

The Royal Commission on Environmental Pollution: Past, Present and Future

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The Royal Commission on Environmental Pollution met for the first time early in 1970, with Sir Eric (later Lord) Ashby in the chair. Created by Harold Wilson's Government, this new body was an important part of the institutional response to rising public and political concern about the environment. Its remit, defined by its Royal Charter, was (and remains):

“to advise on matters, both national and international, concerning the pollution of the environment; on the adequacy of research in this field; and the future possibilities of danger to the environment”.

The Commission has always interpreted the concept of “pollution” broadly, to include actions or substances from any source that damage or threaten human health and the UK or global environment.

Inevitably, thirty-six years after it was founded, the environmental issues with which the Royal Commission engages have changed in focus and character, but they remain as vital and as urgent as they were in the 1970s. At its inception, the primary concern of the Commission was with what we might broadly call “traditional pollutants” arising from point or diffuse sources. Its third report, for example, focused on the then very live issue of pollution in estuaries and coastal waters,¹ and had a significant impact on the *Control of Pollution Act 1974*. As the grosser forms of pollution have gradually been brought under control (with significant improvements in the UK environment as a result) the emphasis of the Commission's work has shifted to less visible and less tractable issues, such as global climate change and the synthetic chemicals that are now widely

distributed in everyday products. Throughout this time the Commission's work has influenced environmental policies and institutions not only in Britain but at a wider, European level. Many of its recommendations are embedded in legislation, and it has influenced (and been influenced by) profound shifts in thinking about environmental problems and appropriate policy responses.

Since its inception, the Royal Commission has produced 25 main reports and three special ones, covering diverse aspects of pollution and the environment. Certain reports have undoubtedly been landmarks, though some were ahead of their time and the measures recommended were not adopted until much later. Thirty years ago, the Commission surprised the establishment by arguing that there should be no major expansion of civil nuclear power unless it had been demonstrated “beyond reasonable doubt” that a method existed for dealing safely with high-level radioactive wastes.² In the same year, the Commission's far-sighted Fifth Report³ proposed a system of integrated pollution control, too radical for the government of the day but essentially what is in place today. At the height of the “lead in petrol” controversy in the mid-1980s, a skilful report persuaded the government to do a U-turn and support the move to lead-free.⁴ Some ten years later, *Transport and the Environment*⁵ was sharply critical of the prevailing “predict and provide” philosophy, and *Energy: the Changing Climate*,⁶ published in 2000, proposed the 60 per cent reduction in CO₂ emissions by 2050 that has subsequently become a goal of UK Government policy. Other reports have dealt with specific pollution problems, emergent technologies, the environmental

implications of key policy sectors, and the philosophical underpinnings for pollution control and the setting of environmental standards. Normally, the Commission selects its own topics for investigation, though ministers have directed its choice on three occasions, most recently in requesting a study of bystander exposure to pesticides.⁷



The Commission is an independent, interdisciplinary body, supported by a small secretariat. Commission members (currently 14, including the Chairman) work part time and are drawn from a variety of disciplinary backgrounds in the biological, physical and social sciences. Some members also have experience in sectors such as industry or agriculture. It is this diversity of intellectual and professional backgrounds that has led to the Commission being described as a “committee of experts” rather than an “expert committee”. It is also one of the Commission's great strengths, and has often enabled it to frame even familiar issues in new and challenging ways. All members serve in an individual capacity – the Commission is not a stakeholder body. Typically, Members serve for about six years, after appointment under “Nolan Rules”.



The Commission works by reviewing the literature, talking to those with relevant expertise and/or interests, including members of the public,⁸ organising seminars, visiting relevant locations, and taking extensive written and oral evidence. In reaching conclusions it takes into account the scientific, technological, economic, ethical and social aspects of the issues under investigation, and one of its powerful contributions over the past four decades has been to demonstrate how these different dimensions interact.

Royal Commission reports are submitted to the Queen, and then presented to Parliament by Her Command, published by the Stationery Office and made available through booksellers. An interesting departure for the most recent main reports has been to publish a summary as a separate, free booklet for wide distribution. As well as analysis, reports typically contain recommendations for action addressed to the UK Government and/or to the devolved administrations. The Government normally publishes a detailed response within a year, and Parliament is informed of the response. A debate may follow in either House.

The latest response – to the 25th⁹ report on the Marine Environment – was published in May 2006 and, in a welcome development, the Scottish Executive responded separately. An important element in delivering the Government response will be the proposed Marine Bill. To

date Government has failed to respond to only two reports, the eighteenth (*Transport and the Environment*, 1994), and most recently the Special Report on Aviation.¹⁰ Both deal with contentious issues of the kind that Governments of any hue find extremely difficult to resolve. They reflect a more general shift in the politics of the environment from the need to deal with the problems of production to the more complex dilemmas involved with lifestyles and consumption.

The Commission is currently completing work on its Twenty-sixth report, concerned with the urban environment, and is commencing its Twenty-seventh, on novel and new materials. Both are extremely timely. The Twenty-sixth report focuses on environmental aspects of urban living: human health, urban green-space, pollution, and resource consumption (the latter including water, which is moving rapidly up the political agenda). A now extensive literature on these issues suggests that we could, if we were so minded, greatly improve environments within, and reduce the negative impacts of, cities. But many problems persist or even worsen. A key challenge for the Commission is to understand why prescriptions that have so often been repeated are conspicuously difficult to implement in practice.

The study of novel and new materials will look at industrial use of novel elements from the periodic table, the novel use of more familiar

elements, and nano-particles. This is “heartland” Commission territory. Like the influential report on “genetically engineered organisms” in 1989,¹¹ it will explore rapidly developing applications for which major potential benefits are claimed, but which might pose risks to the environment and human health. As with GMOs in the 1980s, it is a field in which there is only a rudimentary regulatory framework.

The Royal Commission has an unusual remit. Its job is fundamentally different to that of a statutory agency or specialist advisory committee. It is also quite distinct from that of the Sustainable Development Commission, established in 2000, which is charged with the immediate task of auditing government and auditing their words and deeds on sustainable development. The two bodies keep in touch with each other’s work and when appropriate may co-operate. For example, they have reinforced each other’s distinctive contributions on aviation and on energy, in the former case holding a joint press conference to launch their individual reports.

The Royal Commission’s role is to contribute to policy development at a strategic level for the longer term. To do this, it must review and anticipate trends, identify areas to which insufficient attention is being paid, conduct rigorous, in-depth analyses, and develop challenging new ideas and frameworks. It must go, as one commentator on Royal Commissions put it, “where ministers and their officials might hesitate to tread”.¹² These are fundamentally important tasks, and they will remain so as we confront the new challenges of environmental governance in the twenty-first century.

¹ Cmnd 5054, 1972

² *Nuclear Power and the Environment*, Cm 6618, 1976. The so-called ‘Flowers criterion’ is set out on page 81.

³ *Air Pollution Control: An Integrated Approach*, Cm 6371, 1976.

⁴ *Lead in the Environment*, Cm 8852, 1983.

⁵ Cm 2674

⁶ Cm 4749

⁷ *Crop Spraying and the Health of Residents and Bystanders*, RCEP, September 2005.

⁸ For example, the so called ‘bystanders’ in the recent study concerned with pesticide spraying.

⁹ Cm 6392

¹⁰ *The Environmental Effects of Civil Aircraft in Flight*, 2002

¹¹ Cm 720

¹² Cartwright, T.J. (1975) *Royal Commissions and Departmental Committees in Britain*, Hodder and Stoughton, London: page 217.