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A Healthy Air Campaign publication

The EU's Year of Air: have your say on the air you breathe



Introduction

The EU has named 2013 as the “Year of Air”: it is reviewing European air pollution laws and policies. As part of the review process the European Commission are seeking people’s views through a public consultation. This note has been produced by the Healthy Air Campaign to help people complete the consultation, which closes on **4th March 2013**.

Like most of our environmental laws, our air quality laws come from the EU. The EU sets legally binding air quality standards and limits on emissions of air pollution. These laws are informed by World Health Organisation guidelines, which are based on scientific evidence of the health impacts of pollution. So if we want clean, healthy air, we need the Year of Air to deliver a positive outcome. The Healthy Air Campaign believes that we have a right to clean air, and that the review should lead to air quality laws being strengthened, not weakened.

Unfortunately, the UK Government doesn’t agree – it is calling for “flexibility” over whether to comply with legal limits, despite increasing evidenceⁱ of the impact that poor air quality has on our health, including:

- 29,000 early deaths each year in the UK alone (420,000 in the EU)
- Heart attacks, strokes and lung diseases such as bronchitis and emphysema
- Increased frequency and severity of asthma attacks
- Impaired lung development in children
- Low birth weight in newborn babiesⁱⁱ

EU air pollution law

The EU has a large number of complex laws governing air pollution, grouped under the umbrella of the ‘Thematic Strategy on Air Pollution’. However, these laws basically do one of two things:

1. They set limits on overall *levels* of pollution in the air we breathe. These air quality limits are set to protect our health and also the natural environment. The most important piece of this type of legislation is the “Ambient Air Quality Directive”.
2. They set limits on the *emissions* of air pollution, in order to achieve air quality limits and reduce other environmental impacts such as acid rain. Emissions legislation imposes caps on the total emissions of several pollutants from each EU member

state (the “National Emissions Ceilings Directive”). It also sets limits on emissions from specific sources of air pollution, such as road vehicles, shipping and industry.

The consultation questionnaire asks for your views on several different pollutants that are covered by EU air quality laws. These pollutants fall into three categories:

- *Particles*. Pollutant particles are commonly known as PM₁₀ (all particles smaller than 10 micrometers) and PM_{2.5} (all particles smaller than 2.5 micrometers). Particles in the air are composed of a variety of solid and liquid substances. Some particles contain black carbon, which have a warming impact on the climate in addition to its harmful impacts on human health
- *Gases*. Pollutant gases such as nitrogen dioxide (NO₂) and sulphur dioxide (SO₂) are harmful to both human health and natural ecosystems
- *Ozone* (O₃). Ozone is a pollutant gas, however unlike NO₂ and SO₂ it is not directly emitted from vehicle exhausts and industrial chimneys. Instead it is formed when other pollutant gases in the air are exposed to strong sunlight

This guide provides a walkthrough of the five sections of the consultation questionnaire. Two consultation questionnaires are available, one for members of the public and one for experts.

We have included screenshots of our completed questionnaire so you can see what the Healthy Air Campaign’s position is on the various questions. However, if you don’t feel you have sufficient knowledge to answer any of the questions, you can simply tick “don’t know”.

You can view and complete the survey here:

http://ec.europa.eu/environment/consultations/air_pollution_en.htm

The European Commission have also produced their own explanatory note to accompany the public consultation:

http://ec.europa.eu/environment/consultations/pdf/air_pollution.pdf

Section 1

This section simply asks for details about you and the organisation you represent (if any).

Section 2

This is arguably the most important section. It looks at the approach the European Commission (the EU's equivalent of the civil service) should take to enforce or encourage compliance with air quality laws. At present many EU member states are not meeting their legal obligations and, in some cases, the European Commission has started enforcement action against them. Ultimately this can result in the offending member state being referred to the European Court of Justice, which has the power to issue hefty fines. In some countries, individuals or groups have gone to court to demand that Government take action.

1. How should the EU modify or supplement its approach to ensure compliance with current air quality legislation? (Please choose one or more responses)* (compulsory) (at least 1 answers)

- No adjustment of the approach described above is needed.
- Additional non-legislative options: for example by establishing partnership agreements with MS that focus Member State efforts to address non-compliance with air quality objectives
- Relaxing the obligations under Ambient Air Quality Directive
- Strengthening emissions controls: for example more stringent emissions ceilings or source controls that support the attainment of air quality limit values
- Don't know

Relaxing obligations will mean that EU member states will be under less pressure to improve air quality. Strengthening emission controls should lead to additional improvements in air quality over those required by current EU laws. There is currently little detail on what 'additional non-legislative options' would actually mean, and we would not recommend choosing this option unless more information becomes available.

If you choose 'no adjustment' you will go straight to section 3 of the survey. Choosing 'strengthening emissions controls' will lead to a further question asking if you support stricter national emissions caps ('ceilings') and/or stricter controls on sources of pollution such as industry and road vehicles. Both of these options would lead to improvements in air quality.

Section 3

This section looks at options for further improving air quality beyond existing EU laws. Current EU air quality standards are not as stringent as those recommended by the World Health Organisation, so there is considerable opportunity for improvement. The section is split into a number of sub-sections.

Sub-section 3.1

This sub-section asks for views on how climate change and air quality policy should be linked. The main sources of air pollutants which are harmful to health, such as particulate matter and nitrogen oxides are often also major sources of carbon dioxide e.g. vehicle exhausts, power stations and industry. Combined policies which address both types of pollutants can be cheaper and more effective than addressing each area separately.

2. How should future EU air pollution policy interact with a new climate and energy framework for 2030? (Please choose one response)* (compulsory)

- It should maximise the synergies between the policies, but with no new air pollutant emissions reductions except those delivered by the climate and energy policy
- It should maximise the synergies between the policies, and set out additional measures to reduce air pollutant emissions and improvements to air quality
- Other
- Don't know

3. Should specific complementary action in the EU be pursued to curb emission of short-lived climate pollutants (SLCP) and their precursors, to improve both air quality impacts on health but also to boost climate mitigation in the short term?*(compulsory)

- Yes
- No
- Don't know

Some common air pollutants also have short term impacts on our climate; they are known as ‘short-lived climate pollutants’. Policies designed to improve air quality can therefore help tackle climate change too, especially if they are focused delivering reductions in short lived climate pollutants such as black carbon and ozone.

Sub-section 3.2

This question asks how ambitious EU air quality policies should be in terms of improving air quality, from no change over current laws to the maximum level of air quality improvement considered to be technically feasible, based on today’s technology (i.e. it does not take into account any likely improvements in technology over the next two decades). Air quality is expected to be improved by the EU’s ‘climate and energy framework’ (the EU’s plans for cutting carbon dioxide emissions) as well as laws that focus purely on air quality.

4. How much additional progress should EU air pollution policy pursue in the revised Thematic Strategy? (Please choose one response)* (compulsory)

- No change: only the level of protection delivered by current legislation
- The level delivered by the forthcoming climate and energy framework for 2030, without additional air pollutant emission reductions
- Substantial progress beyond the climate and energy framework, towards the maximum achievable pollution reduction
- The maximum achievable pollution reduction (MTFR)
- Don't know

Higher levels of ambition are likely to mean additional costs to industries which emit air pollution directly (e.g. heavy industry) or which manufacture products which emit air pollution

(e.g. car manufactures). EU law therefore aims to balance these costs with the benefits that cleaner air brings for human health and the natural environment.

Sub-section 3.3

The final question in section 3 asks whether human health or the natural environment should be the focus for air quality policy.

5. How should EU air pollution policy give priority to addressing either human health or the environment? (Please choose one response)* (compulsory)

- Equal weight to both
- Give priority to addressing human health impacts
- Give priority to addressing environmental impacts
- Other
- Don't know

The natural environment is affected by air pollution through nitrogen deposition (via ammonia and nitrogen dioxide), acid rain (mainly formed from sulphur dioxide) and damage to crops and other plants caused by ozone. Current EU air quality laws have separate targets for ecosystem protection in addition to those primarily aimed at the protection of human health. While the Healthy Air Campaign is focused on the impacts of air pollution on human health, we also believe that our natural environment needs adequate protection.

Section 4

This section asks questions on reform of the Air Quality Directive, the EU law that sets standards for the *levels* of pollution in the air we breathe. It is split into several subsections.

Subsection 4.1a

The first subsection focuses on the pollutant PM_{2.5}, or fine particulate matter. Current scientific evidence strongly links exposure to PM_{2.5} with negative human health impacts. Exposure to PM_{2.5} causes an increase in premature deaths through heart attacks and strokes. The UK's committee of medical experts on the health impacts of air pollution (COMEAP) has estimated that 29,000 premature deaths occur annually in the UK due to PM_{2.5} pollutionⁱⁱⁱ.

6. Should the indicative limit value for PM_{2.5} of 20 µg/m³ for 2020 be made mandatory? (Please choose one response)* (compulsory)

- Yes
- No
- Don't know

7. Should the PM_{2.5} or other limit values in the AAQD be made more stringent to bring them closer to WHO guidance values? (Please choose one response)* (compulsory)

- No change
- Yes, review the limit values and bring them closer to WHO guidance values
- Bring AAQD limit values closer to WHO guidance values only in the future, once the EU has made further emissions reductions
- Don't know

Under existing EU law the concentration limit for PM_{2.5} is not legally binding; question 6 asks if it should be made so. The current EU concentration limit for PM_{2.5} is also two and a half times as high as the World Health Organisation's recommendations, so question 7 asks if it should be tightened.

Subsection 4.1b

This second subsection returns to the issue of black carbon, a type of short-lived climate pollutant. Black carbon is emitted as tiny particles, and therefore contributes towards (and is measured as part of) PM_{2.5} pollution. This question asks if there should be additional concentration targets and monitoring requirements solely for black carbon, as well as those for PM_{2.5}.

8. Should monitoring and regulation be introduced for black carbon/elemental carbon? (Please choose one response)* (compulsory)

- Yes, introduce monitoring requirement
- Yes, introduce non-binding target value (along with a monitoring requirement)
- Yes, introduce binding limit value (along with a monitoring requirement)
- No
- Don't know

The climate impact of black carbon is linked to the total quantity emitted by EU member states, rather than the concentration in the air in any particular location. Controls on black carbon emissions may therefore be more effective than legally binding concentration targets.

Subsection 4.2

In the UK the national (Westminster) Government and the Devolved Administrations are responsible for meeting EU air quality laws. However, in many other European countries regional or local governments are the responsible parties. Question 9 asks whether air quality improvement plans submitted to the European Commission should be developed at national level (as they are in the UK) or at local level.

9. Should zone-specific plans be consolidated into coordinated national plans? (Please choose one response)* (compulsory)

- Yes
- No
- Don't know

10. Should cooperation among Member States be reinforced to better address transboundary pollution flows that affect local air quality problems? (Please choose one response)* (compulsory)

- Yes
- No
- Don't know

Air pollution also travels between the member states of the EU; this is known as 'transboundary pollution'. This issue is explored in question 10, however there is currently no detail on what cooperation between member states would actually mean. Also, while measures should be put in place to address transboundary pollution there is a danger that pollution from other countries can be used as an excuse for why air quality targets are not met.

Section 5

The final section asks questions about reform of the National Emission Ceilings Directive, the EU law that sets targets for the total *emissions* of several air pollutants by EU member states. In 2011 the EU committed to new emission ceilings through a revision of the 'Gothenburg Protocol' - an International Treaty that covers the EU and many other northern hemisphere countries including Russia, the US and Canada. The National Emission Ceilings Directive must at a minimum fulfil the EU's obligations under this Treaty, but because it only needs to be agreed by a majority of EU member states, it is expected that it will be significantly more ambitious.

Subsection 5.1

This question returns to the issue of black carbon, asking if an emissions ceiling should be set for this pollutant. Black carbon ceilings would aim to reduce emissions and their warming impact on the climate.

11. Should national emission ceilings be adopted for black carbon/elemental carbon? (Please choose one response) (optional)

- Yes
 No
 Don't know

Subsection 5.3

This final question asks whether national level plans for emissions reduction should be required to take into account the need to improve levels of local air quality. At present, for example, a national government could concentrate its efforts to reduce emissions on power stations and heavy industry, but if the majority of urban air quality issues were caused by traffic pollution this would have a limited impact on air quality levels. Greater coordination could mean that emissions reduction is better targeted at the sectors that cause local air quality problems.

12. Should coordination be required between the national and local levels in respect of emissions reduction measures and local air quality management? (Please choose one response)

* (compulsory)

- Yes
 No
 Don't know

References

- i Review of evidence on health aspects of air pollution, World Health Organisation (2013), www.euro.who.int/_data/assets/pdf_file/0020/182432/e96762-final.pdf
- ii Maternal Exposure to Particulate Air Pollution and Term Birth Weight: A Multi-Country Evaluation of Effect and Heterogeneity (2013), <http://ehp.niehs.nih.gov/2013/02/1205575/>
- iii The Mortality Effects of Long-Term Exposure to Particulate Air Pollution in the United Kingdom, Committee on the Medical Effects of Air Pollutants (2010) http://www.hpa.org.uk/webc/HPAwebFile/HPAweb_C/1317137012567

More information

For more information about the Healthy Air Campaign and the EU 'Year of Air' please contact:

Maria Arnold
Health and Environment Advisor

0203 030 5969
marnold@clientearth.org

The Healthy Air Campaign is co-ordinated by ClientEarth and supported by a coalition of partners with a stake in air quality and its impacts

