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*Editor's note: The case studies in this article are fictitious and are intended to highlight ethical issues in the practice of industrial hygiene. Any resemblance to real people or organizations is coincidental. Please send your responses to [synergist@aiha.org](mailto:synergist@aiha.org). Responses may be printed in a future issue as space permits.*

# The IH Who Knew Too Much

## When Is It Ethical to Share Sensitive Information?

BY JEFF THROCKMORTON AND D. JEFF BURTON

One of the key provisions found in the ethical principles published by AIHA and ACGIH relates to the requirement to maintain and respect the confidentiality of sensitive information obtained in the course of professional or related activities. (See the sidebar for relevant excerpts from the ethical principles.) When is it appropriate to notify regulatory agencies about potential violations? Are there times when professionals must weigh their actions against immediate circumstances? When should professionals step beyond what is considered a "normal" course of action?

These are a few of the questions explored in the following case studies. The Joint Industrial Hygiene Ethics Education Committee encourages you to read these scenarios, think about what you would do in these situations, and write to [synergist@aiha.org](mailto:synergist@aiha.org) with your opinions, which may be printed in a future issue. You are also invited to submit scenarios for use in future articles. Please direct all enquiries about JIHEEC to the committee chair, Rhiannon Filip, at [rhiannon\\_filip@golder.com](mailto:rhiannon_filip@golder.com).

### SCENARIO 1

Wayne is a conscientious CIH currently employed by ACME Consulting. Although ACME provides a range of industrial hygiene services, recently Wayne has been working with projects that involve asbestos, acting as the site owner's representative during abatement. His current assignment involves oversight during a significant abatement in a large federal office building. The project requires extensive demolition on several floors, including the complete removal of asbestos fireproofing from structural beams and

steel decking.

The winning abatement contractor on this job was selected because its bid was the lowest. Wayne has worked with this contractor and foreman before and has learned that the foreman will cut corners whenever possible, to the extent possible. For instance, on a different job, the foreman built only a partial containment. When caught just prior to the start of abatement, the foreman yelled at his crew to build the containment by the book when in fact the crew had been following his orders.

Wayne has been told by crew members on the asbestos abatement job that workers do not always tie off or use the scaffolding, and simply climb out on the beams to reach difficult areas. He has repeatedly told both the supervisor and the owner of the company that such activity is not acceptable, and directed them to prevent it; however, he has never observed the hazard firsthand. The size of the building and the extensive air sampling strategy have limited the time he can spend watching the crew.

When challenged, the foreman has denied that workers are being unsafe,

but Wayne's suspicion increases when he sees a plastic milk carton sitting on a horizontal steel beam approximately 10 feet off the ground, away from the scaffolding and apparently used as a step. Wayne calls his home office to discuss a course of action. He tells his boss that discussions with the abatement firm have been pointless, as the firm either denies the behavior or has merely given the complaint lip service. Although the federal contract manager might eventually take action, Wayne is concerned that workers are in immediate danger. He decides that the safety of the workers is more important than the contract, and, with his boss's approval, calls OSHA. He anonymously reports his suspicions, turning in his own client.

OSHA arrives, and is not able to prove the violation, but shares the suspicion with the abatement contractor. No citation is issued.

**For discussion:** Was Wayne correct in calling OSHA once he believed that there was a likelihood of serious injury or death? Did his action violate the AIHA/ACGIH ethical principles? What other actions could he have taken?

### SCENARIO 2

Jake, an IH consultant with 30 years of experience, is assisting with a woodshop ventilation survey in a plant that fabricates farm fencing parts and boxes to ship parts. In the course of his work, Jake notices that welders in another, unrelated part of the building

are likely being significantly overexposed to welding fumes and off-gassing products. Because Jake's work doesn't involve that part of the plant, no samples are taken.

Welders have little ventilation and no respirators. Because they work on a piece-rate basis, productivity takes precedence over exposure control. Jake notices that the welders appear to be in their late teens or early 20s.

Jake discusses his observations and concerns with the client's personnel director, Ron, who is also in charge of safety in the welding shop. Ron tells Jake that upper management has adopted a policy of hiring kids right out of their high school mechanics shop, giving them quick welding training, and laying

them off in four to six months. This approach, Ron explains, provides adequate protection for the young welders because they will not be exposed to the fumes and off-gassing products long enough to cause permanent damage to their health. Jake expresses his concerns, but Ron shrugs them off. "No matter what I say, management won't do anything," Ron says.

OSHA has not visited the plant in several years, and the plant has had no citations in the past.

**For discussion:** Jake's ethical dilemma presents a choice between maintaining the client's confidentiality and protecting the employees' health. What should he do? Does this scenario justify notification of regulatory agencies? 📢



### CONFIDENTIAL OR NOT?

Consider the following excerpts from the AIHA/ACGIH ethical principles when discussing the scenarios presented in this article. To read the ethical principles in their entirety, visit <http://bit.ly/memberethics> (PDF).

**I.A.4:** Report apparent violations of applicable professional organizations' ethical standards to appropriate organizations and agencies upon a reasonable and clear factual basis.

**II.A.4:** Maintain and respect the confidentiality of sensitive information obtained in the course of professional or related activities unless: the information pertains to an illegal activity; a court or governmental agency lawfully directs the release of the information; the client/employer expressly authorizes the release of specific information; or, the failure to release such information would likely result in death or serious physical harm to employees and/or the public.

**II.C.2:** Inform appropriate management representative and/or governmental bodies of violations of legal and regulatory requirements when obligated or otherwise clearly appropriate.

