

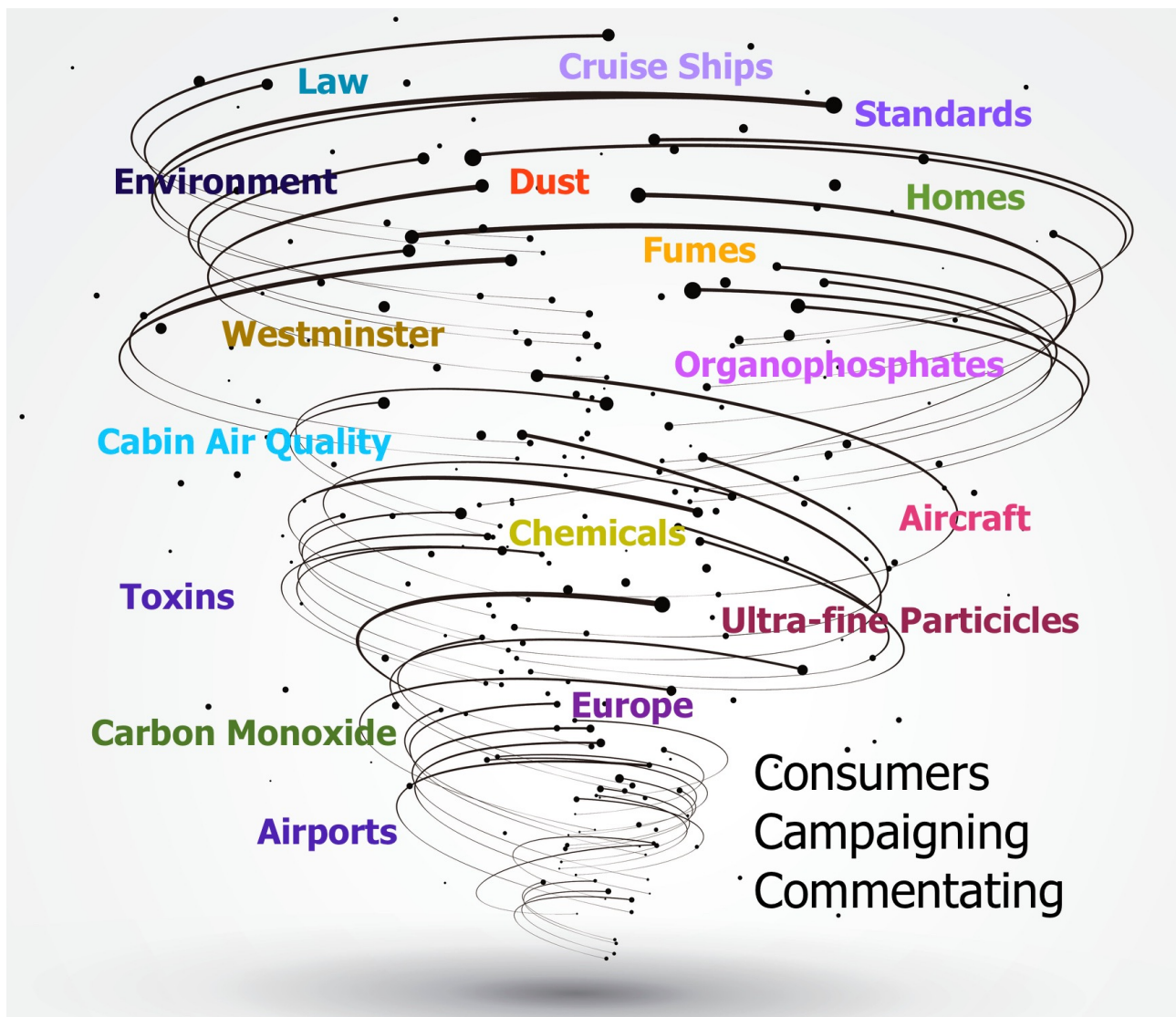
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# Public Information: A Carbon Monoxide Strategy

## Position Paper

Frank Brehany - [frankbrehany.com](http://frankbrehany.com) - 22 December 2017

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## **Introduction:**

This Position Paper is published with the goal of summarising and discussing what primary issues exist within the current Carbon Monoxide debate. The paper acknowledges that Carbon Monoxide potentially exists in many environments, such as within aircraft and motor vehicles, but, this paper will concentrate on the issues within the domestic environment. As this paper is being written, it is important to acknowledge powerfully constructed initiatives which lack the finance and political will to promote these measures nationwide. Equally, it is also important to note the debates within the European Union on this issue and readers should compare and contrast such debates with those that exist within the UK jurisdiction. This latter point is important because of Brexit. Consumers cannot simply ignore the importance of this event and its affect on regulation or de-regulation. For the present, this paper concentrates solely on non-regulatory issues and options.

## **About the Author:**

I am a retired Police Officer and a self-funded Solicitor. I work extensively in the media, providing comment principally on Travel Consumer related issues. I am not connected to nor do I work within or with any Law Firm or other Legal entity.

In the last 10 years, I have provided extensive comment to the UK & EU about Travel Consumer issues, creating over 60 reports to highlight detriment suffered by Consumers and solutions to resolve those difficulties.

For 14 years, I was the Consumer Director of the Independent Travel Consumer Organisation, HolidayTravelWatch (HTW), until I left that post in July of this year.

I have some 20 years experience, both in the handling of holiday claims and latterly as a Consumer Campaigner, helping Consumers deal with their Travel Complaints. Whilst at the helm of HTW, we proudly aided 97.5% of holidaymakers to self-resolve their complaints and worked with specialist lawyers to help progress less than 2% of holidaymakers cases, where it was clear that they would not be capable of settlement by self-resolution methods.

I do not receive any funding from any source and my continuing work to independently advocate the Consumer position is entirely self-funded.

I am registered on the EU Transparency Register (261256827913-10) and I also voluntarily subscribe to the Nolan Principles of Public Life.

## **Opening Comments:**

My commentary on Carbon Monoxide issues, whilst sitting outside my work on travel-related or other Consumer issues, is nonetheless complimentary to those specialisms. Working with domestic carbon monoxide campaigners has revealed a crossover on many areas, from liability to health; public information and law.

The debate within the UK, as a general rule, tends to focus on the domestic scenario, but tourism reveals an important sector in this debate. Concerns on CO & Tourism in the UK can manifest itself from someone renting a holiday cottage from a private individual to a company providing accommodation in a purpose-built resort. In this debate, the UK should pay heed to the issues and the lessons from the Corfu Carbon Monoxide tragedy.

The issues raised in this paper stem from meetings held with various bodies, primarily representing industry, along with those from the UK political world. It is important to acknowledge, in the spirit of respect, that those I have met, offer a concern and personal determination to rid

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Consumers of the risks of Carbon Monoxide. If issues exist beyond that dialogue, that are perceived to prevent action on important or key points, then these issues must surely rest entirely within the agenda and the decision chain of companies, regulators and government departments and not the individuals that I have met?

The following commentary and strategy deals with 'non-regulatory' issues and are presented for consideration and debate, particularly in the brexit-world to come; Consumers will from that point need to become aware of these key issues and deploy them into any action they wish to take.

### **Key Action Points:**

#### **Existing Data, Victim Support and their Contribution; real people & films:**

It is important to acknowledge that there is data both produced with regard to gas only, by the Gas Safety Trust and by CO-Gas Safety, with regard to unintentional deaths and injuries from CO from all fuels. However the CO-Gas Safety Charity is the first to state that from its study of data since 1995, that there are many cases, even of unexplained death, when no test for CO is carried out. The consequence of this is that large numbers of deaths and injuries may well be being missed.

Furthermore, because CO-Gas Safety undertakes victim support, real victims or family members could be approached and asked help within the creation of Public Information Films which could be produced by Industry and Government with great effect.

#### **The Gas Industry's Project to Warn Consumers:**

Recent meetings have provided the initial impression that a focus on CO deaths, was central to discussions with regards to PR. However, clarification indicated that the PR exercise was an attempt to find a way to inform, through the best available PR methods, rather than concentrate merely on deaths. Nonetheless, it would be entirely logical to deploy statistical methods in any analysis of PR benefits, so that industry and government can answer questions about cost/benefits to Industry and the Consumer. It appears from these studies it is considered that the use of PR would have no benefit and that industry and government would continue with CO initiatives to date or those in development.

It has been suggested that prime time TV warnings would end the existing initiatives; this approach is not logical.

#### **PR Project Costs vs Society's Costs arising from preventable deaths & injuries:**

Considering statistical metrics, in any PR discussion, is vitally important to examine the cohort of potential CO victims. I have experienced a slight dismissal of the APPCOG figures (4,000 injured CO victims & £178m in costs to society); I have compared that methodology with other areas of my expertise and I consider the APPCOG figures to reveal a benchmark in any discussions about PR. I have noted the comparator that was used in the analysis of PR and Carbon Monoxide and I am not entirely convinced, that the use of the ROI comparator was appropriate, given that fuel burning has a different construct in Ireland.

#### **Consumers and their Gas Bills; paying for education/warnings/information on risks:**

I have been party to a discussion about how it was considered that Consumers may not accept the 'spend' in their gas bill on Public Information warnings.

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From my perspective, it seemed to suggest that Consumers were paying a 'tax' within their payments to gas companies, which was used to develop education/warnings/information solutions on the risks arising from the use of gas.

Apparently the detail of this charge is contained within a Consumer's Bill, but I have questioned whether Consumers were aware of such a financial construct with a typical gas bill?

It suggests that the Consumer, not Industry, is paying for for the development of a risk information strategy and this point raises an important question; *'do we engage in a lengthy discussion about where this responsibility should fall, or do we for the present accept, in order to move forward valuable information for Consumers, that Consumers are the 'first-call' for funding of these initiatives?'*

It is also important to establish for how long this 'tax' been already levied for, presumably to create a fighting fund? If this observation is correct, how much has been raised, are there year-by-year publicly available accounts for the money raised for education/warnings/information and how much is currently in this fund?

Along with others, I have suggested that this inquiry was necessary for clarity & transparency with Consumers, to determine the nature and extent of this provision within a typical gas bill.

It was also suggested that if Consumers were aware that a small portion of their bill went toward education/warnings/information, they would likely, in the majority, agree with this provision, and view it as a necessary part of their consumption, because ultimately it will keep their family and neighbours safer and informed about the risks associated with consumption and how to avoid those risks.

Consumers are clearly an important stakeholder and financial-backer of education/warnings/information development; they should be consulted on that development and its related costs; at present it appears that too many assumptions are being made about what Consumers will or will not accept.

These points are vital and they should form an important part of the next agenda of the Consumer Challenge Group (the Consumer Advocacy Group within OFGEM), with positive and affirmative onward recommendations, as has been suggested, for action by the Regulator and the Gas Industry.

### **Costs/Benefits Analysis; judging future success:**

On the question of the cost/benefit analysis, it is accepted that this type of analysis cuts across all strata.

Whilst there was a concern expressed that the use of PR would not return a 'value', discussions demonstrated that by using the base quoted figure, cross-referenced with a victim cohort of 4,000, this could produce a cost per victim of just over £1,900 to run such a PR campaign. It is my view that the justification for the operation of the campaign should not just be based on cost, the goal surely would be to reduce the numbers affected and injured via annual targets?

However, it should be recognised at the outset that as the numbers, even of deaths that are known about, are almost certainly the tip of an iceberg, I do not think it right to judge the effectiveness of such a campaign on a reduction of deaths and injuries only. Indeed it is possible that with more awareness by the public, medics, police etc, that it could seem that CO deaths and injuries would apparently increase. Therefore perhaps topics such as testing people's awareness of the dangers of CO, how CO can be tested for, the symptoms, how quickly a tiny amount of CO in the air can kill

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and how to prevent death and injury from CO would be a more relevant and meaningful set of PR targets.

The PR cost question, the costs/benefits analysis and the aforementioned discussion on how the Consumer pays for education/warnings/information are important issues. The 'choice' apparently facing the industry is how they balance the pressures on education/warnings/information, against what an industry unilaterally perceives the Consumer will accept.

If indeed it is the Consumer, rather than an Industry that has to currently pay for education/warnings/information, then I suggest that there is a need to shift the discussion.

The **first step** is to deal with the apparent lack of clarity within gas bills via the Consumer Challenge Group and to widely consult Consumers.

The **second step** is to examine exactly what it would cost the Consumer each year, if an increase in the said 'tax' or 'premium' was applied to specifically cover the cost of a 'warnings' PR strategy.

### **Modelling Consumers financial-backing for a comprehensive PR Campaign:**

I think that it would be helpful to the ongoing conversation if I offer a costs-model on how a Consumer-backed PR warnings campaign could be paid for. I am assuming that the status-quo will continue through domestic-users gas bills, subject to the recommendations above. The model suggested at this time provides for a simple overview to encourage debate and I would be happy to assist in the onward construction of this model; both myself and others offer to do so because we consider that it is vitally important to take positive steps to achieve the goal of Public Information.

I initially constructed these figures extracted from the ENA:

1. The [ENA states](#) that there are 23.2m gas users across the UK;
2. In examining the extra 'premium' to cover the cost of a 'warnings' PR strategy, I have used the figures of £0.10p per annum and £0.50p per annum, to be added onto domestic users bills;
3. Using the £0.10p annual 'premium', this would raise £2.3m per annum, costing the Consumer £0.008p per month;
4. Using the £0.50p annual 'premium', this would raise £11.6m per annum, costing the Consumer £0.041p per month;
5. By any analysis, subject to how the issue is dealt with at **step one**, there is a compelling case to take firm action on this point and create a fighting fund with Regulator, Industry and Consumer support.

### **General observations about the PR work to-date:**

During the various meetings, collectively we demonstrated our understanding of PR.

We highlighted that it was normal practice for PR companies to provide a 'gratis' window into PR possibilities and that is exactly what has been achieved.

However, given that PR contains a dynamic of possibilities and options, the only accurate way to determine its effectiveness is through the creation of a scoping project, which would examine metrics, demographics and best methodology.

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Collectively, we are not convinced that this initial analysis is providing you with clarity on methodology or costs, to the extent that Industry/Government are seeking on a costs/benefits analysis, whatever about comments on the Consumer 'premium' above.

Industry and Government should be encouraged to consider this point seriously and to approach several London-based PR agencies (without government or established fuel connections), initially to obtain that initial 'gratis' overview, with the goal of setting in motion a scoping project. The Campaigner consensus offers the view that Industry/Government will obtain a better indication of the possibilities, along with perhaps some surprising re-assessment of costs.

PR is not simply a one-year or two-year project; it should be viewed in the long-term, with targets and goals, based on season and demographics in line with our suggestions, to help the initiative reach a tipping point.

### ***Public Information Films; the need to engage with Government:***

Discussions have examined whether Industry has approached government with regards to the [government's own policy](#) and [subsequent subscription](#) to that policy, on Public Information Films (PIFs).

It appears that this has not taken place, but there is some indication that 'government' money was not available for PIF work.

The government apparently brought in its policy in 2010, where partnership was considered to be at the forefront of any PIF development.

That partnership was held to run between an industry or a public interest area, government and the media.

Collectively, with other campaigners, we have tried and will continue to pressure government on this important policy which we feel offers the perfect opportunity to reduce the outlay of industry through a potential government partnership.

The government has never indicated to us that this policy has suffered a limitation in its breadth and scope, as set out by the Tee report on PIF's & the COI.

It is clear that government still believes that PIFs have a role to play in educating the public, as is evidenced by a recent PIF on antibiotics.

I also think that there is a greater opportunity for Industry to create a wider partnership, with the assistance of government, to bring into that partnership, other fuel producers, thereby reducing the overall outlay for this initiative.

I would encourage Industry to embrace this route and to take care against those who would suggest that it is not possible; it is apparently government policy and both my colleagues and I would be happy to Partner Industry in efforts to advance dialogue with government!

### ***The Quest for Data vs Initiative Developments:***

There have been discussions about the need for data to inform, but as I have seen elsewhere, the search for data can prove to be endless and without a satisfactory conclusion. In my work elsewhere, the quest for data can act as an unreasonable barrier to progress in other areas; I have strongly suggested that Industry and indeed Government guards against the same issues arising on CO education/warnings/information.

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### **The Precautionary Principle:**

I have examined, to what extent, if at all, the Precautionary Principle has been factored into discussions on PR initiative's or indeed any initiative.

The Precautionary Principle is entirely appropriate in this instance because we are talking about the delivery of gas through pipes and its end use through appliances; in effect, we are talking about the science of delivery to the Consumer.

In any analysis of this area, whether it concerns the nature of the burners, the changing nature of the natural gas product or simply assessing risks to end-users, the Precautionary Principle is the guiding Principle in carrying out that hazard or risk assessment.

Whilst its origins stems from environmental issues, the Principle has now been deployed across a wide political, scientific and social arena.

I would suggest that in any analysis or risk and how to alleviate that risk, particularly through information campaigns, education or other initiatives, the principal question must surely be: *'in the absence of data, how do we reduce risk and communicate to a wider audience as possible, the extent of risk?'*

The use of the Precautionary Principle would in my view, ultimately offer legal protection to any company who openly and transparently uses it and provide an additional benefit, through demonstrating that a particular company really does have Consumer health at the heart of its operations.

This is not about highlighting a risk of using a particular company or offering the Consumer 'bad news', it is about demonstrating that all possible and reasonable steps have been taken to reduce risk; it should also demonstrate in any developed strategy, that thinking on risk is organic and future-proofed.

It is important that this debate and the quest for safety, does not become trapped by Shifting Baseline Syndrome.

In my view, it is equally important to remember that events beyond 2019 will require the UK to consider Standards and the Precautionary Principle, at a more granular level, and it will require importing the Principle into this key area; I consider in particular, that its use is vital on potential PR measures and is not only appropriate, but proportionate.

### **The Consumer Challenge Group:**

I have noted the existence of Ofgem's Consumer Challenge Group and questioned to what extent they have discussed the safety of Consumers. I have expressed the view that this Group should be expected to do so, particularly on CO issues. It is important to recognise the skill and expertise that currently exists within that Group, but, the Regulator needs to reassess its work and examine the diversity of discussion and membership.

### **Conclusion:**

This Position Paper raises key 'non-regulatory' issues such as Data; PR initiatives; Education/Warnings/Information; the Consumer 'pays' principal; Costs/Benefits analysis; Modelling the Consumer 'pays' principal; Public Information Films, Partnerships; The Precautionary Principle, Shifting Baseline Syndrome, The Consumer Challenge Group and the future direction of Non-

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Regulatory or Standards routes. Action on any of these points would improve the issues arising from Carbon Monoxide and develop trust which has been so lacking across the wide spectrum of this debate for many years. This Position Paper provides the basis for future campaigning action but does not reveal the full campaigning opportunity that exists.

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