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Ìrean Àrainneachdail na h-Alba

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Màiri McAllan MSP
Cabinet Secretary for Transport, Net Zero and Just
Transition
The Scottish Government
St Andrew's House
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31 January 2024

Dear Cabinet Secretary,

On 1 February 2024, Environmental Standards Scotland (ESS) will publish a report summarising its analysis of the efficacy of Scotland's current legal framework for the air pollutant particulate matter (PM). I enclose a copy of this report.

ESS undertook this analysis in the light of strengthened guidelines on limits for PM from the World Health Organisation (WHO) in 2021. ESS' report details the progress that has been made against the current statutory standards in Scotland and the potential for achieving the strengthened 2021 WHO guidelines.

The report makes a number of recommendations to the Scottish Government and the Scottish Environment Protection Agency (SEPA). The report concludes the Scottish Government should bring forward new statutory standards for PM in recognition of the improved understanding of its impact on public health, the updated WHO guidelines and a recent stalling of progress in reducing PM emissions. Furthermore, the report recommends that action to reduce PM emissions needs to be broadened (beyond the current focus on

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transport) to a wider range of sectors, including industry, residential combustion and agriculture. This wider focus should include completion of the planned review of the Clean Air Act 1993 and the regulation of Smoke Control Areas. Finally, ESS' report states that that the PM monitoring network must become more responsive to the changing pattern of emission sources.

The European Union is currently considering proposals to tighten limit values for PM (through a revision of the Ambient Air Quality Directive – 2008/50/EC). If these proposals are adopted, as expected, the Scottish Government will need to bring forward legislative proposals for a reciprocal tightening of PM limit values if Scotland is to maintain alignment with the EU.

These recommendations made by ESS (under section 20(2)(c) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021) and wider findings of the analysis will be published in the form of an analytical report, "Particulate matter in Scotland – an assessment of the evidence, ambition and prospects". ESS has issued a copy of the report to the Scottish Government and to SEPA and it will be published on ESS' website.

ESS expects the Scottish Government and SEPA to respond to the recommendations laid out in the report, making a statement about the action they intend to take to address them, as soon as possible and no later than six months from publication of the report.

Yours sincerely,

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