

Climate Change, Environment and Infrastructure Committee
Senedd Cymru
Cardiff
CF99 1SN

27 April 2023

Climate Change, Environment and Infrastructure Committee consultation on the Environment (Air Quality and Soundscapes) (Wales) Bill

BMA Cymru Wales response

Introduction

BMA Cymru Wales is pleased to provide a response to the committee's scrutiny consultation on the Environment (Air Quality and Soundscapes) (Wales) Bill.

The BMA is a professional association and trade union representing and negotiating on behalf of all doctors and medical students in the UK. It is a leading voice advocating for outstanding health care and a healthy population. It is an association providing members with excellent individual services and support throughout their lives.

Response

As outlined in our response to Welsh Government's draft Clean Air Planⁱ in February 2020, the BMA has long advocated for decisive action from governments to tackle air pollution in the UK. The association is a founding member of the UKHACC (UK Health Alliance on Climate Change), a coalition of health organisations dedicated to increasing awareness of the importance of tackling climate change from a public health perspective.

Our Manifesto for healthⁱⁱ, published ahead of the 2021 Senedd elections, outlined our asks to improve population health by increasing opportunities for health living taking action to monitor and tackle air quality. Our priorities were:

- *expanding existing clean air zones and extending their use*
- *better monitoring of air pollution in areas where the most vulnerable populations live*
- *improving air quality standards that the previous EU regulations afforded*

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- *supporting health professionals to take local action and provide advice to patients*
- *phasing-out of coal power stations*

It was therefore positive to see a commitment from all political parties to bring forward clean air legislation, and further commitment by the Welsh Government in the 22/23 legislative statementⁱⁱⁱ.

In this response we will not address each and every provision of the bill but will provide comment and opinion on relevant areas where we have established policy or particular expertise from our membership.

National targets

The bill enables Welsh Ministers to set future targets on any pollutant through regulations, with a section specifically granting powers to set targets on *particulate matter less than 2.5 micrometres in diameter* (PM_{2.5}).

These provisions represent much needed progress given that exposure to ambient PM_{2.5} in particular contributed to 4.2m global deaths in 2020^{iv}.

There are commitments made in the Explanatory memorandum and the explanatory notes that these targets would have to be '*robust, ambitious and achievable*' and take into account '*international evidence...including World Health Organisation guidelines.*' and independent scientific advice from named experts. However, the need to take account of international evidence and WHO guidance is not referenced in the bill itself. This could theoretically enable Welsh Ministers to choose a target that is less rigorous than the WHO standard, while there is the need to pay regard to independent advice there is no duty to comply with it.

Our joint document *Policy brief for the UK*, developed in collaboration with the RCN, RCP, RCPSYCH, UHSACC and published in 2022^v, contained a clear recommendation regarding PM_{2.5} targets:

Recommendation 2: Adopt a legally-binding commitment to reducing fine particulate air pollution (PM_{2.5}) in the UK to 10 µg/m³ by 2030 and set a future objective to achieve the WHO recommended guideline of 5 µg/m³

It is our view that the bill should reflect this recommendation and contain an ambitious but binding commitment toward matching, or going further than, the WHO guideline for PM_{2.5} and specify a timescale for achieving this. We are pleased to see a commitment within the bill for appropriate Senedd scrutiny measures for any revocation/lowering of a target. When applying targets however, consideration should be given to inequalities.

Similarly, we are supportive of the sections on monitoring and data reporting and provisions for consideration of progress by the Senedd. This information will also be in

the public domain and enable a degree of public accountability as to the progress against air pollution targets.

Promoting awareness

The bill places a duty upon Welsh Ministers to promote awareness of the risks of air pollution to human health and ways to go about limiting pollution. In the Clean Air Plan, and subsequent White Paper, there was an explicit emphasis upon the NHS and wider public sector in Wales being empowered to tackle air pollution. This is also reflected in the explanatory memorandum where the improved provision of air pollution resources for health professionals is referred.

We support the development of pan-sector, consistent educational material, informed by public health expertise, and underpinned by a sustained mass communication campaign. Whilst we support any means of increasing awareness of the dangers of air pollution upon the health of the public, we are concerned about the extremely limited capacity within the health system at present for doctors and other health professionals to have the space for meaningful conversations that could lead to behaviour change. Workload pressures are high across the sector as it deals with the treatment backlog post-COVID, and with demand in general practice routinely at extremely high levels.

Additionally, we would caution that this approach somewhat pushes the expectation on individuals to change behaviours based on information alone. For many, the exposure to air pollution is completely outside their control, related to proximity of road traffic and other factors. Therefore, this may provide false reassurance of action being taken and distract from more effective activities and we would like to see the evidence base around similar campaigns delivered elsewhere

National air quality strategy

We support the intention of the bill to align the five-year review period of the National Air Quality strategy (*the Clean Air Plan for Wales*) with the electoral timescale of the Senedd. The additional duty to consult with stakeholders and public bodies on each plan is also a positive development.

Local authority air quality management (LAQM)

In our response to the 2020 Clean Air Plan for Wales, we supported the proposed reforms to ensure that local authorities could be more proactive to manage air quality in their areas, and for more regular reviews than required under the outdated system provided for by the *Environment Act 1995*. We are pleased to see these requirements become legally binding in the proposed bill, with annual reviews of air quality and agreed compliance dates. It must be noted that these provisions only apply to small areas and therefore only target the extreme end of the distribution, and therefore can only be a supplement to wider efforts to reduce air pollution.

Additionally, it is unclear how the revised LAQM processes will interface with the national target system as proposed in Sections 1-9 of the bill. As the Public Health Wales paper cited in the Explanatory memorandum outlines, implementing LAQM in isolation in “...*Wales and the rest of the UK is short-sighted and likely problematic*”^{vi}.

We would like to see greater detail, with a fleshed-out example, as to how local/regional LAQM processes will be integrated with the system of national targets.

Smoke control

The smoke control measures outlined in the bill are aimed at improving air quality by regulating smoke emissions from a range of sources, including residential and industrial premises, and moving from a criminal to civic sanctions regime. As outlined in the BMJ^{vii}, while UK PM_{2.5} emissions have fallen significantly since the 1970s, domestic wood burning emissions have grown by 35% between 2010 and 2020, which many have attributed to the rise in popularity of wood burners. These stoves account for a quarter of PM_{2.5} emissions in the UK, significantly higher than road transport. There is a need to educate the public of the dangers of this type of burning; this information should be part of the awareness campaign around the proposed changes (and regulation of fuel types).

We would encourage assessment of the cost implications of prohibiting this fuel type in the context of the current cost of living and rising fuel prices – we need to consider how to prevent harms whilst not placing the burden on those who cannot afford it.

There is therefore a need to tackle domestic burning, and we agree that the proportionate change to a civil sanctions regime, as has already happened in England, will hopefully increase the likelihood of enforcement within smoke control areas by local authorities. The issue of national guidance on smoke control areas by Welsh Government is a positive step, as is the requirement in the bill for local authorities to pay regard to it. We would welcome further detail on how SCA guidance will integrate with national targets and local/national monitoring and reporting requirements.

Road charging

We support the provisions of the bill which seek to equalise and update the powers of Welsh Ministers around trunk road charging schemes. The current powers are quite limited in their application, and the proposed changes allow Welsh Government to be more proactive in tackling air pollution in the vicinity of major roads. Such schemes have potential to reduce air pollution by reducing the number of cars on the road, encouraging the use of public transportation and Active Travel, and funding public transport infrastructure.

However, charging schemes have the potential to widen inequalities: people from disadvantaged backgrounds and in lower-paid employment are more likely to have to travel distances for work, and will be less able to afford the charges. This can only be truly mitigated by having excellent public transport provision.

Anti-idling measures

Section 21 focusses on vehicle idling and will give Ministers more powers to set fines for people who leave their vehicles idling. These measures can help reduce air pollution by reducing emissions from idling vehicles, which can be harmful to human health and the environment. By reducing air pollution, anti-idling measures can lead to significant

health benefits, particularly for vulnerable groups such as children, the elderly, and those with respiratory problems.

However, there are challenges in terms of enforcement and implementation: resources may be needed for local authorities to build up the capacity to enforce widespread compliance. Ultimately, anti-idling measures need to be combined with moves to reduce dependence on personal vehicles and promotion of active travel.

Noise pollution

It is clear that noise pollution is a significant environmental health issue^{viii} that can have adverse effects on human health, including hearing loss, sleep disturbance, stress, hypertension, and even cardiovascular disease.

Exposure to noise pollution can cause disturbances in sleep patterns and lead to sleep deprivation, which can have negative effects on physical and mental health. In addition, chronic exposure to noise pollution can result in increased stress levels, which can affect both physical and mental well-being.

With this in mind, the development of a national soundscapes strategy, with a commitment to regularly review and modify if necessary, seems like a positive step as a means to reduce noise pollution in Wales.

ⁱ BMA Cymru Wales (February 2020) *Clean Air Plan for Wales: BMA Cymru Wales Consultation response* <https://www.bma.org.uk/media/3988/bma-wales-response-to-clean-air-plan-consultation-mar20.pdf>

ⁱⁱ BMA Cymru Wales (November 2020) *A manifesto for health* https://www.bma.org.uk/media/3564/bma_cymru_wales_manifesto_2021_eng_26nov20.pdf

ⁱⁱⁱ Welsh Government (July 2022) *Press release: Wales' green agenda: First Minister announces Welsh Government's legislative programme* <https://www.gov.wales/wales-green-agenda-first-minister-announces-welsh-governments-legislative-programme>

^{iv} Romanello, M et al (October 2022) *The 2022 report of the Lancet Countdown on health and climate change: health at the mercy of fossil fuels* The Lancet [https://www.thelancet.com/article/S0140-6736\(22\)01540-9/fulltext](https://www.thelancet.com/article/S0140-6736(22)01540-9/fulltext)

^v BMA, UKHACC, RCN, RCP, RCPSYCH (October 2022) *Policy brief for the UK* <https://www.bma.org.uk/media/6332/2022-lancet-countdown-uk-policy-brief.pdf>

^{vi} Brunt H & Jones S.J, (21 February 2019) *A pragmatic public health-driven approach to enhance local air quality management risk assessment in Wales, UK*, Environmental Science and Policy <https://www.merthyr.gov.uk/media/4547/a-pragmatic-public-health-driven-approach-to-enhance-local-air-quality.pdf>

^{vii} Torjesen, I (06 February 2023) *Sixty seconds on...wood burners*, BMJ 2023;380:p295 <https://www.bmj.com/content/380/bmj.p295.full>

^{viii} World Health Organisation (2022) *Chapter 11: Guidance on Environmental Noise* https://cdn.who.int/media/docs/default-source/who-compendium-on-health-and-environment/who_compendium_noise_01042022.pdf?sfvrsn=bc371498_3