

LETTER FROM THE GUEST EDITOR

Letter from the Guest Editor: Would It Be Ethical?

“But, would it be ethical?”

This is a question we don't hear often enough in daily professional practice. Why not?

There are several reasons. First, people are busy and need to get things done. Getting into questions of ethics is not likely to speed things up. Second, whether or not a problem exists may not be clear, and there may be divided opinions. When ethics codes [such as that of the National Association of Environmental Professionals (NAEP)] are consulted, they often give delphic guidance. But “it's not clear” may not dispose of the question. A further reason is that people have become complacent and no longer interested in further discussing the same old issues. Lastly, few of us consider ourselves ethics experts—“I am not a philosopher” becomes an easy way to brush an issue aside. These reasons are all human enough and do not indicate that people are being careless or dishonest.

But this is precisely why a sustained, ongoing focus on professional ethics is essential—it takes work to make ethical reflection a part of daily decision making, to bring ethics into the decision mix instead of standing outside of it.

The fields of knowledge and practice encompassed by the membership of the NAEP are vast. Many of the fields, whether highly specialized, such as wetlands delineation, or broadly general, such as environmental studies, may not have developed the full machinery of such disciplines as law, accounting, and engineering. In these cases, professional groups accredit college programs, develop ethics codes and explain them in elaborate guidance, and may also rely on state government licensing programs with ethics components.

Our educational institutions have done little to address the gap in ethics training for many of the people who in their careers may become environmental professionals. Although many college programs offer or even require courses in *environmental ethics*, they offer little or nothing formally on *professional ethics*. Some leaders in higher education are aware of and concerned about this situation—but little progress is evident.

At present, then, it is being left to professional groups and journals like *Environmental Practice* to bring useful information on professional ethics to the field. The good news is that there has never been so much good information on applied ethics in the professions (e.g., Barrett, 2001; Irland, 2006, 2007; Martin, Vaught, and Solomon, 2010). Not only that, but low-cost paperback editions of the classics, still worth taking along for airplane reading, are available (Aurelius Antoninus, 1989; Confucius, 1979).

One barrier to training in professional ethics is a ubiquitous provincialism. Someone who assesses toxic waste sites wants to read cases on toxic waste sites, wildlife biologists want material on wildlife biology, sanitary engineers need material on sanitary engineering, and so on. There is no willingness to understand that professional ethics is generic. *Conflict of interest is conflict of interest*. We can learn from everyone's experiences. I myself usually find it easier to be objective about the ethical problems of financiers than of foresters! I once used a book on professional ethics in another field with students in a course on environmental studies and forestry. They told me the book was “not relevant.” They were wrong but could not be brought to see this. This kind of provincialism often sets in during the college years. It is one reason why it is so difficult to motivate students and to provide training cases they consider relevant. The balkanization of applied professional ethics into *ethics of toxic waste management*, *ethics of wildlife biology*, or *ethics of sanitary engineering* is a serious—if

largely unnoticed—professional issue for all of us, not just the educators.

The set of articles in this issue of *Environmental Practice* cannot overcome all of these problems at once, but the editors are to be congratulated for making a start. They understand that adopting a professional code of ethics may be only symbolic if no effort is undertaken to explain it and to foster continuous discussion on the issues as they are lived in daily work.

One of the most general concerns in professional practice is *conflict of interest*. Large law firms maintain staff to keep track of clients and potential conflicts. Individuals need to train themselves to think about potential conflicts all the time. I have at times overlooked this. The piece by Konrad Liegel, Sylvia Bates, and myself in this issue of *Environmental Practice* offers a valuable overview of what conflict of interest means. All too often, we assume that if we are working in the nonprofit sector, we need not be concerned about such commercial questions as conflict of interest. The article shows why this is wrong and illustrates the harms that can result from failure to identify and address conflicts of interest effectively—whether in the nonprofit or the for-profit sector.

The article by Roy Deitchman, Celia Ann H. Pfleckl, and Benjamin Deitchman describes the challenges of implementing an environmental ethic in a professional manner at Amtrak. Passenger rail service in this country is generally struggling financially, which makes investment in environmental upgrades problematic. The authors describe some of the major initiatives undertaken in the wake of litigation. Part of the challenge has been to “make haste slowly” while avoiding misleading marketing claims about the results.

I noted earlier that professional ethics codes are often expressed in very general terms.

Unlike the Ten Commandments, such codes are always drafted by a committee. Circumlocution and ambiguity can be expected. The Society of American Foresters (SAF) Code of Ethics, for example, cannot bring itself to label any particular action as *unethical*, confining itself instead to broad, aspirational generalities. In their article, Brian Casas and Richard Burgess comment on the divergent approaches to professional ethics that this approach encompasses. This reflects the forestry profession's multiple identities, consisting of subgroups with different attitudes and values. Burgess is a faculty member of an Engineering Ethics Institute at Texas Tech. The several engineering societies, with much more fully developed ethics guidance, offer well-developed ethics codes, and these societies provide substantial ongoing commentary on ethics issues in publications, meetings, and websites.

The National Environmental Policy Act (NEPA) and series of environmental laws opening up federal (and later state) decisions to formal consideration of environmental impacts restructured decision-making processes in the United States. Further, the Water Pollution Control Act Amendments of 1972 and a host of related laws required industry to obtain permits for emissions of air, water, and toxic pollutants. Applicants for permits bear the burden of showing that their proposed projects comply with complex and highly technical regulations. To meet the escalating demand for technical analysis, advocacy, and information, the field of environmental consulting emerged. Federal agencies, often lacking such expertise, often contract out preparation of massive environmental documents to these consultants. In his article, Mike Thompson, a trained biologist active

in this work in the northeastern United States and nearby, offers a series of comments on the professional ethics issues often encountered by consultants working on land use and environmental issues.

The new administrative and political culture spawned by NEPA and environmental law also generated mandatory new programs of *public involvement*. The purpose was to open up decision making, disclose issues and impacts, and produce wiser decisions. In the process, public involvement created new options for manipulation, delay, and obfuscation that were taken advantage of by interest groups, agencies, and project neighbors to further their own purposes. Public involvement in the form of multiple iterations of documents, intensive programs of meetings of advisory bodies, and public hearings is now part of the political culture. In their article, Fox and Murphy ask some challenging questions about these processes. Focusing on agency motives and uses of public participation, they review three types of ethical breach: "uncomplicated lying or manipulation, failing to provide a fair exchange, and asking for wisdom but failing to support it" (abstract). They discuss these issues as questions of professional ethics. They conclude that public involvement can be used, or abused, for improper and even unethical purposes. When that seems likely, they argue, there is a case of doing less of it.

In closing, I hope that this set of articles will stimulate thought, discussion, and emulation. The NAEP has taken the first step to develop an ethics code, and now the challenge lies ahead: to make professional ethics more of an *everyday* matter (Barrett, 2001) in professional practice in the future.

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