

**Environmental Principles and Governance after the United Kingdom leaves the European Union: Consultation on environmental principles and accountability for the environment
May 2018**

Response from the Public Health and Environmental Law Working Party

Proposal for a new Public Health and Wellbeing Principle, and the role of a statutory environmental body to implement it

- The health of the nation is dependent upon the health of the environment¹.
- Public health is in crisis². The health of humans is being harmed by environmental pollution³ and by the degradation of nature⁴. This is a social justice issue.
- Health inequalities are driven by environmental pollution and the lack of green spaces and exposure to nature. Poorer communities are disproportionately affected by environmental harm.⁵
- A new Public Health and Wellbeing Principle should be at the heart of all legislation, policy and governance in order to address the social justice issues of environmental pollution and the degradation of nature.
- A new Public Health and Wellbeing Principle would bring into sharp focus the fact that environmentally-related ill health and its socio-economic consequences is an issue of national significance and overriding public interest.
- The new Public Health Principle would encapsulate in one Principle the fact that health, the environment and economic success are interdependent, in a way that the other environmental principles such as the Prevention and Precautionary Principles, do not.
- It is 26 years since the Rio Declaration on Environment and Development crafted the set of internationally recognised environmental principles in 1992⁶. Since then, there has been an exponential increase in scientific knowledge and understanding about how environmental

¹ "Healthy Environment, Healthy People", United Nations Environment Programme, May 2016.

² "The Global Burden of Disease: Generating Evidence, Guiding Policy", Institute For Health Metrics and Evaluation, University of Washington, 2013.

³ Landrigan P. Fuller R. Horton R. "Environmental pollution, health, and development: a Lancet-Global Alliance on Health and Pollution-Icahn School of Medicine at Mount Sinai Commission", The Lancet, Vol. 386, No. 10002, p1429-1431, 10 October 2015.

⁴ Whitmee S. Haines A. Beyrer C. et al. "Safeguarding human health in the Anthropocene epoch: report of the Rockefeller Foundation-Lancet Commission on planetary health", The Lancet, Vol. 386, No.10007, p1973-2028, 14 November 2015.

⁵ "Environment and health risks: a review of the influence and effects of social inequalities", World Health Organisation, 2010.

⁶ www.unesco.org.

pollution and the degradation of nature causes, and is associated with, a wide range of physical⁷ and mental health⁸ adverse health outcomes.

- Government has a duty to adhere to internationally agreed environmental principles. The new Public Health and Wellbeing Principle would underpin the proclamation of Principle 1 of the Rio Declaration 1992 that "human beings are entitled to a healthy and productive life in harmony with nature".
- The extent of knowledge about the link between environmental harm and public health and its socio-economic consequences, warrants a fundamental shift in the reasoning behind *why* environmental protection should be mandatory and be at the heart of political narrative and legislative interpretation and application. The new Public Health and Wellbeing Principle would champion this shift in reasoning.
- The new Public Health Principle must adopt a broad, purposive, risk-based approach. This approach would ensure that the Principle is not only applied appropriately to present scientific knowledge but would also be flexible enough to be applied appropriately as scientific knowledge and understanding evolves with time.
- The new Public Health and Wellbeing Principle must be applied at the beginning of any legislation, policy or decision making process. This front-loading approach would ensure that environmental protection is enshrined within law, policy and governance as the foundation upon which the interdependent factors of public health and economic robustness are built .
- The new Public Health and Wellbeing Principle would galvanise the fact that present and future health costs are intrinsically linked to environmental degradation, and it is no longer a binary choice between economic robustness or environmental protection⁹.
- The financial costs to the NHS and social care provision due to air pollution alone is calculated as being £5.5 billion between 2017 and 2025¹⁰. Air pollution is only one aspect of a wide range of environmental pollution. If this costing included *all* types of pollution and all forms of environmental degradation, then the financial costs would be considerably greater.
- This costing would be greater still if it included not only direct health care costs but all the *secondary* costs of ill health and poor wellbeing such as loss of productivity, sickness

⁷ "Every breath we take: the lifelong impact of air pollution", Royal College of Physicians, 23 February 2016. Clifford A. Lang L. Chen R. et al, "Exposure to air pollution and cognitive functioning across the life course. A systematic literature review", Environ Res. May 2016; 383-98.

⁸ Pearson D. Craig T. "The great outdoors? Exploring the mental health benefits of natural environments", Front psychol. 2014; 5: 1178.

Sass V. Kravitz-Wirtz N. Karceski S. et al, "The effects of air pollution on individual psychological distress" Health and Place , Vol.48, November 2017.

⁹ "Implementation Guide for Aichi Target 2: A TEEB Perspective", The Economics of Ecosystems and Biodiversity, October 2012.

¹⁰ "Estimation of costs to the NHS and social care due to the health impacts of air pollution", Public health England, May 2018.

absence, pressure on the benefit system such employment and disability benefits¹¹. Health-related benefits (Incapacity Benefit and Employment and Support Allowance) costs of £12 billion was identified by the Department of Work and Pensions in 2014¹².

- This costing would be greater again if it included the *tertiary* personal costs of the psychological impact resultant of unemployment due to poor health and wellbeing such as social isolation, homelessness, suicide rates¹³, health impact on family, colleagues, and friends of the unwell individual¹⁴.
- The new Public Health and Wellbeing Principle resonates with the aim of the Government's 25 year Environmental Plan to promote the socio-economic gains of health and wellbeing through the natural environment, and to establish a cross-government alliance on environment and health to design and oversee the "Natural Environment for Health and Wellbeing" programme¹⁵.
- The scope of environmentally-related physical and psychological illness justifies the new Public Health and Wellbeing Principle having broad application as an overarching principle across all public policy relevant to public health, including water quality, air quality, flooding, land contamination, agriculture, waste, biodiversity and conservation, transport, energy security, fisheries, chemicals, circular economy, noise, carbon emissions, soil fertility, resource sustainability, planning and land use.
- Increased urbanisation is inevitable because of predicted exponential population growth¹⁶. The unprecedented scale of urbanisation and its impact on the health and wellbeing of residents warrants the new Public Health and Wellbeing Principle being at the heart of planning legislation, policy and decision-making. The integration of nature into urban living in a way that nature and humans live symbiotically is essential to ensure that the net gains associated with well designed and well planned urban living are realised. These net gains include energy efficiency, low carbon emissions, biodiversity, social cohesion, connectivity, inclusivity, social care and health provision, mitigation of climate change and flood risk, and addressing health inequalities¹⁷. As identified in the Interim Report of the Raynsford Review of Planning in England May 2018, these socio-economic net gains will only be achieved if the interdependent factors of environmental protection and public health are central to the planning system¹⁸.

¹¹ "Sickness absence in the labour market:2016", Office for National Statistics, March 2017.

¹² "Health, work and wellbeing-evidence and research", Department of Work and Pensions, 20 January 2014.

¹³ Nordt C. Warnke I. Seifritz E. et al, "Modelling suicide and unemployment: a longitudinal analysis covering 63 countries, 2000-11", The Lancet Psychiatry, Vol.2, No.3, p239-245, March 2015.

¹⁴ "Adult Psychiatric Morbidity Survey: Survey of Mental Health and Wellbeing, England, 2014", NHS Digital, 29 September 2016.

"Fundamental Facts About Mental Health 2016", Mental Health Foundation, 2016.

¹⁵ "A Green Future: Our 25 Year Plan to Improve the Environment", chapter 3,section 1(ii), page 74.

¹⁶ "World Population Prospects: 2015 Revision", The Department of Economic and Social Affairs, United Nations Secretariat, 2015.

¹⁷"Fair Society, Healthy Lives", Prof Sir Michael Marmot, 11 February 2010.

¹⁸ www.tcpa.org.uk.

The Public Health and Wellbeing Principle in relation to a new statutory environmental body

- The new statutory environmental body must have public confidence and credibility and therefore, must have a remit that addresses environmentally-related adverse health outcomes.
- The environment is subject to unprecedented pressures and degradation that warrants a statutory environmental body with robust enforcement powers to address the impacts of a degraded environment on public health. It is not sufficient to rely on general environmental principles such as the Precautionary or Prevention Principles. Therefore, the new Public Health and Wellbeing Principle should be at the heart of the powers of the new environmental body.
- In order to "to increase productivity, create jobs, boost earning power for people across the country", as outlined in the Government's Clean Growth Strategy, there must be a healthy public. It is not enough to "*help* protect the climate and environment upon which we and future generations depend"¹⁹. Instead, the climate and environment *must* be protected as a mandatory requirement. Therefore, the application of the new Public Health and Wellbeing Principle must be a statutory requirement for an environmental body when it scrutinises the application and interpretation of legislation, policy and decision-making. It is not enough for an environmental body to *consider* the Public Health and Wellbeing Principle, it must be a *mandatory* requirement to apply it.
- An environmental body must have investigative and enforcement powers to ensure that the new Public Health and Wellbeing Principle is applied robustly by all public and quasi- public bodies as well as national government.
- In order to ensure that the new Public Health and Wellbeing Principle is applied robustly and effectively, the environmental body must be duty bound to consult a wide range of medical and non-medical health professionals, as well as scientists. This is because environmentally-related adverse health outcomes manifest themselves in a wide range of physical, psychological and psychiatric ways. Therefore, in order to understand *what* an environmentally-related illness is and *how* it adversely impacts on physical and mental wellbeing, it is essential that the range of professionals that the environmental body consults must reflect the *breadth* of health effects associated with, and caused by, environment pollution and the degradation of the natural environment. It is therefore not suitable and sufficient to only consult Public Health England (PHE) or to predominantly refer to PHE. The range of consultees would include medical consultants such as respiratory physicians, cardiologists, neurologists, paediatricians, oncologists, psychiatrists, palliative care specialists, pain specialists, and General practitioners as well as non-medical mental health professionals such as psychologists, psychotherapists, cognitive behavioural therapists, counsellors, and scientists, such as toxicologists, biologists, biochemists, geneticists, and environmental health scientists. This is not an exhaustive list. The list of consultees to which

¹⁹ "Clean Growth Strategy: executive summary", 16 April 2018.

the environmental body must refer must be flexible enough to respond to evolving knowledge and understanding.

- The socio-economic net gains of well designed planning will only be achieved by placing the interdependent factors of environmental protection and public health at the heart of planning legislation, policy and governance²⁰. Planning is a significant component of environmental governance, and the new statutory environmental body must have full competence in not only in advising on planning policy but also, must have robust enforcement powers to intervene in and oversee planning decisions.
- Climate change is a public health and well being issue and therefore, a social justice issue²¹. The new statutory environmental body must have a remit to cover climate change because environmental pollution in the form of greenhouse gas emissions is the main driver of climate change²², which in turn exacerbates the degradation of nature²³. The advisory and reporting role of the UK Climate Change Committee and the Adaptation Sub-Committee is not sufficient to address the far reaching public health impacts of climate change. A much more robust approach is required. The new environmental body not only must have the mandate to investigate the climate change implications of legislation, policy and decision-making, but also, must have enforcement powers to ensure that a comprehensive and effective governance system is in place to address both the causes and consequences of climate change.

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²⁰ "Planning 2020: Interim Report of the Raynsford Review of Planning in England," May 2018.

²¹ "Climate change: An opportunity for public health", Dr Maria Neira, WHO Director of Public Health, Environmental and Social Determinants of Health, 14 September 2014.

²² "IPCC Fourth Assessment Report: Climate change 2007", Intergovernmental Panel on Climate Change.

²³ "Report of the Plenary of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystems Services", 18-24 March 2018.