

(presentation to conference on European Major Hazards, 22-23 May 1984)

The Public – Information and Major Hazards

W C Patterson, advisor to Friends of the Earth

Most people do not recognise a risk even when they are taking it. When they do recognise a risk, they do not think of it numerically. It would never occur to a pedestrian stepping off a kerb to attempt to quantify his chances of reaching the other side of the street. A punter may be prepared to weigh the odds of losing his pay packet on the feature race at Newmarket; but he does not think of the venture in terms of ‘risk’, much less of ‘hazard’. The word ‘risk’, in everyday parlance, suggests a threat, more or less immediate. You ‘run a risk’ of getting sunburn if you lie too long unclad on the beach. But when it comes to a “major hazard”, as understood by this conference and the Health and Safety Executive, the attitude of the average person is the same as that of Calvin Coolidge’s preacher concerning sin: “he’s agin it”. The knee-jerk reaction of most people you meet will be that the responsibility of those in authority is not to “advise” on major hazards, but to remove them – to eliminate those that exist and prevent the establishment of any more.

You know, and I know, that such an attitude is insupportable in modern industrial society. But what, then, can we do about it? How can we convey the true import of the inevitable existence of “major hazards”, and the subtlety of their analysis and control, to a public that simply does not want to live with them at all? As I hardly need tell you, the task is far from easy. But I guarantee that it will be complicated further by any attempt to confine the decision-making process to the experts, whether they be the promoters of technology occasioning a hazard, or the nominally independent official watchdogs deputed by government to look after the public’s interest in these matters. If the public finds out – especially if it finds out belatedly – that decisions affecting a major hazard in the neighbourhood have been taken without allowing all to have their say, the consequent outcry will be loud and long. It may well also be ill-informed, irrational and hysterical; but it will be difficult to ignore, and rightly so.

This, you will reply, is all very well; but if industry waits until all have had their say, the plant will never be built. Innovation and investment will never take place. Jobs and income will never be created. Valuable products will never be manufactured. Worse still, in the context of this conference, the old existing plants around the country will probably continue in operation less safely and efficiently, instead of being replaced by modern plants of higher efficiency and safety. You and I can agree that this is true. It is less easy to persuade those who live on the neighbourhood of an industrial installation that will do all those good things, but might also blow up, burst into flame or disgorge poison gas.

Let us therefore, for the sake of argument, take a hypothetical example, and consider how best to reconcile the conflicting social and economic objectives of the various individuals and groups involved. A large chemical company wants to build a new plant. It has selected a location that fulfils the requirements for water supply, a power supply and transport connections; there is a suitable workforce available in the vicinity. As far as the company is concerned, all other relevant preliminary conditions are fulfilled. The plant, however, will require shipping to and from the site materials that are toxic or inflammable or explosive. An inventory of such materials must be stored on site; and the actual manufacturing processes will entail the use of high temperatures and pressures within the plant. There will also be wastes arising, and requiring some form of

management and disposal. How shall the company best proceed, in order to convince local population that the plant ought to be built?

To begin with, the company must recognise from the outset the need to convince the local population. It is not good enough to get together in a series of cosy lunches and settle matters between cronies in Whitehall and on the local council. Nor is it good enough simply to publish the requisite official planning notices in obscure places, and file the various requisite assessments with the HSE and the local planning authorities. Company executives, to be sure, want nothing so much as a quiet life. They tend to feel that the less said about possible drawbacks to their plans the less aggro they will arouse. But just let a local newspaper, or a group of local citizens learn indirectly that the spanking new factory at the end of the street will be storing chlorine, and you can see the headlines already “POISON GAS PLANS – RESIDENTS’ FURY”.

It will be too late then for the company to point out that the nearby public swimming pool has had chlorine stored on-site for years. The objectors will be convinced that the company has been trying to pull a fast one; and that, more than the hazard itself, will stir them to opposition. Far better for the company itself to take the initiative, and describe – in public and in detail, dispassionately and with all the reasonable parallels and comparisons there are ready to hand – exactly what their plans entail, hazardous warts and all. Forthrightness at the outset disarms criticism, or at the very least ensures that it must be either well-informed or obviously unfair. I am here assuming, of course, that the company in question is honest with itself about the possible hazards its activities might entail – an assumption that the public will not, alas, unquestioningly accept, given the historical record.

I am proposing, that is, that so far as public acceptance of its plans is concerned it is in the company’s own interest to exaggerate the possible drawbacks – to make known immediately its own worst-case analysis of any identifiable hazard, and to do so without statutory coercion. This is not, to be sure, a substitute for statutory controls. For one thing, not all companies would concur with my foregoing diagnosis: on the contrary, most would, I suspect, pooh-pooh any such naïve notion about sharing their privileged analyses with the groundlings.

Assuming, however, that my diagnosis is to be followed, the company would then have to consider how to present its case, and in what terms. The language of professional ‘risk assessment’ will, frankly, not do. It is too much to expect local residents to understand the nuances and niceties of probabilistic risk assessment. Recall that far too many senior British executives still take pride in being innumerate – “I never could do maths; I leave that to the accountant...” Nor is the requirement for a public relations exercise. What is needed is, perhaps, a presentation by a good science writer: someone used to making unfamiliar concepts and arguments accessible to a lay readership.

If the company’s case in favour of the plant is sound and well-presented, it should have nothing to fear from the public. Nevertheless there is always the possibility that someone will take exception, express alarm at the threat posed and challenge the proposal on that basis. In such a case the company, in my view, would be well advised once again to take the initiative, and offer to discuss the matter in some public forum, with all relevant documentation provided and with the participation of all concerned.

Speaking, however, from long and generally unrewarding experience, I would recommend against the format of a “debate” with speakers labelled and committed to being “for” and “against”. Establishing such an adversarial climate militates against the achievement of any subsequent consensus as to the balance of risks and benefits in the proposal. Once again I would recommend,

emphatically, that the company representatives themselves make the strongest reasonable case they can against the proposal, pointing out – an obvious truth often overlooked – that their staff and their finances will be the first to suffer if an accident should occur. It is clearly in the company’s best interest that hazards be accurately anticipated and minimised.

All of the foregoing, as I say, is predicated on the premise that the company is honest and competent. It will come as no surprise to you to be reminded that not all companies conform to this ideal. While not wishing to suggest that industrial firms are invariably run by profit-crazed capitalists with silk hats and pound signs on their ties, I am bound to point out that companies are in business to succeed in financial terms, and that the reduction of hazards may well cost money – possibly a great deal of money – with no return that shows up on a balance sheet. Over the years the consequent environmental depredation inside and outside industrial premises has earned many firms a well-merited instinctive suspicion in the public mind. To trust these firms to look to the safety of their employees and their neighbours would be foolhardy. They must be brought to heel by authorities appointed and empowered to act on the public behalf. However, here again, the regulatory authorities themselves must gain the confidence of the public on whose behalf they are acting, otherwise the public may come to feel that the regulators are entirely too sensitive about corporate feelings.

I am not for a moment advocating the vitriolic adversarial process that makes American lawyers wealthy. But the past history of the British regulatory process suggests a bias the other way, toward a slightly incestuous partnership between the regulators and the regulated. This impression is reinforced by the tendency of both parties to withdraw into seclusion, far from the prying public eye, to resolve their differences. They may well reach an accommodation entirely satisfactory to either side; but the public, waiting in the corridor outside the locked room, may well look upon the consequent decision not as an accommodation but as a carve-up.

There are two remedies for this undesirable state of affairs: information and consultation. (I cannot, alas, refer directly to the recommendations of the Third Report from the Advisory Committee on Major Hazards: at the time of writing it has not yet appeared.) But I speak not only for myself but for my colleagues when I say that it will not suffice to make information about the safety case for an installation available only to those with a “need to know”. Such a suggestion appears in the consultative document on Control of Industrial Major Accident Hazards, published by the HSE last year. We feel, on the contrary, that it ought not to be up to the authorities to decree who may “need to know” about the safety of the installation.

My colleague Brian Price, pollution consultant to Friends of the Earth, put it like this, in a letter to Mr R A Drake of the HSE:

“We... feel that the safety case should be made public, with copies deposited in the public libraries near the site in question. This would fulfil a number of purposes: independent scrutiny of the case would be possible; information to which citizens have a right would be made available and public fears about unknown and unquantified risks could well be allayed. Some provision may be necessary to guard commercial secrets but we are not convinced that major deletions from the published safety case would be justified on these grounds. Publication of the safety case would also obviate the need to carry out the laborious and expensive task of identifying those residents likely to be affected – a difficult exercise in view of the unpredictability of the effects of an accident such as the escape of a cloud of toxic gas in complex weather conditions.”

Provisions of information in this way would also improve the quality of participation by the interested public in the planning process, however it may come to be amended in the light of

Committee recommendations. I would even go so far as to say that straightforward publication of sound information would probably diminish to vanishing point most if not all public interest in it ...

In sum, the best interests of the community at large will be served by ensuring that all may, if they so desire, examine both the plans and the planners, to satisfy themselves that every reasonable precaution has been taken to minimise major hazards. This may, to be sure, occasion somewhat more inconvenient to the planners and their regulations. Such inconvenience is, I submit, a modest price to pay to win the support of the community for industrial activities in the neighbourhood. It might even lead to improved safety.

(c) Walt Patterson 1984-2013