

Rapunzel Mulawin

From: Stewart Robinson
Sent: Thursday, 1 July 2010 5:05 p.m.
To: Air mailbox
Subject: Re: submission on discussion doc

Submission on Proposed Amendments to the National Environmental Standards for Air Quality: Discussion Document

Stewart Robinson

Ph:
Email:

- * *I oppose the proposed amendments*
- * I would like the Minister for the Environment to *withdraw the proposed amendments in favour of the status quo.*

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SUBMISSION

Background *

Purpose of the Standards and the amendments & relevant section of LGA (2002)

a) To quote from the regulations (Appendix D)

“These regulations are the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004. The purpose of the regulations is to provide a guaranteed level of protection to people in New Zealand from certain contaminants in the air.”

b) To quote from the discussion paper (Executive Summary, p vi)

“The ambient air quality standards are the minimum requirements that outdoor air quality should meet in order to guarantee a set level of protection for human health and the environment.”

c) The stated policy objectives of the amendments (Executive Summary, p vii)

“The objectives of the air quality standards are to:

- provide greater certainty for industry by providing a ‘level-playing field’ that clarifies

environmental expectations before the resource consent process

- support the protection of public health and the environment by providing a bottom-line

standard that must not be breached

- provide greater certainty in resource consent decision making and regional plan preparation at the local level.

These objectives have not changed since the air quality standards were first promulgated in 2004.”

d) The purpose of local government (Local Government Act, 2002: Part 2, Section 10)

“10 Purpose of local government

The purpose of local government is -

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and

(b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.”

Reasoning for opposition to the amendments

The purpose of both national and local legislative requirements thus appears (of necessity) to be the same, i.e. furthering the well-being of New Zealanders. But the domains in which this purpose is exercised are not equal in importance. Without the biosphere (environment) life, including human, would not be possible and without human societies there would not be any economy. Economics is a human construct and subsidiary to, and dependent on, human life and social activity. Thus, in considering the well-being of New Zealanders, factors significantly affecting the life, health and well-being of individuals within our communities take precedence over economic factors within those communities. In other words health needs and social ethics should guide and determine economic behaviour. This is especially the case when there are vulnerable individuals within the community in this instance those with pre-existing chronic respiratory and or circulatory diseases. Furthermore, these vulnerable people cannot avoid breathing the polluted air, unless of course they are translocated to a less polluted airshed which they may not be able to do without assistance. (This would then need to be included in the cost benefit analysis). Most, if not all, industries are not tied by this constraint i.e., they have the option to set up in a less polluted airshed.

The care of the vulnerable people must take precedence over addressing the uncertainties confronting possible or potential future industries. The primacy of people's health and welfare over industry interests is the whole ethical basis of Occupational Health & Safety regulations and to deny that it applies in the case of Air Quality legislation is contradictory and absurd. In fact, would the amendments, if passed, require regional consenting authorities to breach the requirements of the LGA (2002) section 10 (b)? (Discussion document 2.1.2) In that regard, would the amendment really meet the third bullet point of the policy objective of the amendments to “/provide greater certainty in resource consent decision making and regional plan preparation at the local level/”?

By increasing the number of exceedances from 1 to 3 and excluding exceptional events being counted as exceedances the amendment cannot be considered as being consistent with the purpose of either the 2004 legislation or the second bullet point of the policy objective of the amendments to “/support the protection of public health and the environment by providing a bottom-line standard that must not be breached/”. (In the case of ‘exceptional events’ the source may be exceptional but the effect on vulnerable individuals is no different to

increasing the number of exceedances).

I don't know whether "air quality standards materially influence industry investment decisions and regional location decisions" (Discussion document p 18), but the amendments do not 'level the playing field' (first policy objective of the amendments). Rather the playing field becomes even more tilted against vulnerable members of the community in that more of them will require medical management and 24 per annum will die prematurely if the amendments come into effect rather than the status quo remaining.

The perceived stringency of the PM₁₀ standard is just that, 'perceived'. It is certainly not perceived as stringent by community members who would have their health and life (including possible premature death) affected by any reduction of the standard or any delay in its implementation. This must be the primary consideration in any discussion of equity issues raised by regional planners or industry. Any perceived stringency for industry must be managed by other means than imposing further on vulnerable individuals. Not to protect them is immoral and possibly illegal under the current legislation.

3. Conclusion

The Proposed Amendments to the National Environmental Standard for Air Quality do not meet the purposes, and in fact are contrary to, the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004. Nor do they meet the stated policy objectives of the amendments or the purposes of the LGA (2002).

Submission

* *I oppose the proposed amendments*

* I would like the Minister for the Environment to *withdraw the proposed amendments in favour of the status quo.*

Stewart Robinson (MB, ChB, MSc, FANZCA)

(Retired medical professional)