

Air pollution in health resorts

The NIK audit showed that compliance with the air pollution requirements was not verified properly. At the stage of confirming the status of 12 health resorts selected for analysis, the polluted air issue was underestimated. That could have had an adverse impact on the health of patients, particularly the ones with higher risk of diseases, e.g. of respiratory or cardiovascular systems, as well as elderly people and children. Nevertheless, the health resort status was confirmed in each case, without any objections. That is why, NIK negatively evaluated activities of the Minister of Health and one entity responsible for confirming medicinal properties of the climate. It is worth noting that in 2018–2022 six health resort municipalities took remedial actions to cut near-ground emissions. Their efforts were not sufficient, though.

Health resort is an area which – in the light with the law – should meet specific requirements to provide health spa treatment. **In accordance with the law, the health resort status may be given to an area which meets, among others, two conditions: climate with healing properties and proper environmental requirements.** In line with the principles defined by the Minister of Health, air pollution is one of the issues that should be considered when assessing healing properties of the climate. At the same time, one of environmental requirements set out in the Environmental Protection Law Act is to ensure the best possible air quality. Therefore, recoverees and patients with higher risk of diseases related to air pollution are often referred to health resorts (e.g. persons with respiratory or cardiovascular diseases, seniors and children).

In 2022, there were 47 health resorts in Poland, of which 60% were located in the south of the country, where the air quality is usually worse than elsewhere in Poland. The majority of those health resorts carried out rehabilitation after COVID-19. A report of the Chief Inspector for Environmental Protection stated that in 2021 the norms for hazardous substances hanging in the air - PM10, PM2,5 and B(a)P – were exceeded in 7, 5 and 34 health resorts. The statistics on benzoapyrene, which is a cancerogenic compound, were particularly alarming.

Irregularities when confirming the health resort status

According to NIK the auditees failed to provide optimal and safe conditions for health spa treatment. **At the stage of confirming the health resort status, the issue of insufficient air quality was marginalised.** The documents transferred to the Minister of Health did not contain complete and reliable air quality information which was required under the health resort treatment laws. **An extended analysis of the documentation for 12 health spa resorts revealed that none of them complied with all requirements on sanitary condition of the air. Nevertheless, the Minister of Health confirmed their status without any reservations.** It needs to be highlighted that confirming the said information and the failure to take statutorily defined measures by eligible employees due to non-compliance with the air quality requirements bear the hallmarks of

prohibited acts. Those acts consisted in attestation of an untruth as to circumstances of legal significance and failure to comply with obligations.

Entities authorised to issue climate certificates acted improperly. They confirmed healing properties of the climate, despite exceeded levels of some air pollutants in each of the 12 health resorts. At the same time, the climate certificates implied that the climate in the audited health resorts may not have healing properties.

NIK was particularly critical about the conduct of the Institute of Meteorology and Water Management - National Research Institute. **In the climate certificates issued in 2017-2018, the Institute indicated that there were no contraindications to health spa treatment, although at the same time it provided data on exceeded air quality levels.**

Simultaneously, the NIK audit revealed contradictory opinions issued by IMGW-PIB. In the climate certificate for the Cieplice health resort of 14 November 2008 the Institute stated that since this health resort failed to meet the air quality standards, its climate cannot be used in health spa treatment. What is more, the said certificate was a correction of the original climate certificate of 11 July 2008, which stated the opposite: that the local climate of the Cieplice health resort could be used in health spa treatment. It is important that those extreme opinions were formulated based on identical facts relating to air pollution parameters.

Exceeded air pollution levels

In 2015–2017, **the PM₁₀ daily concentration levels were exceeded (or could be exceeded – mathematical modelling) in 11 out of 12 health resorts** covered by the analysis. **In three health resorts (Goczałkowice-Zdrój, Swoszowice, Rabka-Zdrój) they ranged from 189% to 334% of the acceptable level, and in the other five (Busko-Zdrój, Ciechocinek, Cieplice, Inowrocław, Szczawno-Zdrój) they ranged from 109% to 166% of the norm. On the other hand, the annual average B(a)P concentration levels were exceeded in each health resort and ranged from 240% to 1450% of the norm, including concentrations of at least 700% of the norm in eight health resorts.**

It should also be noted that the parameters used to evaluate air quality against the norms do not fully reflect its potential adverse impact in the whole calendar year. The quality of air is significantly season-biased as it gets much worse in the cold season.

Despite poor air quality parameters, the audited health resorts provided treatment for patients in the cold season, also for persons particularly vulnerable to negative effects of insufficient air quality. According to the data of the National Health Fund and the Social Insurance Institution, in the 12 health resorts whose documentation was included in the analysis, in cold seasons of the period 2018–2022, a total of almost 45 thousand people from the said risk group, including almost 7 thousand children, were treated.

In the course of the audit, it was found that in the case of two health resorts (Cieplice and Goczałkowice-Zdrój), the municipalities did not eliminate the irregularities found by the Minister of Health. **Nevertheless, the Minister of Health – against the requirements of the Health Spa Act – did not apply to the Council of Ministers to deprive these two areas of the health resort status. As a result of that omission, in 2018 health spa municipalities could apply for confirmation of the health resort status for the following 10 years, even though they still did not meet the air quality requirements.**

Remedial actions of municipalities after confirming the health resort status

In 2018–2022, six of the audited health spa municipalities took efforts to reduce near-ground emission sources. In particular, they replaced over 4 thousand solid fuel boilers with less emission-intensive sources and carried out more than 4 thousand inspections of individual solid fuel heating systems. Those measures were not fully effective, though. Besides, in some cases they did not comply with applicable laws or were implemented improperly. No doubt, in the audited period the air quality improved noticeably in most of the audited health spa municipalities against 2015–2017. However, the levels of some air pollutants (PM10, PM2.5 and B(a)P) were still exceeded in the audited period.

The scale of corrective actions in 2018–2022 in terms of reducing low emissions varied in individual health spa municipalities. **The replacement of all solid fuel boilers below class 5 at the pace of corrective action from the mentioned period, will take from 7 to 17 years in five health spa municipalities!**

In addition, in the audited health spa municipalities in the second half of 2022, there were still over 5 thousand out-of-class boilers, which contributed the most to the emission of pollutants into the air.

In 2018–2022, as a result of individual inspections of heating systems of residential buildings in the audited health spa municipalities the total of 233 fines for nearly PLN 52 thousand were imposed. **According to NIK the fine amount (PLN 222 on average) was too small to make people start complying with environmental protection regulations. For instance, the costs of better quality fuel were much higher.** In case of violating the waste incineration ban or the anti-smog resolution provisions, a more severe penalty could be imposed by the court (a fine of up to PLN 5,000). However, **during the inspections of individual heating systems carried out by the municipalities, only 87 ash samples were taken for analysis.**

Recommendations

to the Minister of Health to:

- conduct an ongoing analysis of the air quality data for 2021–2022 in each of the 12 health resorts whose documentation was analysed during the NIK audit, in order to determine whether the environmental requirements were met in their area (i.e. whether the condition under the Health Spa Act was met).
- request that municipalities which still have not met the air quality requirements take essential steps to restore the conditions that justify granting the health resort status to a given area within a period of no more than five years.
- create a comprehensive and coherent system for granting the health resort status and for its ongoing evaluation.
- cooperate with the Minister of Climate and Environment to consider the possibility of creating a separate financial instrument enabling municipalities that have not met the conditions of the Health Spa Act in the part concerning air quality to obtain support in eliminating irregularities in this area.
- consider changing the rules for assessing compliance with the conditions set out in the Health Spa Act by health resorts – so that it is possible to carry out another ten-year assessment taking into account the amended EU regulations on air quality (CAFE Directive).
- re-verify the potential of IMGW-PIB to possibly assess the climate healing properties based on the health spa treatment laws, due to the simultaneous occurrence of the following circumstances:
 - incorrect operation of the Institute, which did not take account of air pollution when determining the impact on possible provision of the health spa treatment;
 - lack of people with medical degree among health resort employees. According to the Minister of Health that did not allow for competent confirmation of the impact of the healing properties of the climate on humans;
 - failure by successive Directors of the Institute to meet the formal requirement on education (specified in the executive regulation to *the Health Spa Act*).

NIK also pointed to the need to implement the recommendations addressed to the Minister of Health in the audit report *Protection of the air against pollution*.

to the Minister of Climate and Environment to:

- cooperate with the Minister of Health to consider the possibility of creating a separate financial instrument providing support for health spa municipalities to eliminate irregularities related to the air quality identified by the Minister of Health.
- standardise alert levels defined in short-term action plans established in individual provinces and the way of informing citizens about insufficient air quality.
- develop and implement a notification system for insufficient air quality, which will ensure in a more automated way the transmission of relevant information to subsequent participants of this system, in order to increase the transparency of announced messages and eliminate differences in their number.

- consider the possibility of directing the activities of the Chief Inspectorate of Environmental Protection to carry out mobile air quality measurements in Ustroń in lower areas of the city than the current location of the State Environmental Monitoring measuring station, in order to verify the scale of possible differences in air quality.

to the Minister of Development and Technology to:

make sure that the Chief Inspector for Construction Supervision verify and improve reliability of data on the number of solid fuel heat sources, also in cooperation with municipalities.