

# Ralph Nader Radio Hour Ep 421 Transcript

**Tom Morello:** I'm Tom Morello, and you're listening to the *Ralph Nader Radio Hour*.

[Music] *Stand up, stand up, you've been sitting way too long.*

**Steve Skrovan:** Welcome to our live Zoom edition of the *Ralph Nader Radio Hour*. My name is Steve Skrovan along with my co-host, my trusty co-host, David Feldman. Hello, David.

**David Feldman:** It's good to see you, Steve. I think we may have to call the fire marshal. It's packed here.

**Steve Skrovan:** It is packed here. We don't want to create any accidents. So we will keep within the number that we are assigned. I also want to check in with the voice of our associate producer who is really running the show today, Hannah, Hannah Feldman. Hello, Hannah.

**Hannah Feldman:** Hello Steve.

**Steve Skrovan:** Hannah will be moderating your questions. And of course, we have the man of the hour, Ralph Nader. Hello, Ralph.

**Ralph Nader:** Hello, everybody. Thank you for being here.

**Steve Skrovan:** That's right. Thank you for being here. And we've got a great topic, a great guest. And I'm going to set it up by telling you that when something bad happens and we can't see an obvious reason for it, and nobody did it on purpose, we tell ourselves, accidents happen. But when an apartment building collapses or burns down, when a New York City bus runs over a cyclist, or when Texans lose power and freeze to death, is it really an accident? Or was it predictable and preventable? Why are catastrophic accidents – fatal accidents – so common? Are accidents truly random acts of fate? Or can we link them to existing systems of power and privilege? More people die by so-called accidents today than at any time in American history, so what can we do to reverse that trend? Our guest today is journalist Jessie Singer, whose new book *There Are No Accidents*, makes the case for questioning the common simple excuse “Hey don't blame me, it was an accident.” Then those of you in the Zoom room will have a chance to ask Ralph and Ms. Singer questions. And as always, somewhere along the line we'll check in with our corporate crime reporter Russell Mokhiber. But first, our featured guest is going to tell us why most accidents are just waiting to happen. David?

**David Feldman:** Jesse Singer is a journalist and author whose writing appears in the *Washington Post*, the *Atlantic*, *Bloomberg*, *BuzzFeed*, the *Village Voice*, the *Awl*, *New York Magazine*, the *Guardian* and elsewhere. Her new book is entitled *There Are No Accidents: The Deadly Rise of Injury and Disaster—Who Profits and Who Pays the Price*. Welcome to the *Ralph Nader Radio Hour* Jessie Singer.

**Jessie Singer:** Thank you so much for having me.

**Ralph Nader:** Welcome indeed, Jessie. When I read your book, in galley, I commented on it, saying the following “With deep documentation Jessie Singer demonstrates how the false culture of ‘accidents’ as ‘unforeseen and unplanned events’ is a convenient cover for corporate crimes,

## Ralph Nader Radio Hour Ep 421 Transcript

negligence, and sheer greed. Whether on the highways, in the workplaces, or in the marketplaces, Singer illuminates how powerful interests could be acquired in many ways to prevent or mitigate the horrific casualties which now are profitably blamed on their victims. After reading this book, you'll recoil when you hear the word 'accident.'"

Now just anticipate some people saying, "What do you mean? I mean, what if a meteor comes from outer space and hits a car crowded with passengers?" That's obviously an accident. Well, you're not referring to those kinds of things; you're referring to environments that are human-made, corporate-made, government-made, that set the conditions, which lead to death, injury, and disease. And you don't just define these situations in injury terms, you also define them in disease terms, such as, for example, the lack of planning for the COVID epidemic, or the opioid epidemic with the Sackler family and others. So, let me just let you inform the audience, first of all, why you wrote this book, following the loss of a dear friend, and what you think this book represents in terms of a turnaround in our culture and our civic action and our holding perpetrators accountable?

**Jessie Singer:** Thank you so much, Ralph. That's a great question. It's not a happy story, how I came to write this book, but hopefully something will come of it. The story for me begins in 2006. My best friend Eric, who was 22, a high school math teacher in New York City, was cycling along a separated biking and walking path on the west side of Manhattan. He was killed by a driver who mistakenly turned onto that path. That driver was drunk and speeding, and they went to prison. But the genesis for this book really occurred 11 years later, when a different man rented a truck and followed the exact same route, this time intentionally not mistakenly, turning onto the same path. That man killed eight people and injured 11 in an act of vehicular terrorism. And it inspired me to look into the place where my best friend had been killed. And I learned that others had been killed there, before and after him, on the same path, in the same places. And every time the drivers were different; some were distracted, some were lost, some were drunk. And every time the story that was told was, it was an accident, and so no problems were solved.

After the terror attack, the city and state got together and barricaded every single entrance to this path; they made the harm impossible. And it really taught me that "accident" was this sort of magic word, a willful ignorance to distract from our ability to prevent harm. The terrorist attack also started me looking into the numbers in terms of so-called accidental death in the US. And when we say accident, in this phrasing what we mean is unintentional injury death; so, not disease, not violence, and not suicide. And it's a massive category that includes everything from accidental falls to accidental fires to traffic crashes to drug poisonings like an opioid overdose.

All of these numbers have been rising since 1992. In fact, they've risen 132% since 1992. And that rise has increased exponentially lately, so much so that in 2019 173,000 people in the US were killed in accidents. That number rose to more than 200,000, just a year later. And it's super important to note here that that rise has not been seen in other wealthy countries. And I think the most important thing to understand about these accidents is that they're supposed to be random, like Ralph defined. But if that were true, injury-related death would fall randomly across the US, but it does not. And this is especially true for the accidents that kill us most, where policy and infrastructure make a difference between life and death— the safety of our homes, the safety of our roads, the safety of our workplaces. For example, Black people are killed in accidental fires at more than twice the rate of white people. Indigenous people are struck by cars at more than twice the rate of white people. In West Virginia, you're more than twice as likely to die by

## Ralph Nader Radio Hour Ep 421 Transcript

accident, as you are just across the state line in Virginia, which is to say that policy decisions and unregulated corporate power lead to risk unequally distributed across the US. And I think, Ralph alluded to this, we often think of accidents as a matter of personal responsibility. I screwed up or they screwed up; I would have done it differently. But it's actually a matter of risk exposure. And these class and racialized differences in accidental death demonstrate that we're not all exposed to the same risk.

**Ralph Nader:** Well, there's an accusation I'm going to make against your book, I think it's a gross understatement. I think the figure of 170,000 deaths due to these kinds of conditions is grossly underestimated. Because we don't even calculate the number of cancers, respiratory ailments, all kinds of silent forms of violence, that proceed from institutional negligence, institutional greed, institutional cover-ups. For example, today, in the news, is a report by a university researcher, saying that he has discovered micro plastic in human blood. Plastics are all over the world. They're contaminating oceans getting into the fish we eat. These are micro, microscopic plastics, and now they're being found in human blood. And the researcher said, there's no indication that they can be blocked from going to the brain. Just think of that, who is counting that? Nobody is counting that. Until recently, Jessie, they didn't count how many people died in hospitals due to preventable problems. And until groups like the Johns Hopkins University of Medicine—preceded by the Harvard School of Public Health—Johns Hopkins' estimate in the report about six, seven years ago—I mean, this is staggering, and they said it was the minimally conservative figure—that 5000 people a week die in hospitals in the United States from preventable problems. That's the phrase they use. And they didn't include those who die in clinics, and those who die in doctors' offices, due to poor diagnosis, negligence, wrong prescription of drugs, combination, whatever. So, listeners out there and the readers of your wonderful book, *There Are No Accidents: The Deadly Rise of Injury and Disaster—Who Profits Who Pays the Price* are entitled to consider that the problem is vaster, much, much greater, but the way officials in our government count accidents is very, very narrow.

Having said that, I think we need different language. I mean, you had to use the word “accident” throughout your book when you really didn't want to use the word “accident”. It's so inbred in our language. We know what a Molotov cocktail is. And we ought to start thinking about the phrase “corporate cocktail,” which is one part greed, one part power, and one part technology. Because so many of these deaths and injuries and illnesses come from corporate power run amok, cutting corners, covering up; whether it's the Boeing company, or the Sackler family and their company; whether it's Johnson & Johnson's dangerous products; whether it's all the polluters around the Gulf of Mexico, contaminating the water and the air with deadly toxics; and of course, there are government installations, military installations that have spread radioactive material and other toxics into the groundwater, sometimes right on the Marine reservation, contaminating Marine families in Camp Lejeune in North Carolina.

So, with that in mind, what do you propose? We have regulations that are nonexistently enforced or they're weak; some of them were enforced years ago. We have less lead in our bodies; we have less lead in gasoline, that's been prohibited; and you can't sell lead-based paint anymore. But we still have lead in drinking water like the Flint, Michigan situation. Suing companies is getting more and more difficult. Johnson & Johnson just created a subsidiary and dumped their lawsuits by 33,000 women harmed by talc powder into this subsidiary, and then proceeded to go

## Ralph Nader Radio Hour Ep 421 Transcript

bankrupt with the subsidiary under corporate bankruptcy laws in Texas. So give us your realm of correction here— of reform. What are you pressing for?

**Jessie Singer:** I think it's important to note, while the situation is dire, there is reason to hope because the institutions you mentioned were actually so effective. We know that accidental death tracks with income inequality from the Industrial Revolution to today. But after World War II, we see the country build the social safety net and create later systems of regulation. And as a result, accidental death fell for decades; it fell until 1992. And what we're seeing today is the aftereffects of Reagan defanging those regulatory systems and dismantling the social safety net. But we have examples throughout history where giving accidental death a cost causes a decline in accidental death. After the Triangle Shirtwaist Factory, worker deaths declined with regulations about the built environment of the workplace and a cost on accidental death. Air travel is the safest form of transportation because it's the most regulated. And deaths under anesthesia used to be really common; and they got less common because a series of large-scale tort cases cost the hospitals a lot of money; and they created new rules about training and the amount of hours an anesthesiologist could work. Same thing with child iron poisoning; when we regulated the packaging of those pills, the accidents declined. And so we're in a situation where we force corporations to pay now or we pay more later; like today, corporations externalize these costs, and we pay for the cost of accidental death in healthcare and in road repair and emergency services. So big picture, the solutions are rebuilding our regulatory agencies, restaffing our regulatory agencies, so people are protected from corporations; but also, I think rebuilding the social safety net so that people can afford to better protect themselves. If that's a little counterintuitive, it is just to say that you can afford to buy a safer car, or you can afford to not take the most dangerous job or live in the least safe apartment. The thing that makes me most hopeful, though Ralph, is that accidental death— injury-related death— is largely simple. It's not cancer or COVID. Which is to say, we know how to prevent the vast majority of accidental deaths; there are a million ways to do it. And so, you can do it locally. You can advocate for traffic calming and public transit expansions to reduce traffic crashes where you live. You can fight for safe injection sites and the free distribution of naloxone, which arrests an accidental overdose, in your community and accidental overdose deaths will decline. You can fight for things like ADA accessibility, with ramps and grab bars, which will reduce the impact of accidental falls. Or the regulation of local fire safety requirements, like sprinklers and self-closing doors in apartment buildings, which will reduce accidental fire deaths. So I think there are a wealth of solutions here if we keep in mind this idea that people are going to make mistakes, and focusing on those mistakes is always a distraction. But we can protect people from the worst consequences of their mistakes. So, I think you're right, it's going to take a fight. And I like to point to airbags and naloxone. And again, naloxone is a simple and harmless drug which arrests an accidental overdose. Airbags and naloxone were both invented in the 1960; airbags weren't required in cars until 1998; and naloxone is still not mandated with every opioid prescription. And it's important to note that these things don't prevent mistakes. They just prevent us from dying. They prevent the harm of our mistakes. And so, I think if we keep focusing on that harm reduction even in a simple local way, where we can't force our federal agencies into compliance, we can reduce these numbers by a large part.

Ralph Nader: Also, you mentioned the teaching of CPR and other ways to react immediately to emergencies. Do you want to describe that?

## Ralph Nader Radio Hour Ep 421 Transcript

**Jessie Singer:** Well, yeah, Naloxone and CPR, these are things that we could train high school students to do as part of their education instead of what I learned in high school— how to square dance. There is a lot of potential in simply giving people tools to help themselves and to help one another, that focus not on preventing mistakes, which is where we spend so much of our focus— on police enforcement and education as though we're going to make people perfect— and instead focusing on reducing the harm. People are still going to choke, but we can stop them from dying from choking if everyone understands how to do the Heimlich maneuver. CPR and Naloxone are simple interventions that arrest the risks of our mistakes. And I think there's a lot of potential in that, not the kind of potential we get from actually regulating our automakers, not that kind of wholesale protection, but it is something we can all do to take a step forward on the local level.

**Ralph Nader:** In your book, you point out all the ways corporations lobby to exempt themselves from accountability. And so, they don't have to pay for the results of their criminal negligence or cutting corners or trying to increase their profits at a price paid by innocent people. And one of the lobbying groups that's working as we speak in one state legislature after another is called ALEC. It stands for American Legislative Exchange Council, heavily funded by the Koch brothers and other corporate interests, and they draft bills and go around to lawmaker offices to get them introduced. And they've gotten some enacted. And the only counter to that came from Professor Joel Rogers' group at the University of Wisconsin Law School, who would draft bills to counter ALEC. But this is all to say that throughout history, Jessie, the argument that consumer protection environmental groups would make is unless the injuries and the damage that corporations cause cost them more than what they save, by not fireproofing their factories, as you say, or recalling their cars or safely bottling a pill or stop selling addictive drugs, they'll keep doing all these bad things, all these traumatic things. And that's what we have to do. The rule of law for safety is to force these companies to internalize the costs that they are inflicting on other people through pollution, defective products and so forth, so that the costs exceed the remedy, which is the corporation becoming safer in its products and its workplace.

I recall once when I was in law school, you may not know this story, Jessie, but you're free to use it. There used to be thousands of railroad workers killed every year in the late 19th century. Because they would be trying to couple railroad cars. And you know what happens when they get between the railroad cars and the railroad cars crush them to death. And an inventor developed what was called an automatic coupler, where they didn't have to get between the heavy railroad cars. And the railroads finally decided that it was cheaper to put in the automatic coupler, than to pay the results of the workers' deaths and the disruption of their operations. And what happened? All these deaths were prevented completely, because the workers never had to get between these railroad cars. So that's what has to be the approach in the 21st century because there are tremendous advances in safety that are never used. Detecting contaminants, for example, the detection technology is spectacular. And all of these cases that you put in your book and other reports, were eventually associated with ways that they could have been prevented, but the government didn't require it; the lawsuits weren't filed to require it; the conscience of the CEOs didn't require it; and people continued to die, get injured, and get sick. So let's talk about the tort system. What's your take here?

**Jessie Singer:** I actually wanted to ask you a question about this, because the tort system is in dire straits. And groups like ALEC have been reducing our ability to sue corporations for a long time under the guise of tort reform. Which, I'm sure all your listeners know; but if you don't

## Ralph Nader Radio Hour Ep 421 Transcript

really know, it is a very bad thing that limits your ability to sue corporations to protect yourself. And so groups like ALEC had been passing legislation across the country that limits in insidious and small ways your ability to sue, like a law that limits product liability to 10 years. So, if a product is older than 10 years and it harms you, there's no way to sue. And if it's your washing machine, you might be like no big deal. That's a fair life for my washing machine. But it's been applied in instances like an amusement park ride, which is obviously supposed to last much longer than 10 years. And there was a story in Ohio where one broke apart, killed a number of people, and there was no way to sue the company that created this ride, which corroded and was known to corrode and rust, because of these tort reform laws.

But one thing I wanted to talk about is, so we're seeing a rise in traffic fatalities right now across the country. We're also seeing a much faster rise in pedestrian fatalities. And this is happening because vehicles are getting larger and more powerful. And therefore, they're safer for drivers and much more deadly for pedestrians, when obviously, this is a complete failure of NHTSA [National Highway Traffic Safety Administration] to regulate our automobiles to protect pedestrians. And that's why in Europe and Japan, pedestrian fatalities are not rising, they're declining, while they're rising here. But tort suits often represent consumers. And so I wanted to know what you thought Ralph about how we protect pedestrians from these bigger cars, and if there's a tort possibility to protect pedestrians from these bigger cars when they're not the consumer, but they are the victim?

**Ralph Nader:** Well as Joan Claybrook has pointed out, there are ways to make drivers in these vehicles able to see better, both back and forward and sideways, and there are ways to improve the protection of pedestrians in terms of crosswalks. And there are ways to design cities that can be more pedestrian-friendly. I must say listeners, the Center for Justice and Democracy, run by the stalwart Joanne Doroshow, has a wonderful summary of Jessie Singer's book. It breaks it down to worker accidents, so-called; and safety spending; pedestrian deaths; one category of accountability regulation; and a strong civil justice system. One of the least recognized problems is worker death and injury. Under workers compensation state laws, they get so little when they're totally disabled. The most heartbreaking letters we receive are from these workers, and the system has failed them completely. In states like Mississippi [there are] disgraceful worker compensation laws. Texas had a good one, until the corporations replaced the members of the Texas Supreme Court and got control of the legislature. But we're dealing here with 60,000 workplace-related deaths a year, according to OSHA [Occupational Safety and Health Administration], and that itself is an understatement. And there's very little attention to it until we see books like Jessie Singer has written. Unlike most of the books and the authors Jessie as we put on, we're laggard in getting you on. You've been all over the press, you've had op-eds in the *New York Times* and the *Washington Post*. So, you're getting good coverage, because you're very, very energetic and you're willing to interact and really work to get this book in the hands of people everywhere and in the libraries, as David mentioned. And so, I want to open this up to the questions from the audience and see how their feedback to you compares with the feedback you've been getting on other media. By the way, listeners, the way you can get the summary of this book by the Center for Justice and Democracy in New York City is very simple: [centerjd.org](http://centerjd.org).

**Steve Skrovan:** That's a very good segue, Ralph. We've been speaking with Jessie Singer. We will link to her new book, *There Are No Accidents* at [RalphNaderRadiohour.com](http://RalphNaderRadiohour.com). Up next Jessie

## Ralph Nader Radio Hour Ep 421 Transcript

and Ralph will answer some of your listener questions from our virtual audience. But first, let's check in with our Corporate Crime Reporter, Russell Mokhiber.

**Russell Mokhiber:** From the National Press Building in Washington, D.C., this is your *Corporate Crime Reporter* “Morning Minute” for Friday, April 1, 2022; I'm Russell Mokhiber. President Biden today announced a new program to crack down on corporate crime. He said that under the program the SEC [Securities and Exchange Commission] would do away with slap on the wrist consent decrees and the Justice Department would stop handing out what he called meaningless deferred non-prosecution agreements. Biden said the department would either bring a criminal prosecution of the corporation or close the investigation, and that he would shift the focus away from these agreements— that fail to deter— to putting in jail high-ranking executives of corporations who engage in corporate manslaughter and homicide. “The fish rots from the head down,” Biden said, “And from now on, we're sending a message to the most powerful criminals in society: crime does not pay.” After Biden's announcement the Dow Jones Industrial Average dropped 20% to below 30,000. Happy April Fools' Day. For the *Corporate Crime Reporter*, I'm Russell Mokhiber.

**Steve Skrovan:** Thank you Russell. Welcome back to the *Ralph Nader Radio Hour*. I'm Steve Skrovan along with David Feldman, Hannah Feldman, Jessie Singer, and Ralph. And it's time for our listener question segment. Hannah, why don't you kick it off and introduce our first questioner?

**Hannah Feldman:** Thank you, Steve. Let's go to our first question, which comes to us from Eric Martz

**Eric Martz:** Hello everyone. I recently finished reading *There Are No Accidents* and I found it very, very thought provoking. I'm growing frustrated by the lack of change in our country. And I'm questioning what would it take for mass change to occur. It seems like we're in this vicious cycle of car dependency, and that only some kind of catastrophic energy crisis will instigate any change. So do you think activists have any chance to convince the general public, or are we just going to have to wait for this crazy crisis to occur? Thank you.

**Jessie Singer:** If you'll allow me, I'll quote Mariame Kaba, she likes to say, “hope is a discipline”, which is to say that I think catastrophe is on the horizon. I think we all recognize the moment we're living in, but that change occurs every day; that we are moving forward; that when Ralph wrote *Unsafe at Any Speed*, which is certainly one of the inspirations for this book, we were in a very different place than we are today. We have seen advancement; we take steps forward as we take steps back. And if we look at history, from the Triangle Shirtwaist Factory on, the only thing that has ever changed the corporate paradigm is activists' fight, which is to say, I'm willing to keep hope as a discipline. And I do think that we absolutely have a chance to make change, especially if we're fighting locally, while we fight on the federal level; making your community an example where you can directly communicate with your neighbors, and you can easily track progress that often gets lost on the federal government's radar.

**Ralph Nader:** Also, the sequence is important. If people get more control over their town, city council, their state legislature, and the Congress, those are the institutions that can generate the regulations to mandate greater safety, protect children, protect adults, protect the environment, protect the workplace. And those are the institutions that can open up access to the courts; so,

## Ralph Nader Radio Hour Ep 421 Transcript

when people who are injured want to hold their perpetrator accountable, get compensation for their medical costs, job losses, and help deter further unsafe practices in the area that they filed suit. So, it all starts with your elected officials locally, state, and federal and that's what cycles back. We never would have gotten seatbelts in cars, airbags in cars, safer tires, safer brakes. You can say, well, who produced those? Yeah well, the engineers were free to produce those. But who made the companies let the engineers in their company do the work? Well, it was congressional legislation in 1966, the auto and highway safety laws, which created the auto safety agency called NHTSA, in the Department of Transportation, which issues the mandatory standards. When you get a notice that your car is going to be recalled, how did that happen? The notice comes from your car dealer. It didn't start with your car dealer. They never used to recall cars because the car manufacturers told the dealers to forget it. If the motorist doesn't complain, when they come in for some kind of service, if they don't complain that they've got some serious defect, just let them go away and don't fix the car. Well, we had hearings in Congress in 1966. And it was shown that there was this kind of cover up by the auto companies with their dealers, and now they are under regulations to recall cars. It doesn't always work. But I remember the first recall was about 7 million Chevrolet cars for sticking throttles. That's quite a frightening thing when the throttle sticks. GM had to recall 7 million cars, and that publicized the right of motorists to have their cars recalled and corrected at the expense of the auto company.

**Steve Skrovan:** Thank you for that, Eric.

**Russ Kendzior:** This is Russ Kendzior. Hello Ralph and Jessie. We often hear terms like “unsafe” or there's just the term “safety”. And it's oftentimes used in partnership with the word “accident.” And so my question is: We live in a world of word soup. And words, of course, have meaning. How would you define the term “accident”? And how would it be different than the terms “incident” or “event,” which are oftentimes used in the risk and insurance industry?

**Jessie Singer:** It's a great question. And I think a lot of the grounds for this book is kind of seated on how tricky the definition of “accident” is. For the book I use, and try to unpack, the dictionary definition. Notably, it has two definitions in the dictionary, and they contradict. One it's a random event; and the other is it's a harmful event. Which means at once it's an unpredictable random event, and a predictable outcome— harmful. So based on that confusion, there's really quite a lot to unpack. But it gets even more complicated because studies show that when we hear the word “accident,” we don't actually think about either of those definitions. We think “unintentional”. And I think this is because, especially in America, we live in a society that is built on blame and punishment. And so when we hear “accident”, we think “unintentional”, because it's a word that provides a little absolution from that constant pressure. But also, this is exactly what we get wrong about accidents. We focus on intentionality. the last person who made a mistake, and thus, accidental death seems random. And this is where you get all these tropes that corporations have pushed for 100 years— the nut behind the wheel, the jaywalker, the accident-prone worker— these tropes that tell us that accidents are not a matter of dangerous conditions which surround us, but our own personal failings. And in that narrative of personal responsibility, we miss this layered causality and the stacked dangerous conditions, all these opportunities to prevent harm. So, I think “incident” and “event” are perfectly good words. But in the end of the book, I come to the conclusion that I can't be the word police, but what I can do is encourage people to make “accident” a jumping off point, a siren that makes you ask questions; that makes you say “Oh, has this happened before? Could it happen again?” And that's



## Ralph Nader Radio Hour Ep 421 Transcript

why I get back to this focus, always, on preventing harm. Incidents are going to happen, “accidents”, “mistakes”, whatever you're going to call them. But all that matters is that we prevent harm. All that matters is that we protect people from the worst consequences of their mistakes. It's a hard question, but I hope I got it.

**Ralph Nader:** Well Russell Kendzior– who just asked you this question, Jessie– he's an expert on preventing injuries from slips and falls. [There are] millions of slips and falls everywhere, supermarkets, for example, and other buildings. And he has been trying to get the Consumer Product Safety Commission, almost succeeded a couple of years ago, to issue a standard to require the flooring industry to design their floors with greater traction and less smooth slipperiness. And that's a perfect example of what your book is all about. Because when someone slips and falls, they'll almost always say, “Well, it's that person's fault,” or “it's an accident.” But many of these so-called accidents come from the design of the flooring industry, as well, I might add of the shoe industry, which often doesn't pay much attention at all to having shoes that are less prone to slipping. Russell can you just very briefly add to what I just said?

**Russ Kendzior:** Certainly, Ralph, and thank you. It's a project that the National Floor Safety Institute, which I founded 25 years ago, which is very active in this area has championed because accidents oftentimes, Jessie, imply this involuntary just kind of “a meteorite fell out of the air and hit you in the head, nothing you could do about it.” When in fact, accidental falls are the leading cause of death to the elderly in our country. And they're the leading cause of emergency room visits. It's the number one health and safety crisis of our country, and again, disproportionately affects the elderly. I'm a baby boomer so I'm in that category. But it's a growing problem. And what we have found is very, very strong opposition from industry to adopt any standards relative to the safety of floors; cleaning chemicals that oftentimes make floors slippery; or footwear, as Ralph noted. A very, very strong opposition. And you're right, Ralph is right. We almost won a couple years ago; it was one single vote by one of the Trump appointees that kind of doomed our petition. But I want you all to know we will be back. We're coming back with our three petitions, and we're going to continue to keep pressure on our government to hold manufacturers accountable for accidental injury.

**Ralph Nader:** Well said, Russell. Thank you.

**Hannah Feldman:** Our next question comes from Ali Sadat, and this is an excellent follow up.

**Ali Sadat:** All right, thank you so much. Hi, everyone. My question is: are there any industries that are more prone to accidents than others? Like finance, auto, or big oil? Thank you so much.

**Jessie Singer:** It's a great question. It's a little complicated again by the fact that “accident” means so many things. When we talk about accidental death, in particular, the vast majority are medical, falls, and traffic crashes. So, they're the fault of the auto industry, the fault of Big Pharma and the hospital industry, and the fault of –like we're talking about– flooring and shoemakers, as a result of an aging population. But one thing I talk about in the book is that most of the time when we die by accident, we die in ones and twos– in a traffic crash, in a fall– these isolated incidents. But occasionally there are big, and almost always corporation-induced, large-scale accidents. And I'm talking about Three Mile Island, the Exxon Valdez, the BP oil spill, and the more everyday but still incredibly effectual chemical releases– methane releases– that really affect people, predominantly people of color, predominantly low-income people, who live near

## Ralph Nader Radio Hour Ep 421 Transcript

these places. And those big, large-scale accidents that have kind of an immeasurable effect, are almost always within the energy industry.

**Ralph Nader:** Specifically, the meat and poultry processing industry. You know how fast those production lines are. They have to pass on 70 chickens a minute. Those have high rates of injury. The lumber industry has high rates of injury. I think OSHA would have that information if you want to follow it up in Washington.

**Hannah Feldman:** Our next question seems very appropriate considering the American Museum of Tort Law is helping put this live taping on. Our next question comes to us from Scott Kampschaefer.

**Scott Kampschaefer:** Hi, glad to be on today. And I was just curious: do you see the civil courts as being an effective means of addressing much of the problems you outlined in your book, Jessie?

**Jessie Singer:** I see them as a hugely important tool to affecting the problems outlined in the book, one of our very few recourses. And as perhaps a good point, I'd like to bring up a case that I'm pretty excited about. So, as I mentioned earlier, traffic fatalities have been rising exponentially. And this hasn't been happening in other countries. And one of the reasons is the more widespread availability of already existing autonomous safety technology, like automatic emergency braking, which could prevent tens of thousands of lives lost in traffic crashes. The technology exists; it's not like an AV pipe dream. But right now, even though the technology is very cheap for automakers to put in cars, you can't get it in every car. In fact, you have to pay \$10,000 extra, even though the parts cost a few hundred at most, to get it in your car. And this automatic braking technology can prevent deaths and traffic crashes. Simply put. And so there's a case that the Arizona Supreme Court has recently allowed to go forward, a tort case where someone was killed in a rear-end crash. And the vehicle that hit them was I think, a Ford Fiesta, that could have had automatic emergency brakes, but it would have cost the driver extra. The car company didn't immediately make the car as safe as possible. And the Arizona Supreme Court is allowing a court case to go forward where the victims in that crash can sue Ford for failing to install the automatic emergency braking in all of their vehicles. And so it's a great example of how NHTSA has totally failed to regulate these technologies. And they're so far behind their European and Japanese counterparts. But we can use the civil courts to force their hand because if that case is successful, it will cost Ford a lot of money and hopefully force them into action.

**Ralph Nader:** And those civil lawsuits are often the first out of the box. When the regulators are clueless, and the legislators are looking the other way, some plaintiff is injured, say by ignition switch defects of General Motors: they go to a contingent fee lawyer; the lawyer starts getting depositions, digging out the information, pursuing the lawsuit in court, trial by jury; the press is there; it's publicized; it gets the attention of the auto safety agency in Washington; it starts initiating action to fix this problem across the board. So, you can see that the first responder is often that injured plaintiff who goes to a contingent fee lawyer and files a suit in open court. That's the way it's supposed to work. Unfortunately, not enough people know about the law of torts, the law of wrongful injury. And over 95% of wrongfully injured people never use the law of torts. That's why we have an American Museum of Tort Law and why we have a curriculum. High school students should learn the law of torts because they're exposed to all kinds of injuries

## Ralph Nader Radio Hour Ep 421 Transcript

just like everybody else. And the earlier they learn about this wonderful, inherited wrongful-injury law from medieval England, the more they're likely to use it, and generate deterrence, alert the public and get adequate compensation from their perpetrator.

**Steve Skrovan:** Thank you for that question. And before we go to the next question, I just want to give a shout out to KNSJ in San Diego, one of our affiliates who is on the call; thank you for carrying the show. And for those of you in all parts of the country, and even the world, encourage your local radio stations to pick up the *Ralph Nader Radio Hour* and join the conversation. So, Hannah, who is next?

**Hannah Feldman:** Our next question comes to us from Jo Ann Oravec. And she has a question about robots.

**Jo Ann Oravec:** Yes, thank you for listening to this question. We're concerned about robots now, robotic-inflicted deaths, and also the autonomous vehicles that are causing so many accidents. Are we going to be trusting AI technologies to the point at which we let down our guard concerning many accidents?

**Jessie Singer:** It's a great question. And again, the answer is corporate greed. One thing we're seeing is Amazon increasing the use of automation in their packaging and distribution factories, where their packaging packages. And we're seeing with the increased use of automation, an increase in worker injuries. And the reason we're seeing that is not just that people are bad at working with robots, though they are, and we can talk about that too. The reason we're seeing that is Amazon is using that automation as an excuse to increase assembly line speeds and increase the pace of production. So, workers with these robots are forced, not only to manage that technology, but to work harder and faster. And as a result, the most dangerous Amazon factories to work in are the most automated ones. We also see an increased reliance on automation in planes and in cars in really dangerous ways. There's kind of been a method in planes and cars as we add automated technology to make humans the monitor of the robot. "The plane flies itself; you watch it in case something goes wrong;" "The car drives itself," and this is what we saw in that horrible Uber Arizona crash that killed a pedestrian. Someone was charged with watching the car. And human behavior specialists will tell you we're really bad at this; we're really bad at monitoring a robot to make sure it's behaving. But this is pretty beneficial to corporations to just have a person there to watch the robot's work. And that person can effectively be blamed when things go wrong, which is what's happening in that Uber Arizona case where the test driver, someone charged with monitoring a robot, is being charged in a fatality, even though Uber disabled the automatic emergency brakes on that vehicle.

**Ralph Nader:** There are already product liability lawsuits against Tesla because its autopilot was out of control. And in answer to your question, there are going to be more lawsuits on so-called autonomous vehicles, which are really pie in the sky. We're not going to see fully autonomous vehicles for many years, but there are autonomous brakes or other semi-autonomous parts already in cars. And when they fail, they can be subjected to the accountability of the law of torts.

**Steve Skrovan:** Thank you for that question. And these questions are great, by the way, and concise and to the point like we requested, so thank you for following those admonitions. Hannah, who is next?

## Ralph Nader Radio Hour Ep 421 Transcript

**Hannah Feldman:** Our next question comes to us from Joe Bushi. He asked me to read it. His question is: are there any international consumer rights groups working with the International Criminal Court to hold corporations globally to account?

**Ralph Nader:** Well, there are coalitions like Consumers Union in the US that puts out *Consumer Reports* [Magazine] and is part of an international coalition of consumer groups in the Netherlands, and England, in Germany, France, Norway, other countries around the world. They have some sort of Federation that links them, so they exchange all kinds of ideas and publications. But there aren't enough of these groups. The corporations are organized to the teeth. They've got all kinds of international trade associations, international lobbies, and there needs to be more consumer organizations working across national borders. That's one reason why our American Museum of Tort Law went virtual. Because it can now be seen from anywhere in the world. You can take a one-hour tour by going to [tortmuseum.org](http://tortmuseum.org). Take a tour and then go back to your own legislators or parliaments and say, "Why don't you have a civil justice law at least as good as the United States? Why don't you have a right of trial by jury, the way the United States has?" So, we need to learn from each other. And we can learn a lot from other countries that are a few steps ahead of us. But there needs to be more formalized institutions, which will lead to international consumer treaties. Like we're way overdue for a consumer protection treaty with China. We have imported Chinese tires and Chinese pharmaceuticals that have been deficient and injured people. And we have to really increase the pace and intensity. Fortunately, you come from a country [Norway] that is very oriented towards international cooperation. So I thank you for that question.

**Hannah Feldman:** Our next question comes to us from William Peirce, who has asked us to read it for him. He asks: Ralph has two very accomplished comedians and television comedy writers as co-hosts. Would their corporate media employers allow them to write jokes that implied that "accidents" were not accidents?

**Steve Skrovan:** David, would you have any perspective on that?

**David Feldman:** Having written for late night television; I can assure you that any jokes that attack corporations are verboten. And one of the reasons our political discourse has been so debased for the past 30-40 years is that late night comedy hosts are allowed to mock the government and mock our politicians, but not their paymasters.

**Steve Skrovan:** Jessie, do you have anything to add?

**Jessie Singer:** Maybe a little. One thing I've seen is. I've worked a lot with the families of the victims of traffic crashes who launched a campaign they call #CrashNotAccident, to try and ask on-air reporters, especially traffic reporters, to stop using the word "accident" and to replace it with "crash." And that's been a real uphill battle. We saw a few years ago, the AP changed their definition slightly to avoid using "accident" in cases where negligence might be present. The *New York Times* has absolutely refused to stop using the word "accident". And of course, this is only with traffic crashes. But I do think that there is a real love affair with the word from corporate America, even on the level of news reporting, because it makes things comfortably fuzzy for us all without having to do that deeper dive and to actually look at the corporate negligence present in so many of these cases.

## Ralph Nader Radio Hour Ep 421 Transcript

**Hannah Feldman:** Our next question comes to us from Dave James. Dave, take it away.

**Dave James:** Thank you, Hannah. Hi, Jessie. You touched on this with the automatic braking. But I was curious if you studied the overlap with intellectual property, and withholding [safety devices], like you say the airbags were invented way before they were deployed. And I imagine they were deployed as a premium product, giving you a differential between two cars as to outcomes for the drivers. And if that shows up in other fields as well, I'm sure it does. Thank you.

**Jessie Singer:** I'm not sure I got the question.

**Dave James:** Well, how that intellectual property law is used to prevent the broad implementation of the safety devices.

**Jessie Singer:** That's a great question that I actually don't know the answer to. I know one thing that Ralph uncovered in *Unsafe at Any Speed* was that these known preventative safety devices, like the collapsible steering column had been patented by the car companies, but they weren't using it. So, I wonder if he has more insight into that question.

**Ralph Nader:** Yeah, well, that's a problem everywhere. Certainly, in the drug industry it's a big problem where monopoly patents curb the dissemination of known life-saving pharmaceuticals, curb competition. And the answer to that is compulsory licensing. A lot of governments have the inherent right in emergencies or serious safety situations, to force the corporate patent holder to license the product with other companies. That's been done once in a while in the drug industry. And it should be done across the board. Because the intellectual property patent intricacies are getting very mischievous. They're increasing the length of time called "evergreening" extensions of patents. They're developing micro-patents on very minor innovations. So, we need a complete overhaul. The person who is thinking the most about this is Jamie Love, who is an economist in Washington, D.C., and has traveled all over the world, getting information that has led to his proposal to change the patent system, but still keep some incentive for inventors to pursue their course of action. Jamie Love.

**Hannah Feldman:** Our next question comes to us from James Byron.

**James Byron:** Hi, thanks for the opportunity to ask my question. So, I'm wondering about the Ukraine and Russia war going on and the possibility of accidental nuclear war taking place and I'd be interested in your thoughts about what the possibilities might be for accidental nuclear war. Thank you.

**Jessie Singer:** International relations is well outside my field, so I'm going pass it to Ralph. But one thing I wanted to point out is that when we talk about accidents, when we talk about injury, what we're talking about is energy. So, when you make a bigger car, the injury on impact is going to be bigger because there is more energy released on impact, which is, of course, the problem with nuclear power and nuclear weapons. The energy doesn't get bigger than this. And so the consequences of our mistakes are incalculable and hugely consequential. Ralph, you might have more thoughts on that.

**Ralph Nader:** Recently, we had arguably the world's expert on this subject, James, a retired professor from MIT. His name is Ted Postol. And he made a very important point in the context

## Ralph Nader Radio Hour Ep 421 Transcript

of the war in Ukraine. That the US has detection capabilities to determine any release of an intercontinental ballistic missile anywhere in the world. The Russians have not caught up with that technology; they're still relying on ground radar detection, which exposes the risk of the Russians thinking something is heading toward them when actually it isn't. And so he thinks that elevating nuclear alerts the way Russia just did, is going to increase the chance of an accidental release or an accidental reply to a phantom incoming missile. And there was a close call in 2015, and one earlier, which demonstrated that it's not simply a theoretical possibility.

**Hannah Feldman:** Our next question comes to us from Susan Perz.

**Susan Perz:** Hi, thank you so much. The corporation is not a sustainable structure for a humane future. It systemizes and reproduces corruption because it's based on profit, and not genuine care. Richard Wolff has proposed cooperatives; I would add nonprofits and nonprofit banks. I think corporations and for profits should be eliminated. What are your thoughts about that? I know there was a movement in the 1990s about this.

**Jessie Singer:** In terms of the accidental death problem, I think the cooperative is actually a really clever solution, because when we could accidental death, we see that it is a result of unequal power in all its forms. You're more likely to die in an accidental fire if you're a renter, and not an owner and don't have power over your surroundings. When workers are killed, it is a result of not having control over their workplaces. And what we do see is when there was a rise in union power in this country, accidental worker death declined because those workers had—suddenly— power and control over their work environment. So, the cooperative has the ability to spread that power wide, so that everyone is invested in the consequences of everything that we're doing, which would reduce the likelihood of accidental death by spreading that power wide.

**Ralph Nader:** Well, the larger the corporation, the more remote its bosses are from the grim realities on the ground. And they work overtime to become no-fault corporations. One of the biggest untold stories is the massive expansion of corporate immunity and impunity. When was the last time a Wall Street banker was prosecuted and put in jail? The whole collapse in 2007/2008, not one corporate executive was prosecuted and put in jail; nobody at the top of Boeing, who produced the strategies of cost cutting that led to the crashes in Indonesia and Ethiopia has been prosecuted. So, we're dealing with a very serious concentration of immune power. It's bad enough to have concentration of power; immune power is what we have to address. I always thought that local economies are more accountable than multinational corporations controlling local economies. And the magazine *Yes* chronicles the expansion of local economies in food, health, energy, transportation, banking, tens of billions of dollars. And every time you patronize a local business, you're reducing the sales of the giant banks or the giant oil companies.

**Steve Skrovan:** Jessie, do you have any last words for our audience?

**Jessie Singer:** It was such a pleasure to be here. And obviously such an honor to interview Ralph for this book— if you didn't know, he's in the book. And it was such a pleasure to be here today. So, thank you all so much for hosting me. If anyone wants to get in touch. I'm @JessieSingerNYC on Twitter. And I really appreciate all the fantastic questions today. It was an insightful conversation. Thank you.

## Ralph Nader Radio Hour Ep 421 Transcript

**Steve Skrovan:** I want to thank everybody for such great questions. And I want to thank our guest again, Jessie Singer. For those of you listening to the radio, that's our show. For you podcast listeners stay tuned for some bonus material we call "The Wrap Up". A transcript of this show will appear on the *Ralph Nader Radio Hour* website soon after the episode is posted.

**David Feldman:** Subscribe to us on our *Ralph Nader Radio Hour* YouTube channel and for Ralph's weekly column, you can get it for free by going to [nader.org](http://nader.org). For more from Russell Mokhiber go to [corporatecrimereporter.com](http://corporatecrimereporter.com).

**Steve Skrovan:** The American Museum of Tort Law has gone virtual. Go to [tortmuseum.org](http://tortmuseum.org) to explore the exhibits, take a virtual tour, and learn about iconic tort cases from history. And be sure to check out their latest program on how litigation on brain trauma is changing the future of football; all that and more at [tort museum.org](http://tortmuseum.org).

**David Feldman:** Ralph Nader wants you to join the Congress Club. Go to the *Ralph Nader Radio Hour* website, and in the top right margin click on the button labeled "Congress Club" to get more information. We've also added a button right below that with specific instructions about what to include in your letters to Congress. The producers of the *Ralph Nader Radio Hour* are Jimmy Lee Wirt and Matthew Marran; our executive producer is Alan Minsky.

**Steve Skrovan:** Our theme music "Stand Up, Rise Up" was written and performed by Kemp Harris; our proofreader is Elisabeth Solomon; our associate producer is Hannah Feldman; our social media manager is Steven Wendt.

**David Feldman:** Join us next week on the *Ralph Nader Radio Hour* when our guest will be Vidya Krishnan, author of *Phantom Plague: How Tuberculosis Shaped History*. Thank you, Ralph.

**Ralph Nader:** Thank you everybody and listen to the advice please; spread the word to more radio stations and other media outlets to carry this program. It talks about issues that you don't hear about in the mainstream media and also proposes remedies, corrections, reforms, redirections, and changes based on your civic action.

[Music]