

Questionnaire ‘Air Pollution and Human Rights’

Ireland’s Response

October 2018

- 1. Please provide specific examples of constitutional provisions, legislation, regulations, standards, policies and programmes in relation to preventing, reducing, or eliminating air pollution, both outdoor and indoor. Please include, inter alia, any instruments that refer directly to the right to a healthy environment and/or the right to breathe clean air.**

The main national Irish legislation dealing with air pollution is the Air Pollution Act, 1987, and its associated regulations.

In addition to national legislation, Ireland is fully implementing EU Directives relating to air including the Air Quality Clean Air For Europe Directive (2008/50/EC) and its daughter directives, and the National Emissions Ceilings (NEC) Directive (2016/2284/EU).

The National Planning Framework, Project Ireland 2040, lists improving and helping prevent people being exposed to unacceptable levels of pollution in our urban and rural areas as a national policy objective, and Ireland is working on its first ever National Clean Air Strategy.

- 2. Please provide specific examples of good practices in preventing, reducing, or eliminating air pollution, both outdoor and indoor. These examples may occur at the international, national, sub-national, or local level. Examples may involve air quality monitoring; guaranteeing procedural rights (e.g. public access to air quality information, public participation in decision-making about air pollution, access to remedies); air quality legislation, regulations, standards, and policies; initiatives to reduce air pollution from specific sectors (e.g. electricity generation, industry, transportation, indoor cooking, heating and lighting); laws, policies and programmes to protect vulnerable populations from air pollution; laws, policies, or programmes to concurrently address air pollution and climate change; and effective enforcement of rules governing air pollution.**

A very successful intervention has been the ban in marketing, sale, distribution and burning of ‘smoky’ coal in urban areas. This ban was originally introduced in Dublin in 1990 and has been extended to all major towns and cities in the country over the intervening years. The original ban in Dublin is cited widely as a successful policy intervention and has become something of an icon of best practice within the

international clean air community. Approximately 8,000 premature deaths have been averted in Dublin alone since the introduction of the smoky coal ban back in 1990.

Air quality monitoring is undertaken by the Environmental Protection Agency (EPA) and local authorities via the national air quality monitoring network. Results of air quality monitoring can be viewed on the EPA website which provides real-time, publicly accessible data from 39 monitoring stations nationally which allows the public to gauge air quality in relation to current international standards. A major expansion of the network is currently underway, which will improve the flow of air quality information to the public.

The EPA's Air Quality Index for Health (AQIH) is a number from one to 10 that tells the public what the air quality currently is in their region, and whether or not this might affect the health of individuals. Readings between 1 and 3 indicate good air quality while a reading of 10 indicates poor air quality. The AQIH is available to the public at www.epa.ie/air/quality/index where hourly readings can be viewed.

The Ambient Air quality Monitoring Project which the Department of Communications, Climate Action and Environment (DCCA) has committed €5 million to will almost double the number of ambient air quality monitoring stations in Ireland by 2022, and enhance the provision of real time air quality data to the public.

DCCA is currently developing Ireland's first National Clean Air Strategy. This Strategy will provide the framework for a set of cross-Government policies and actions to reduce harmful emissions and improve air quality and public health to meet current and future EU and international obligations. A public consultation on the Clean Air Strategy was held in April 2017.

3. Please identify specific challenges that your government has faced in attempting to address air pollution and its impacts on human rights.

Air pollution is a complex issue with multiple pollutant sources from disparate sectors, requiring engagement with diverse stakeholders and cross-sectoral policy approaches to successfully address and resolve problems.

4. Please specify ways in which additional protection is provided for populations who may be particularly vulnerable to air pollution (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, displaced persons, and national or ethnic, religious and linguistic minorities).

A key element of protection for vulnerable populations such as those with respiratory conditions is the Air Quality Index for Health, operated by the EPA (see Q.2 above). The 10 bands of the index are colour-coded in a readily identifiable traffic-light schema, with green for better quality falling through orange to red for poor quality and purple for the worst quality air. Each band has health advice for the general public and specific health advice for those with health conditions likely to be exacerbated by air pollution. When air quality is fair or worse, a twitter alert is issued by the EPA.

In addition, the Air Quality Standards Regulations 2011 (S.I. No. 180 of 2011), which transposed into Irish law the Clean Air for Europe Directive (Council Directive 2008/50/EC) provides for alert thresholds for specified pollutants, the breach of which means the EPA will alert the general public through media channels as well as issuing specific alerts to certain prescribed bodies which include the Minister for Health, the Cystic Fibrosis Association of Ireland, and the Asthma Society of Ireland.

5. Please provide specific examples related to the regulation of businesses and other non- State actors in relation to the protection of human rights from air pollution and the fulfilment of their obligations in this regard.

The EPA is the competent authority for granting and enforcing Industrial Emissions (IE) licences for specified industrial and agriculture activities listed in the First Schedule to the Environmental Protection Agency Act 1992 as amended.

Smaller businesses are regulated by local authorities under a range of legislation including the Air Pollution and the solvents and paints regulations. Section 24 of the Air Pollution Act, 1987, stipulates that an occupier of any premises must not cause or permit an emission in such a quantity, or in such a manner, as to be a nuisance. Where it appears necessary in order to prevent or to limit air pollution, a local authority may serve a notice on the occupier of any premises from which there is an emission.

The smoking of tobacco products in workplaces was banned in 2004 following the enactment of the Public Health (Tobacco)(Amendment) Act 2004, with the aim of reducing the risk to and protecting the health of persons.

6. How do you ensure that the rights of environmentalists working on air quality issues (environmental human rights defenders) are protected? What efforts has your Government made to create a safe and enabling environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?

Environmentalists working on air quality issues in Ireland enjoy the same rights and protections as the rest of civil society. DCCAE welcomes the input and views of these environmentalists and engages through stakeholder events and meetings as well as seeking submissions to public consultations on the formulation of policy initiatives. In

the area of air quality in recent years, DCCAE has held public consultations on the proposed national Clean Air Strategy and on transposition of the Medium Combustion Plants Directive, and a further public consultation will be held next year on the formulation of the National Air Pollution Control Programme.