Clean air is a fundamental human right

‘Pollution has no borders’
London Hazards Centre Parliamentary Seminar
hosted by Catherine West MP on 23 April 2019

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@CleanAirLondon
What is clean air?

• David Boyd, UN Special Rapporteur on Human Rights and the Environment, says:
  
  Clean air is air that you cannot see any pollution, cannot smell any pollution and most importantly it’s air that does not have any negative impact on your health and well-being.

• Air pollution is the world’s largest environmental health risk

• Historic emissions have committed the world to an extended period of climate change. 3-5°C global warming on current trends

• They affect public health (ambient air and indoors), the natural environment and climate change

• Hope = 1% chance? **No Fate!** A Clean Air (Human Rights) Act would address both problems and empower people. **It’s our best chance.** Both problems require ‘zero air emissions’ soon

• Our goal: enshrine the human right to a safe, clean, healthy and sustainable environment in UK and international law
@LondonAir’s ozone monitor in North Kensington

View Period: 1-jan-2019 to 24-apr-2019

Date(GMT)

Zoom:  (or select area with mouse)  (Or double click)  Pan: left right

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Air pollution is the world’s largest environmental health risk

• Affects everyone to some extent
• Seven million premature deaths per year including over 600,000 children under the age of five
• 90% of people breathing air that fails to comply with World Health Organisation (WHO) guidelines
• Most premature deaths due to cardiovascular disease e.g. heart attacks/strokes
• Emissions, concentrations, exposures and impacts cause outcomes (which don’t appear on death certificates ‘yet’)
• New health risks discovered every day
Conflating ‘climate change’ issues confuses the public

• Five drivers of environmental change: population; urbanization; economic development; technology; and climate change. 6th mass extinction event is underway
• Emissions (rate) vs concentrations (static)
• Local air pollution including black carbon
• Greenhouse gases including tropospheric ozone
• Carbon, carbon dioxide and CO₂ equivalent
• Carbon neutral, decarbonization, carbon offsetting. No – we need zero air emissions!
• Global warming impacts over 300 years e.g. ice melt
• Changes in the climate or weather now e.g. cyclones
• Complex cross-cutting interactions with air, land, oceans (acidification), freshwater (floods and droughts) and biodiversity
• Mitigation (reduction) and adaptation (protection)
### Unifying theory: ‘Zero air emissions’ now

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<thead>
<tr>
<th></th>
<th>Local air pollution</th>
<th>Greenhouse gases</th>
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<tr>
<td>London</td>
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<td>Rest of world</td>
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Air: Ambient air, indoor air, natural environment and greenhouse gases
Seven steps to ensure clean air and the right to a healthy environment (per David Boyd)

1. Monitor air quality
2. Assess the sources of air pollution
3. Engage the public
4. Establish laws, regulations and standards
5. Have a national action plan to achieve those standards
6. Adequate resources to achieve their objectives
7. Track progress and strengthen their plan if they need to
Key milestones

• 2017: Green and Labour manifestos call for a new ‘Clean Air Act’

• 18 March 2018: 'Super inquiry’ calls for a new Clean Air Act to improve existing legislation and enshrine the right to clean air in UK law

• 5 July 2018: Baroness Jones introduces Clean Air (Human Rights) Bill to House of Lords. Full legislation ready to approve and enact (30 pages!)

• 14 February 2019: Mayors and city leaders call for modern Clean Air Act

• 4 March 2019: David Boyd, UN Special Rapporteur on the Environment presents his report on the Right to Clean Air to the UN Human Rights Council in Geneva. Watch this space...

• 21 March 2019: London Councils discuss ‘Emissions Reduction Bill’

• 26 March 2019: Geraint Davies MP confirms his Clean Air Bill will include human right to clean air at APPG meeting
Withdrawal Agreement does not do it (Part Two, Article 2)
Environmental Protection: Non-regression in the level of environmental protection

Paragraph 1:
“UK shall ensure that the level of environmental protection provided by law, regulations and practices is not reduced below the level provided by the common standards applicable within the Union and the United Kingdom at the end of the transition period in relation to: access to environmental information, public participation and access to justice in environmental matters; environmental impact assessment and strategic environmental assessment; industrial emissions; air emissions and air quality targets and ceilings;…”. [What about limit values!?!]

Paragraph 3:
“Having regard to the common standards referred to in paragraph 1, the Joint Committee shall adopt decisions laying down minimum commitments for:
• (a) the reduction of national emissions of certain atmospheric pollutants; [What about concentrations!?!]
• (b) the maximum sulphur content of marine fuels...”
Three complementary new ‘Clean Air Acts’

Geraint Davies MP (22 November 2017): Clean Air Bill
https://services.parliament.uk/bills/2017-19/cleanair.html

Baroness Jenny Jones (5 July 2018): Clean Air (Human Rights) Bill
https://services.parliament.uk/bills/2017-19/cleanairhumanrights.html

London Councils and City of London (21 March 2019): (Emissions Reduction (Local authorities in London) Bill
https://www.londoncouncils.gov.uk/node/35303

We’ll have all three please!

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Baroness Jones’ Clean Air (Human Rights) Bill would:

- Ensure everyone has the right to breathe clean air and the Human Rights Act 1998 is to be read as though this were a Convention right.
  
  Section 1(1) of the Bill establishes the right of individuals to breathe clean air. The right to breathe clean air is to be understood as part of the right to life, guaranteed under Article 2 of the European Convention on Human Rights, which triggers the duty of the State to protect life. Under section 6 of the Human Rights Act 1998 it is unlawful for a public authority to act in a way which is incompatible with a Convention right. As applied to the right to breathe clean air it would mean no public authority could act incompatibly with the right to breathe clean air, and that would include omitting to act.

- Address ambient air quality, indoor air quality, the natural environment and greenhouse gases

- Review and revise pollutants and limits. Tightening only of protections

- Impose duties on the Secretary of State, local government and others

- Establish the Citizens’ Commission for Clean Air with powers

- Establish nine environmental principles e.g. precautionary

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Important to include the right to clean indoor air

• People spend about 90% of their times indoors
• Based on ISO standards (and WHO guidelines)
  ISO 16798-3:2017 (for minimum air filtration efficiency)
  ISO 16890-1:2016 (for particulate matter including PM\textsubscript{1})
  ISO 10121-2:2013 (for gases)
• Require owners of buildings used as places of work or regularly accessed by public to assess and report concentrations in accordance with latest ISO standards
• Require developers to assess and report concentrations in newly refurbished or constructed residential developments for 12 months
• Ask your ‘facilities manager’ whether air handling equipment is regularly maintained and complies fully with these ISO standards

Camfil, a world leader in air filters for buildings, has been the leading sponsor of ‘Clean Air in London’ since 2011

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Mayor strongly supports a new Clean Air Act

Mayor Sadiq Khan says a new Clean Air Act should:

• confer a legal right to clean air for all the UK’s citizens;

• ensure that this right is legally enforceable with an appropriate structure to hold the Government and others (e.g. car manufacturers) to account [after Brexit];

• adopt tighter pollution limits based on the best health evidence provided by the World Health Organisation; and

• provide Mayors and local authorities with the extra powers they need to tackle all sources of pollution including over buildings, construction and inland waterways.

MQT response: 23 January 2018
Red line

We need a **new** and **separate** Clean Air Act (or three) that will enshrine the human right to clean air in UK legislation.

This is a **red line** because...

i. everyone has the right to breathe clean air i.e. justice;

ii. solutions to air pollution and climate change both point to ‘zero air emissions’ now;

iii. ‘Science Based Targets’ exist for both i.e. WHO and 1.5°C;

iv. existing Clean Air Act needs modernizing; and

v. Environment Act is unlikely to enshrine the ‘human right’ to a safe, clean, healthy and sustainable environment in UK law i.e. all environmental pillars
Enshrining the right to clean air in law would:

• Address the world’s largest environmental health risk.
• Mitigate and adapt to climate change.
• Treating air holistically to avoid diesel, wood, local CHP etc.
• Level the playing field by allowing people to:
  • protect themselves; and
  • become champions for clean air. No fate!
• Address ambient air, indoor air, the natural environment (e.g. acid rain) and greenhouses.
• Put a stake in the ground to support the need to enshrine the human right to a safe, clean, healthy and sustainable environment in UK and international law.
Useful links and resources (by slide number)

2. UN Environment’s sixth Global Environment Outlook (GEO6)  
   https://www.unenvironment.org/resources/global-environment-outlook-6

8. David Boyd’s short video  
   https://twitter.com/UN_SPExperts/status/1116328282516074498

   David Boyd’s statement to UNEA 4 on 12 March 2019  
   http://web.unep.org/environmentassembly/fr/node/42439


10. Withdrawal Agreement  


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