

***Ethics Issues Facing Environmental Professionals: Engineers,
Geologists, and Lawyers—A Panel Discussion***

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General Questions for Discussion

1. How does one determine whether an ethical issue has arisen in one's practice?
2. If an ethical issue has arisen, how do you address it? What is the role of professional licensing organizations and their rules of professional responsibility and codes of ethics?
3. Apart from professional codes, what is the role of principle in recognizing, avoiding, and resolving ethical issues? Is "common sense" a factor?
4. Are there principles that are applicable to all environmental professionals regardless of credential and formal code: (a) duty of candor/truthfulness and obligation not to engage in dishonesty, fraud, deceit, or misrepresentation; (b) obligation to define who is the client—organization or individual; (c) obligation to define the scope of work/representation; (d) duty to avoid conflicts of interest; and (e) duty to maintain confidentiality of information, including any professional privilege.

Specific Applications for Discussion

5. Example of "coloring outside the lines" or "playing out of bounds"
6. Example of client pressure to interpret data/evidence in a certain way at odds with professional standards and requirements of scientific validity (and testify in such a manner)
7. Example of subsequently obtaining knowledge of client misrepresentation of interpretations of data/evidence at odds with professional standards and

requirements of scientific validity—that is, condonation or complicity or obligation to act?

8. Example of who should/must report what to regulators where data/findings indicate an obligation to report may exist—for example, exceedance of a reportable quantity (RQ), or evidence that might support a finding of imminent danger to human health and the environment
9. Example of a laboratory running an analysis on a sample for a constituent that was not specified, and the results are above a regulatory limit—who reports?
10. Example of knowledge, acquired in the course of work for a client, of an environmental exposure to workers in the client's facility that is potentially harmful to the workers, and the client will not take the necessary steps to evaluate the situation for the workers' protection
11. Example of expert witness or consulting fees wholly or partially contingent on client's desired result
12. “Are you or are you not a ‘knock’/narc?”

<https://www.youtube.com/watch?reload=9&v=oT9YiqFRLQc>

When does the duty to report the unethical action of another environmental professional arise?