



An Bille um Aer Glan (Cosc ar Ghual Toiteach), 2021
Clean Air (Smoky Coal Ban) Bill 2021

Meabhrán Miniúcháin agus Airgeadais
Explanatory and Financial Memorandum



**AN BILLE UM AER GLAN (COSC AR GHUAL TOITEACH), 2021
CLEAN AIR (SMOKY COAL BAN) BILL 2021**

EXPLANATORY MEMORANDUM

Background

The primary intention of the Bill is to require the Minister for Environment, Climate and Communications to introduce regulations within 12 months of the passage of the legislation to prohibit the sale, marketing, distribution and burning of bituminous (smoky) coal on a nationwide basis.

In 1990, such was the public health and air quality problem associated with smoky coal in Dublin, it was banned by Ministerial Order (S.I. 123 of 1990). It is recognised that because of this public health measure in Dublin, estimates suggest that approximately 8,000 premature deaths have been averted because of the introduction of this smoky coal ban.

In the 30 years since smoky coal was banned in Dublin by Ministerial Order, a proverbial patch work of other Low Smoke Zones have been introduced, covering the major populations centres. This Bill is designed to require the Minister introduce to extend the Low Smoke Zones to cover the entire country, thereby creating a nationwide ban on the use of smoky coal. This policy objective is supported by the Environmental Protection Agency.

This Bill is about public health and the fact that major coal companies are delaying action to improve the health of thousands of families in Ireland. The majority of Ireland is not covered by Low Smoke Zones and due to the patch work nature of the existing ban, there is very significant use of smoky coal in areas that are currently designated as Low Smoke Zones. The current approach is failing to meet the health needs of Irish citizens.

In 2013, the Minister for the Environment committed to introduce a nationwide smoky coal ban. This was supported by successive Ministers. The European Commission approval for a full nationwide ban was received in 2017.

From a wider climate change policy perspective, very significant reductions in carbon emissions arise from a move to a nationwide smoky coal ban.

Provisions of the Bill

Section 1 defines certain terms used within the bill.

Section 2 would require the Minister for the Environment, Climate and Communications to introduce regulations, within 12 months of the introduction of the Act, to prohibit the sale, marketing, distribution and burning of bituminous (smoky) coal, on a nationwide basis.

The existing regulations, made by Ministers exercising their powers under the Air Pollution Act 1987 (S.I. 326/2012 and S.I. 260/2020), shall be amended by the current Minister to extend the Low Smoke Zones to cover the entire country, thereby creating a nationwide Low Smoke Zone.

This section recognises the very significant health issues associated with burning smoky coal, specifically the impact on asthma, bronchitis, bronchiolitis, pneumonia, chronic obstructive pulmonary disease, lung cancer, stroke, heart attacks and other cardiovascular conditions.

The section recognises the benefit of such a nationwide ban on smoky coal to reduce emissions as part of the national long term climate action strategy to help Ireland meet its national 2050 climate objective and the role of low smoke biomass fuels in achieving these carbon reduction measures.

The enforcement powers for the local authorities shall be covered in the regulations under this section, as well as the respective penalties that shall apply to fuel importers, fuel wholesalers, retailers. The introduction of a nationwide ban, as well as significant penalties for fuel importers and wholesalers, removes the need to have penalties for occupants of private dwellings.

Section 3 is a standard short title, citation and commencement provision.

Senator Timmy Dooley, Senator Mary Fitzpatrick, Senator Fiona O'Loughlin, Aibreán, 2021.