

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Newid Hinsawdd,
Amgylchedd a Materion Gwledig
Ansawdd Aer
NHAMG (5) AQ13
Ymateb gan British Heart Foundation
Cymru

National Assembly for Wales
Climate Change, Environment and
Rural Affairs Committee
Air Quality
CCERA(5) AQ13
Evidence from British Heart
Foundation Cymru

What regulatory gaps or issues will need to be addressed after the UK leaves the EU? How should these be addressed and what will be the main challenges?

The UK currently subscribes to EU restrictions on levels of PM_{2.5}. According to WHO research, there is no safe threshold for PM_{2.5} and current EU regulations are not stringent enough to protect our health. Current EU targets are double those of the WHO. In order to protect the lungs and cardiovascular systems of current and future generations; the more stringent targets of the WHO should thus be adopted into Welsh Law immediately.

British Heart Foundation Cymru has had a live petition open with the Assembly petitioning the Government to introduce WHO guidelines since August 2018¹. This petition has been held open due to the important subject matter, and also due to the delay in bringing forward the Clean Air Plan for Wales.

The current position of the Government is that a white paper on a Bill will be brought forward by the end of this Assembly Term in May 2021, however, we believe that this does not provide the impetus required to ensure a change in air quality and have suggested to the petitions committee that an extra day should be added to Plenary time from now until the end of the Assembly Term to pass this legislation. Dr Dai Lloyd AM, chair of the Cross Party Group (CPG) on a Clean Air Act first raised this possibility earlier this year. Due to the Government declaring a Climate Emergency last year, this seems like the narrative is that change is needed, but the legislative agenda is not providing that necessary change.

The UK Government's Environment Bill has recently been returned to the House of Commons, without a commitment to meet WHO guidelines. BHF believes that the UK Government must commit to meeting WHO guidelines by 2030 and is working with UK Parliamentarians to make this case. In Wales, BHF Cymru believes that the Welsh Government has a chance to be a leader in this area of

¹ BHF Cymru petition, August 2018, P-05-839 Adopt WHO Guidelines and Introduce a Clean Air Act for Wales available on the National Assembly for Wales website:

policy for the UK. We recognise the challenges that are presented by industry and the economy which we will touch on in other questions, however we believe this should not stop Wales from adopting the guidelines.

Are the Welsh Government's proposals for a Clean Air Act appropriate? How could they be improved? What can be learned from legislative approaches elsewhere?

"Where it is possible"

Within the thematic approaches, the plan states "we want concentrations across Wales to be below the WHO guideline for PM_{2.5} where it is possible, and lower still where there is sufficient potential and there is high public exposure or risk to sensitive groups. We will develop and consult on new targets for particulate matter in Wales as part of the development of a Clean Air Act for Wales"²

We welcome the Government's overall objective to ensure concentrations of PM_{2.5} across Wales are below WHO guidelines by enshrining targets into Welsh Law, particularly as this would make Wales the leader in the UK on air pollution legislation. However, there is much that could be improved on in this section alone.

Firstly, there is no commitment to set targets by a certain time frame other than that this theme is listed in the short-to-medium term section which encompasses 2021-2026. This is far too late to be adopting these targets and we must see Government take action now, as observance of the targets is only likely to start when the law is changed, and compliance or the effect is likely only to be seen years after this.

There is also a possibility that a post-2021 Welsh Government will pursue a different agenda; therefore, it is vital that limits on PM_{2.5} are set before the end of the Assembly Term to ensure air pollution is proactively tackled in Wales.

Additionally, the Clean Air Plan recognises that current guidelines are not stringent enough: **"The World Health Organisation (WHO) has recommended concentration guidelines of particulate matter for PM_{2.5}, the annual mean guideline of 10 µg/m³ being half the current EU limit."**³

However, in what has become a well-used argument in the Senedd, the plan goes on to say **"Advice from WHO is based solely on scientific conclusions about public health aspects of air pollution; they do not consider the technical**

² Welsh Government, *The Clean Air Plan for Wales, Healthy Air, Healthy Wales*, p.38

³ *Ibid*, p.45

feasibility or the economic, political and social aspects of the achievement of these levels.”⁴

BHF Cymru recognises that there are economic factors at play, and the steel works on which the economy in certain parts of the country relies heavily, is an emitter of pollution which will find reduction very difficult to achieve. However, this is not a reason to reject WHO guidelines; in fact, it is perhaps an argument for enshrining the guidelines in Welsh Law. Laws are used to encourage as well as enforce; without limits, industry has little reason to make changes, and surely the population living in and around areas of industry deserve the chance to breathe clean air as much as anyone else in Wales.

Furthermore, it is important that health experts are consulted whilst targets for PM_{2.5} are set. The Clean Air Plan states that an independent expert group will be convened, and it is imperative that knowledge of the impact of PM_{2.5} on human health is considered extensively throughout this process, and that economic and social factors, whilst important, must not be allowed to undermine the health benefits, which will surely have greater ramifications on the wellbeing of future generations.

Finally, the current wording isn't very clear on whether these targets will be mandatory, and therefore if the Government is minded to legislate for WHO targets on air pollution then there needs to be more detail on plans for the implementation and enforcement of the targets.

Public Awareness

The proposals which relate to increasing public awareness and education on air pollution could benefit from adopting a more targeted approach. Creating a website and disseminating information on how to access levels of air pollution in your local area is important, but special effort should also be made to share this information with vulnerable audiences and to provide them with the necessary information and support to protect their health. For instance, those with heart and circulatory diseases should avoid spending long periods outdoors in areas with a high level of air pollution. If these audiences are encouraged to check the air pollution forecast, they could make alternative travel arrangements such as avoiding rush hours and using quieter side streets.

Pertinent to this is the fact that it is often deprived areas in Wales which suffer from dangerous levels of air pollution.⁵ This must be a consideration in the Clean

⁴ *Ibid*

⁵ Brunt, H., Barnes, J., Jones, S., Longhurst, J., Scally, G. and Hayes, E., 2017. "Air pollution, deprivation and health: understanding relationships to add value to local air quality management policy and practice in Wales", UK. *Journal of Public Health*, 39(3), 2017, pp.485-497.

Air Act white paper, and in other elements of policy which will help to improve air quality. People living in deprived areas must be supported and protected from poor air quality. Recently, Cardiff Council's transport proposals White Paper⁶ received bad publicity as a potential car user charge was dubbed a "Valleys tax". Commuters living in more deprived communities must benefit from transport improvements and supported to adopt cleaner methods of transportation in their daily routines, as they have no choice over the way they are able to get to their place of work.

Furthermore, deprived communities are less likely to be able to choose to move away from polluted areas of air. The Welsh Index of Multiple Deprivation records the air quality pollutants PM_{2.5}, PM₁₀ and NO₂. The Clean Air Plan notes that those living in the most deprived areas are where the largest numbers of people with chronic ill health are living. Monitoring, engagement and measures to support people in areas of deprivation and poor health must be at the top of any agenda to improve air.

What are your views on the regulatory proposals in relation to the Local Air Quality Management (LAQM) regime? What are the main challenges in relation the proposed approach?

Funding

BHF Cymru welcomes the proposed changes in relation to the LAQM regime, which increase the power of local authorities to monitor, report and act on air pollution. The changes including increasing local authorities' powers over air pollution, incorporating more public engagement, consideration of PM_{2.5} monitoring, structured time scales for reviewing monitoring capabilities, legislation on implementation of Air Quality Action Plans (AQAPs) are also welcome, however, there are no details provided on how these additional tasks will be costed. Therefore, support and funding to be able to carry out these regulatory proposals is vital.

PM_{2.5}

We also encourage the Clean Air Plan's intention of investigating local authorities' capacity to monitor, report and act on levels of PM_{2.5}. Local authorities are currently required to monitor PM₁₀ and NO₂ but are only encouraged to monitor PM_{2.5}. Mandating the monitoring of PM_{2.5} would help identify hot spots with

⁶ Cardiff Council, *Changing how we move around a growing city*, January 2020

dangerous concentrations and allow AQAPs to directly address the air pollutant most responsible for damaging human health.

Public awareness

Lastly, public engagement activities such as Car Free Days or Clean Air Day events should be encouraged. We urge local authorities to frame these events within a health and wellbeing context in order to increase awareness of the damaging effects of air pollution on the health of current and future generations.

However, one day a year is hardly likely to induce long-lasting change, however well-run the events are. Public engagement is of course imperative to ensuring modal shift, but this cannot be held up as a model of change unless it goes hand-in-hand with improvements in public transport, robust monitoring and public information throughout the year.

What are your views on the regulatory proposals relating to domestic combustion (including fireworks/bonfires), road vehicle idling and Clean Air Zones/Low Emission Zones?

It is of great concern that the Clean Air Zone (CAZ) Framework which was consulted on in 2018 is yet to be published. The plan states that it should be published by March 2020, however, there is an immediate need for local authorities to be supported by central Government to make changes which may be unpopular. The recent Cardiff council white paper on transport⁷ which set out a potential charge introduced after significant public transport improvements, has been labelled as a 'Valleys tax' by the media. Had the CAZ plan been published before now, it could be a very different discussion in which local authorities feel empowered as they are supporting a Government policy on clean air.

The Clean Air Plan makes no reference to the importance of opting for alternative methods of transport. In the process of planning and developing CAZs, the role of the public to opt for public transport, ultra-low-emission vehicles and/or active travel should not be underestimated. To facilitate this behavioural change, there should be an effort to raise the public's awareness of this, as well as a wider commitment from Welsh Government to improve public transport, provide sufficient charging ports for ULEVs, and ensure safe and accessible pathways for walking and cycling.

BHF Cymru has been pleased to be involved in the discussion with Government about the restriction of polluting domestic fuels, and we support the investigation being undertaken to work out what the best solution is to removing fuels and appliances which are likely to emit damaging PM_{2.5} but as a major source of pollution in certain areas (perhaps fuel poor areas) this is an important area that

⁷Cardiff Council, *op.cit*

must be prioritised⁸. The ban of wet-wood is likely to have the biggest impact on domestic combustion and working with UK Government on regulation of the most inefficient stoves must also be a priority.

The National Assembly for Wales Research Service briefing on addressing the climate gap⁹ mentions the possibility that gas prices could be affected by Brexit if trade barriers are put in place, which should be kept in mind when reviewing the Government's policy on clean air, should this lead to a change in energy use.

What are the main challenges in introducing a legislative framework for air quality as set out in the consultation document?

BHF Cymru welcomes the willingness to introduce a legislative framework for air quality. Nonetheless, the importance of framing the upcoming Clean Air Act in the context of health and wellbeing cannot be underestimated.

The main challenge to introducing the framework is the timescale. A post-2021 Welsh Government which may not follow the same agenda, risks setting Wales behind the rest of the UK with regards to clean air legislation. The health of current and future generations with regards to air pollution needs to be acted on immediately.

Many of the policy changes in the Clean Air Plan do not need legislation to be adopted; however, adopting WHO guidelines should be a priority and legislation should be brought forward before the end of the current Assembly Term. The UK Government has recently brought their Environment Bill back to the House of Commons, without the adoption of WHO guidelines. Whilst air pollution does not respect boundaries, if Welsh Government takes a lead on legislating for these targets, it would put pressure on the UK Government to follow suit.

Further challenges are related to monitoring. A hugely important part of ensuring clean air compliance will require improved monitoring. The Air Quality Wales website¹⁰ should be promoted as a way for local people to check on their ambient air quality, however it also needs investment and new monitors added. There are 39 sites across the whole of Wales listed on the site¹¹ and only 12 of these sites actually measure PM_{2.5}. Investment in monitoring and reporting will be required to

⁸ The Guardian, 11 October 2018, <https://www.theguardian.com/environment/2018/oct/11/people-burning-wet-wood-on-inefficient-stoves-poisoning-themselves>, accessed 7 February 2020

⁹ *Addressing the Climate policy gap in Wales*, National Assembly for Wales, Senedd Research service, July 2019, available at <https://www.assembly.wales/Research%20Documents/19-041%20-%20Climate%20Policy/Addressing%20the%20climate%20policy%20gap%20in%20Wales.pdf>, accessed 7 February 2020

¹⁰ *Air Quality Wales website*, <https://airquality.gov.wales/>, accessed 7 February 2020

¹¹ *Air Quality Wales website*, current levels, <https://airquality.gov.wales/air-pollution/current-levels>, accessed 7 February 2020

ensure the legislation can be appropriately followed, however, this should not be a delaying factor in passing legislation by the Senedd.