

Understanding Regulation

RISK - Case Studies

Those reading the associated note on risk (at www.regulation.org.uk) often ask how its lessons apply to high-profile risk issues. The following is a personal view:-

The nuclear industry: Just about every fright factor going:- Lots of unfamiliar science, invisible radiation, the possibility of huge numbers of deaths, including in future generations, transmitted through foods such as milk. The technology also appears to benefit “them” in the industry, but threaten “us” down-wind. Secrecy over accidents at Windscale and incompetence at Chernobyl have hardly helped. Inevitably, the industry is highly regulated, and the result has been a very low accident rate. It may be that this will eventually lead to greater acceptance of the technology.

The coal industry: is an interesting contrast. The risks to miners are obvious and familiar, there are none of the nuclear fright factors, and (Aberfan apart) all the accidents harm those within the industry, not the general public. There was therefore almost no pressure for the closure of this really quite dangerous industry.

BSE: Lots of fright factors - highly uncertain science, horrible deaths, possibly of most of us, including our beefburger eating children, and caused by an invisible agent in everyday food. The public also formed the reasonable view that any deaths would have been caused by farmers unnaturally turning cows into carnivores in order to save a few pence. There was little need for HMG intervention:- The public simply stopped buying beef for a while. But HMG may have made the mistake of offering premature reassurance, and so appearing to side with the polluter. Interestingly, the public eventually got used to the risk, and many decided that it was acceptable. But HMG’s behaviour may have delayed this process.

Beef-on-the-bone: Similar fright factors, of course, and in particular the problem was hidden, because the public did not realise that their home-prepared beef stock, gravy etc. might contain the BSE agents. There was therefore a case for insisting that bones should be cut out of meat. However, there was very little consultation, children do not eat beef-on-the-bone, and the scientific advice was that the risk, although quantifiable, was numerically negligible. It might have been better, on balance, to alert the public to the risk and let them make up their own minds how to react. But it might also have been a mistake to imply that Ministers would decide whether to maintain the ban solely on the basis of scientific advice. Imagine asking scientists alone to decide whether deaths might be avoided by banning tobacco!

GM: Lots of obvious fright factors, including uncertain science, invisible agents, and threats to future generations. Above all, “they” appear to be profiting from the technology, whilst “we” take all the risk. There is a clear case for very tight regulation, which has of course been in place for some time. But it is possible that two mistakes were made. *First*, the industry appeared secretive, as if ashamed of what they were doing. Almost everyone was astonished, for instance, to find that 70% of pies, cakes etc contained GM ingredients. It was not a real secret, of course, but it was a surprise to most of us, and triggered an understandable reaction. *Second*, HMG initially appeared to side with the industry, and stressed the economic benefit of the technology, which translates as:- “their profits are more important than your concerns”. The tone subsequently became more even-handed, and sympathetic to public concern, but it may be some years before the industry will be trusted.

Smoking: Hundreds of thousands are killed each year but, in the UK at least, they are all adults, they know the risks, and they ignore clear warnings. (The World Health Organisation in February 2008 predicted that tobacco would cause 1 billion deaths worldwide in the 21st century). The main pressure, predictably, is to reduce the take up of smoking by young people, e.g. through curbs on advertising.

Drinking: Much the same applies, and it was interesting that the industry backed away quite quickly when accused of promoting the sale of alcopops to the young. They recognised that this accusation could severely damage their reputation.

Road accidents: Another good example of familiar risks, to which society has adjusted, partly because of the obvious benefits that flow from freedom to travel. We even accept huge numbers of child deaths. But society has turned against drink-drivers who are perceived to cause risk for others through their own selfishness.

Austrian white-water rafting deaths: Clear fright factor of a horrible death, and on holiday too. Some suggestion that the organisers were at fault, and making money out of the victims. But only 4 were killed, the victims were adults, and abroad, and clearly taking an obvious risk which many would have avoided. On balance, little call for HMG action, compared with the

Lyme Bay canoeing accident: Similar to the Austrian tragedy, *but* the victims were children, the accident took place off the south coast, the organisers were employing incompetent instructors on the cheap, and this had not been picked up by the enforcement agencies. There was bound to be intense pressure for action. HMG’s mistake was to resist those calls, claiming that the accident was a one-off, and to refuse to shake up the enforcement system. This led a back-bencher to drive through a set of new regulations, which some believe may have done more harm than good.