

29 January 2009

European Commission starts legal action against the United Kingdom to enforce health based air quality laws for particulate matter (PM₁₀)

Campaign for Clean Air in London congratulates Commissioner Dimas and thanks key supporters

The European Commission started infringement proceedings on 29 January 2009 against 10 Member States, including the United Kingdom, for failing to comply with the European Union's (EU's) air quality standard for dangerous airborne particles known as PM₁₀. These particles, mainly emitted by industry, traffic and domestic heating, can cause asthma, cardiovascular problems, lung cancer and premature death. The Commission's action follows the entry into force in June 2008 of the new EU air quality directive, which allows Member States to request, under certain conditions and for specific parts of the country, limited extra time to meet the PM₁₀ standard in force since 2005.

Full details of this legal action can be seen via the attached link:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/174&format=HTML&aged=0&language=EN&guiLanguage=en>

Simon Birkett, Principal Contact for the Campaign for Clean Air in London (CCAL), said:

“Legal action to enforce health based air quality laws for particulate matter (PM₁₀) is long overdue. These laws were put in place in 1999 and had to be met by 2005. Amazingly, the government has no plans yet to meet these standards fully in London by 2011 and it admits it is depending on the Mayor of London to maintain measures like the western extension of the congestion charging scheme.

“Commissioner Dimas is to be congratulated for showing the determination needed to enforce air pollution laws. Action now on air quality will trigger the technology, behavioural change and political will needed to solve wider air pollution and sustainability issues. It will send a strong message to those preparing for Climate Change negotiations in Copenhagen later this year.

“CCAL wishes to thank particularly John Bowis, Jean Lambert, Baroness Ludford and Claude Moraes for their extraordinary efforts in the European Parliament over several years overseeing new air quality legislation and for ensuring that it was backed quickly by tough enforcement action. Others who have championed better air quality in London include: Gareth Bacon, Baroness Gardner and Mark Field (Conservative); Darren Johnson and Jenny Jones (Green); Len Duvall, Nicky Gavron and Murad Qureshi (Labour); and Ed Davey and Mike Tuffrey (Liberal Democrat). Mayor Livingstone and Mayor Johnson's letters in support of CCAL have also meant much. Environmental Protection UK's work encouraging support from other NGOs has also been most valuable. Paradoxically, despite seeing infringement action for government failings, David Miliband, Hilary Benn, Dr Martin Williams and their team at Defra have done much over the last 18 months to change thinking within government on air quality.

“We should not forget though that this legal action is being started just two days after the UK launched two weak air quality consultations. First by Defra, on how it might respond, in due course,

to the European Commission's deadline of 31 October 2008 to submit a notification on plans and programmes to comply with PM₁₀ laws in London (which notes that it has no answers for six kilometres of roads). Second, a Department for Transport (DfT) consultation on air quality measures that admits, in its covering letter to consultees, that it has missed other legal deadlines on air quality. It is clear that the DfT (which is jointly responsible with Defra for the UK complying with air quality laws) has badly let down Defra and public health generally. Worse still, the first consultation is not needed legally. And the second highlights the scale of the problem e.g. the transport sector in 2001 was responsible for 39% of total UK emissions of PM_{2.5} and 54% of total UK emissions of PM_{0.1} (the finest and most deadly form of particulate matter); road transport is responsible for up to 80% of nitrogen dioxide (NO₂) and 40% of all particulate matter in large urban areas; and some 80% of current replacement catalysts do not meet the emissions standard required on type approved replacements.

“Of the 10 countries subject today to legal action on PM₁₀, only the UK, Cyprus, Estonia, Portugal, Slovenia and Sweden have made no effort to submit a time extension request. The government's focus on cost-benefit analysis instead of cost-effective compliance with air pollution deadlines has finally come ‘home to roost’.

“Hopefully, this legal action will shame the UK into tackling not just breaches of PM₁₀ laws but also breaches of NO₂ laws which are expected to affect over 100 cities and towns across the UK in 2010.

“Success from here depends on the Prime Minister and Mayor Johnson both supporting the urgent implementation of meaningful additional measures to improve air quality in London. Political deadlock and/or a lack of action by them will result in ridicule for the UK in the years up to London 2012 as legal action over poor air quality widens and escalates.”

ENDS

Notes:

1. Department for Environment Food and Rural Affairs Consultation on UK application to the European Commission for an extension to meet air quality limits for particulate matter (PM₁₀).

Press release on consultation:

<http://archive.defra.gov.uk/environment/quality/air/airquality/eu-int/eu-directives/airqual-directives/notification.htm>

Full consultation documents (which closes on 10 March 2009):

<http://archive.defra.gov.uk/environment/quality/air/airquality/eu-int/eu-directives/airqual-directives/notification.htm>

Air quality indicator for sustainable development 2008 provisional results (29 January 2009):

<http://uk-air.defra.gov.uk/news?view=113>

1. Department for Transport Consultation on Replacement Pollution Control Devices for Motor Vehicles (which closes on 25 March 2009):

Link no longer available

2. Full list of the some 20 UK cities failing to comply with PM₁₀ laws:

Link no longer available

3. Full list of countries submitting at least partial time extension notifications for PM₁₀ (e.g. Germany, Italy, Poland and Spain):

http://ec.europa.eu/environment/air/quality/legislation/time_extensions.htm

4. Full list of 100 plus UK cities that failed to meet in 2008 what will become legal limits for NO₂ from January 2010:

http://www.airquality.co.uk/archive/data_and_statistics.php?f_exceedence_id=E1&f_year=2008&f_network_id=Array&f_group_id=2&f_region_reference_id=1&f_sub_region_id=9999&f_output=screen&f_parameter_id=NO2&action=exceedence3&go=Go