Ethical Practice of Industrial Hygiene
(A Status Report)

modified by Robert D. Soule from a presentation prepared by the Joint Industrial Hygiene Ethics and Education Committee

AIHA – Yuma Pacific Southwest Meeting
January 20, 2005

Objectives for this Session

- Present an overview of how the industrial hygiene ethics program has evolved
- Review the Canons of Ethical Behavior and examine examples of ethical dilemmas
- Encourage you to think through ethical dilemmas before acting
- Discuss the importance and benefits of ethical behavior in our profession
- Review results of recent Ethics Survey
- Discuss past ethical enforcement actions and path forward
What is good ethical behavior?

“The single largest problem in ethics is the inability to recognize ethical issues.”

Rushworth M. Kidder, Ethicist

Association Management

October 1999

Why Do We Need a Strong Code of Ethics?

- Professional recognition
- Legislative/regulatory status
- Changing scope of work/definition of practice
- Tension between rights of the employee and those of the employer
- External forces and threat of regulation
Benefits from Ethical Behavior

- builds trust
- builds employee, shareholder, and public loyalty
- avoidance of monetary fines
- minimizes government intervention (i.e., the promulgation of regulations)

Why are ethical issues a major concern for our professions and businesses?

Consider current issues facing the nation today
- accounting practices that misrepresent a company’s financial health
- campaign Finance
- stem Cell Research
- cloning
- protecting priests accused of sexually abusing children
Factors That Increase the Likelihood of Ethical Misconduct

- increased competitiveness in business
- changing social values
- cultural shifts (new role models)
- globalization and decentralization of business
- technological advances
- less oversight

Causes of Ethical Dilemmas

New Jersey 1994*

- On the job pressure (too many responsibilities) 56%
- Pressure caused by economic implications of result 53%
- Lack of experience 47%
- Pressure caused by professional implications of result 42%
- Poor design of study 40%
- Friendship in regard to “whistle blowing” 40%

Causes of IH Ethical Dilemmas
New Jersey 1994*

- Competition with peers 39%
- Lack of training in ethics 36%
- Poor implementation of design 35%
- Lack of communication skills 33%
- Pressures not related to job 15%

Joint Industrial Hygiene Ethics Education Committee

Type of Ethical Misconduct
Observed – 1994*

- Deliberate overstatement of positive and understatement of negative results 36%
- Refraining from reporting an incident 30%
- Failure to share credit on a publication 26%
- Deliberate failure to acknowledge data limitations 26%
- Holding back findings to avoid negative results 26%
- Plagiarism 23%
- Borrowing from another’s proposal 21%
- Deliberate failure to control data quality 21%
- Failure to protect confidential data 20%
- Release of results of study before peer review 19%

Joint Industrial Hygiene Ethics Education Committee
### Type of Ethical Misconduct Observed – 1994

<table>
<thead>
<tr>
<th>Misconduct Description</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Release study results before peer review</td>
<td>19%</td>
</tr>
<tr>
<td>Avoiding competition by refusing to share data</td>
<td>19%</td>
</tr>
<tr>
<td>Research designed to favor a specific result</td>
<td>18%</td>
</tr>
<tr>
<td>Fabrication of data</td>
<td>17%</td>
</tr>
<tr>
<td>Hide key results by releasing too much data</td>
<td>17%</td>
</tr>
<tr>
<td>Destroy contradicting thesis data</td>
<td>15%</td>
</tr>
<tr>
<td>Failure to protect confidentiality of human subjects</td>
<td>13%</td>
</tr>
<tr>
<td>Avoiding work on subjects that might threaten supporters</td>
<td>11%</td>
</tr>
<tr>
<td>Knowingly in conflict-of-interest situations</td>
<td>11%</td>
</tr>
<tr>
<td>Deliberate failure to disclose sources of support</td>
<td>9%</td>
</tr>
<tr>
<td>Change of definitions after the fact</td>
<td>7%</td>
</tr>
<tr>
<td>Inadequately informing human subjects about invasive procedure</td>
<td>7%</td>
</tr>
<tr>
<td>Deliberately voting against a competitive proposal</td>
<td>5%</td>
</tr>
<tr>
<td>Deliberately delaying peer review of another’s paper or proposal</td>
<td>5%</td>
</tr>
<tr>
<td>Failure to share credit on a patent</td>
<td>2%</td>
</tr>
</tbody>
</table>

---


Joint Industrial Hygiene Ethics Education Committee
Causes of Ethical Dilemmas – Great Britain 2002*

- Economic pressure 42%
- Lack of ethics training 12%
- Lack of empathy with work force 10%
- Other on-the-job pressures 15%
- Other causes not stated 24%

Joint Industrial Hygiene Ethics Education Committee

Type of Ethical Misconduct Observed – Great Britain 2002*

- Plagiarism 51%
- Failure to protect confidential data 37%
- Failure to share credit on a report/publication 27%
- Fabrication of data 25%
- Criticize the ability or integrity of another hygienist for own gain 23%
- Holding back or disguising data 19%
- Survey design to favor a specific outcome 11%
- Destruction of data that contradicts desired outcome 7%
- Deliberately not reporting an incident 7%

Joint Industrial Hygiene Ethics Education Committee
IH Code of Ethics – Recent Chronology

- Code of Ethics for Professional Practice developed by the AAIH Ethics Committee in 1968
  - officers and councilors accepted the code
- renewed interest in ethics by AAIH and ABIH in 1974
- AIHA Law Committee completed a code of ethics in 1977
- AAIH revised code of ethics based upon membership input and approved by formal vote
- AIHA and ACGIH adopted the AAIH code of ethics in 1981

The four IH organizations (I.e., AIH, ABIH, AIHA and ACGIH) chartered the Code of Ethics Task Force in 1991

- Outcome of Task Force was:
  - Revised Code of Ethics with Interpretive Guidelines in 1995
  - Development of Joint Industrial Hygiene Ethics and Education Committee
  - ABIH has authority to censure or revoke certifications (CIHs and CAIHs)
  - Education is key component for promoting code of ethics
Why Code of Ethics was Revised

- Past code consisted of general principles of ethical conduct only
- Lack of interpretive guidelines
- Practice of Industrial Hygiene has changed in scope since 1981
  - Employment patterns changed
  - Responsibilities of EHS professionals became more general
  - Allied EHS professionals required to take on industrial hygiene duties
  - Entry level IH professionals take on responsibilities without benefit of experience or peer association

Joint Industrial Hygiene Ethics Education Committee

Joint Industrial Hygiene Ethics Education Committee (JIHEEC)

Mission Statement

The Joint Industrial Hygiene Ethics Education Committee, composed of members of AIHA, AIH, ACGIH, and ABIH, will jointly promote an awareness and understanding of the Code of Professional Ethics for Industrial Hygienists.
JIHEEC Goal

- Conduct educational activities for members of all four organizations and interested parties that will assist in promoting the Industrial Hygiene Code of Ethics among industrial hygienists,

that is, raise awareness and set the stage for discussions on ethics.

JIHEE Objectives

- Provide representation by AIHA, AIH, ACGIH, and ABIH
- Conduct educational activities designed to increase awareness, understanding and application of the Industrial Hygiene Code of Ethics
JIHEE does not . . .

- Perform Enforcement Action
  - Many violations are difficult to prove, documentation often inadequate
  - Prior to JIHEE formation, formal mechanisms to educate the membership had not been fully implemented
  - Potential for significant litigation expense
  - Professional associations have no authority to enforce codes, per federal anti-trust law

JIHEEC does not . . .

- Determine policy for individual concerns
- Offer written determination regarding potential code violations (but do offer interpretations to the code)
Industrial Hygiene Canons of Ethical Conduct

- Six Canons of conduct with interpretive guidelines
  - Interpretive guidelines intended to be a “living document”
  - Not intended to be all inclusive
- Ethical guidelines are a mixture of ethics and etiquette
- May establish a standard of behavior that is higher than the law requires
- Located in ABIH, ACGIH, and AIHA web pages
  - www.abih.org
  - www.acgih.org
  - www.aiha.org

Joint Industrial Hygiene Ethics Education Committee

Scenario 1

You are bound by a contract to protect the confidentiality of the project for which you are hired. Because of the complexity of the IH issues, you wish to obtain input from a professional peer regarding the technical aspects of the project.

Joint Industrial Hygiene Ethics Education Committee
Do You:

A. Ignore your desire to obtain input from a professional peer because it would violate the code of ethics;
B. Discuss the project without disclosing confidential details, e.g., name of the company, individuals or other; or
C. Discuss in full disclosure with a professional peer who is unrelated to the project and lives thousands of miles away.

Scenario 2

You witness what you believe is a clear violation of the code by one of your professional peers who is a CIH.
Do You:

A. Contact ABIH, ACGIH, and/or AIHA and report the incident;
B. Submit a written allegation of a breach of ethical duty or professional responsibility to the chair of the JIHEEC; or
C. Explain to the peer that they are violating the code and give them an opportunity to correct the situation before taking further action. If it remains unresolved then you could submit a written allegation of a breach of ethical duty or professional responsibility to ABIH.

Scenario 3

As an industrial hygienist at a chemical manufacturing plant, you are faced with having to perform air sampling for an intermediate chemical for which there is no standard sampling method.
Do You:

A. Search for a sampling method that is statistically significant, peer-reviewed and recognized by the profession;
B. Use a non peer-reviewed sampling method that was developed by the plant lab assistant; or
C. Use a standard sampling method developed for another intermediate chemical produced at your plant.

Scenario 4

You are invited by a vendor from whom you purchase a majority of your monitoring equipment and PPE to play golf and have dinner at an exclusive country club.
Do You:

A. Accept the offer and ask if he wouldn’t mind throwing in a sleeve of balls and a hat;
B. Investigate your company’s policy on accepting vendor gifts and determine the best course of action with your supervisor; or
C. Decide to accept the offer, but only if you can pay for your own green fees and dinner.

---

JIHEEC Ethics Survey - 2002

- Survey published in March 2002 issue of The Synergist requesting response
  - Also available for response in JIHEEC webpage
- Twelve questions regarding experience with ethical issues
- Twelve survey responses
  - 127 website visits to review questionnaire

---
JIHEEC Ethics Survey Results

- 82% are “Very Familiar” with IH canons of ethics
- 50% “Somewhat Routinely” refer to the IH canons
  - 25% Routinely
  - 17% Never
  - 8% Rarely
- 50% have not been involved in ethical dilemma
  - 42% have been involved
  - 8% did not respond

JIHEEC Ethics Survey Results

- 75% have been asked or directed to conduct themselves contrary to canons of ethics
  - 25% have not been asked
- 58% referred to canons of ethics for assistance in their dilemma
  - 42% did not refer to canons
- 50% believe the canons of ethics are not deficient
  - 33% believe the canons are deficient
  - 17% did not respond
JIHEEC Ethics Survey Results

- 83% responded the focus on ethical conduct within IH community needs to be enhanced
  - 17% responded the focus does not need to be enhanced
- 50% responded that additional resources and funding should be made available for reviewing and enforcing ethics
  - 50% responded no additional resources or funding are needed
- 75% were not willing to increase dues for ethics enforcement
  - 25% were in favor of dues increase

General Comments (not all inclusive)
- ABIH is only organization that actively pursues ethics concerns
- More examples of ethical/unethical practice
- The practice continues to change and the "explanatory notes" need regular updating
- Hearing review of ethical behavior and/or violations
- Jail time for managers who have IHs who violate the rules
- The association publish the names of bad actors in the widest possible manner
Enforcement Issues

- Negligence and malpractice are often lumped together with ethics
- Joint task group formed in late 1994
- Charged with reviewing the options and issues relative to enforcement
- Did the following:
  - Surveyed 12 similar professional association on ethics enforcement
  - Reviewed pros/cons of 6 enforcement options
  - Legal review of enforcement without regulation issues

Ethics Enforcement – 1994 Joint Task Group

- Six options reviewed:
  1. No enforcement
  2. Education
  3. Mediation
  4. Arbitration
  5. Title protection
  6. Enforcement “as is”
Ethics Enforcement – 1994 Joint Task Group Recommendations

- Regardless of choice, education and communication needed
- A continuum of options should be considered
- The four associations should consider establishing one ethics committee

Ethics Enforcement – 1994 Survey Findings

- Surveyed 12 Allied Professional Societies
  
  AAEE       BCSP       NEHA
  NSPE       CRBOH     AAHP
  NCS        AAOHN     ACOEM
  ASSE       ABOHN     MCA

Joint Industrial Hygiene Ethics Education Committee
Ethics Enforcement – 1994 Survey Findings

- Majority have existing code
- Six associations have some form of state licensing
- Majority had ethics committee
- Only 2 have a charter to enforce
- Only 4 have attempted to resolve an ethics claim

Recent Informal Survey of Allied Professionals

- Three Organizations Contacted
  - BCSP
  - ABHP
  - IPEP
- BCSP is the most active handling ethical concerns
  - Generally one ethical concern per year
  - Review follows Article XIV procedure and reviewed by executive board for decision and action
- ABHP has experienced two ethical concerns
  - Handled by ethics committee following SOP
- IPEP has not experienced any ethical concerns
Ethical Allegations – The AIHA Experience

- AIHA involved in three ethical concerns
  - One case became a legal battle at a significant cost to AIHA
  - Enforcement actions are now deferred to ABIH

---

Ethical Allegations – The ABIH Process

- ABIH evaluates ethics allegations for potential censure or revocation of Diplomates (CIHs or CAIHs)
- Criteria for Censure or Revocation of Certification:
  - Misrepresentation with intent to deceive
  - Fraud in the examination or recertification process
  - Unethical practice
  - Activities which discredit the profession
  - Conviction of a felony
Summary

- A formal ethics program is an important and necessary element of our profession
- Education should continue as the primary means to promote ethical behavior
- Industrial Hygienists should have awareness of ethical standards of performance and practice them
- Continue to expand competency base
- Think through the outcome before acting
  - Would you want your mother to see a news story about your actions?

Discussion on the Path Forward

- adequacy of IH canons of ethics and interpretations
- Is ethics education enough?
- ethics enforcement
  - Who should enforce ethics?
  - What process should be used?
  - At what cost?