

SCENARIO 3

WHISTLE-BLOWING DISCUSSION SCENARIO

You recently moved to a new area of the country and were delighted to be recruited by FBN (a.k.a. Fly-by-night) Environmental. You accept the job, in part, because the owner of the firm (M. Shadow) is a well-known and respected industrial hygienist. In fact, M. Shadow is a CIH and president of the AIHA local section.

As soon as you start, you are asked to take over a major project for one of the firm's biggest clients. It is an expensive, and time-sensitive, project involving a complex indoor air evaluation (including lead and asbestos monitoring as well as investigation of other toxics). FBN's client is involved in a lease dispute with its landlord which hinges on the results of this indoor air evaluation.

You want to make a good impression so you dig into the project and work day and night for several days collecting samples. All your work is being done following the draft work plan you were given when you started work. You do not have an opportunity to evaluate the appropriateness of the sampling methods selected or the protocols being followed because you are too busy actually collecting samples. Besides, you are confident that M. Shadow would have selected appropriate sampling methods.

Once the samples are collected, you start pulling together the information needed for the final report. As you start actually writing the report, you are troubled to discover the following:

1. There were serious flaws in the sampling methodology -- i.e. improper sampling methods were used.
2. The individuals who collected some of the samples were not state licensed (even though it was required) and the procedures they used appear to have been sloppy.
3. The results of certain samples are misreported and there appears to be a pattern in the misreporting which is likely to skew the data results.

With some trepidation, you approach M. Shadow to tell him the bad news and suggest that most of the sampling needs to be redone. In response, M. Shadow tells you to write up the results to the extent possible and give him a draft to review by the end of the week. When you continue to express your concern, M. Shadow tells you that resampling is not an option -- the client would not understand and therefore would not pay for any more sampling and FBN does not have the resources to absorb the costs of resampling. He implies that any problems with the sampling results must be the result of your incompetence. He makes it clear that if you continue to object, your job may be in jeopardy.

Given your options, you write up the report being careful to add disclaimers and explanations where you believe they are warranted. You give the draft report to M. Shadow. You hear nothing further, however, a couple of weeks later you notice a copy of the report in the copy room. When you glance through it you are astounded to find that all of the disclaimers and explanations have been removed, the data has been further "massaged" to make the results favorable to the client. To your further dismay, your signature has been forged as certifying the results.

Very upset, you confront M. Shadow with the report. He responds that this is how industrial hygiene consulting works and "to grow up" and join the real world. After a sleepless night, you decide to turn in your resignation.

Question 1 -- DO YOU HAVE AN OBLIGATION TO REPORT M. SHADOW FOR VIOLATING THE CODE OF ETHICS?

Question 2 -- ASSUME YOU ARE AN INDUSTRIAL HYGIENIST WORKING FOR THE CLIENT WHO DISCOVERS THE "INCONSISTENCIES" IN THE REPORT, WHAT DO YOU DO? (REMEMBER THAT YOUR EMPLOYER'S MULTI-MILLION DOLLAR LEASE DISPUTE HINGES ON THE RESULTS OF THE REPORT.)

Question 3 -- ASSUME YOU ARE AN INDUSTRIAL HYGIENIST HIRED BY THE OPPOSITION IN LITIGATION RESULTING FROM THE LEASE DISPUTE AND YOU ARE GIVEN THE REPORT TO REVIEW UNDER A CONFIDENTIALITY AGREEMENT, WHAT DO YOU DO?