

Environmental Practice 2(1):7.

Interactive Ethics

Thomas R. Cuba

The Situation: *My Mother, My Employee*

Reprinted from *Environmental Practice* 1(1): March 1999

I run a small ecological consulting company. We have only three employees and are just getting started. Because of this, my mother has decided to help out by coming in and doing the cleaning for us. The only place she is not allowed to clean is in the small laboratory that we have set up for our water sampling program. That area and all the chemical cleaning of jars and gear is left to my employee.

My employee is a trained professional. She has a degree in chemistry and six years of experience in a laboratory. My employee has rights guaranteed by the federal right to know laws and she has been forced to read every Materials Safety Data Sheet that comes in the building. We all agree that she should be fully aware of the chemicals to which she is being exposed.

My mother is a wonderful person. She has an Associates degree in Art Appreciation. She handles some of the same chemicals as my employee. She buys them at the corner grocery store where my 17 year old nephew stocks the shelves. She also brings these chemicals home and cleans the house where my children live.

My trained professional is required to read a Material Safety Data Sheet and be briefed on hazards and my mother is offered a label printed with a very small type font.

The Response

In this situation we presented a short expose on Material Safety Data Sheets and the Right to Know law. In the situation, Mom's use of chemicals at home is compared to the professional laboratory chemist's use of those same chemicals at work. Mom is expected to read the small print on the label and the highly trained professional is given extra training and warnings. The ethical implication was simply the subtle question of whether Mom and the chemist should have the same level of protection. It is the same

question as why Workers Compensation Insurance does not apply to businesses with only a few employees. Mom and the small business employee can both still be hurt, so why is there a difference in the rules? I suggest that the law is a result of an admixture of science and politics and not just sense of justice. This is where we, as professionals capable of influencing law, need to be aware of the ethical relationships between Mom and the employee.

A New Situation: *Ambiguous Perceptions*

At the 1997 NAEP Annual Conference, I was made privy to some notes that caused me to pause. Since we all need to slow down a bit, I thought I'd share these with you.

There were two statements quoted.

Regulation created our industry; we need to be part of the effort to create the continuing demand.

We all need uniform enforcement of existing regulations as a stimulus to industry.

I must own up right now to the fact that I did not hear these comments and was not able to speak with the perpetrator. In fact, I don't even know who said these things. I mention that because I don't know the context or the caveats.

In our business, though, we can and should expect to be quoted and misquoted. Most of us produce public records on a routine basis. And so I proceed intrepidly, if perhaps foolishly, to question the ethics implicit in these statements.

The obvious implication of the first quote is that the business of being in business is more important than the business of providing for a safe environment. Is it idealistic to presume that our members would choose otherwise? What are the ethical challenges? In a given situation, if your business was to stay in business, would you promote an unnecessary regulation in order to ...*create the continuing demand?*

Referring to the second quote, we would probably all agree that uniform enforcement is an important aspect of our world. The reason, though, might be better stated as equal rights to prosecution as opposed to a means of stimulating the consulting industry.

Now here is where the ambiguity comes in. In the second quote, which industry is being referred to? If the industry is the consulting industry, we have a clear ethical challenge. If it is a regulated industry such as mining, we may instead have a clear and positive agency policy to treat all regulated individuals alike and stimulate compliance. The same sentence can be interpreted as an ethically challenging one or as an ethically demonstrative one. Which raises the ethical question of whether these quotes should have been promulgated at all.

What do you think?

Send your comments to Tom Cuba, Delta Seven Inc., PO Box 3241, St. Petersburg, FL 33731; (fax) 727-550-2513; (e-mail) Delta-Seven@worldnet.att.net. Watch for the response in a future issue of Environmental Practice.