

Submission to the Commission on Air Quality Management in NCR and Adjoining Areas (CAQM)

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The setting up of the Commission for Air Quality Management (CAQM) represents a significant milestone for air quality management in India for multiple reasons. *One*, the CAQM Act 2021 is a clear acknowledgement of the need to move towards regional-level air quality governance, and the challenges posed by fragmented jurisdictions falling within a single airshed. The CAQM has the opportunity to set a blueprint for airshed/ regional-level management in other parts of India as well. *Two*, CAQM, unlike its predecessor the Environment Pollution (Prevention and Control) Authority (EPCA), is staffed with full-time members along with *ex officio* members, and has the necessary statutory powers to appoint full-time staff. *Three*, to coordinate with relevant central, state, and local agencies and statutory authorities, and to ensure compliance with its directions, the CAQM has been given significant powers in the Act, including overriding powers in case of conflict.

The Commission's ability to perform its functions effectively and facilitate measures that will improve air quality in the NCR and adjoining areas for the long term will likely be impacted by several political, economic, technical, and social factors. In such a scenario, it is essential that the Commission enjoys sustained public trust as being non-partisan as well as a technically sound and socially sensitive body. The CAQM's mandate is a statutory expression of the fundamental right of Indians to breathe air that is not harmful to their health. Its functioning should therefore reflect an inclusive and participative approach that allows citizens to claim and protect their right and prevent its encroachment when possible.

At the Initiative on Climate, Energy and Environment (ICEE) at the Centre for Policy Research (CPR), we have been closely studying the functioning of various environmental regulators, and for the past four years have been working specifically in the area of air quality regulation and governance. Based on our research, we have identified five broad themes for the Commission to consider as it implements its statutory mandate. We have also suggested specific action points as illustrations under each theme and will be happy to elaborate if given the opportunity.

- I. **Taking a holistic, long-term regional approach** – Air pollution is a complex, multi-faceted challenge, and addressing this challenge requires a carefully considered, multi-sectoral, long-term strategy. The Commission should actively take multi-pronged measures to tackle air pollution throughout the year, not only in response to complaints or during peak periods. This means identifying all sources of pollution in the region and defining key measures to reduce emissions from these sources year-round. This will reduce reliance on emergency measures such as Graded Response Action Plan (GRAP). The spatial diversity of sources in the region also demands that the CAQM eschews an urban-centric air quality management approach, and instead adopts an increased focus on rural and peri-urban areas.

Action points:

- **Develop and implement sectoral action plans for the NCR and adjoining areas to tackle the major sources of pollution in parallel**
 - Convene sector-specific committees to develop sectoral action plans;
 - Prepare draft white papers on each sector/sub-sector, solicit public comments and invite subject experts to review the draft white papers;
 - Constructively engage with the feedback received, and finalize sectoral action plans;
 - Initiate appropriate measures to implement sectoral action plans, including giving directions to relevant authorities;

- Periodically review progress of implementation; prepare and publish action-taken and review reports.
 - **Expand purview of CAQM's work beyond identified non-attainment cities**
 - Increase monitoring in rural and peri-urban areas;
 - Devise action plans to address rural and peri-urban air quality issues, particularly household and localized sources;
 - Coordinate with Ministry of Petroleum and Natural Gas and other relevant stakeholders to rapidly expand access to PMUY in rural and peri-urban areas.
 - **Strengthen implementation of the GRAP**
 - Proactively implement GRAP measures based on air quality forecasts rather than retroactively implementing them once acceptable levels are breached.
- II. **Tracking progress of NCAP implementation** – The CAQM must work towards the recently revised NCAP targets that aim to reduce ambient air pollution levels significantly by 2026. Achieving these ambitious targets will require a credible process of regular review of actions by all agencies, assessed against interim targets and markers of success. It will also require clearly defined frameworks of accountability to ensure timely and appropriate actions.
- Action points:**
- **Making progress on NCAP**
 - Align all strategy with revised NCAP reduction targets (25-30% by 2024 and 35-50% by 2025-26);
 - Set annual interim targets to track progress and establish markers of success;
 - Design interim targets that focus on ambient air pollution levels, and not just the number of “good or moderate” air quality days;
 - Publish periodic reports on progress made against interim targets; assess why regulatory and enforcement measures succeeded or failed;
 - Develop an up-to-date emissions inventory that is revised periodically.
 - **Accountability for NCAP implementation**
 - Create mechanisms to ensure accountability of agencies tasked with implementation of the goals and targets outlined in the NCAP and city action plans;
 - Coordinate with the National Task Force constituted by the National Green Tribunal to enhance accountability on submission and implementation of the approved city action plans of the region.
- III. **Ensuring transparency through proactive disclosure and timely reporting** – The CAQM must ensure that all information relating to its functioning as well as decisions/ directions issued by it are proactively made available in the public domain and readily accessible to people. Additionally, the Commission's decisions/ directions should be informed by robust scientific/ sociological/ relevant evidence that is publicly shared and verifiable. This will also allow the Commission to make the public, and in particular the research community, its ally in finding implementable solutions.
- Action points:**
- Update agenda of upcoming meetings of the Commission and the sub-committees, and minutes of meetings, on the Commission's website as soon as they are issued;

- Publicly disclose data, presentations and reports considered, as well as expertise relied on, during decision making;
- Collect, inventory, and publish monitoring data from various sources.

IV. Developing enforcement protocols and grievance redressal mechanisms – An important part of the Commission’s mandate is to provide a credible mechanism that deters non-compliance with emission standards, while being cognizant of institutional constraints in terms of monitoring and enforcement capacities. At the same time, the public must be able to trust the system’s ability to respond swiftly and effectively to their grievances.

Action points:

- Develop an enforcement protocol that systematically lays down the CAQM’s likely response to specific types of offences/inaction, and the procedure that will be followed;
- Design graded enforcement responses that escalate depending on the nature of offence, scale and impact of pollution, etc., with the aim to credibly impose high-level penalties in the most serious cases, eventually inducing compliance and reducing monitoring requirements;
- Establish a grievance redressal mechanism that is easily accessible to the public, and is prompt in its response;
- Lay down processes which allow people to track and understand the Commission’s response to their complaints and participate in the resolution process.

V. Encouraging informed public consultation – The CAQM’s decision making processes should encourage, and be informed by, broad-based and meaningful public participation. To build greater support for action, and avoid potential disadvantaged parties mobilizing against action, it is important that the CAQM solicit a broad range of opinion on an ongoing basis that can inform its work.

Action points:

- Actively create fora for stakeholders to express their views and debate solutions on specific issues (e.g., particular sources, certain geographies/ hotspots, regulatory measures, etc.);
- Whenever possible invite representatives of stakeholders and additional experts to meetings of the Commission and the sub-committees to understand their points of view;
- Routinely engage with external experts on key operational and sectoral challenges.