

Cleaning up the Dieselgate scandal

The UK Government can and must act urgently

- New analysis from the International Council on Clean Transportation (the “ICCT”) – the organisation that helped to break the original Dieselgate emissions scandal in 2015 – suggests that, seven years on, **2.4 million vehicles on UK roads emit levels of pollution that are so high as to indicate the likely use of illegal defeat devices.**
- **The use of defeat devices is prohibited under UK law.** They switch off or reduce a vehicle's emissions control system in certain conditions and can lead to excessive levels of air pollution emissions well over regulatory limits when a vehicle is driven in the real world, despite it having passed official emissions tests. This puts people's health at risk and undermines consumer trust.
- The evidence suggests that this is an industry-wide problem: the ICCT's analysis of testing already carried out by public authorities across Europe suggests that **over 200 vehicle models across almost all major manufacturer groups could be affected.**
- However, despite this evidence, **little has been done by the UK Government to address the problem and force manufacturers to provide effective solutions.** On the DfT's “recalls hub” website, almost 90% of the 151 worst performing vehicle models identified by the ICCT as reporting “extreme” levels of pollution are not clearly listed as having been subject to any kind of relevant emissions fix. Instead, individual consumers have been left to fight for financial compensation from manufacturers through the courts - leaving these excessively polluting vehicles on our roads.
- In contrast, when Volkswagen was caught using defeat devices in 590,000 vehicles that it had sold in the US, federal authorities forced the manufacturer to offer owners of these vehicles **effective emissions fixes or buy them back.** It also **had to pay almost US\$3 billion to help US states** implement measures to reduce pollution from road transport and **invest an additional US\$2 billion** into the promotion of Zero Exhaust Emission Vehicles and charging infrastructure.
- To kick-start action in the UK, environmental law charity, ClientEarth has sent a **legal complaint to the UK Government over its failure to hold auto manufacturers to account.** We have also partnered with national NGOs to send similar complaints to authorities in France and Germany, with possible ramifications across the EU where a further 16.7 million vehicles could be affected.
- **UK law requires the Department for Transport**, as the market surveillance authority, **to actively investigate the issue and force manufacturers to fix vehicles where the use of illegal defeat devices is found.** The rules are clear that **vehicle owners should not be left to pay for the costs** of any recalls or fixes.
- The UK Government needs to help drivers who unknowingly bought these excessively polluting cars and vans and act to protect people's health. **We urge ministers to:**

- **Fulfil their legal responsibilities** to properly investigate whether auto manufacturers have been using prohibited defeat devices and, where this is the case, require them to urgently implement retrofit programmes to genuinely clean up these vehicles. **Immediate corrective action must be taken where there is a serious risk to public health or safety**, including from air pollution, and it must be **fully funded by the respective manufacturer** without imposing any costs on vehicle owners. Initial investigations should cover – at the very least – those 200+ vehicle models already identified by the ICCT’s analysis as likely to contain illegal defeat devices.
- **Require auto manufacturers that are found to have been using prohibited defeat devices to pay into a publicly managed ‘Dieselgate Clean Up Fund’**. This should cover the true costs of the harm caused by the excessive emissions from the Dieselgate legacy in the UK, and help accelerate the transition to a cleaner transport future.
- **Stand up for consumers and people’s health by ensuring that robust laws are in place** and enforced to prevent further similar actions by the auto industry, urgently reduce air pollution and greenhouse gas emissions from road transport, and help to boost growth in the UK by improving funding for clean transport infrastructure.
- Road transport, especially diesel vehicles, is a key source of air pollution which has a devastating impact on people’s health and their quality of life. Air pollution affects us all but some members of our communities are more vulnerable, including children, older people and people with existing health conditions.
- Research has shown that people on low incomes are not only on average exposed to higher levels of air pollution than those on higher incomes but they also, on average, have lower car ownership, are less likely to own a diesel vehicle, and drive less.
- Cleaning up our toxic air will protect the health of people in the UK, reduce the burden on the NHS, and also improve the financial health of the country.
- CBI Economics has estimated that three million working days are lost every year to air pollution and stated that improved air quality could deliver an economic boost by reducing premature deaths, early retirements due to ill-health and absences due to illness in employees or their dependents, and by increasing productivity.
- It is therefore even more concerning that the latest UK Government data shows that illegal levels of air pollution are rebounding across the UK after the Covid-19 lockdowns and that every single one of the UK’s air quality reporting zones is tracking pollution far above the much safer levels recommended by the World Health Organization.
- Action taken today to reduce air pollution will be crucial to ensuring a healthy, resilient and thriving country.

To discuss this further, please contact:

- Cat MacLean, Public Affairs and Policy Officer, cmaclean@clientearth.org
- Andrea Lee, Campaigns and Policy Manager, Clean Air, alee@clientearth.org

Questions for the UK Government

We have prepared a list of Written or Oral questions for the Government and Department for Transport that we would appreciate Parliamentarians using to raise awareness of this issue and provide clarity on what the Government has done so far and how it intends to respond in light of this new analysis.

- To ask the Government how it intends to stand up for consumers after the recent International Council on Clean Transportation report suggests that millions of drivers in the UK are driving vehicles that may have been fitted with illegal technology that tampers with emissions controls?
- To ask the Government if it intends to act quickly to protect people's health, in response to evidence from the International Council on Clean Transportation suggesting that 2.4 million vehicles still on the road in the UK likely contain illegal technology that tampers with emission controls, leading to excessive levels of pollution on the road?
- To ask the Government how it intends to exercise its duties and powers, as raised by ClientEarth in its recent legal complaint to the Department for transport, to properly investigate whether auto manufacturers across the industry have been using illegal technology that tampers with emissions controls and, where this is the case, require them to urgently implement retrofit programmes to clean up these vehicles?
- To ask the Government whether it intends to ask manufacturers that are found to have used illegal defeat devices to contribute to a public fund to provide help and support schemes for people and businesses to move on to cleaner forms of transport?
- To ask the Government what action it took to ensure that emission fixes installed after the first Dieselgate scandal in 2015 were effective and genuinely cleaned up those vehicles?
- To ask the Government what information it holds with regards to vehicles in the UK that have been identified as containing prohibited defeat devices since the Dieselgate scandal first broke in 2015?
- To ask the Government if it can state how many vehicles that have been fitted with a prohibited defeat device have had an emissions-related fix since the Dieselgate scandal first broke in 2015?
- To ask the Secretary of State if the evidence collated by the International Council on Clean Transportation suggests that the use of illegal defeat devices is an industry-wide problem in the UK?
- To ask the Government what actions it has taken since the Dieselgate scandal first broke in 2015 to ensure that the use of illegal emissions technology is not an industry-wide problem?
- To ask the Government what the impacts of the Dieselgate scandal have been on air quality in the UK so far?
- To ask the Government what the health impacts of the Dieselgate scandal has been so far in the UK?
- To ask the Government what the burden of the Dieselgate scandal has been on the NHS so far?

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