



Ignoring risk data is dangerous, and siloed risk data is illegal



Ignoring Risk Data Is Dangerous — and Likely Illegal

The two images say it all: For years, we've been the horses' dragging analytics across markets and organizations. Now, we're entering the era of **Dark Intelligence** — where risk data sees what we can't afford to ignore.

For the last decade, *Risk Alive* has helped owner-operators bring **clarity to risk** — saving lives and money through data. Now, we're stepping further. The next move isn't about



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dashboards. It's about intelligence that learns from every hazard ever found and warns before the next one happens.

But before we talk technology, let's ask something simple: Do owner-operators and risk influencers truly know what's at stake — legally and ethically — when risk data is ignored?

Most don't. The average operator takes ten years to assess what regulation expects in five. They address only 50–70% of known hazards, relying on the judgment of a few, when data from thousands of similar sites exists. Hundreds — even thousands — of recommendations remain open, unverified, or forgotten in risk reports that should be living data. Too often, reports become compliance paperwork — not protection.

We've reached the line where **risk reports are data**, and **data is evidence**. Once a hazard is knowable, the duty to act becomes legal, not optional. Owner-operators carry the heaviest burden — balancing shareholder pressure with the duty to protect lives. But they shouldn't carry it alone. Regulators, insurers, licensors, and OEMs — the *risk influencers* — can no longer stand apart — they have both the reach and responsibility to act — before the next incident, not after. They already step in when things go wrong. They could just as easily step in before the incident occurs — combining technology with verified risk data to protect workers and markets in real time.

Yes, owner operators are normally treated as customers. But they need your help. Yes, they are the ones, with public demand that they create hazards, building products to make our lives easier, and more affordable, but in doing so results in risk. And for owner operators its murky waters continue to protect their share price every day. They want to stay legal, and ask, is it the law?

The law is moving that way. And the data is leading us there.

The only question left: **will we act on it before the next headline does?**

You decide. Data is opening a new dawn to make it easier for regulators, licensors, insurers to hold owner operators accountable, for unsafe days, near misses, environmental infractions, injury, fatalities. Help gather this critical risk data, and give Owner Operators clarity on risk, while saving lives and money.

Reminders from history:

- **Deepwater Horizon (2010, US):** BP ignored clear data; billions in penalties under the Clean Water Act.
- **Buncefield Oil Depot (2005, UK):** Tank-level data ignored; multiple firms convicted.
- **Grenfell Tower (2017, UK):** Fire risks documented but dismissed; ongoing criminal inquiry.
- **Rana Plaza (2013, Bangladesh):** Evacuation warnings ignored; 1,100 deaths, criminal charges.



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- **Boeing 737 MAX (2018–19, US):** Internal system warnings ignored; DOJ criminal case set for trial in 2025.

Once a hazard is visible in data, failure to act crosses the line from oversight to liability.

Ignoring Risk Data: When It Becomes a Legal Problem

1. The Line Between Oversight and Liability

Once data shows a *knowable* hazard, the duty to act becomes legal, not optional. Failing to respond to that data—whether through inaction, cost-cutting, or procedural delay—can move a company from “non-compliance” to **criminal negligence**.

2. Global Legal Duties

OSHA (U.S.)

Employers must provide a workplace free from recognized hazards. Knowing about a hazard and not mitigating it after data or incidents show risk.

EPA / Clean Water Act (U.S.)

Companies must prevent foreseeable environmental harm. Ignoring operational data or alarms (e.g., BP Deepwater Horizon).

Corporate Manslaughter Act (U.K.)

Organizations owe a duty of care to employees and the public. Gross breach of management duty (e.g., Deco-Pak, Buncefield).

COMAH / Seveso III (EU/UK)

Operators must identify and control major-accident hazards. Not learning from incidents or audit data showing failures.

Bill C-45, Criminal Code (Canada)

Companies must take *reasonable steps* to prevent bodily harm. Ignoring known risk data or safety recommendations (post-Westray).

Work Health & Safety Act (Australia)

Persons conducting a business must ensure health and safety “so far as reasonably practicable.” Failure to review or act on hazard/risk data (e.g., Esso Longford).



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IEC 61511 / 61508 (Global)

Requires proof that safety-instrumented systems are designed, maintained, and validated. Failing to respond to diagnostic or PHA data showing degraded integrity.

ISO 45001 / 31000

Continuous improvement in hazard identification and risk control. Failure to review lessons learned or apply new data insights.

What Responsible Companies Do

- Centralize risk data — no silos, no excuses.
- Document learnings — lessons closed, not just logged.
- Validate proof of action — not just procedural fixes.
- Track time between data insight and management response.
- Keep evidence — regulators and insurers reward traceable action.

Turning risk assessments into proof of action — clarity that protects lives, assets, and executives, and saves money. Risk Alive.com