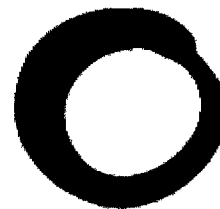


Response to Public Health Legislation in Scotland: A Consultation

January 12th 2007



**Friends of
the Earth
Scotland**

Sean Doonan
Scottish Executive Health Department
Public Health Team
3E (S), St Andrews House

Dear Mr Doohan

Public Health Legislation in Scotland: A Consultation

Friends of the Earth Scotland (FoES) is an environmental charity founded in 1978 and an independent member of the Friends of the Earth International network. We undertake research, advocacy and community development activities throughout Scotland in pursuit of environmental justice and sustainability. We have extensive experience of supporting and assisting local communities with scientific and health related issues as part of our environmental justice work, most recently through Accessing Relevant Knowledge (ARK) project.

We note from the consultation that Friends of the Earth has been invited to respond to this Consultation, unfortunately we can find no record of having received the Consultation papers in our office at Friends of the Earth, Scotland. Please check were sent inadvertently to our sister organisation in London and we would be grateful if you could check and if necessary update your records. We are however pleased to respond, and would be grateful for your consideration of the following points.

Key issues and concerns

General observations

- 1) We welcome the fact that the Scottish Executive is seeking comments from an organisation committed to campaigning for environmental justice and sustainability as we believe our goals contribute directly to public health and well-being.
- 2) In the Minister's covering letter and Chapter 1 'Introduction' we are surprised and disappointed that there is no reference to Climate Change as a new challenge to the health and well-being of people in Scotland. Although the exact nature of the impact remains uncertain there is already mounting evidence that extreme weather events - flooding, gales - are already having an effect. Warmer weather, although beneficial in terms of reducing winter deaths albeit in extreme cases with a risk of increasing heat related deaths in summer, will almost certainly impact on complex the eco-systems on which the agriculture and fishing industries depend to provide us with food - as well as allowing the return of disease convectors such as mosquitoes. At a more extreme level of climate change there is, of course, the risk that the Gulf Stream could close down producing seriously cold winters. In addition, even if Scotland itself escapes the worst of the Climate Change impacts that are predicted for many developing countries, we will inevitably see a reduction in food available for import and a further increase in the number of immigrants fleeing inhospitable environments.

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Our response to specific questions

3) We particularly welcome the proposals in Chapter 7 'Environmental Health Concerns' and the recognition that certain environmental 'nuisances' can, and do, have an adverse effect on health irrespective of whether they are perceived to be 'injurious to health'. The Chief Medical Officer for Scotland has presented data to illustrate that the degraded environment in which many disadvantaged Scottish people live has a direct impact on the physical and mental health and well-being. In terms of the specific questions you ask on this matter:

(5.1 and 5.2) We agree that there is a gap in current legislation to deal with this and we welcome the attempt to provide, within public health legislation, a framework to address this separate from the Environmental Protection Act 1990.

(5.4) The proposed definition of an 'environmental health concern' would cover many current environmental exposures which contribute to environmental injustice in Scotland with subsequent health impacts. However, there are circumstances where it would be difficult to identify specific 'premises' to which such criteria apply e.g. open cast-mining, HGV usage of non-trunk routes etc. which are not currently addressed under other statutory provision

(5.5 a and b) We welcome the proposal that individuals or groups of the public would be able to report such concerns to the local authority; that they would be jointly assessed based on the precautionary principle; and that action would be agreed with the community. However, we are not convinced that the professional staff in either the NHS or local authorities, who currently undertake this joint assessment, have as broad an understanding of the potential impact on the 'psychological or physical health and well-being' of adverse environmental factors as they should. Guidance and training in the appropriate interpretation of this new provision would be essential. We would welcome an opportunity to contribute to such training initiatives given our extensive experience of working with communities affected by serious environmental incivilities.

I trust this is useful but should you require any further information please do not hesitate to contact me.

Yours Sincerely

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