Focusing events, risk, and regulation

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Focusing Events in the Agenda Setting Process

In recent years, several major disasters, crises, and catastrophes have occurred in the United States and around the world. The September 11 attacks are the most consequential event of the 21st century thus far, changing the course of national and international history and policy in a way unseen since the outset of the Second World War. These attacks spurred a series of far-reaching statutory, regulatory, and political initiatives the effects of which continue to be discussed and debated to this day. But we need not look only to September 11 to see crises that generated heightened attention to particular regulatory problems and greater pressure for policy change. Events like Hurricane Katrina and the global financial crisis of 2008 prompted intense public interest in debates over how to mitigate, respond to, and recover from so-called natural disasters, and how to prevent macro-financial instability. The case studies in this volume all engage with similar highly consequential events that reshaped policy discourse and often generated far-reaching transformations in policy.

In the public policy literature, these sudden crises are often called “focusing events.” The purpose of this chapter is to analyze the agenda-setting properties of focusing events and to consider their potential effect on legislative and regulatory policy change. Will illustrate this concept through a discussion of civil aviation regulation, which nicely conveys that the way that a series of focusing events can structure the evolution of regulatory policy over a generational time span. The chapter begins by teasing out the key characteristics of focusing events. We then present empirical applications of the focusing event idea to aviation incidents, and include a risk-based explanation of focusing events. Finally we conclude with the effects such events have the selection of policy alternatives.

Focusing Events and Agenda Setting

Focusing events help to structure the agenda-setting process in any complex policy-making organization, as some issues gain and others lose attention among policy makers and the public. As several political scientists have observed, agenda setting matters greatly because “the definition of the alternatives is the supreme instrument of power” (Schattschneider 1975, 66), whether “alternatives” refers to issues/problems that require attention or the range of acceptable solutions to those issues/problems. In democratic societies, groups—or advocacy coalitions (Sabatier,
Jenkins-Smith, and Lawlor 1996; Sabatier and Jenkins-Smith 1999) engage in rhetorical battles, in different venues, to define dominant policy agendas, while simultaneously attempting to deny or limit such influence by other actors (Cobb and Ross 1997; Hilgartner and Bosk 1988). Group competition tends to be fierce because the agenda space is limited by individual and organizational constraints on information processing, so that no system can accommodate all issues and ideas (Walker 1977; Baumgartner and Jones 1993; Cobb and Elder 1983). The jockeying for influence occurs with regard to the identification of which problems are most important, and over what causes and solutions surround any one problem (Hilgartner and Bosk 1988; Lawrence and Birkland 2004; Birkland and Lawrence 2009). The agenda setting process therefore acts as an institutional filter, sifting issues, problems and ideas and implicitly assigning priorities to these issues. John Kingdon (2003) argues that agenda change is driven by two broad phenomena: changes in indicators of underlying problems, which lead to debates over whether and to what extent a problem exists and is worthy of action; and focusing events, or sudden shocks to policy systems that lead to attention and potential policy change.

For Kingdon the policy process in industrialized democracies is comprised of three conceptual streams: a problem stream, which contains ideas about various problems in society to which public policy might be applied; the politics stream, containing the ebb and flow of electoral politics, public opinion, and the like; and the policy stream, which contains a set of ideas about how problems could be addressed, either in general or with regard to some specific issue area. In all three streams, problems and solutions, and the means by which to implement solutions to solve problems, are not self-evident, but are subject to considerable debate and conflict. Policy change opportunities arise when two or more streams come together at a moment in time where problems are matched with solutions, and where politics aligns in such a way to make this matching more likely.

Focusing events provide an urgent, symbol-rich example of what many would argue is an obvious policy failure, requiring what pro-change forces would argue is the necessity for rapid policy change to prevent the recurrence of the recent disaster. Of course, other interests may argue that an event is atypical, that existing systems can and will bring the acute problems under control, and that sweeping change is not necessary. Regardless of the ultimate outcome, we can argue that pressure for policy change does increase in most focusing events, and that debate over ideas increases, both among policy makers and in the attentive public, to the extent that an attentive public exists. Focusing events may trigger greater attention to
problems and solutions because they increase the likelihood of more influential and powerful actors entering the conflict on the side of policy change (Schattschneider 1975, Baumgartner and Jones 1993), by way of greater claims of policy failure and a more active search for solutions, leading to a greater likelihood of policy change (Birkland 2006). Often this increasing pressure for action is coordinated by one or more policy entrepreneurs, who seize on the event to push longstanding policy preferences, or who become newly sensitized to issues highlighted by the event.

For Kingdon focusing events represent any “little push” to the policy process, which could be … a crisis or disaster that comes along to call attention to the problem, a powerful symbol that catches on, or the personal experience of a policy maker.” At times, Kingdon has argued that focusing events gain their agenda-setting power by aggregating their harms in one place and time: one plane crash that kills 200 people will get more attention than 200 single fatal accidents; one big terrorist attack in one place will get more attention than several hundred smaller events, particularly if they are far away. In this strand of his thinking, sudden events “simply bowl over everything standing in the way of prominence on the agenda” (Kingdon 2003, 96).

At other times, however, Kingdon portrays focusing events as being more varied and subtle, and includes in his definition personal experiences of policy makers with matters of personal interest, such as diseases that affect them or their families. Kingdon also argues that “the emergence and diffusion of a powerful symbol” is a focusing event that “acts…as reinforcement for something already taking place” (97). When symbols of events propagate—an elderly woman in New Orleans sheltering herself from the rain with an American flag, the raising of the flag at Ground Zero in a manner reminiscent of the raising of the flag at Iwo Jima, or the images of oil-soaked wildlife after oil spills—these symbols would not have their power if it were not for the event itself. In other words, the symbols alone may have some powerful, but their shared interpretation is deeply shaped by the event itself and the discourses that surround it. The propagation of the symbol amplifies the focusing power of the event, particularly if the symbol is particularly evocative (Birkland and Lawrence 2002).

Perhaps because of Kingdon’s variable uses of “focusing event,” the term appears with many guises in scholarship on agenda-setting. Social scientists often conflate sudden crises and shocks with individual experience and symbol propagation that are often reflective of what Peter May (1992) calls political learning about more effective policy arguments. For example, Kingdon’s inclusion of political events as focusing events, such as the 1963 March on
Washington for Jobs and Freedom, conflates the role of political mobilization in the “politics” stream with the revelation and depiction of problems in the “problem” stream. It makes more sense to see “shocking” and sudden focusing events as not purposefully caused, and as exogenous to a policy community or domain, even if the policies and practices adopted by key members of that community make such events more likely.

Birkland (1997; 1998) has developed a more defensible definition of a potential focusing event as an event that is sudden, relatively rare, can be reasonably defined as harmful or revealing the possibility of potentially greater future harms, inflicts harms or suggests potential harms that are or could be concentrated on a definable geographical area or community of interest, and that is known to policy makers and the public virtually simultaneously (1997, 22).

The term potential means that we may “know” intuitively that an event will gain a lot of attention; it is difficult to know in advance how focal that event will be. Will the event make a more significant and discernible difference on the agenda than competing events and issues? Will that event have any discernible influence on policy changes? We cannot know the answers ab initio, but we can certainly understand the history of similar events to make preliminary guesses.

A focusing event, by definition, increases attention to a public issue or problem. Baumgartner and Jones (1993) note that increased attention to a policy problem is usually negative attention, and negative attention often yields further political debate, thereby moving issues closer to potential policy changes. However, political elites do not always resist change, even if policy monopolies are reorganized. Focusing events, particularly in policy domains characterized by limited engagement by wide constituencies, or “policies without publics,” (May 1990) yield “internal mobilization” efforts to promote the change that policy elites or experts prefer (Cobb and Elder 1983). As Kingdon notes, focusing events create powerful symbols that promote policy change. To understand focusing event politics, one must consider the use of rhetoric, language, stories, metaphors, and symbols in conjunction with the event. In this “social constructionist” thread of research, students of the media explain how issues gain the attention of journalists, how journalists and their sources use symbols and stories to explain complex issues, and how news consumers respond to these issues and symbols (Edelman 1967; Edelman 1988; Stone 1989; Stone 2002; Majone 1989; Schneider and Ingram 1991). Related to this is research on problem framing in government and the mass media (Entman 1993; Burnier 1994; Lawrence 2000), which has been profitably applied to studies of focusing events (Glascock 2004; Gunter 2005; Liu, Xinsheng, Lindquist, and
Framing theory, discussed in some detail by Frederick Mayer’s chapter, argues that the participants in policy debate frame stories about problems to fulfill newsgathering routines designed to make story both efficient and compelling (Bennett 2003), and to motivate action by its supporters, inaction by its opponents, or both. These symbols are typically promoted by policy entrepreneurs – individuals prominent in the policy community because of their technical expertise in their field, political expertise, and ability to broker deals that lead to new programs and policies (Kingdon 2003; Mintrom 1997; Mintrom and Vergari 1998).

As we have already intimated, the politics of focusing events is firmly based in studies of group coalescence and mobilization. Groups coalesce to form advocacy coalitions based on mutual interests and values. The political scientist Paul Sabatier predicts that two to four such coalitions will form in most policy domains. However, some domains prone to sudden disasters may be characterized as “policies without publics” (May 1990), in which policy making is often the domain of technical experts, with little public mobilization around particular policy changes. These domains are characterized by one advocacy coalition, which may be quite weak (see, for example, Birkland 1998). Thus one may usefully see focusing events as occurring on a spectrum of notice and impact. Some occurrences prompt drive an “internal mobilization” effort among existing group members within a relatively small and cohesive policy domain, but do not make too many waves among major media outlets, powerful interest groups, or the broader public. Other events may receive wall-to-wall media coverage and reshape policy debates throughout a society. Thus in the United States, the earthquake and hurricane policy domains were very much characterized by an internal mobilization model of agenda setting and policy change, while in the oil spill and nuclear power policy domains, there were discernible advocacy coalitions that were engaged in direct competition to shape policy outcomes (Birkland, 1997).

One must be careful not to overstate the role of focusing events in generating new policy ideas, as opposed to heightened political space for consideration of those ideas. Among the public there is widespread belief that the Three Mile Island (TMI) nuclear power plant accident in 1979 was the event that stalled the movement toward more nuclear power plants for generating electricity. Butt public support for greater regulatory scrutiny of nuclear power predated the TMI accident, and even before that event, the nuclear power policy domain was highly polarized. (Baumgartner and Jones, 1993; Birkland, 1997) All the participants in the nuclear policy debate could use the accident at TMI for their own rhetorical ends: as evidence either for the “defense in depth” notion of nuclear safety, or for the idea that nuclear
power contained unknown risks, that other incidents were equally or more serious than TMI, and that heretofore poorly understood systems accidents could yield catastrophic disasters (Perrow 1999).

Apart from group efforts to expand issues, major events often reach the agenda without group promotion through media propagation of news and symbols of the event. This coverage of a sudden and shocking event makes the public aware of these events with or without efforts on the part of group leaders to induce attention. This media propagation of symbols gives less powerful groups advantages in policy debates that they may not otherwise possess. Pro-change groups are relieved of the obligation to create and interpret powerful images and symbols of the problem. Rather, groups only need repeat the already existing symbols that the media have seized upon emblematic of the current crisis. These obvious symbols are likely to carry more emotional weight than industry or governmental assurances that policy usually works well. In 1938, for example, photographic images of fragile American children who had been poisoned by Sulfanilamide triggered a strong outcry that lead to more stringent regulation and licensing for medications in the Food and Drug Act of 1938. (Carpenter and Sin, 2007). Thus, media-generated symbols of health, environmental, or other crises or catastrophes are often used by groups as an important recruiting tool – thereby expanding the issue – and as a form of evidence of the need for policy change.

The politics of agenda setting, then, is not a neutral, objective or wholly rational process. Rather, it is the result of a society, acting through its political and social institutions, building a consensus on the meanings of problems and the range of acceptable solutions. There are many possible constructions that compete with each other to tell the story of why a problem is a problem, who is benefited or harmed by the problem, whose fault it is, and how it can be solved.

**A Historical Institutional Perspective of Focusing Events**

Political institutions play an important role in both providing opportunities and constraints for policy change following a focusing event (Hacker 1998). A historical institutional perspective helps explain this phenomenon since it is “grounded in the assumption that political institutions and previously enacted public policies structure the political behavior of bureaucrats, elected officials and interest groups during the policy-making process (Béland 2005, 3). This approach requires attention to both path dependency and policy feedback, which together generate a “historical sequence” of political decisions that structures the options available in the policy debate. As Béland and Hacker (2004)
have argued, “a central reality of politics is often it is the sequence and timing of an event or decision that is most crucial determinant to policy outcomes” (46).

Indeed, because “organizations are not smoothly adaptive to changing circumstances” (2001, 4) purely event-driven policy change may be quite rare, with incremental changes being filtered by pre-existing ideological or epistemological commitments, even when events compel some sort of policy action. Policy-makers also frequently respond to focusing events by borrowing from the “lesson drawing” in nearby or similar jurisdictions so as to avoid the steep information costs inherent in innovation—in other words, settling for “satisficing.” Furthermore, the types of problems that governments typically address are the “hard” complex problems that lack consensus, easy solutions and are comprised of many underlying attributes and involve entrenched interests that place a high priority on particular policy outcomes. These “hard” problems also lead to path dependency as “each step in the process adds constraints, so that the history of attempts to solve the problem affect current opportunities to solve it” (Jones, 2001, 76). Events are unlikely to overcome these forces unless they are sufficiently severe to overcome these constraints.

Furthermore, individuals and groups have limited information processing capacity, and therefore no system can pay attention to all issues and ideas that are prevalent in society (Baumgartner and Jones 1993; Cobb and Elder 1983; Walker 1977). This agenda setting process then represents a process of identifying the most prevalent problems and selecting appropriate solutions (Birkland and Lawrence 2009; Hilgartner and Bosk 1988; Lawrence and Birkland 2004). It is essentially a triage process. This process of triage is constant, and the “half-life” of many issues is likely to be quite short, as other pressing matters also intrude on the agenda and compete for elite and public attention. But while the half-life of issues may be short, and yield long-term inattention, Jones (2001) also argues that, in the short term, policy actors can become over-attentive to new information out of proportion to its broader meaning about a class of social phenomena. Nonetheless, events can sometimes have an immediate influence on policy, given the right circumstances. And even if they do not initially have a detectable influence on policy, they may still contribute to experience about the problems revealed by events and drive substantive policy learning. The resulting insights may then shape policy formulation down the line, after new focusing events once again widen the opportunities for policy change, or the ramifications of earlier events become clearer.

Effective study of event-driven policy change, then, must not focus solely on events in isolation, but should
consider a sequence of related events within the context of a policy domain or, perhaps, a policy regime (May, Jochim, and Sapotichne 2011). As Sabatier (1993) has persuasively noted, the effective study of policy change in most important contexts can only occur over a period of a decade or more. The research question that one must address, then, in studying event influence on policy agendas, is not whether a particular event had an influence on policy change (although such a question is interesting, in context). Rather, the more fruitful question is whether one or more events in a domain, considered over a sensible time frame, had an influence on policy change, and if so, when and how. Conversely, when a series of events does not lead to policy change, though they do clearly influence policy debate, it should raise questions about the institutional and political factors stymying action.

Undertaking such research requires attention the impact of past events on problem framing, which tends to have a significant influence on the consideration of potential policy solutions. (Kingdon, 2003; Cohen, March, and Olsen, 1972; Jones, 2001). The initial framing of any such event, of course, like the attempts to identify proper solutions to the issues that policy elites highlight, typically reflects political conflict and divergent understandings of causation. As Deborah Stone has argued:

In politics, causal theories are neither right nor wrong, nor are they mutually exclusive. They are ideas about causation, and policy politics involves strategically portraying issues so that they fit one casual idea or another. The different sides in an issue act as if they are trying to find the “true” cause, but they are always struggling to influence which idea is selected to guide policy. Political conflicts over causal stories are therefore more than empirical claims about sequence of events. They are fights about the possibility of control and the assignment of responsibility (2002, 197).

The framing of previous events, then generally shapes policymakers’ definitions of current events and their implications for policy options. Any given causal narrative, moreover, “is more likely to be successful if its proponents have visibility, access to the media, and prominent positions and if it accords with widespread deeply held cultural values” (Stone 2002, 203). Finally, the realities of bounded rationality offer another reason to think about the impact of multiple focusing events over the time frame of a decade or more, Decisions maker cannot know every outcome of every policy choice, and determine the “optimal path” for policy. Instead, policymakers often engage in “satisficing” (Simon 1957) in systems characterized by incremental decision making (Lindblom 1959, 1979) or path dependency. As a result, a series of events that seem to demonstrate a pattern has more impact than simply one event on its own.
Some empirical applications of focusing event theory

The formulation of American airline safety and security regulation since the mid 1980s demonstrates the importance of considering policy reforms along a generational time scale, with close attention to the cumulative impact of focusing events. In this policy arena, various incidents prompted extensive learning and formulation of new ideas. Those proposals often did not immediately translate into new policies. But they laid the intellectual groundwork for the more dramatic shifts that occurred after September 11, 2001 (Cobb and Primo, 2003). Prior events such as the bombing of Pan Am 103 and the crash of TWA Flight 800 in 1996 allowed for comprehensive debate of various regulatory proposals so that when the 9/11 attacks occurred many of these ideas were already “on the shelf” (Birkland, 2004). These prior events served in a sense as “dress rehearsals” in terms of raising ideas to the agenda, which greatly enabled the sweeping changes enacted after 9/11 (Birkland, 2004, 356).

In the Appendix, we provide an extensive list of focusing events that posed questions about the American aviation safety and security domain from the 1980s through the 2000s.

While there are many events in this list, they can be categorized, for analytic purposes, into four overlapping stories

1. Aviation safety, with the cause of the safety problem being an underappreciated hazard inherent to the aircraft that had not been properly mitigated (TWA 800; United 585 and US Airways 427, American 587).

2. Aviation safety, in which pilot or organizational error created the conditions under which the incident could occur (ValuJet 592, American 587).

3. Aviation security, in which criminals or terrorists interfered with the normal operations of (Pam Am 103, September 11)

4. Events that looked like terrorism, but that turned out to be category 1 events (TWA 800)

All these incidents, with the exception of two rudder deflection incidents, UA 585 and US 427, gained considerable attention in aviation safety and security circles, and led to considerable attention to particular problems in enacted legislation in the United States, as shown in Table 1. In most cases, the incidents also prompted at least some policy changes.

The legislation in this table corresponds with the major aviation security events of from 1988 to 2001,
starting with Pan Am 103. It suggests that policy makers were responsive to the key issues that were important after Pan Am 103, such as baggage matching with passengers. The 1996 legislation was similar, in reaction to TWA 800, although some of the legislation in that act spoke to broader aviation safety, without sound knowledge of the cause of the ValuJet crash. But most interesting from the perspective of this essay is the degree to which the September 11 attacks brought together all these disparate ideas for legislation into one much more sweeping bill that not only changed the law with respect to the proximate cause of the September 11 hijackings--hijackings and cockpit intrusions--but also changed the law with respect to the already-known modes for attacking commercial airplanes. One can argue, then, that the prior events were “rehearsals” for September 11 in the sense that the proponents of these disparate ideas were able to hone their ideas and then were able to use the September 11 attacks as reasons why their ideas should be legislated. The September 11 attacks thoroughly opened up the whole range of issues for review; far more than the previous incidents, those attacks received unrelenting media coverage and a political consensus that far-reaching policy reforms were in order.
Table 1: Key Issues Addressed in Aviation Security Legislation

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<td>Passenger profiling</td>
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<td>Allow pilots to carry nonfatal weapons</td>
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<td>Require screening personnel be U.S. citizens</td>
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<td>Require all airport personnel be screened</td>
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<td>Screeners—general issues</td>
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<td>Make screeners federal employees</td>
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<td>Provide security training to the aircrew</td>
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(Source: Birkland 2004)
In this case, an overwhelming focusing event (9-11), provided the opportunity for policy entrepreneurs to engage in the “selling” of their ideas in the “marketplace of ideas” for solutions to various problems revealed by that focusing event, as well as several earlier smaller-scale focusing events.

A risk based explanation for focusing event politics

We turn now to a further discussion of the relative salience of focusing events. Birkland’s definition of a “focusing event” includes the critical notion of “harm.” If the event was not harmful or did not raise the specter of potential harms in the future, it would be unlikely to significantly influence agenda setting. The idea of harm relates directly to the literature on risk perception. Paul Slovic identifies two factors that characterize risk perception. First, “dread risk” is a person’s “perceived lack of control, dread, catastrophic potential, fatal consequences, and the inequitable distribution of risks and benefits.” “Unknown risk” are the “hazards judged to be unobservable, unknown, new, and delayed in their manifestation of harm” (Slovic 1987, 283).

Dread risk has the greatest potential to lead to increased attention. Indeed, Slovic argues that events that relate to dread risks place considerable pressure on regulators to more strictly regulate the processes involved in the recent event; in short, people press regulators to “fix the problem.” More dread risks will yield greater pressure for regulation. The concept of “dread risk” can help to explain why some types of disasters issues get more attention than others.
The matrix arranges risk into dimensions of relative dread risks and relatively known or unknown risks. Based on psychometric research, Slovic and his collaborators have shown that many activities that carry some risk, such as driving cars or riding bicycles, elicit little dread and are well known, and so carry minimal emotional punch. Some risks are well known but still elicit considerable dread, such as crime and warfare, carry more emotional punch. Still other risks, like food irradiation, are unknown in terms of risk but not particularly “scary.”

Figure 1 incorporates the supposition that the act of terrorism increases the dread risk of an action or a hazard. This assumption accords with indications that the dread risk of commercial aviation increases more following an act of terrorism than it does following an aviation safety incident. Since greater dread risk equates to greater attention to an event and a call for regulatory action, the implications of this can be seen in terms of the regulatory change following acts of terrorism. Evidence of this can be seen in Table 1 and how the September 11 attacks were a stronger catalyst for media coverage and policy change than previous aviation safety events.

Bringing together all the concepts we’ve discussed this far, we argue...
That a focusing event can lead either to a narrowing of the range of immediately acceptable solutions to a problem, or a sudden expansion of the types of ideas being discussed.

This degree of consensus/dissensus is a function of the risk perceptions that surround the problem. The greater the “dread” risk, the more likely there will be greater attention to an event and call for regulatory action. Indeed, as Slovic notes, risks that rank higher on the “dread” dimension are usually accompanied by more intensive demands for the regulation of those risks.

**The meaning of focusing events for regulation**

As we have noted, focusing events generally reveal policy failures—which are the fodder for interest group debate, because these failures reveal the problems that policy entrepreneurs join to “solutions” in the post-event window of opportunity, whether or not that opportunity proves wide enough, or policy entrepreneurship savvy enough, to facilitate substantive policy change. As the policy arena of American airline safety and security policy suggests, this process can generate an accumulation of event-related knowledge. We conclude by considering what this generational approach to the impact of focusing events mean for regulatory politics. Our consideration of the regulatory politics of disasters and other focusing events rests on a few assumptions. The first, and most important, is that “regulation” is any intervention into the social or economic system by government to achieve a particular public policy goal, such as safety or market competition. Thus, regulation can derive from any institution of government.

Regulation is not, we assume, simply the province of regulatory agencies, such as the FAA or the FDA. Of course, many other agencies do issue regulations relating to the prevention and management of disaster, but, as a matter of policy and professional doctrine, most of this regulatory activity is focused in the states. We are now beginning a project to understand whether this notion of “dread risks” can help explain the considerable regulatory and political differences between the regulation of commercial aviation safety and commercial aviation security. These areas do, of course overlap considerably. But they are also quite different classes of events. A terrorist incident is intentional; an aviation accident is, by definition, unintentional. The “causes” of the demise of an airplane due to technical faults or human error are often
well understood, either before or after the investigation of the disaster. By contrast, the “root causes” of terrorist attacks on aviation are often not well understood, and such events are not presented in the same manner as “normal” aviation accidents. But it is of considerable interest that, before the September 11 terrorist attacks, the regulation of civil aviation security and safety was largely entrusted to the Federal Aviation Administration (FAA), a federal regulatory agency charged with, over its history, the regulation of aviation safety and the promotion of aviation as an important transport industry sector. Our research thus far reflects the idea that civil aviation safety is, like policies intended to address natural disasters, an area of “policies without publics,” because of the highly technical nature of aviation safety.

This research has raised some important theoretical considerations. One of these rests on the assumption of how a focusing event works to change policies across the broad range of policy types. Public policy does not merely consist of laws and regulations. Policies also need to be implemented, and ultimately, are implemented by people. Table 2 shows the various levels at which public policy is codified, implemented, or both.

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<th>Level of Policy</th>
<th>Where codified</th>
<th>Accessibility of codification</th>
</tr>
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<tbody>
<tr>
<td>Constitutional</td>
<td>In the federal or state constitutions</td>
<td>Highly visible at the federal level: the Constitution has been edited very few times. Some state constitutions are more easily amended for minor changes.</td>
</tr>
<tr>
<td>Statutory</td>
<td>United States Code, <em>Statutes at Large</em></td>
<td>Highly visible through codification in statute law, publication in <em>Statutes at Large</em>.</td>
</tr>
<tr>
<td>Formal record of standard operating procedures</td>
<td>Operating Procedures Manuals</td>
<td>Low visibility because S.O.P.s are often only internally published.</td>
</tr>
<tr>
<td>Patterned behavior by “street level bureaucrats”</td>
<td>Not formally codified; evidence of a “policy” may be found in some agency records</td>
<td>Low visibility because these are behavioral changes with variations among actors</td>
</tr>
<tr>
<td>Subtle changes in cognition, in emphasis on problems, etc.</td>
<td>Not formally codified. Often revealed by the behavior of street level bureaucrats themselves.</td>
<td>Very low visibility. Not codified, and changes in perceptions and emphases may be subtle.</td>
</tr>
</tbody>
</table>

Source: (Birkland 2011), table 7.1, page 204
Policy change can be detected at levels ranging from constitutional change, which is clearly very visible to most members of a political system, all the way to subtle changes in the behavior of "street-level bureaucrats" (Lipsky 1980), whose vigilance or other behaviors may be hiding by the most recent event. A good example of this is the behavior of airport screeners in the days immediately after the September 11 attacks. These screeners became much more thorough and careful in their searches for dangers or prohibited items in passenger luggage. Thus investigations into regulatory responses to focusing events have to be alert to the possibility of policy adjustments at all of these jurisdictional levels, and through both formal and informal channels. The origins of important shifts can come from various points on this hierarchy of regulatory authority.

This description is rather different than the assumptions that several scholars who have closely studied focusing events, including one of this chapter’s authors, have made about how focusing events influence the agenda. The dominant assumption has been that focusing events have a profound influence on the legislative branch, which then enacts policy change to remedy the problems were revealed by the most recent focusing event. The regulatory agencies, in turn develop regulations to implement the will of Congress. Such a model assumes a very static bureaucracy, and assumes that the bureaucracy simply waits for direction from Congress, with little or no capacity of its own to detect, diagnose, and seek to fix problems. A more realistic model of the influence of a focusing event on policy change, regulatory change, and other behavior of regulators themselves would account for the fact that policymakers, at whatever level of government or responsibility, do not necessarily sit and wait passively for direction from superordinate levels of government. Indeed, regulators may have a strong incentive to be seen as being proactive problem solvers, who can address the immediate problem and persuade Congress that no statutory change is required. Regulators may wish to avoid statutory change, because the industries with which they negotiate regulations are likely to oppose more stringent statutory changes, and because senior regulators may fear that their influence and power would be diluted or even stripped from their agency in any statutory change. Of course, higher-level administrators in the executive branch may well make changes in the organization to regulators even before Congress acts.

Figure 2 depicts two models of the influence of focusing events on various levels of policymaking.
The first model is the classic assumption, in which the primary influence of focusing events is transmitted through Congress to regulators. The second model depicts what we believe is a more realistic model of the influence of focusing events, which tend to alter the perceptions and behaviors of participants across the policy spectrum ranging from the most highly placed decision makers to the street-level bureaucrats whose have the obligation to carry out congressional efforts to protect the health and safety of the public. Furthermore, we assume that most street-level bureaucrats will react with greater vigilance and attempts to improve performance because most such bureaucrats take some pride in their work and take seriously their role in public service.
Figure 2: Two models of the influence of focus events on policy actors and levels
The case studies in this volume bear out the assumptions that drive the second model. In almost all of those case studies, officials throughout the state grappled with the implications of focusing events, while policy adjustments came from various places within the government, and often outside it as well. This more dynamic model should guide future research on the influence of focusing events and regulatory politics, whether with regard to the types of crises emphasized in this volume, or in other domains, such as aviation security and safety, chemical plant accidents, or gun safety.

Appendix


<table>
<thead>
<tr>
<th>Event</th>
<th>Desired policy change</th>
<th>Actual change</th>
</tr>
</thead>
<tbody>
<tr>
<td>ValuJet 592--Miami, Fla., 1996. Fire in class D cargo hold (hold without smoke detection and fire suppression), caused by</td>
<td>Require class D cargo holds to have smoke detection and fire suppression capabilities similar to those in other cargo compartments (in essence,</td>
<td>Conversion of class D to class C or E holds by March 18, 2001, per <a href="http://www.boeing.com/commercial/aeromagazine/aero_06/t">http://www.boeing.com/commercial/aeromagazine/aero_06/t</a></td>
</tr>
</tbody>
</table>
improper loading of hazardous materials. (Safety)

http://aviation-safety.net/database/record.php?id=19960511-0

eliminate the Class D type).

extonly/s03txt.html

FAA Reauthorization Act of 1996: increased Number of safety inspectors, relieved FAA of the “dual mandate” of promoting and regulating commercial aviation, refocusing FAA on safety

References


