facing the Beijing 2008 Olympics, a front page global exclusive, published by John Higginson in the Metro newspaper on 3 September 2007 and titled “Pollution puts Britain in the dock”, has provided an excellent example of the profile that this issue is likely to have if the Government fails to meet its legally binding air quality obligations.

http://www.metro.co.uk/news/climatewatch/article.html?in_article_id=64580&in_page_id=59

As an example of the Government’s failings in this area, please note that the Department for Transport (DfT) has failed to approve yet a scheme for the certification, testing and registration of retrofitted vehicles for the abatement of emissions of nitrogen dioxides (NO_x) from older vehicles. In explaining to CCAL that this is because it is “technology neutral”, the DfT is clearly still befuddled by the Government’s focus solely on cost-benefit analysis and failed to understand the need to meet legal obligations for air pollution (for which it is jointly responsible with the Department for Environment, Food and Rural Affairs (Defra)). Mayor Livingstone has cited the lack of a national NO_x abatement scheme as a reason for his not including a NO_x standard in the forthcoming Low Emission Zone in London. CCAL does not accept the DfT’s intransigence, or the impasse seemingly reached with the Mayor Livingstone on the issue, as any grounds for the UK failing to meet its obligations under EU air quality legislation. The DfT assured CCAL on 16 January 2008 that it is looking again into this issue and will respond formally to it.

With the above example and others, CCAL intends currently to press the European Commission to oppose vigorously any time extension being allowed for the UK if it fails to comply fully with its obligations to meet EU Limit Values for NO₂ by January 2010 since the Government has shown no plan or reasonable efforts yet to meet these obligations by that date. Indeed, it is clear that the Government will need to demonstrate action beyond that agreed in its Air Quality Strategy if it is to achieve full compliance with EU Limit Values for NO₂ i.e. the Government has no actions planned yet to comply with current or prospective air quality laws.

Environment Compliance Guaranteed

A key part of the London 2012 bid was a commitment to comply with the highest environmental standards. These were set out in the Candidate File submitted to the International Olympic Committee (and subsequently in the Host City Contract). The full version can be accessed below:

<http://www.london2012.com/about-us/publications/candidate-file/index.html>

Within that Candidate File, London 2012 submitted Volume 1, Theme 5: Environment and meteorology with Paragraph 5.7 on page 84 “Environmental compliance guaranteed”.

<http://www.london2012.com/documents/candidate-files/theme-5-environment.pdf>

This guarantee states:

“The UK Government, the Mayor of London and the BOA [British Olympic Authority], as stakeholders in the LOCOG [London Organising Committee of the Olympic Games] and controllers of the Olympic Delivery Authority, guarantee that all work necessary for the planning, construction

and operation of facilities for the Olympic Games will be fully compliant with local, regional and national regulations, international agreements and protocols in relation to environmental protection.

Please see section 5.7 of the Guarantees File for the signed guarantee.”

In the Host City Contract for London 2012, there are specific legal undertakings including:

- “Representations, Statements and Other Commitments shall be binding” (Clause 7 on page 5) that states that this includes “all representations, statements and other commitments contained in the City’s application or candidature file” as well as those made separately whether orally or in writing to the IOC;
- “Environmental Protection” (Clause 21 on page 12) that states: “The City, the NOC [National Olympic Committee] and the OCOG [Organising Committee for the Games] undertake to carry out their obligations and activities under this Contract in a manner which embraces the concept of environmental sustainable development, and which **complies with applicable environmental legislation** and serves to promote the protection of the environment. In particular, the concept of environmental sustainable development shall address concerns for post-Olympic use of venues and other facilities and infrastructures and in general, positive legacies in environmental practices and policies in accordance with the Olympic Charter.”; and
- “Termination of contract” (Clause 64 on page 35) says: “The IOC shall be entitled to terminate this Contract and to withdraw the Games from the City if ... (iv) there is a violation by the City, the NOC or the OCOG of any material obligation pursuant to this Contract, the Olympic charter or the applicable law.”

In CCAL’s considered view, if UK does not comply fully with its legal obligations under the new EU Directive on air quality in London and other participating UK Olympic cities, it will also have breached the Environmental Protection undertaking and the Environment Compliance Guarantee both given to the IOC. Furthermore, it may already be in breach of these obligations as a result of the Preparation for the Games e.g. at locations with heavy traffic from Olympic construction sites. CCAL urges the IOC to look closely at these issues now.

Greenest Games

The Government promised to deliver the Greenest Games in 2012. CCAL has seen some subsequent backtracking from this obligation which it considers to be wholly unacceptable.

References to the obligation include:

The London Development Agency said in a press release dated 16 November 2004 that “an unprecedented agreement between London 2012 and leading environmental groups is being signed today, signifying a public commitment to making a London Games **the greenest ever**.”

“The agreement is between global conservation organisation WWF, sustainable solutions experts BioRegional and London 2012, the organisation bidding to bring the Olympic Games and Paralympic

Games to London.”

<http://www.london.gov.uk/archive/assembly/reports/environment/2012-sustainable-olympics.pdf>

The One Planet Living UK: Olympics website now refers to London 2012 being “**by far the greenest Games the world has ever seen.**”

<http://www.oneplanetliving.org/uk/olympics.html>

The Prime Minister and Lord Coe on 23 January 2007 when the Prime Minister said: “Yeah, I think that if it is clear that, as it were, you have not got just the **greenest Games ever**, because obviously....”

(Link no longer available)

David Higgins, Chief Executive of the Olympic Delivery Authority (ODA) stated in a press release on 23 January 2007:

“We want to ensure London 2012 is remembered not only as two weeks of fantastic sporting action but also as the “**greenest Games in modern times**”.

<http://www.london2012.com/media-centre/media-releases/year=2007/month=01/article=london-2012-sustainability-strategy-launched.html>

In the same press release, David Miliband, Secretary of State at Defra stated:

“This is a really ambitious strategy which will deliver the **most sustainable Games in history** and a sustainable legacy for the UK.”

Robert Napier, Chief Executive of the World Wildlife Fund, stated in the same press release:

“WWF and BioRegional continue to support the Olympic family in London to work towards a One Planet Olympics and **the greenest Games yet.**”

Mayor Livingstone stated on 17 July 2007, “We want to stage not only the **greenest Games** but also ensure that the regeneration of East London is truly sustainable.”

http://www.london.gov.uk/view_press_release.jsp?releaseid=12834

Transport for London referred in “TfL’s Games Plans” on page 2 of “Games projects - Executive Summary” to “The aspiration is to make the London 2012 Olympic Games and Paralympic Games **the greenest ever.**”

<http://www.tfl.gov.uk/assets/downloads/corporate/MTS-AIP-executive-summary-Easy-Read.pdf>

Lord Coe gave a Think keynote address on delivering the **greenest games ever** on 3 May 2007:

(Link no longer available)

The Commission for Sustainable London in its press release dated 15 May 2007 stated that it was “set up to independently monitor London’s pledge to host the **most sustainable and greenest Games to date**”.

(Link no longer available)

In the “Five Legacy Commitments” document, published by the Greater London Authority on 9 January 2008, Commitment Four is “Delivering a sustainable Games and developing sustainable communities”.

http://www.london.gov.uk/media/press_releases_mayoral/mayor-sets-out-five-london-2012-legacy-commitments

On page 17 it expands on this to say: “Social, economic and environmental sustainability is at the heart of the London 2012 Games and the future plans for regenerating East London. The Games provide a perfect opportunity to demonstrate, through construction and legacy, how we can change behaviours and manage our resources to ensure a better quality of life for everyone now and for future generations.

“The Commission for Sustainable London 2012 will independently assure London’s 2012 pledge to host **the most sustainable Games to date** – the first such initiative in the history of the Olympic and Paralympic Games. The Commission advises the Olympic Board and reports to the public on sustainable development across the entire Games programme, from delivery to staging and legacy.”

The detailed objectives shown on page 27 of the Appendix for Commitment Four do not include any for compliance with air quality laws. CCAL urges those concerned to include such an objective in future similar publications.

Olympics Minister, Tessa Jowell said in the press release accompanying that publication on 9 January 2008:

“London 2012 is a once-in-a-lifetime opportunity to improve society and transform the lives of millions.

“In London, this will mean the regeneration of the East End, creating jobs and building homes and **an environment to be proud of for decades to come.**”

Despite apparent confusion amongst the UK’s Olympic Family as to whether the commitment to the IOC was for London 2012 to be “the Greenest Games ever”, “the Greenest Games in modern times”, “a Green Games” and/or “the most sustainable Games ever” it is clear that London 2012 has committed itself to the highest environmental standards. CCAL urges the Government and the whole UK Olympic Family to take their commitments seriously and to recognise that they extend across the breadth of the London’s environmental performance, including air quality, and to deliver on their commitments.

Finally, it will be necessary, given the boldness of London’s commitment to deliver the “Greenest Games”, to judge its environmental performance at a minimum against all the Summer Olympic

Games held since the Second World War.

http://www.olympic.org/uk/games/index_uk.asp

These include those in Helsinki (1952), Melbourne (1956), Munich (1972), Montreal (1976), Barcelona (1992) and Sydney (2000). Lord Coe's Think keynote address in May 2007 referred to earlier highlighted specifically many of the sustainable green achievements of those earlier Games which have set many very specific benchmarks for London 2012 to achieve.

CCAL met representatives of the Commission for Sustainable London 2012 on Wednesday 9 January 2008. In that meeting, CCAL highlighted particularly the opportunity (and need) for London to comply sustainably with air quality laws as part of the "Preparation, Staging and Legacy" of London 2012 after the challenges facing Beijing 2008. CCAL highlighted also the legal requirement to meet all the EU legal obligations for PM₁₀, and most or all of those for NO₂, by January 2012 and commented that "most sustainable ever" would be a worthless achievement if it refers to breaches of air quality laws.

Government has no actions planned yet to comply with air quality laws by 2010 or 2020

The UK will need to demonstrate action beyond that agreed in the Government's Air Quality Strategy (published in 2007) if London is to achieve full compliance with EU limit values i.e. air quality laws. Please see Volume 2 of that strategy document:

<http://archive.defra.gov.uk/environment/quality/air/airquality/strategy/documents/air-qualitystrategy-vol2.pdf>

Table 1.12 on page 52 of the strategy document shows that some 319,000 people in London are expected in 2010 to be exposed to levels of NO₂ over the EU Limit Value of 40 µg/m³ with 157,000 people in 2015 and 155,000 people still in 2020 i.e. there is no plan currently to comply with air quality laws by 2020. Air quality laws require these standards to be met by January 2010. Under the forthcoming legislation, the Government will be able to apply for time extensions, under strict conditions, from 1 January 2010 to 1 January 2015 only.

A separate Freedom of Information request to Defra discovered that some 9,871 people in London are expected in 2015 to be exposed to levels of PM₁₀ above the level allowed for daily exceedances of the EU Limit Value. Air quality laws required these standards to be met by January 2005. Under the forthcoming legislation, the Government will be able to apply for time extensions, under strict conditions, until the end of 2011 only.

The UK needs new plans and programmes if it is to comply fully with current or prospective air quality laws. When the political will existed in the past, air pollution was tackled quickly whether as the ozone layer, leaded petrol or acid rain. Therefore, in CCAL's considered view, all that is needed now is for the Prime Minister to insist that the UK will comply fully with air quality laws. If you are worried about air pollution, please email the Ministers responsible for air quality at hilary.benn@defra.gsi.gov.uk and ruth.kelly@dft.gsi.gov.uk telling them about your concerns and ask them to press the Prime Minister for such a commitment. Alternatively, please sign the petition to the Prime Minister at (*link no longer available*) before 13 March 2008. It really is that simple.

In retrospect, it is clear what seems to have happened. The Government, from the Prime Minister down, committed to deliver the greenest and most sustainable ever Olympic and Paralympic Games for London 2012 in their enthusiasm to host them. The Government knows now however that without identifying and implementing successfully new measures to improve air quality that London is due to be in breach of air quality laws in 2010, 2015 and 2020. The Government is therefore trying to backtrack on its commitments to deliver the greenest Games and is instead now trying to focus attention on delivering the most sustainable Games (which is an ambiguous commitment). Londoners need the Government to stand by its commitments, including its obligations to ensure compliance with air quality laws, and take action now to deliver the greenest and most sustainable ever Olympic and Paralympic Games. Given the lead time involved in implementing the necessary changes, London needs new plans in place in 2008.

Conclusion

London 2012 offers a tremendous opportunity for the UK to host a successful and memorable Games that will set a new benchmark for all future such events not least in terms of environmental sustainability.

Air quality will be a key measure of London's success in 2012 not least after the issue has been given such a high international profile by the challenges faced by China for Beijing 2008. It would not be an over-estimate to say that air pollution could become the defining memory of Beijing 2008. Will it be the same for London 2012?

The UK has an appalling air quality record. In 2007, it was one of only five countries in the whole EU to be subject to infringement action by the European Commission for breaching legally binding air quality obligations for sulphur dioxide (SO₂) in 2005. It is still possible that the European Commission will launch infringement action in 2008 against the UK, in respect of London as a "specific location", for breaching similar legally binding air quality obligations for PM₁₀ since 2005. Furthermore, according to an article in the Financial Times dated Monday 7 January 2008, the UK has received a second written warning (the last step before resort to the courts) from the European Commission for breaching the Large Combustion Plants Directive.

If the Government does not meet its air quality obligations by 2012, the UK can expect to:

- Be subject to infringement action by the European Commission for legal breaches of EU Limit Values for air quality in the first few months of 2012 or earlier;
- Breach the Environmental Compliance Guarantee given to the IOC by the UK Government, the Mayor of London and the British Olympic Association, as stakeholders in the London 2012 Organising Committee and controllers of the Olympic Delivery Authority as shown in the Candidate File and subsequently in the Host City Contract; and
- Fail embarrassingly in its much reported ambition to deliver the Greenest Games.

For these reasons, CCAL recommends that air quality should be one of the top environmental issues being considered and addressed fully by those planning for London 2012.

The Government has largely now run out of "silver bullet" solutions to the chronic air pollution

problem that require others, such as industry, to fix the problem e.g. through technology improvements or the most sustainable biofuels. The Government must accept finally that the most cost effective solutions require it: first to find and demonstrate the political will that is needed to lead substantial behavioural change in respect of all aspects of air pollution whether air quality or climate change; and second to inform and persuade people about the changes needed. Business particularly needs an unambiguous legal and regulatory framework if it is to play its full part. If the Government fails in this regard, it will be left to future Governments to introduce penal, rapid and painful short term measures to meet rapidly approaching deadlines.

In the much quoted phrase of Kevin Conrad, the delegate from Papua New Guinea at the recent Bali conference on climate change, “We seek your leadership. But, if for some reason you are not willing to lead, then leave it to the rest of us. Please get out of the way.” The UK needs a Government lead by Ministers who demonstrate the political will necessary to meet the challenges of air pollution whether in respect of air quality or climate change.

CCAL urges the Government to grasp the opportunity offered by London 2012 and underpin the UK’s commitment to deliver the “Greenest Games”. This opportunity can be grasped if acted upon now, with four years to go, and will surely be lost if action is delayed.

Please reply personally to this letter, particularly given the personal commitment shown to this issue by London’s political leaders, to the email address provided separately.

With best wishes.

Yours sincerely

Simon Birkett
Principal Contact
Campaign for Clean Air in London

By hand:
Winston Fletcher, Chair, The Knightsbridge Association
Carol Seymour-Newton, Honorary Secretary, The Knightsbridge Association

Cc:
By post: The Rt. Hon. Gordon Brown, The Prime Minister
Commissioner Dimas
The Rt. Hon. Hilary Benn MP, Secretary of State for Environment, Food and Rural Affairs
The Rt. Hon. Ruth Kelly MP, Secretary of State for Transport
The Rt. Hon. James Purnell MP, Secretary of State for Culture, Media and Sport
Mayor Livingstone
Sian Berry, Green Party candidate for Mayor of London
Boris Johnston MP, Conservative Party candidate for Mayor of London
Brian Paddick, Liberal Democrat candidate for Mayor of London
OLYMPIC FAMILY
Jacques Rogge, President of the International Olympic Committee and the Executive Board
Sir Philip Craven, President International Paralympic Committee
Charles Allen, Chair, The Nations and Regions Group

John Armit, Chairman, Olympic Delivery Authority
Mike Brace, Chairman, British Paralympic Association
Lord Coe, Chair, The London 2012 Organising Committee
Mayor Livingstone, Co-Chair, The Olympic Board
Shaun McCarthy, Chair, Commission for a Sustainable London 2012
Lord Moynihan, Chairman, British Olympic Association
David Nussbaum, Chief Executive, World Wildlife Fund
By Post: Sue Riddlestone, Co-Director of BioRegional

ORGANISATIONS

Amenity Societies
Helen Ainsworth, EU and International Air Quality, Defra
Jenny Bates, London Regional Campaigns Co-ordinator, Friends of the Earth
James Bidwell, Chief Executive, Visit London
John Brewster OBE, Chairman, Port Health and Environmental Services Committee, Corporation of London
Patricia Brown, Chief Executive, Central London Partnership
Robert Buxton, Deputy Chairman, West London Residents Association
Sarah Dudgeon, National and Local Air Quality, Defra
Nick Fairholm, Transport for London
Professor Stephen Glaister, Imperial College
David Higgins, Chief Executive, Olympic Delivery Authority
Tim Hockney, Executive Director, London First
Stephen Joseph, Executive Director, Campaign for Better Transport
Professor Frank Kelly, Kings College London
Dr Michal Krzyzanowski, Regional Adviser, Air Quality and Health, WHO
Sir John Lawton, Chair, Royal Commission on Environmental Pollution
Sarah Legge, Principal Policy Adviser – Air Quality, Greater London Authority
David Lemon, Environmental Industries Commission
Blake Ludwig, Campaign Director, Alliance Against Urban 4x4s
Dr Noel Olsen, British Medical Association
Professor Bob Maynard, Health Protection Agency
Paul McLoughlin, UK General Manager, Zipcar
David Muir, Institute of Air Quality Management
Philip Mulligan, Chief Executive, Environmental Protection UK
By post: Professor Martyn Partridge, Asthma UK
Derek Picot, Chairman, The Knightsbridge Business Group
Professor Graham Pope, Chartered Society of Physiotherapists
By post: Sir Jonathon Porritt, Chairman, UK Sustainable Development Commission
By post: Dr Keith Prowse, Chairman, British Lung Foundation
Dr Gordon Taylor, Chairman, West London Residents Association
Tony Travers, Director, Greater London Group
By post: Professor Peter Weissberg, Medical Director, British Heart Foundation
Dr Martin Williams, Head of Air and Environment Quality Division, Defra
Tim Williamson, National Air Quality Assessment, Defra

LEADING POLITICIANS

Peter Ainsworth MP, Shadow Secretary of State, Defra, Conservative
Norman Baker MP, Shadow Secretary of State for Transport, Liberal Democrat
Greg Barker MP, Shadow Minister for the Environment, Conservative
Mrs Gwyneth Dunwoody MP, Chair of the Transport Committee, Labour
Mark Field MP, Conservative
Jim Fitzpatrick MP, Parliamentary Under Secretary of State, DfT

Tom Harris MP, Parliamentary Under Secretary of State for Transport, DfT
The Rt. Hon. Michael Jack MP, Chairman of the Environment and Rural Affairs Select Committee
The Rt. Hon. Sir Malcolm Rifkind QC MP, Conservative
The Rt. Hon. the Lord Rooker, Minister of State, Defra
Joan Ruddock MP, Parliamentary Under Secretary of State
Jonathan Shaw MP, Parliamentary Under Secretary of State and Minister for the South East
Theresa Villiers MP, Shadow Secretary of State for Transport, Conservative
Professor Steve Webb MP, Shadow Secretary of State for Environment, Energy and Rural Affairs, Liberal Democrat
The Rt. Hon. Rosie Winterton MP, Minister of State for Transport
Phil Woolas MP, Minister of State, Defra
Tim Yeo MP, Chairman Environmental Audit Committee, Conservative
Gerard Batten MEP, London, Independence
John Bowis MEP, London, Conservative
Chris Davies MEP, Liberal Democrat
Robert Evans MEP, London, Labour
Mary Honeyball MEP, London, Labour
Syed Kamall MEP, London, Conservative
Ms Jean Lambert MEP, London, Green Party
Baroness Ludford MEP, London, Liberal Democrat
Linda McAvan MEP, Labour
Claude Moraes MEP, London, Labour
Charles Tannock MEP, London, Conservative
Angie Bray AM, Leader of the Conservative Group, GLA
Tony Arbour AM, Conservative
Richard Barnes AM, Conservative
Robert Blackman AM, Conservative
Brian Coleman AM, Conservative
Roger Evans AM, Conservative
Elizabeth Howlett AM, Conservative
Bob Neill AM, Conservative
Andrew Pelling AM, Conservative
Jenny Jones AM, Leader of the Green Group, GLA
Darren Johnson AM, Chair of the Environment Committee, GLA, Green
Len Duvall AM, Leader of the Labour Group, GLA
Jeanette Arnold AM, Labour
John Biggs AM, Labour
Nicky Gavron AM, Labour
Joanne McCartney AM, Labour
Valerie Shawcross AM, Labour
Murad Qureshi AM, Labour
Mike Tuffrey AM, Leader of the Liberal Democrat Group, GLA
Dee Doocey AM, Liberal Democrat
Sally Hamwee AM, Liberal Democrat
Geoff Pope AM, Liberal Democrat
The Lord Tope, AM, Liberal Democrat
Peter Hulme Cross AM, One London Group, GLA
Damian Hockney AM, One London Group, GLA
Councillor Sir Simon Milton, Leader of the Council, WCC, Conservative
Councillor Alan Bradley, Chair, Go Green Board, WCC, Conservative

Councillor Merrick Cockell, Leader of the Council, RBKC, Conservative

Councillor Daniel Moylan, Deputy Leader, RBKC, Conservative

Councillor Frances Blois, WCC, Conservative

Councillor Tony Devenish, WCC, Conservative

Councillor Philippa Roe, WCC, Conservative

Councillor Dr Iain Hanham, RBKC, Conservative

Councillor Margot James, RBKC, Conservative

Councillor Mrs Shireen Ritchie, RBKC, Conservative

LOCAL GOVERNMENT OFFICIALS

Rebecca Brown, Environment Quality Unit, RBKC

Guy Denington, Team Manager, Environment Quality Unit, RBKC Martin Low, Director of Transportation, WCC

Mike LeRoy, WCC

Mahmood Siddiqi, Chief Traffic Engineer, RBKC