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Date 27 September 2021
Subject EU Environmental law in relation to Tata Steel
Netherlands

Dear Commissioner,

As you know, the Netherlands attaches great importance to the most ambitious environmental policy possible. This includes high aims for further improving air quality in the Netherlands and the rest of Europe. Since my appointment in early August to the post of State Secretary for the Environment in my country's current caretaker government, it has been my responsibility to pursue these aims. I am eager to sustain the constructive partnership that my predecessor Stientje van Veldhoven enjoyed with you, and I look forward to an opportunity soon for a personal meeting with you.

As an EU member state, the Netherlands supports the ambitious objectives of the Green Deal and the Zero Pollution Action Plan. My political aims as State Secretary are fully in line with these objectives. The goal of European environmental policy is, in brief, to reduce all forms of pollution to levels to zero by 2050. The need to achieve this goal, and to view environmental and climate policy as integral parts of a whole, is underlined in the Netherlands by (among other things) the environmental situation around the Tata Steel Netherlands plant in IJmuiden. I would like in this letter to elucidate various details of this situation.

Tata Steel Netherlands in IJmuiden produces high quality steel for clients including the European packaging material and car industries. However, the plant is also a major source of air pollution and CO₂ emissions. There have been concerns for years about the environment and local people's health in the densely populated surrounding area. Recent research carried out by our National Institute for Public Health and the Environment (RIVM) has shown that the dust deposited outside and in homes around Tata Steel Netherlands contains elevated concentrations of polycyclic aromatic hydrocarbons (PAH) and metals. The quantities of lead and PAH in the dust to which children in the area are exposed is, in RIVM's opinion, unacceptably high from the standpoint of their health. RIVM had already concluded in the past that family doctors in the IJmond region see more patients with acute symptoms than doctors elsewhere, and that the air quality is often mediocre to unsatisfactory.

A broad public discussion has now begun about the nuisance that the company is causing for the surrounding area and about the best scenarios for the future. In addition to the plant's impact on the surrounding environment and on health, commercial, social and societal issues feature prominently in this discussion. The company has recently opted for a scenario with an accelerated transition to a new, cleaner way of making steel with hydrogen and green energy. I attach importance to ensuring that the impact of steel production on the environment and on residents' health be fully taken into account in decisions about the future.

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The instruments currently available still offer some scope for improving the quality of the environment around Tata Steel Netherlands. This can be done for example by imposing stricter environmental permit conditions, including for non-regular emissions (peak loads). I am discussing this possibility with the authorities of the Province of North Holland, which is responsible for issuing these permits. At the same time, I am convinced that steps must also be taken at European level to further tighten existing environmental law.

As part of the Zero Pollution Action Plan, both the Industrial Emissions Directive (IED, 2010/75/EU) and the Ambient Air Quality Directive (2008/50/EC) are being reviewed. The parties to the Dutch Clean Air Agreement set out their expectations for these two reviews in their letter of 7 April 2021. In order to ensure that there is an adequate basis in the middle and long run for stringent emissions standards that improve the health situation around industrial facilities, I believe it is of great importance for the European Commission to approach the review of these two Directives with high ambitions.

The Dutch position on the IED can be summarised as follows: the IED standards for industrial emissions into the air and water must, where possible, be tightened up. This means that the range of permitted emission limit values must be narrowed, so as not only to create a more level playing field but also to compel companies to use cleaner production methods. The Netherlands also favours reflecting on the goals for climate, circular economy and substances of very high concern in the review of the Industrial Emissions Directive. Furthermore, the IED should preferably promote the rollout of innovative, clean techniques and the BAT Reference Documents (BREFs) should be reviewed more rapidly than is currently the case. With regard to this last point, I would remind you that the most recent version of the BREF on iron and steel production dates back to 2012, while BREFs are intended to be reviewed every eight years. For this reason, I strongly urge you to have the process start soon of reviewing the BREF on iron and steel production, and of other now outdated BREFs such as the BREF on emissions from storage. The Netherlands advocates the adoption of more stringent emission standards in these BREFs.

As for the review of the Ambient Air Quality Directive, the Netherlands supports the principle that its air quality standards should be brought more in line with the latest standards recommended by the World Health Organization (WHO), which will be tightened up for particulates and nitrogen oxides in particular. A recent report from our Health Council¹ also points out the health risks of the emission of ultrafine particles and the need to measure and reduce their concentrations. The environmental situation around Tata Steel Netherlands shows that it is also important to determine to what extent a standard for the deposition of heavy

¹ Risico's van ultrafijnstof in de buitenlucht, Gezondheidsraad, 15 september 2021

metals such as lead can contribute to the effective protection of public health, supplementing the air quality standards included in the Fourth Daughter Directive (2004/107/EC).

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The example of Tata Steel Netherlands also demonstrates that in densely populated areas, impacted by multiple sources of pollution and emissions of several different substances of very high concern, standards need to be set that take account of cumulative effects. I note that an approach of this nature is necessary in order to impose stricter permit conditions on industrial complexes like Tata Steel Netherlands. It is therefore a positive development that the Commission is currently working on a method for doing this: the Mixture Assessment Factor (MAF), as a specific elaboration of the Chemicals Strategy for Sustainability. The Netherlands and several other member states are closely involved in this effort. Progress now needs to be sustained so that a feasible method can be arrived at.

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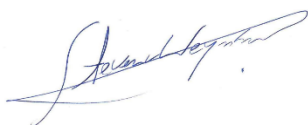
The current environmental problems surrounding the Tata Steel Netherlands plant in IJmuiden call for both a national and a European approach. The steps mentioned above towards stricter European Directives can make a major contribution to the successful implementation of the Zero Pollution Action Plan.

Finally I want to stress that, next to more stringent environmental standards, more is needed. The transition towards a clean, climate-neutral and circular industry asks for an effective integral approach. This requires, amongst others, revision of state aid frameworks for the scaling up and use of breakthrough technologies like the use of hydrogen in steel production. The Netherlands would like to further discuss this issue with the Commissioners responsible for this.

I would be glad to continue this discussion with you, and hope that you will respond positively to this letter.

Yours sincerely,

the State Secretary for Infrastructure and Water Management,



S.P.R.A. van Weyenberg