



Press release

00:01, 27 July 2009



**ClientEarth launches campaign to ensure full compliance with air quality laws  
in London in time for the 2012 Olympics**

- London 2012 Olympics commence three years from today
- There are around 3,000 air pollution deaths in London every year
- UK is already in breach of European law and facing unlimited fines
- National air pollution healthcare costs reach £21 billion annually

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## Timeline

**29 Jan 2009:** EC announces legal action against UK for breaching limit values for dangerous airborne particles (PM<sub>10</sub>)

**5 May 2009:** UK notifies the EC of its time extension request to meet limit values for PM<sub>10</sub>

**27 July 2009:** Three-year countdown to London Olympics commences

**1 Jan 2010:** Limit values for NO<sub>2</sub> come into force

**Mid-2010:** UK expected to notify the EC of its time extension request to meet limit values for NO<sub>2</sub>

**11 June 2011:** Final date by which UK must achieve limit values for PM<sub>10</sub>

**October 2011:** time by which legal action expected to be launched against UK for breaching limit value plus margin of tolerance for NO<sub>2</sub>

**27 July 2012 –** London Olympics commence

## Summary

The UK government is failing by a wide margin to meet its legal obligations to combat air pollution in London. With three years remaining until the London 2012 Olympics, ClientEarth intends to compel the authorities to tackle the issue fully.

London has the worst air quality in the UK and some of the worst in Europe.<sup>1</sup> Recent figures have suggested that air pollution directly contributes to around 3,000 deaths each year in London alone.<sup>2</sup> By comparison, workplace-related passive smoking contributed to 617 deaths per year across the UK prior to the smoking ban.<sup>3</sup> The air quality failures in the capital are part of a wider national problem, with an estimated healthcare cost of up to £21 billion every year.<sup>4</sup>

**Since 2005 the government has failed to meet legally binding targets to reduce dangerous airborne particles** (known as limit values for PM<sub>10</sub>). Late last year the government missed a further deadline, and it only recently applied for a time extension on PM<sub>10</sub>. It aims to avoid fines and win more time to address a pressing problem that should have been prioritised years ago. To demonstrate its resolve to protect public health, the European Commission (EC) has launched infringement action over the initial legal breach.

Environmental law and policy organisation ClientEarth does not believe that the UK government is entitled to a time extension for PM<sub>10</sub>. The UK does not meet the preconditions for the time extension that the government seeks, and current plans to eliminate breaches of PM<sub>10</sub> in London by June 2011 are not credible. ClientEarth is taking legal action to compel the government to comply with its air quality obligations. **Today, ClientEarth has written to the European Commission urging it to reject the government's request for a time extension on PM<sub>10</sub> in London. Without a delayed deadline the government will have to take decisive action now, rather than put off its obligations while more Londoners suffer the health effects of poor air quality.**

ClientEarth's objective is to forge positive changes to improve the lives of all Londoners. Further, we want to see London become a model for successful environmental change in cities worldwide. If we are successful, the populations of London and the UK will benefit from a valuable legacy following the London 2012 Olympics.

<sup>1</sup> "Every Breath You Take" London Assembly report into London Air Quality – published May 2009.

<sup>2</sup> 650 premature deaths per 1 million people

<http://www.eea.europa.eu/publications/spatial-assessment-of-pm10-and-ozoneconcentrations-in-europe-2005-1> Based on the proportion of 4,469,400 people aged over 30 in Greater London in 2007 this would equate to 2,905 deaths from PM<sub>10</sub>. This figure assumes that Londoners are exposed to no more than UK national average levels of air pollution.

<sup>3</sup>Jamrozik, K. Estimate of deaths attributable to passive smoking among UK adults: database analysis, *BMJ* - published 1 March 2005.

<sup>4</sup> Cabinet Office (2007) National Enforcement Priorities for Local Authority Regulatory Services.

## London air quality - the facts

- Air pollution is much worse than most of us have realised. It exceeds twice the maximum level recommended by the World Health Organisation (WHO) near many of London's busiest roads.
- Combustion sources such as vehicles and boilers emit two categories of air pollutant: those that directly affect our health (mainly nitrogen dioxide (NO<sub>2</sub>) and dangerous airborne particles), and those that affect our climate (mainly carbon dioxide (CO<sub>2</sub>)).
- Poor air quality in the form of dangerous airborne particles is estimated to result in the premature death of around 3,000 people every year in London alone. People who die prematurely as a result of such pollution may do so on average ten years early.<sup>5</sup>
- The new EU directive on ambient air quality and cleaner air for Europe established a new legal standard for fine particulate matter (PM<sub>2.5</sub>)<sup>6</sup> to be achieved by 2020. Even if this standard is achieved, levels of PM<sub>2.5</sub> would remain twice the maximum levels recommended by the WHO.
- The main causes of poor air quality are road transport, power generation and boilers.
- The legal framework to protect people from these problems was put in place in 1999, with limit values for PM<sub>10</sub> due to be met by Jan 2005 and NO<sub>2</sub> by 1 Jan 2010. The new EU directive on ambient air quality and cleaner air for Europe allows member states to apply, subject to strict conditions, for a time extension to meet PM<sub>10</sub> limit values until 11 June 2011, and from 1 Jan 2010 to 1 Jan 2015 for NO<sub>2</sub>. If the UK obtains a time extension, it must ensure that concentrations remain below the limit value plus a specified margin of tolerance.
- Since the late 1990s, PM<sub>10</sub> has increased in London by an average of 0.4 per cent per annum. Since 1997 there has been no clear overall change in NO<sub>2</sub> concentrations at roadside sites, but individual sites such as Marylebone Road have seen increases of up to 30 per cent.<sup>7</sup>
- A 2007 Ipsos Mori poll found that 72 per cent of Londoners were worried about air pollution.<sup>8</sup>

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<sup>5</sup> Künzli N, Kaiser R, Medina S, *et al.* Public health impact of outdoor and traffic-related air pollution: A European assessment. *Lancet* 2000; 356: 795–801

<sup>6</sup> Legal standards regarding dangerous airborne particles refer variously to 'fine' particulate matter (PM<sub>2.5</sub> – 2.5 micrograms or smaller) and 'coarse' particulate matter (PM<sub>10</sub> – between 2.5 and 10 micrograms).

<sup>7</sup> King's College London (2007). Air Quality in London 2006-7 – the fourteenth report of the London Air Quality Network.

<sup>8</sup> Cited in "Mayor gives go-ahead to world's largest Low Emission Zone", press release 9 May 2007. [http://www.london.gov.uk/view\\_press\\_release.jsp?releaseid=11890](http://www.london.gov.uk/view_press_release.jsp?releaseid=11890)

## What must be done?

The government can and should make great efforts to improve London air quality in time for the London 2012 Olympics. Actions taken to tackle air pollution will save lives, improve the quality of life of all Londoners and save billions of pounds in healthcare costs.

The London Assembly environment committee's cross-party report "Every Breath You Take" sets out clear and practical recommendations about the means to achieve these aims before the deadline. The committee's report states that the UK must:

- 1) Introduce additional, smaller low emission zones to target pollution hotspots from road transport.
- 2) Introduce a vehicle retrofit subsidy scheme in London with funding support from central government.
- 3) Undertake research into using biofuel for all public transport in London including buses, trains, taxis and river transport.
- 4) Launch a widespread public understanding campaign to ensure air quality issues are more accessible to Londoners.
- 5) Reduce the emissions of the older public diesel vehicle fleet as a vital priority.
- 6) Use planning guidance established in existing legislation if there are air quality implications for planning decisions.

ClientEarth endorses the committee's recommendations and any other measures necessary to achieve full legal compliance with air quality laws in London. If the recommendations are implemented, London could become a model for behavioural change, technological progress and political will benefitting cities around the world.

## What will ClientEarth do?

While the UK fails to meet its air quality obligations in London in full, ClientEarth intends to take *inter alia* the following actions:

- Oppose the UK government's application for a time extension to comply with limit values for **PM<sub>10</sub>** in London because it does not meet the legal requirements of the directive.
- Oppose the UK government's application for a time extension to comply with limit values for **NO<sub>2</sub>** in London, **unless** it meets the strict requirements of the directive.
- Support any credible plans to tackle air pollution levels in London, provided they are: ambitious; will be successfully implemented; and will serve to achieve **sustainable compliance** with the limit values.
- Press for immediate enforcement of the limit values for PM<sub>10</sub> and/or NO<sub>2</sub> if the UK fails to obtain a time extension in either case for London. If the UK does obtain a time extension for either PM<sub>10</sub> or NO<sub>2</sub>, ClientEarth will strive to ensure full compliance with the terms of such an extension so that concentrations remain below the relevant thresholds.
- Engage in the forthcoming consultations on the Mayor's Air Quality Strategy and Defra's time extension notification for NO<sub>2</sub>. ClientEarth will insist that they both contain bold policies that demonstrate how air quality obligations will be met in London by the time of the 2012 Olympics.
- Investigate all available legal mechanisms to ensure that air quality laws are complied with in full in London by 2012. These may include bringing legal action in the UK and in the European Courts of Justice on the above and other air-quality related issues.

ClientEarth intends to drive solutions at city and national level. It does not plan to engage in local battles, particularly if they are adequately addressed or financed by others.

## Statement from ClientEarth CEO James Thornton<sup>9</sup>

### **James Thornton, ClientEarth CEO, says:**

“Poor air quality affects all Londoners, blights the lives of many and is the root cause of death for thousands. The approach of the 2012 Olympics presents the government with an unparalleled opportunity to confront the issue head on. It can make a real difference to all those who live in the capital and beyond.

“ClientEarth will welcome and support all genuine and effective moves to achieve these ends. However, it would be unacceptable if the UK was to obtain a time extension to which it was not entitled, for either dangerous airborne particles [PM<sub>10</sub>] or subsequently for nitrogen dioxide [NO<sub>2</sub>]. It would be worse still if such a time extension notification was accepted that did not include a credible plan to comply in full with the limit values by the relevant deadlines.

“The only acceptable way forward is substantial early action in London to ensure full compliance with air quality laws.

“Our legal team has written to the European Commission urging it to deny the UK’s application for a time extension to combat the levels of dangerous airborne particles in our city. We will explore all avenues available to ensure that the UK complies fully with its air quality obligations in London in time for the 2012 Olympics. If we are successful Londoners will benefit from a sustainable improvement in air quality, which will bring with it long-term health benefits. We believe that the knowledge gained in achieving these ends could be used for the benefit of cities worldwide.

“ClientEarth is grateful to Simon Birkett, founder of the Campaign for Clean Air in London, for personally supporting the launch of the CleanAir campaign. We are pleased to welcome him as a *pro bono* science and policy advisor on air quality.”

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<sup>9</sup> “Ten people who could change the World” – The New Statesman, 12 Jan 2009.

## Statements about the CleanAir campaign

### **Jean Lambert, Green MEP for London, said:**

"Air pollution is an invisible killer, responsible for the early deaths of thousands of people in London every year. For far too many years the government has failed to take the necessary action to reduce the danger to human health, and vulnerable residents with existing breathing problems have particularly suffered.

"Along with my Green colleagues on the London Assembly, I have consistently fought for higher air quality standards. Now, despite EU legislation coming into force four years ago, the UK is still exceeding pollutant limits on a daily basis. I have called on the Commission to press ahead with legal proceedings against the UK if they continue to disregard their obligations to meet the agreed targets as this situation is unacceptable.

"Too much time has already been wasted: what we need now is concerted action to reduce vehicle emissions as well as reduce the overall amount of traffic on our roads, in part by improving walking and cycling networks and facilities.

"I wholeheartedly welcome the launch of ClientEarth's campaign and will continue to work to achieve genuine political action and radical results on the ground to improve London's environment. When we welcome the Olympics to London in 2012 health will be high on the agenda. Cleaning up the air in our capital is one of the best ways the government can play its part to improve the wellbeing of all Londoners."

### **Murad Qureshi (Labour), Chair of the London Assembly Environment Committee, said:**

"It is essential that the Mayor's air quality strategy sets out bold action to improve the air we breathe.

"London's air pollution is a serious problem now and for future generations. Despite action at borough, regional and national level, the capital is still failing to meet air quality targets and is amongst the worst in the UK and Europe.

"Our recent investigation found that air pollution in the capital is having a severe and costly impact on the National Health Service and may have contributed to the deaths of an estimated 3,000 people in one year.

"This is not just about improving the environment in some abstract way – this is about saving lives."

**Mike Tuffrey, Leader of the London Assembly Liberal Democrat Group and member of the London Assembly Environment Committee, said:**

“Nationally the Liberal Democrats are committed to the UK fully complying with air quality laws for dangerous airborne particles by the 2012 Olympics.

“In London, urgent action is needed to ensure that the host city no longer endures the scandal of more than 3,000 Londoners facing an early death due to the capital's appalling air quality.”

“Air pollution isn't just an environmental nuisance, it's a health catastrophe.”

**Professor Frank Kelly of King's College London's Environmental Research Group said:**

“London experiences hazardous levels of pollution. Traffic-related air pollution remains one of London's most pressing problems as it contributes most to oxides of nitrogen and dangerous airborne particles.

“As evidence of adverse health effects resulting from these pollutants continues to build, it is clear that even the new legal standard for fine particles [PM<sub>2.5</sub>] is not tight enough. Given we have been failing to meet the old legal standard, it is more imperative than ever that stringent action is taken quickly to improve air quality and protect public health.”

**Philip Mulligan, Chief Executive of Environmental Protection UK, said:**

“The UK's track record on meeting air quality commitments is poor, and public health has suffered as a result. The government has recently launched a raft of targets, plans and strategies to address another set of emissions to air – those that affect our climate – but, given this poor track record, what faith can we have that any of these commitments will be met?

“ClientEarth's welcome campaign comes at a key time, with the UK submitting applications for time extensions to meet EU air quality limit values. It is imperative that these applications are backed by robust plans to deliver the necessary improvements in air quality – if this does not happen air pollution will continue to have a huge impact on the health of Londoners, and people all across the UK.”

**Simon Birkett, founder of the Campaign for Clean Air in London, said:**

“ClientEarth's commitment to enforce air quality laws throughout London by the 2012 Olympics is much needed. It is astonishing, ten years after the legislation entered into force and well over four years since the standards for dangerous airborne particles were due to be met, that these legally binding obligations have not been complied with.

"The Campaign for Clean Air in London urges all Londoners worried about poor air quality to sign up to ClientEarth's free membership to demonstrate their support for decisive action on this issue. We must all hope that James Thornton, with his ClientEarth team, can do for air quality in London what he did for clean water in the USA."

## Notes to editors

- 1) ClientEarth brings a radically different approach to the green movement in Europe. We are activist lawyers committed to protecting the living planet for all who dwell on it. We fuse law, science and policy to create strategic solutions to key environmental challenges.
- 2) ClientEarth's lawyers operate in a number of fields including climate change, marine policy and access to justice.
- 3) For more information on ClientEarth's activities, please visit <http://www.clientearth.org>

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