

STATES OF JERSEY



AIR QUALITY REVIEW: REPORT OF THE ENVIRONMENT SCRUTINY PANEL (S.R.8/2008) – RESPONSE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES

**Presented to the States on 20th August 2009
by the Minister for Health and Social Services**

STATES GREFFE

**AIR QUALITY REVIEW: REPORT OF THE ENVIRONMENT SCRUTINY
PANEL (S.R.8/2008) –
RESPONSE OF THE MINISTER FOR HEALTH AND SOCIAL SERVICES**

The Minister for Health and Social Services is in broad agreement with the outcomes of the Environment Scrutiny Panel Review into Air Quality. Furthermore, the Minister acknowledges the difficulties that have been identified by the Review with regard to the lack of sufficient resources, both financial and technical, and the lack of an agreed lead to deliver the strategy. However, whilst there is a willingness to support the Review's recommendations for a definitive lead on policy in the Planning and Environment Department, the Minister is unclear how sufficient resources will be forthcoming in the current climate of severe financial constraint affecting States spending. To address the shortfalls in technical expertise and hardware required, to achieve what will clearly be key aims of any strategy, will require significant investment.

RESPONSE TO RECOMMENDATIONS

Recommendation

1. *There is an urgent need to take forward the Air Quality Strategy that forms a clear commitment (item 4.4.5) of the Strategic Plan 2006-2011.*

The Air Quality Strategy should:

- *identify the key pollutants and their sources;*
- *clearly identify the responsibilities of the various departments to implement elements of the Strategy;*
- *and set out the framework for determining measures to improve air quality and how they are to be introduced.*

Response

The suggested areas to be covered by the Strategy are not fundamentally different to the recently revised UK National Air Quality Strategy (NAQS) and as such, with this being a tested model for implementing the EU Daughter Directive on Air Quality, the scope is supported. It would be advantageous to extend scope to mirror the NAQS to draw down on existing technical guidance and best practice examples. Whilst key pollutants would still be addressed, current practice now identifies pollution sources (e.g. transport) and makes a holistic assessment of relevant pollutants associated with that pollution source. The Minister recommends adopting the UK NAQS and its associated technical guidance as the working approach to delivering an Air Quality Strategy for Jersey.

Recommendation accepted.

Recommendation

2. The Panel recommends that responsibility for Air Quality policy matters would best lie with Planning and Environment. To enable the Air Quality Strategy to be taken forward there needs to be clear ownership of the process and sufficient resources made available, both of which are currently lacking.

Response

As the sponsoring Department for the original submission to the Strategic Plan it is appropriate for the Environment Department to take the lead in bringing forward an Air Quality Strategy for Jersey. Paragraph 3 rightly identifies that the technical expertise, experience and current monitoring activity all rests within the Health Protection Services (HPS), Public Health Department, Health and Social Services. In considering the resource impact, the Environment Department's efforts to deliver an Air Quality Strategy for Jersey will impact on Health Protection Services and this must be a material consideration in any resource assessment.

Recommendation accepted.

Recommendation

3. Health Protection Services within the Health and Social Services Department should provide technical support to Planning and Environment. This should include identifying appropriate health protection standards, developing an appropriate monitoring programme, and carrying out the necessary enforcement activities.

Response

It is important, and relevant, that the Panel identifies the current expertise that exists within Health Protection Services. The Medical Officer for Health (MoH) will always have the lead responsibility in protecting the health of the public, and as such needs to play a pivotal role in determining the scope and thrust of any Air Quality Strategy for Jersey. The Environment Department will need to include this commitment in their resource assessment for delivering the strategy.

It is important to ensure that regulation is appropriate and joined up; the waste management system regulated by the Environment Department places material constraints and controls on emissions to air for the waste industry. The expertise to deliver enforcement activities to protect air quality rests with Health Protection Services; a statutory consultee and the subject matter expert for air quality and nuisance elements of any waste management licence. In order to provide effective governance for any Air Quality Management (AQM) regime, with an economy of effort in delivering a timely waste management licensing regime, the Minister is strongly of the opinion that there should be a transfer of the waste management licensing regime from the Environment Department to Health Protection Services.

Recommendation accepted.

Recommendation

4. Both the Transport and Technical Services Department and Economic Development Department have an important role to play in implementing measures identified by the Planning and Environment Department to improve air quality. Planning and Environment must therefore be supported by Transport and Technical Services and Economic Development, as well as by Health and Social Services, when developing the Air Quality Strategy and other air quality policy initiatives and legislation by way of an Inter-Departmental Panel on Air Quality.

Response

The Minister is not opposed to establishing an Inter-Department Panel; it would build on the existing strong working relationship that has built up between TTSD and HPS to maintain and improve the Island's infrastructure which are key elements of delivering public health, e.g. the Solid Waste Strategy, Liquid Waste Strategy and the Integrated Travel and Transport Plan (ITTP). The delivery of recognisable improvements in Jersey through meeting internationally respected standards can only be achieved by investing for improvement.

Recommendation accepted.

Recommendation

5. Planning and Environment should be given the necessary financial and technical resources to take forward the Air Quality Strategy. In the interim it would be appropriate to buy-in the necessary technical resources until such time as they are developed locally.

Response

Response 3 above identifies Health Protection Services as the technical lead, and the MoH's enduring responsibility to protect public health. In determining resource requirement, due regard must be made to the existing constrained monitoring activity undertaken by HPS due to a lack of funding. Any financial and technical resources provided to take forward the strategy must include for this.

Paragraph 6 identifies the need to introduce enabling legislation; as the regulatory body responsible for implementing this legislation it is understood that HPS will need to take the lead in developing a regulatory and resource commitment framework sponsored by the Minister for Health and Social Services. This must also be factored into any future resource assessment by Planning and Environment.

Recommendation accepted.

Recommendation

6. *A clear timetable should be set for the introduction of the Air Quality Strategy and associated legislation. The aim should be to have the Strategy finalised within 6 months of P&E being given the responsibilities for taking forward air quality policy, with the Enabling Legislation finalised within 12 months.*

Response

The Environment Department were responsible for tabling the air quality actions of the strategic plan and already has clear responsibility to deliver the Strategic Plan commitment; the MoH has reinforced this point with the Director for Environment. Whilst this is a challenging timescale, the UK NAQS is an appropriate and applicable model; adopting this approach will fast-track the introduction of both an Air Quality Strategy for Jersey and associated enabling legislation, so meeting the timescale suggested.

Recommendation accepted.

Recommendation

7. *The Panel recommends that consideration be given to international agreements when the Air Quality Strategy is being developed. The Air Quality Strategy should be supported by enabling legislation, which will subsequently allow Orders to be made as and when necessary. Such Orders could include requirements for burning smokeless fuels within St. Helier and a requirement for emissions-testing of all commercial vehicles over 5 years old.*

Response

The introduction of enabling legislation by the Minister for Health and Social Services is supported; historically the scope of orders made under such legislation needs to be expressed when the legislation is drafted. The Minister is minded to recommend evidence-based assessments as the basis for any Orders being made; the approach would ensure any Orders would be justified by virtue of the public health or environmental gain afforded by that Order. An Order may include measures to address issues such as large combustion plant, crematoria, mobile crushing plant, paint spray processes and other activities regulated under the European Integrated Pollution Prevention Control (IPPC) regime.

Recommendation accepted.

Recommendation

8. *Considerable development of the Waterfront in St. Helier is taking place or planned, yet the air quality impacts are being assessed in a piece-meal way. A Strategic Environmental Assessment should be carried out for this area to address the cumulative impacts of the various developments.*

Response

The Minister has been mindful of this issue for some time and it is exactly why the MoH commissioned AEA Technology to work with Health Protection Services, supported by TTSD, looking specifically at the cumulative impact of transport emissions to air associated with development in and around the Waterfront.

If the States are minded to adopt the UK NAQS as a framework for Jersey's Air Quality Strategy, a staged assessment process will necessitate a detailed review of planned development in relation to cumulative impact on air quality. This would be a credible start, as Jersey's Air Quality Strategy will, by default, be a Strategic Environmental Assessment of air quality.

Recommendation accepted.

Recommendation

9. *Monitoring of air quality forms an integral part of the Air Quality Strategy. There needs to be a long-term commitment to a programme of air quality monitoring. This should include use of equipment that meets EU standards, supported by other indicative methods where appropriate.*

Response

The Minister supports this approach; the technical guidance already available to UK Local Authorities to deliver the UK NAQS clearly sets out monitoring protocols. The Minister endorses this approach as the framework to be adopted by the States of Jersey. In a financial climate where competing demands for resources necessitates choices to be made, it must be noted that HPS have been unable to secure additional resources for air quality monitoring during the last 3 financial years. The cost of maintaining monitoring equipment within the required quality assurance and quality control framework is expensive, and must be clearly outlined by the Environment Department in the final Air Quality Strategy for Jersey, and costed as part of the resource delivery.

Recommendation accepted.

Recommendation

10. *Although the Panel has not formed a strong view on the type of monitoring site to select, this should be subject to further consideration, by the relevant departments.*

Response

The Air Quality Strategy for Jersey should address this issue and the scale and cost of any proposed monitoring programme should be expressly addressed in the strategy.

Recommendation rejected.

Recommendation

11. *The Panel also recommends that consideration be given to acquiring a second automatic monitoring station that could be used to monitor nitrogen dioxide concentrations at hotspot locations.*

Response

With due regard to paragraph 10, the Minister is minded to wait until the Air Quality Strategy for Jersey is brought forward, particularly in the current economic climate.

Recommendation rejected.

Recommendation

12. *Finally, the Panel recommends that the automatic monitoring programme should be supplemented by the continued use of nitrogen dioxide diffusion tubes and the Osiris PM monitors. It would be appropriate to carry out a review of all the monitoring locations, changing them and adding to them as necessary, and of Quality Assurance/Quality Control procedures. The Panel sees no value in continuing the monitoring programme for benzene, toluene and xylene, as the results have been shown to be well below the standards.*

Response

The Minister believes that the scale and scope of air quality monitoring should be brought forward in the Air Quality Strategy for Jersey. Notwithstanding this point, it is important to understand that nitrogen dioxide diffusion tubes and the Osiris PM monitors are screening tools, and neither are type approved for direct comparison with existing EU health-based air quality limits or objectives.

The relative merit of continuing with monitoring for benzene, toluene and xylene (BTX) should be investigated and discussed as part of the Air Quality Strategy for Jersey monitoring proposal; as this is specifically identified it is reasonable to comment that this survey has great value in understanding seasonal variation in annual levels of nitrogen dioxide. The levels of BTX are directly associated with transport

emissions and that determining a base line is important. Any cost saving associated with cutting this monitoring is minimal and, in the Minister's opinion, continuing to measure these hazardous carcinogens remains a valid activity.

Recommendation rejected.