

Contact

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Anthony McGarry
Investigations Executive
Advertising Standards Authority
Mid City Place
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Your reference: A14-286861/AM/ts

By email

8 February 2015

Dear Mr McGarry

Complaint about Mayor of London's advertising for the Ultra Low Emission Zone

Thank you for your letter dated 6 February enclosing the Advertising Standards Authority's report and draft recommendation in relation the above matter.

Clean Air in London (CAL) welcomes the Advertising Standards Authority's draft recommendation to uphold its complaint in at least the first and third parts. CAL hopes the Advertising Standards Authority will accept its further points below and uphold the second part of its Complaint (at least in part) and 'strengthen' the third part of its Assessment. CAL considers the third part of its Complaint particularly important because it relates to 'vehicle emissions' overall.

CAL wishes to emphasise that its complaint relates to the Mayor of London and Transport for London (TfL), who were both named at the foot of the advertisement, not just TfL.

CAL is grateful for the opportunity to ensure we have made all the points we wish to make and submit additional comments. CAL submits the following further information including an attachment comprising eight pages extracted from the Mayor of London and Transport for London's (TfL's) Ultra Low Emission Zone, Integrated Impact Assessment, Environmental Assessment by Jacobs dated October 2014. The original file size was 44.1 MB so CAL has not attached the full document (ULEZ IIA EA FINAL pdf) though it can be found at the foot of this web page:

<https://consultations.tfl.gov.uk/environment/ultra-low-emission-zone> and here directly

https://consultations.tfl.gov.uk/environment/ultra-low-emission-zone/supporting_documents/ULEZ%20IIA_EA_FINAL.pdf (44.1 MB file size)

It seems the Mayor and/or TfL are saying or implying that an advertisement can be misleading if supporting information in technical and largely inaccessible documents is correct. In CAL's view, that cannot be right and in any event the supporting information does not support all the claims made.

Assessment

CAL welcomes the Advertising Standards Authority's draft recommendation to uphold its complaint in at least the first and third parts. CAL hopes that the Advertising Standards Authority will accept its further points below and uphold the second part of its Complaint (at least in part) and 'strengthen' the third part of its Assessment. CAL considers the third part of its Complaint particularly important because it relates to 'vehicle emissions' overall.

1. "taxis and private hire vehicles will also need to meet new emission standards..."

The [Mayor/TfL] claim that taxis would need to meet new emission standards, because [CAL] understood that the standards would only apply to newly-licensed taxis.

- i. The Advertising Standards Authority is correct to state that only licensed taxis may be referred to as such i.e. 'black cabs'.
- ii. As the Advertising Standards Authority concludes, an 'age limit' is not a 'new emission standard'.
- iii. Taxis would be explicitly exempt from the ULEZ 'standards'.

2. "...buses will need to be hybrid or zero emission when driving"

The [Mayor/TfL] claim "buses will need to be hybrid or zero emission when driving", because [CAL] understood that around 10% of buses would be exempt.

- i. The Advertising Standards Authority and TfL are correct that CAL's reference in its complaint to '**nearly 10%**' relates to the 700 New Routemaster Buses out of some 8,500 i.e. 8.2%.
- ii. It is not correct for TfL to say in its response to point one above that '**...all** vehicle types referenced in the ad would need to meet new emission standards'.

CAL agrees that the advertisement implies (wrongly) that **all** vehicles (i.e. not just types) **will** be affected by the ULEZ changes.

However, as CAL has explained in its Complaint, not all vehicles will be subject to new 'emission standards' and 300 or up to 700 New Routemaster Buses may not be affected at all by the ULEZ.

- iii. CAL accepts that the New Routemaster Buses are hybrid. However they are also ‘heavy vehicles’, referred to earlier in the advertisement, so the reader is likely to conclude that they will be subject to new emission standards when some or all of them will not be. [CAL emphasis.]

CAL apologises that the above points were not clearer in its original Complaint.

3. “...reduce vehicles pollution by half”

The [Mayor/TfL] claim “Introducing the zone in 2020 will encourage the use of newer, cleaner vehicles to reduce vehicle pollution by half”, because [CAL] understood that this was based solely on computer modelled projections of reductions in exhaust emissions only and excluded other major polluting elements.

- i. CAL acknowledges TfL’s response that ‘modelling’ is ‘modelling’ and that King’s College London is the leading provider of air quality expertise in the UK. However, in CAL’s opinion it is wrong of TfL (or the Mayor) to extrapolate ‘absolutely’ that “...the zone will encourage the use of newer cleaner vehicles to reduce vehicle pollution by half”. TfL and the Mayor could have used better wording e.g. ‘should encourage....to reduce projected vehicle exhaust emissions...’. [CAL emphasis.]
- ii. The implication in TfL’s response seems to be that NO_x and NO₂ are more important for health than dangerous airborne particles (PM_{2.5} and PM₁₀). This is not correct.

The Air Quality Standards Regulations 2010 replaced the Air Quality Standards Regulations 2000. The legal limits for PM_{2.5} and PM₁₀ are about twice the World Health Organisation (WHO) guideline for human exposure to particles and the WHO says there is no safe level of exposure to it.

In contrast, the legal limit for nitrogen dioxide (NO₂), breached by a factor or two or three times in many parts of London, is aligned with the WHO guideline for it.

- iii. In CAL’s view, the ASA draft recommendation focuses correctly on total emissions of all the main pollutants from vehicles i.e. CO₂, PM₁₀ (and PM_{2.5}) and NO₂. As part of the ULEZ consultation, TfL and the Mayor published a report titled ‘Ultra Low Emission Zone, Integrated Impact Assessment, Environmental Assessment’ by Jacobs dated October 2014 (eight extracted pages are attached to this further submission). Several tables are relevant:
 - a. Table 7-B **Total** NO_x, NO₂, PM₁₀ and PM_{2.5} emissions in central London by vehicle type (2020 and 2025) on page 22.
 - b. Table 7-C Anticipated zone-wide average changes in NO₂, PM₁₀ and PM_{2.5} concentrations in 2020 on page 29;
 - c. Table 8-A Impacts of the ULEZ on CO₂ emissions by zone on page 44;
 - d. Table 8-C Impacts of the ULEZ on CO₂ emissions by vehicle type (2020) on page 46;
 - e. Table 8-D Impacts of the ULEZ on CO₂ emissions by vehicle type (2025) on page 46;

- f. Table 11-B Impacts of the ULEZ on NO_x emissions by zone on page 63;
- g. Table 12-A Impacts of the ULEZ on **total** PM₁₀ emissions by zone on page 78; and
- h. Table 12-C Impacts of the ULEZ on **exhaust** PM₁₀ emissions by zone on page 80.

CCZ is the ‘Congestion Charging Zone’ where the ULEZ will apply. The above tables show the impacts of the ULEZ on total protected vehicle emissions in 2020 as being:

- CO₂ emissions 15% in the CCZ and 1% total in London (page 44)
- NO₂ **concentrations** 4.6% in the CCZ and 1.1% total in London (page 29)
- NO_x emissions 51% in the CCZ and 12% total in London (page 63)
- PM₁₀ emissions 9% in the CCZ and 0.7% total in London (page 78)
- PM₁₀ exhaust emissions 64% in the CCZ and 9% total in London (page 80)

In other words, only **projected** NO_x vehicle [exhaust] emissions and PM₁₀ vehicle **exhaust** emissions are reduced by half and then **only in the CCZ**. We found no detailed analysis of NO₂ emission reductions. Concentrations reduced, of course, by the smallest amount.

The Mayor and TfL might more correctly have said “in 2020 is expected...to reduce projected vehicle exhaust emissions of oxides of nitrogen in central London by half.”

[CAL emphasis.]

- iv. Table 7-C above highlights that emission reductions in a small area (the CCZ) have small local and overall impacts on air pollution concentrations e.g. NO₂. This shows how important it is to distinguish between emissions and concentrations when describing ‘vehicle pollution’.
- v. CAL invites the Advertising Standards Authority to emphasise in its Assessment the differences between: vehicle pollution as emissions and concentrations; projected and actual emissions (e.g. ‘should’ or ‘expected’ and ‘will’); total and exhaust emissions from vehicles; the most important individual pollutants (i.e. CO₂, NO_x, NO₂, PM_{2.5} and PM₁₀); and the CCZ and the whole of London. The Advertising Standards Authority might also refer in its Assessment to the three year exemption for some 30,000 residents in the CCZ.
- vi. CAL considers that the Advertising Standards Authority’s comments on point three could be strengthened to reflect the above and that:
 - the Mayor and TfL did **not** say vehicle pollution ‘**would**’ be reduced by half. They said ‘**will** encourage’ and ‘**to reduce**’ i.e. unconditional.
 - CAL has shown that **total** emissions were calculated by TfL but not used sufficiently by the Mayor or/and it in their public documents. [CAL emphasis.]

Action recommended by the Advertising Standards Authority

In conclusion, CAL re-confirms its original Complaint as added to above and believes that the Mayor and TfL's advertisement gave the clear impression (wrongly) that all vehicles in the ULEZ would be subject to new emission standards in 2020 and that [total] vehicle pollution [will be] reduced by half.

CAL requests that the Advertising Standards Authority's Council sanctions both the Mayor of London and TfL in its decision and announcement. CAL would like please to see the New Routemaster Bus mentioned also.

Thank you again for considering CAL's Complaint so thoroughly. I would be pleased to clarify further any of the above points.

Yours sincerely

Simon Birkett
Founder and Director