

Secretary of State
Department for Environment, Food and Rural Affairs
Area 5F Ergon House
Horseferry Road
London
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11 October 2011

Dear Secretary of State

Nitrogen dioxide and racial and social inequalities

I am writing to express my grave concerns regarding omissions in the recent consultation conducted by Defra on Plans and Programmes for compliance nationally with legal standards for nitrogen dioxide (NO₂) that have since been submitted to the European Commission.

The consultation process closed on 5 August 2011. As part of the consultation documents the public were not given any information as to the likely adverse impacts on diverse ethnic communities from continuing high levels of NO₂. I wrote to Defra asking whether any race equality information existed and was informed by them on 31 August 2011 that you had not carried out any race equality impact assessment for populations affected by NO₂.

Between 13 and 16 September 2011 I attended a conference in Barcelona organised by the International Society for Environmental Epidemiology (ISEE) where I saw presented research conducted by Imperial College and funded by the Small Area Health Statistics Unit (SAHSU) (which is part of the MRC-HPA Centre for Environment and Health which receives Government funding) into the social and racial inequalities associated with NO₂. It was titled 'Associations between small area levels of air pollution and socio-economic characteristics in the Netherlands and England'. I was alarmed to learn that racial and social inequalities for NO₂ were up to double those for PM₁₀. The research has not yet been published so I do not have a copy of it and my recollections are approximate.

Defra's Racial Equality Impact Assessment (England) into PM₁₀ dated August 2009 (attached) indicates that Asian or Asian-British-Bangladeshis in urban areas were exposed to 24% more PM₁₀ than White-British in 2005 and Black or Black-British Africans in urban areas suffered a staggering 28% greater exposure to PM₁₀ when compared with White-British. On average across all ethnic minority populations the statistics showed ethnic minorities suffering 17% greater exposure to PM₁₀ in urban areas when compared with White-British populations within England. As you know, premature mortality is correlated with higher exposure rates.

The picture now emerging for ethnic communities faced with continued high levels of NO₂ as a result of Government plans to extend its time for compliance with EU laws is much more serious. If I have remembered them correctly, the SAHSU statistics suggest the continuing breach of EU targets would play a significant part in perpetuating exposures up to 50% greater for some ethnic minorities relative to White-British. You will appreciate that NO₂ concentrations are strongly correlated with those of other toxic gases from combustion e.g. road traffic.

As I understand it, the Secretary of State has a general duty under section 149 of the Equality Act

2010 to provide and promote race equality and in particular to have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation and advance equality of opportunity between different groups.

In having due regard you must show you have taken into account, in particular, the need to remove or minimise disadvantages of a protected group, such as ethnic populations and take steps to meet the needs of such groups.

I have been unable to find any evidence that you have had any regard to the serious health impacts for ethnic populations of current NO₂ levels in proportion to those suffered by White-British or considered conducting any kind of meaningful assessment of the need to eliminate those levels for the purposes of race equality and the advancement of equality within the UK.

There is no doubt in my mind that many from the ethnic community would consider a doubling in exposure rates as hugely racially discriminatory and be wanting to know what immediate steps were proposed by the Secretary of State to mitigate and prevent such harmful impacts to their health.

In view of the fact that Defra possess (or could be in possession) of data and information in relation to ethnic populations directly and indirectly affected by increased levels of NO₂ I consider it expedient for the Secretary of State to immediately carry out a further consultation on the following:

- a) whether the current air quality Plans and Programmes amount to unlawful discrimination;
- b) whether the current air quality Plans and Programmes are likely to have an adverse impact on the promotion of equality of opportunity; and
- c) whether there is likely to be an impact on the promotion of good relations and, if so, the nature, extent and duration of the impact.

Please explain what Defra meant when it said on 31 August 2011 'we have no documentation with respect to...your request'. Does that mean Defra held information in one or more other forms and if so what is it?

I would ask the Secretary of State to provide justification for why the current: Plans and Programmes; and policy to request an extension of time for some zones from the European Commission regarding UK commitments to meeting its EU obligations towards NO₂ level are not racially discriminatory.

Yours sincerely

Simon Birkett
Founder and Director
Clean Air in London

Cc:
Commissioner Janez Potočnik
Joan Walley MP
Environmental Audit Committee