

PERSPECTIVE

The Ethics of Opposition

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Most of us think of the consulting ecologist or consulting engineer and imagine a person who works developing malls, marinas, and office parks. But there are those who will accept other clients. There are those who will work for the people. The people are homeowners associations, condominium groups, and a variety of environmental activist groups. There are many times when a consulting firm may work for a developer on one project, and a citizens group on the next.

In past essays, I have highlighted many of the ethical conflicts associated with development and regulation. What can happen when our client now wants us to help them halt development?

So here's the situation. Your company is contacted by a local homeowners association. They have heard that the big wooded lot at the end of the road leading into the subdivision was just purchased by the school board for development as a remote campus of the community college. They anticipate rowdy students, new traffic, fast driving, new bars, drunks and drugs, and a higher crime rate. They want you to kill the project.

Your first responsibility is to inform your clients that you intend to play fair, ethically, and by the rules which govern third party intervention. Having accomplished that without losing the job is a good sign. It means your clients have a modicum of ethics as well. So then you begin to lay out your approach. You visit the site and find out that it does contain some wetlands and is home to a variety of plants and animals common to the area. The development of a school poses no unusual ecological threat and is not contradictory to development guidelines. The wetlands are good quality. The school is to be a center for ecological studies, and the wetlands are to be retained as an outdoor classroom facility.

There appears to be no engineering or ecological grounds for the opposition. Here's the catch, though. The association did not hire you as a consulting engineer or biologist. They hired you as a consultant. They hired you to stop the project because in their minds it will ruin their quiet neighborhood.

So what are your responsibilities? First and foremost, you must advise them that to mount an opposition founded in engineering or ecological matters would be against your ethics and you must excuse yourself from any further work along those lines. Second, you must advise them that the project appears to be within the governing rules, and to oppose it on the grounds of development codes would be inadvisable, but they could consult an attorney for a firm opinion.

Now to the final question. You recognize the fact that you are their consultant, not their do-fer, and that your experience goes beyond the professional judgement you have just explained.

In the matter at hand, you know that the issue will be the subject of two public hearings. There will be testimony taken on the zoning and construction. There are state and federal wetlands protection permits, each of which provides an opportunity for public comment.

Furthermore, you know that the people on the panel who will hear these issues are elected officials. They are politicians put in the position of acting as judge and jury in the quasi-judicial world of public hearings. They are often easy prey of those who would apply popular pressure or invoke the power and pity of the press over their plight. It is these people who face the larger ethical challenge. If the

association organizes two hundred people and packs the hearing room with irate citizens, will the panel vote according to the rules or according to their perception of their own popularity?

The question for you as the Environmental Professional is whether you will coach your client on how to make the most of public opinion in this situation, or whether you will simply walk away.

In a variation on this theme, the local ecological activist group intervenes as well. Their biologist makes dramatic claims of ecological destruction, with which you do not agree. At the hearing you will be perceived equally as the opposition. Are you required to refute claims made or let them stand, knowing that it will give the panel the excuse they seek to justify a poor decision? If you do not refute them, will that indicate concurrence? Finally, how would you respond if a member of the panel directly asked if you agree with the claims of the other opponents?

I refrain from elucidation at this point because I would really like to hear what the readers have to say. Please e-mail your opinions directly to me at: tom.cuba@delta-seven.com.

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