

To: A. Murie

From: E. Chamberlain & R. Solomon

Date: January 31, 2001

Subject: Response to Emile Therien

We would like to respond to some of the comments in Emile Therien's article, which appeared in the Globe and Mail on January 18. Mr. Therien, who is President of the Canada Safety Council, criticized Quebec's recent move to impose administrative sanctions on drivers with blood-alcohol concentrations (BACs) of 0.05% and higher. It is premature to pass judgment on the proposed law, particularly since its precise details have not yet been released. On a broader level, we fundamentally oppose Mr. Therien's view that 0.05% BAC limits would criminalize the "social drinker," and would not affect the small minority of "hard core" drinking drivers who are allegedly responsible for impaired driving in Canada. His view echoes the prevailing rhetoric of the alcohol industry, which downplays impaired driving among "social drinkers" and calls for a crackdown on "hard core" offenders.

Mr. Therien suggests that there is a very large group of "social drinkers" who always drink moderately or responsibly, and a very small minority of "hard core" drinkers who regularly abuse alcohol or drink irresponsibly. The language of "hard core" and "social drinkers" is seductive and politically useful, as it provides a convenient scapegoat for Canada's impaired driving problem. By assigning blame to the "less than one per cent" of stereotypical "hard core" drinking drivers, Mr. Therien allows the majority of Canadians to separate themselves from the impaired driving problem without critically assessing their own drinking

habits. Moreover, it allows governments to posture themselves as taking a tough stand, without having to enact broader legislation or enforce the existing law.

This situation is analogous to that relating to HIV in the early 1980s. Initially, HIV was categorized as being a problem among homosexuals, prostitutes and intra-venous drug users. This led the general public to believe that HIV was limited to those marginalized groups, and would not affect them. However, this view misleadingly linked HIV to particular individuals, rather than to the high-risk behaviours that spread the infection. While certain groups were more likely to engage in high-risk behaviours, it was critically important to shift the public focus from those groups to the behaviours in question.

Similarly, it is misleading to attribute Canada's impaired driving problem to a small number of "hard core" drinking drivers. Rather, the focus should be on the high-risk behaviour that generates alcohol-related crashes, injuries and deaths. A brief survey of the literature indicates that such high-risk behaviour is not limited to a small minority of the population, and is more prevalent than the promoters of the "hard core" stereotype would lead us to believe.

The dichotomy between "hard core" and "social drinkers" ignores those people who usually drink moderately, but occasionally drink to excess. These people are not alcoholics, and would not generally be viewed as "hard core" drinkers. For example, a significant percentage of young males go through a period of episodic heavy drinking. According to the *Statistical Report on the Health of Canadians*, 36% of drinkers aged 20-24 admit to consuming five or more drinks in a sitting at least 12 times during the last year. In fact, 13% reported that they had engaged in such binge drinking 52 times a year. In addition, two-thirds of undergraduate students who participated in the 1998 *Canadian Campus Survey* admitted to

having five or more drinks in a sitting in the two or three months prior to the survey, and one-third reported having eight or more drinks in a sitting during this period. Moreover, on average, the undergraduate students surveyed admitted to consuming five or more drinks in a sitting 13.4 times during the past year. These students probably see themselves, and are likely seen, as simply liking a good party, not as “hard core” drinkers.

Furthermore, studies show that a sizeable portion of the Canadian population continues to drink and drive. In the 1999 *National Opinion Poll on Drinking and Driving*, conducted by the Traffic Injury Research Foundation (TIRF), 19.3% of licensed drivers said that they had recently driven within two hours of drinking. In the authors’ words, “when applied to the entire population of licensed drivers, it shows that *over four million Canadians admit to driving after drinking.*” Another 2.3 million drove when they thought they were over the limit. In addition, TIRF reports that 54% of those who admit to driving within two hours of drinking do so at least three times a month. Thus, it is misleading for Mr. Therien to attribute the impaired driving problem to “the small number of people who regularly drink and drive.”

Given the size of the occasional binge drinker population, it likely accounts for a large percentage of alcohol-related crashes, injuries and deaths. Indeed, occasional binge drinkers are at even greater risk of crash than more regular heavy drinkers. A recent report from the National Highway Traffic Safety Administration (NHTSA) indicated that the relative risk of crash is substantially higher for infrequent drinkers than for regular consumers with the same BAC. Thus, while occasional binge drinkers may not regularly drive while impaired, when they do so, they are at extremely high risk of crash.

Therefore, we are not surprised that, as Mr. Therien points out, nearly half of all drivers

killed at night and on the weekend have high BACs. He correctly states that drivers with high BACs have a significantly higher relative risk of crash than sober drivers. However, it does not follow that these drivers were necessarily alcohol dependent. Rather, a significant number of these drivers were likely killed after a heavy drinking episode, as this is when they are most at risk.

After presenting what we believe is an inaccurate summary of the role of the “hard core” drinking driver, Mr. Therien suggests that efforts be focused on “hard core” or repeat impaired driving offenders. However, contrary to Mr. Therien’s views, and those of the alcohol industry and federal government, “hard core” offenders are responsible for a relatively small percentage of alcohol-related crashes. A recent comprehensive review article published by NHTSA indicates that the role of “hard core” offenders in the alcohol crash problem has been greatly exaggerated. In fact, the study makes it clear that convicted offenders play a relatively small role in the impaired driving crash problem. NHTSA reported that convicted impaired driving offenders are over-represented in crashes by a factor of only 1.4. Moreover, according to data from the Fatality Analysis Reporting System (FARS), only 2.2% of all fatal crashes involve a driver who has been convicted of impaired driving in the past three years. Even when only alcohol-related fatal crashes are considered, the involvement of convicted impaired drivers rises to only 8%. Thus, as the NHTSA study concludes, “even if all alcohol-related fatal crashes involving repeat offenders were eliminated, at least 90% of all fatal crashes would still remain.”

Therefore, the NHTSA study indicates that convicted offenders, while still a significant concern, are not the primary cause of the alcohol crash problem. This finding suggests a need

for more widespread measures to reduce impaired driving, and undermines Mr. Therien's view that a crackdown on repeat offenders would solve the problem. In our view, lowering the *Criminal Code* BAC limit to 0.05% would be a highly effective means of reducing impaired driving in Canada. Indeed, we were surprised and disappointed that the President of the Canada Safety Council opposes such a measure, and chooses to ignore the growing body of scientific research that supports a reduction in the legal BAC limit to 0.05%.

There is overwhelming research indicating that driving-related skills are impaired by relatively small amounts of alcohol. For example, studies consistently show that visual functions are impaired at BACs of 0.03% and higher. Moreover, low doses of alcohol significantly affect vigilance, psychomotor skills, and drowsiness. However, the greatest effects are on divided attention skills and information processing, which are impaired at BAC levels as low as 0.02% and 0.03%. This is particularly important because these skills are most relevant to the safe handling of a motor vehicle. When such skills are impaired, drivers have difficulty recognizing dangerous situations and responding appropriately.

Due to these negative effects, drivers with even low BACs have a substantially higher relative risk of crash than their sober counterparts. A 1991 American study reported that, for drivers with BACs in the 0.05% to 0.09% range (those who would be directly affected by the proposed law), the relative risk of fatal crash is nine times higher than it is for sober drivers. In a study published last May, updating this research, the authors reported "that each 0.02 percentage point increase in the BAC of a driver with a nonzero BAC more than doubled the risk of receiving fatal injury in a single-vehicle crash among male drivers aged 16-20, and nearly doubled the comparable risk among the other driver groups." In our view, these increased risks

warrant a lower BAC limit. Unfortunately, Mr. Therien suggests that this risk “is not significantly higher than non-drinking drivers.”

In addition, we are surprised by Mr. Therien’s assertion that “[e]xperience in European countries reveals that lowering the blood-alcohol concentration from the 0.08 limit does not reduce alcohol-related collisions.” In fact, a growing body of international traffic safety research points to the opposite conclusion. Jurisdictions that have lowered their legal BAC limits have experienced general reductions in impaired driving, and the deaths and injuries that it generates. For this reason, the international trend is to reduce *per se* BAC limits to 0.05%. The legal limit is 0.05% in numerous countries, including Australia, Belgium, Bulgaria, Croatia, Finland, France, Greece, Norway, Slovenia, the Netherlands, and Portugal. Poland has a legal limit of 0.03%, and Sweden of 0.02%. The legal limit in Japan, Malaysia, Saudi Arabia, Turkey, and some Eastern European countries is 0.00%.

While all of these countries have seen a decline in impaired driving since the introduction of a lower BAC limit, the Australian experience with 0.05% legal BAC limits is especially compelling. A study by Henstridge, Homel and MacKay reported that the Australian states and territories that reduced their BAC limits from 0.08% to 0.05% experienced positive results. For example, after Queensland reduced its *per se* limit to 0.05% in 1983, there was a 14% reduction in serious collisions and an 18% reduction in fatal collisions. In South Australia, where the limit was not changed until 1991, there was a 14.1% reduction in the number of nighttime drivers who had been drinking. Finally, the 0.05% BAC restriction in New South Wales was estimated to have reduced serious collisions by 7%, fatal collisions by 8%, and single-vehicle nighttime collisions by 11%.

Ironically, the most substantial effects of lower BAC limits occurred among drivers with high BACs (above 0.15%), who would be included among Mr. Therien's category of "hard core" drinking drivers. For instance, a study of the impact of the 0.05% *per se* law in the Australian Capital Region found a 34% decrease in the percentage of drivers with a BAC between 0.15% and 0.199%, and a 59% decrease in the percentage above 0.20%. Sweden's 0.02% BAC limit, introduced in 1990, also had its most significant effects on high BAC drivers. The average BAC of convicted offenders declined from 0.168% to 0.154%, and the percentage of convicted drivers with BACs above 0.25% decreased from 13.1% in 1987 to 8.5% in 1991. Therefore, contrary to Mr. Therien's assertion that "these people do not care what the legal limit is," research indicates that a lower BAC limit would have an impact on so-called "hard core" drinking drivers.

In light of international research, we strongly disagree with Mr. Therien's claim that a lower BAC limit would not save lives. For example, a rigorous study of the effects of 0.05% BAC in Australian states found that, in New South Wales alone, the restriction has prevented 605 serious collisions, 75 fatal collisions, and 296 single-vehicle nighttime collisions per year. A recent Canadian literature review conducted by a scientist at the Addiction Research Foundation concluded that, in "every jurisdiction in which a 50 mg% limit has been introduced, there is at least some evidence of beneficial effects, in terms of reduced collisions, injuries and fatalities." Therefore, contrary to Mr. Therien's claims, there is more than sufficient evidence indicating that a lower BAC limit would significantly reduce alcohol-related crash deaths and injuries in Canada.

Indeed, the author of the preceding literature review estimated that a *Criminal Code*

BAC limit of 0.05% would reduce the number of motor vehicle fatalities in Canada by 185 to 555. Currently, it is estimated that 1,680 people die each year in Canada in alcohol-related crashes. Thus, a lower BAC limit could potentially reduce the number of impaired driving deaths by up to a third. Put another way, this saving of lives would be equivalent to virtually eliminating all homicides in Canada.

One would predict that the President of the Canada Safety Council would support a measure that has the potential to save so many lives. Unfortunately, Mr. Therien has joined the ranks of those in the alcohol industry who claim that there is little we can do to address impaired driving in Canada, other than increase enforcement and toughen sanctions. Although we support improved enforcement, prosecutorial and sentencing practices, we wholly disagree with his narrow focus on “hard core” drinking drivers. The “hard core” stereotype marginalizes the impaired driving problem, and ignores a major segment of the population who occasionally drink immoderately and are responsible for a substantial number of impaired driving crashes, injuries and deaths. Research indicates that these tragic consequences could be significantly reduced by a *Criminal Code* BAC limit of 0.05%. While we have come to expect opposition from the alcohol industry, we are disappointed to see it expressed by a member of Canada’s public safety community.