

Clean Air and the Environment Bill

Committee Stage Briefing: clauses 1 to 8

Introduction

The Environment Bill provides an opportunity for the UK to become a world leader in the fight against air pollution. To improve the lives of people across the country and promote clean growth, we need wide-reaching and bold legislative and policy reforms. This Bill should provide the starting point for this. As it stands, the Bill instead opens the door to weakening existing legal protections and risks being a missed opportunity for clean air. This briefing explains why the amendments listed below should be supported by committee members, to protect against these risks and ensure that this new legislation works to better protect people's health for generations to come.

Health and Air Pollution

Air pollution is recognised by the UK government to be the single largest environmental risk to public health in the UK. The Health Secretary has warned of a growing national health emergency and said that: *"[w]e cannot underestimate the very real impact that dirty air – this slow and deadly poison – is having on our lives, our health and our NHS."*

Air pollution affects us all, from the time we are in the womb and through to old age. However, some are more vulnerable, including children, older people, people with chronic illnesses or from disadvantaged backgrounds, as well as outdoor and transport workers. Air pollution is linked to a range of health problems, including lung and heart disease, stroke and cancer. There is also growing evidence suggesting links to cognitive development and decline. Tens of thousands of deaths each year in the UK are linked to air pollution and many more people's daily lives are affected by the air they have to breathe. It is clear that this is a public health crisis that must be tackled urgently.

To support committee members' scrutiny of the air quality provisions in the Environment Bill and the associated amendments, the following are key facts regarding the impact of toxic air pollution on health:

- Approximately 19 million people in the UK are living with heart and circulatory diseases and/or a lung condition, such as asthma or Chronic Obstructive Pulmonary Disease ("COPD"). For these individuals, a spike in air pollution poses an immediate health threat, worsening their symptoms and increasing the risk of hospitalisation and death.
- Research from the British Heart Foundation ("BHF") has found:
 - A link between exposure to poor short-term air quality and increased hospitalisation rates and deaths due to heart failure and circulatory problems.
 - Particulate matter pollution can enter the bloodstream from the lungs and remain there for several months, showing that the health risk continues long after the initial exposure.
 - Nanoparticles can accumulate in fatty plaques in our arteries, potentially making them more unstable and likely to break off and cause a heart attack or stroke.

- Air pollution can promote blood clotting and put the heart under additional stress, both of which could increase the risk of heart attack or stroke.
- Research from the British Lung Foundation (“BLF”) has found:
 - Nine out of ten patients with lung conditions supported by BLF have reported struggling to breathe during high pollution episodes. As a result, there is a large increase in the number of people admitted to hospitals and visiting GPs with breathing problems during these episodes.
 - In 2018 over 2000 schools and over 2000 health centres were in areas with levels of PM_{2.5} above that recommended by the World Health Organization, putting at risk the health of millions of children, patients and health workers.
 - Around a third of children in the UK are growing up in areas with unsafe levels of air pollution. Children living in highly polluted areas four times more likely to have reduced lung function in adulthood.

Key amendments to ensure the Bill works to better protect people’s health

Clause 1 – Environmental targets

Amendment 178

Clause 1, page 1, line 17, at the end insert-

“(3A) Targets set within the priority area of air quality must include targets for—

- (a) the ambient 24 hour mean concentration of PM_{2.5} and PM₁₀;*
- (b) average human exposure to PM_{2.5} and PM₁₀; and*
- (c) annual emissions of NO_x, ammonia, PM_{2.5}, PM₁₀, SO₂ and non-methane volatile organic compounds.*

(3B) Targets set within the priority area of water must include, but are not limited to, matters relating to—

- (a) abstraction rates; and*
- (b) the chemical and biological status and monitoring of inland freshwater and the marine environment.*

(3C) Targets set within the priority area of biodiversity must include, but are not limited to, matters relating to—

- (a) the abundance, diversity and extinction risk of species; and*
- (b) the quality, extent and connectivity of habitats.*

(3D) Targets set within the priority area of waste and resources must include, but are not limited to, matters relating to the reduction of overall material use and waste generation and pollution, including but not limited to plastics.””

Why is this amendment necessary?

Whilst clause 2 of the Bill would commit the Secretary of State to setting a new binding target for the annual mean concentration of fine particulate matter pollution (“PM_{2.5}”), clause 1 would also require the Secretary of State to set at least one additional long-term target for air quality. However, the Bill contains no minimum specification for the types or scope of long-term air quality target that must be established under clause 1.

To best protect people from the harmful impacts of air pollution, a suite of targets is needed. Commitments to reduce concentration levels, reduce people’s average exposure, and reduce emissions at source would help maximise public health benefits across the country. These types of binding targets already exist within UK legislation for a number of harmful pollutants, but in many cases they are either too weak to protect human health or are due to expire in the immediate to medium term. For example:

- **A binding target to reduce average human exposure to PM_{2.5} pollution** is set out in the [Air Quality Standards Regulations 2010](#), but expires this year. There is no mechanism to set further ambition to reduce exposure to this harmful pollutant beyond this date. A new target could provide a powerful driver for delivering wider pollution reductions across the whole country, in addition to areas where pollution is at its very worst.
- The World Health Organization has established guidelines for **24 hour mean concentrations of PM_{2.5} pollution**, based on evidence of the serious impacts that short-term exposure can have on people’s health. However, existing legislation does not contain any binding target for short-term concentrations of this harmful pollutant.
- **Emission reduction commitments** capping the UK’s annual emission of PM_{2.5}, nitrogen oxides (NO_x), ammonia, sulphur dioxide (SO₂) and non-methane volatile organic compounds (NMVOCs) are contained in the [National Emission Ceilings Regulations 2018](#), but only set ambition until 2030. Again, there is no mechanism to set further long-term targets for reducing the UK’s emission of these harmful pollutants beyond this date.

The Bill does not require that the Secretary of State exercise their powers to fill these key legislative gaps.

This amendment would require a minimum suite of air quality targets to be established and would ensure that long-term ambition is set for these key areas going forward. This is essential if we are to protect people’s health from toxic air pollution for generations to come.

Clause 2 – Environmental targets: particulate matter

Amendment 23

Clause 2(2), page 2, line 20, leave out subsection (2) and insert-

“(2) The PM_{2.5} air quality target must-

- (a) be less than or equal to 10 µg/m³;*
- (b) have an attainment deadline on or before 1 January 2030.”*

Amendment 185

Clause 2(2), page 2, line 20, leave out subsection (2) and insert-

“(2) The PM_{2.5} air quality target must-

(a) follow World Health Organisation guidelines and;

(b) have an attainment deadline on or before 1 January 2030

Why are these amendments necessary?

Existing legal limits for outdoor concentrations of PM_{2.5} are not strong enough to protect people’s health. They are over two times higher than current World Health Organization (“WHO”) guidelines established by health experts in 2005. It is positive to see that the Bill commits the Secretary of State to setting a new target for PM_{2.5} concentrations. However, it does not provide any suggestion of whether or how that target will improve upon existing legal limits to better protect people’s health. Given that the WHO has made it clear that there is no safe level of PM_{2.5} for people to be exposed to, it is essential that this Bill guarantees better protection of people’s health going forwards.

These amendments are intended to set minimum parameters on the face of the Bill to ensure that the PM_{2.5} target will be *at least as strict* as the current WHO guideline of 10µg/m³, with an attainment deadline of 2030 *at the latest*. The amendments recognise that the numerical target itself, and specifications for the means of assessing it, will be established by subsequent secondary legislation, but would ensure the right level of ambition is committed to in primary legislation to avoid stalling on ambition to act.

There is widespread support for adopting a binding target to meet WHO guideline levels from health and air pollution experts, as well as from across the political parties. Michael Gove, in his role as Environment Secretary, said in 2019 that the Bill should introduce ‘*a legally binding commitment on particulate matter so that no part of the country exceeds the levels recommended by the WHO*’.

Defra has also published a technical analysis by two leading British universities that concluded that achieving WHO guidelines across the country is technically feasible. It was also one of the key recommendations made in the 2018 Joint Select Committee report, “Improving Air Quality”, published by the Efra, EAC, Health and Transport Select Committees.

Committing to meeting this target by 2030 would be in line with what the WHO itself, as the global expert body on the health impacts of air pollution, is calling on governments across the world to do. This includes countries that have far higher levels of PM_{2.5} than the UK. Analysis by Kings’ College London has also shown that, with the right policies in place, this target could even be achieved in London, one of the most polluted cities in the UK, by 2030.

By making this binding commitment, the UK would be showing international leadership and setting a path for industry to develop the clean growth technologies that we and other countries need.

It is also worth noting that amendment no. 23 has already received significant support across Parliament, and currently has over 20 backbench MPs as signatories.

See the notes on amendment 24 below for an associated amendment regarding the timeline within which government must set this target.

Clause 3 – Environmental targets: process

Amendment 81

Clause 3, page 2, line 33, leave out subsection (1) and insert—

“(1) Before making regulations under sections 1 or 2, reviewing targets under section 6, setting interim targets under section 10, or considering actions required to achieve targets set under sections 1, 2, or 10, the Secretary of State must—

(a) obtain, and take into account, the advice of a relevant independent and expert advisory body set up for this purpose;

(b) carry out a full public consultation; and

(c) publish that advice as soon as reasonably practicable.

(1A) If regulations laid under sections 1 or 2 or interim targets make provision different from that recommended by the advisory body, the Secretary of State must both publish the public interest reasons for those differences and make a statement to Parliament on them.

(1B) Any advisory body set up under subsection (1)(a) must comprise 50 per cent of members nominated by the OEP and 50 per cent of members nominated by the Committee on Climate Change.

Amendment 181

Clause 3, page 2, line 35, at end insert—

“(1A) The advice sought under section 3(1) must include advice on how the scope and level of targets should be set to significantly improve the natural environment and minimise, or where possible eliminate, the harmful impacts of pollution on human health and the environment.”

Why are these amendments necessary?

As it stands, the Bill requires that, prior to setting new targets, the Secretary of State seeks advice from persons they consider to be independent and to have relevant expertise (see clause 3(1)).

The existing provisions would afford the Secretary of State almost complete discretion as to the scope and source of that advice. There would not even be a requirement to obtain advice from health experts on the health impacts of pollution. Nor would there be any obligation to take the advice received into account, make it public, or explain why targets have been set in a way that contradicts it. The Bill provides for an opaque process in which expert evidence and advice on air pollution and its impacts could be cherry picked, hidden and ignored.

Amendment no. 81 would ensure that expert advice plays a more independent, transparent and meaningful role in the setting and review of environmental targets, including those for air quality. It would require that expert advice be obtained from an independent expert advisory body. That advice would have to be made public. In the event that targets are not set in accordance with the advice obtained, the Secretary of State would have to explain to the public and Parliament the reasons of public interest for a different approach having been taken.

Amendment no. 181 would also ensure that the advice obtained is of sufficient scope, to include expert advice on the health impacts of pollution and how targets should be set in order to both significantly improve the natural environment and minimise harm to human health.

Amendment 24

Clause 3(9), page 3, line 20, leave out “31 October 2022” and insert “31 December 2020”

Why is this amendment necessary?

The existing Bill provisions require regulations establishing the new PM_{2.5} target to be laid before Parliament only by October 2022. This would delay the need for substantial decisions to reduce this harmful pollutant for another two and a half years, despite the evidence already existing to show that there is no safe level of PM_{2.5} for people to be exposed to. Defra’s own research has shown that it is technically feasible to achieve WHO guideline levels for PM_{2.5} across the UK. Analysis by Kings’ College London has also shown that, with the right policies in place, this could also be achieved in London, one of the most polluted cities in the UK, by 2030.

To avoid unnecessary delay to action to reduce harmful PM_{2.5} pollution, this amendment would bring forward the deadline for laying regulations setting the PM_{2.5} target to December 2020. This would show that the government is serious about acting to protect people’s health, now.

Clause 4 – Environmental targets: effect & Clause 5 – Environmental targets: reporting duties

Amendment 83

*Clause 4, page 3, line 24, at end insert “and,
(c) steps identified under section 5(5)(b) are taken.”*

Amendment 84

Clause 5, page 4, line 1, at end insert—

*“(c) include a timetable for adoption, implementation and review of the chosen measures, and the authorities responsible for their delivery, and
(d) an analysis of the options considered and their estimated impact on delivering progress against the relevant targets.”*

Why are these amendments necessary?

While targets are there to be met, the Bill must set out effective remedial action in the event that they are missed. As it stands, the requirements set out in the Bill are much weaker than those associated with legal air quality limits that exist in current legislation. The Bill therefore provides weaker assurance that urgent action will be taken to reduce pollution and protect people’s health than the requirements set out in current laws on air quality.

[The Air Quality Standards Regulations 2010](#) require that when legal pollution limits are exceeded, the Secretary of State must draw up *and implement* plans setting out measures to ensure compliance “within the shortest possible time”. Those plans must include, amongst a host of other

specific requirements, a timetable for the adoption of the measures identified and an estimate of their expected impact on pollution.

In contrast, in the event that a target set under the Bill is missed, the current provisions in clause 5 simply require that the Secretary of State reports on the steps they intend to take to ensure the standard is achieved “as soon as reasonably practicable”. There is no obligation to implement those steps, nor show whether they will be sufficient to deliver urgent compliance with the relevant target. This would represent a step backwards for air quality compared to the legal protections contained in existing legislation.

This amendment would strengthen provisions requiring remedial action from government in the event that targets are missed.

Clause 6 – Environmental targets: review

Amendment 25

Clause 6(3), page 4, line after “England” insert-

“...and minimise, or where possible eliminate, the harmful impacts of air pollution on human health and the environment as quickly as possible.”

Why is this amendment necessary?

Clause 6 requires that the Secretary of State periodically reviews the targets set under the Bill. However, the existing provisions would not require human health considerations to inform this review. Nor would they protect air quality limit values or pollution reduction targets that exist in current legislation from being relaxed in the future. As it stands, the Bill opens the door to the weakening of legal air quality protections, with no assurance that new targets will better protect people’s health.

This amendment is intended to strengthen the test against which targets are assessed, to ensure that the human health impacts of air pollution are considered, with the aim of minimising, or where possible eliminating, its harmful effects.

Given that the predominant negative impact of air pollution is upon human health, it is essential that the Bill references this, alongside improvements to the natural environment.

Amendment 26

Clause 6(5), page 4, line 29, insert after “2023” insert-

“...or, in the case of the PM_{2.5} air quality target and any other long-term and interim target set within the air quality priority area, within 6 months of publication of updated guidelines on ambient air pollution by the World Health Organization, whichever is earlier.”

Amendment 27

Clause 6(6), page 4, line 30, insert after “completed” insert-

“...or, in the case of the PM_{2.5} air quality target and any other long-term and interim target set within the air quality priority area, within 6 months of publication of updated guidelines on ambient air pollution by the World Health Organization, whichever is earlier.”

Why are these amendments necessary?

To develop scientific agreement that can best inform national policies and targets, the WHO publishes guidelines based on an in-depth periodic review of the available evidence on the health impacts of air pollution. Given the weight and extent of evidence, this process takes many years. The latest global guidelines were published in 2005, and the WHO is currently mid-way through a five year programme to review them to reflect the latest science about the harmful impacts of different pollutants on human health. This review is due to conclude in 2022, and will likely lead to strengthened guidelines for a number of key pollutants.

To ensure that the UK government has the opportunity to continue to be a world leader in protecting people's health, and recognising the WHO as a leading authority on this issue, this amendment is intended to trigger an early review of the PM_{2.5} target, and other air quality targets set under the Bill, within 6 months of the publication of updates to the WHO guidelines. It would not tie the government to mirroring those updates, but rather introduces an obligation to consider the updated evidence from this leading international health body.

Clause 7 – Environmental improvement plans

Amendment 88

Clause 7, page 5, line 7, delete 7(4) and insert—

“(4) The “environmental improvement plan” must include, as a minimum—

- a) measures which, taken together, are likely to achieve any targets set under sections 1 or 2 and will ensure that the next interim targets included in the plan are met;*
- b) measures that each relevant central government department must carry out;*
- c) measures to protect sensitive and vulnerable population groups (including children, older people, people with chronic illnesses and outdoor and transport workers) from the health impacts of air pollution;*
- d) a timetable for adoption, implementation and review of the chosen measures, and the authorities responsible for their delivery;*
- e) an analysis of the options considered and their estimated impact on delivering progress against the relevant targets; and*
- f) measures to minimise, or where possible eliminate, the harmful impacts of pollution on human health and the environment.”*

Why is this amendment necessary?

The environmental improvement plans required under the Bill should provide a robust tool by which government plans for and secures the achievement of new environmental targets. As it stands, the provisions of the Bill fail to achieve this.

Clause 7 requires that environmental improvement plans need only set out steps government “intends to take to improve the natural environment”. There is no requirement to include measures sufficient to deliver the binding targets committed to. Nor does the Bill require plans to include steps to protect human health. This risks a too-little-too-late approach, which leaves too much to the discretion of ministers, makes it difficult to ensure the government is doing all it can to deliver on its air quality commitments, and creates uncertainty.

In this respect, the current Bill provisions represent a step backwards for clean air, providing weaker assurances that targets will in fact be delivered than equivalent plans already required under existing air quality legislation.

To provide a true plan for delivery and set a clear path for action, this amendment would require that government produce and implement plans that include timetabled, impact-assessed measures which ensure binding targets are likely to be met.

Tackling the air pollution crisis, as well as other pressing environmental issues, will require action from across many different sectors of industry and society. To ensure coordination and avoid action becoming silo-ed, this amendment would also require plans to include commitments from each relevant central government department.

Given that the predominant negative impact of air pollution is upon human health, it is essential that plans include measures to protect people, alongside steps to improve the natural environment. This amendment would require plans to contain measures to minimise the harmful impacts of pollution on human health, as well as measures to protect the health of those most vulnerable, such as children, older people, people with chronic illnesses and from disadvantaged backgrounds, as well as outdoor and transport workers.

Clause 8 – Annual reports on environmental improvement plans

Amendment 90

Clause 8, page 5, line 32, at end insert –

“include an analysis of whether the policies and measures set out in the environmental improvement plan will ensure that any targets set under sections 1 and 2 and any interim targets set under sections 10 and 13 are likely to be met.”

Why is this amendment necessary?

Currently, the Bill requires annual reports on environmental improvement plans to include consideration of progress made towards achieving targets (see clause 8(2)(b) and 8(3)). It does not require consideration of whether the measures contained within those plans are likely to be enough to deliver the future progress needed to achieve targets in the long term. By limiting reporting to a backwards-looking assessment, the government risks a “too-little-too-late” approach. One that reacts to failures to meet targets, rather than proactively considers whether enough action is being taken at an early stage.

This amendment would ensure an annual forward-looking review of whether the measures set out in the environmental improvement plan are likely to be sufficient to deliver targets set under the Bill. This would allow for early indication as to whether additional or alternative measures need to be considered.

Under existing air quality legislation, the Secretary of State is required to prepare and update biannual emissions projections for a number of key air pollutants, including PM_{2.5}, NO_x and ammonia (see [Regulation 3 of the National Emission Ceilings Regulations 2018](#)). These projections are used to ensure that the UK is on track to achieve its binding emission reduction commitments, and if they are at risk of being missed the Secretary of State must review the associated plan for action. As it

stands, any air quality targets set under the Bill would not be afforded the same mechanism to secure delivery.

Summary

We welcome the government's decision to prioritise the Environment Bill but there are improvements that need to be made to make this a truly world-leading piece of legislation and, more importantly, to better protect people's health. This briefing represents the key concerns of partners in the Healthy Air Campaign coalition and our supporters, who are all keen to work with parliamentarians and those who want to make the UK the greatest place to breathe clean air.

This briefing is supported by:

