

Cleaning up the Dieselgate scandal

The UK government can and must act urgently

- **The use of defeat devices is prohibited under UK law.** They switch off or reduce a vehicle's emissions control system in certain conditions and can lead to excessive levels of air pollution emissions well over regulatory limits when a vehicle is driven in the real world, despite it having passed official emissions tests. **This puts people's health at risk at the same time as undermining consumer trust.**
- **Since September 2020, UK law has required the DfT**, as the market surveillance authority, **to actively investigate the issue and force manufacturers to fix vehicles where the use of illegal defeat devices is found.** The rules are clear that **vehicle owners should not be left to pay for the costs** of any recalls or fixes.
- In 2023, environmental law charity, ClientEarth sent **a legal complaint to the UK government over its failure to hold auto manufacturers to account**. We also partnered with national NGOs to send similar complaints to authorities in France and Germany, with possible ramifications across the EU.
- Our complaints were based on analysis from the International Council on Clean Transportation (the "ICCT") – the organisation that helped to break the original Dieselgate emissions scandal in 2015 – which suggested that **2.4 million vehicles on UK roads, and a further 16.7 million vehicles on EU roads, emit levels of pollution that are so high as to indicate the likely use of illegal defeat devices.**
- The evidence suggests that this is an industry-wide problem: the ICCT's analysis of testing already carried out by public authorities across Europe suggests that **over 200 vehicle models across almost all major manufacturer groups could be affected.**
- Since making our complaint, **the DfT has commenced a programme of vehicle investigations** where there is reason to believe such vehicles they may contain an illegal defeat device. However, over two years after sending our complaint, the government has not publicly announced its investigations, **no findings have yet been published, and no recalls have taken place.** In addition, **there remain worrying gaps in the legal framework.** All of this **risks limiting the effectiveness of the DfT's work** in uncovering the true extent of emissions cheating practices. For example:
 - There is an overwhelming lack of public transparency, hindering public scrutiny.
 - It is not clear if the DfT is acting with the required urgency and whether it will take a robust approach in practice or if it will put the interests of auto manufacturers above the rights of consumers and people's health.

- The DfT is yet to enact powers from the Environment Act 2021 that it needs to require manufacturers to recall and fix illegally polluting vehicles, as well as to ensure that consumers are properly protected throughout the recall process.
- Road transport, especially diesel vehicles, is a key source of air pollution which has a devastating impact on people's health and their quality of life. Reducing transport emissions is key to meeting the World Health Organization air quality guidelines.
- New analysis by the Centre for Research on Energy and Clean Air, which we have commissioned, now further highlights how **this toxic legacy has been harming people's health and the economy and will continue to do so into the future unless action is taken**. The analysis takes a conservative approach and **focuses just on the "excess emissions"** that are considered suspiciously high and likely linked to the use of illegal defeat devices. In other words, the analysis focuses on the proportion of emissions that are well above the legal limit, rather than – this does not cover the impact of the total emissions from each vehicle.
- Since 2009, it is estimated that in the UK these excess emissions have caused the equivalent of: **16,000 premature deaths; 30,000 new cases of asthma in children; 1,600 years lived with chronic obstructive pulmonary disease ("COPD"); 800,000 days of sick leave; and an associated economic burden of £96bn.**
- From 2025 to 2040, **if no action is taken** to proactively address the use of illegal defeat devices, the future impact is estimated as **an additional: 6,000 premature deaths; 12,000 new cases of asthma in children, 700 years lived with COPD; 300,000 days of sick leave; and an associated economic burden of £36bn.**
- **Air pollution affects us all but some members of our communities are more vulnerable**, including children, older people and people with existing health conditions. Research has shown that people on low incomes are not only on average exposed to higher levels of air pollution than those on higher incomes but they also, on average, have lower car ownership, are less likely to own a diesel vehicle, and drive less.
- Cleaning up our toxic air will protect the health of people in the UK, reduce the burden on the NHS, and also improve the financial health of the country.

To discuss this further, please contact:

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