

WASTE DISPOSAL

I

ABC's chemical waste is stored in a warehouse at an off-site location. While inspecting the warehouse, engineer Scott Lewis notices several leaking drums. He calls Tom Treehorn, head of ABC's Division of Chemical Waste. Tom responds, "I'll be right over with a crew to bring the leaking drums over here." Scott points out that the law forbids returning chemical waste to the "home" site. Tom replies, "I know, but I don't have any confidence in the off-site folks handling this. We know how to handle this best. It might not be the letter of the law, but our handling it captures its spirit."

Scott believes that Tom Treehorn is serious about preventing environmental problems -- especially those that might be caused by ABC. Still, he knows that the Environmental Protection Agency will be upset if it finds out about Tom's way of dealing with the problem; and if anything goes wrong, ABC could get into serious legal difficulties. After all, he thinks, ABC is not a waste disposal facility.

What should Scott do at this point?

1. Tell Tom that he will inform Tom's superior if Tom goes ahead with his plan.
2. Tell Tom that he will not interfere with Tom's plan, but he will not help him with it either.
3. Advise Tom not to go ahead with his plan, but not interfere if Tom insists on going ahead anyway.
4. Say nothing, and help Tom with his plan.
5. Other.

II

Although he isn't sure they are doing the right thing, Scott says nothing further to Tom and helps him load the leaking drums onto the truck for their return to ABC. The chemical waste is disposed of on the ABC site, with no apparent complications.

In further justification of his actions Tom points out to Scott that ABC also saved a lot of money by taking care of the problem themselves rather than having to pay someone else to dispose of the chemicals.

Do you agree that they chose the proper course of action?

III

It might well turn out that, for all practical purposes, this is the end of the matter -- that no further complications ever arise. However, there is a "worst case" possible scenario. Consider the following:

It is now several years later. Tom Treehorn has retired and moved to Florida. Scott Lewis left ABC shortly after he discovered the chemical leaks in the warehouse. He is now a senior engineer in a company in a nearby city. He is startled by a front page story in the press. ABC is being charged with contaminating the groundwater in the community surrounding ABC. The paper claims there is substantial evidence that ABC had for years violated the

law by dumping waste materials on site. Tom Treehorn is mentioned as the main person who was in charge of overseeing the handling of chemical waste during the years of most flagrant violation. Those years included the short time Scott spent at ABC. A local group of citizens has started a class action suit against ABC.

Three weeks later Scott Lewis receives a letter requesting his appearance at a court hearing concerning the charges against ABC. What should Scott say in his testimony if asked if he was aware of any violations on the part of ABC?

[Prepared with James Jaksa.]

COMMENTARIES

Kenneth L. Carper

Inspection and oversight responsibilities have become critical functions of technical professionals. Modern society is increasingly vulnerable to severe effects of failures and accidents. A single structural connection failure in a longspan roof can threaten the lives of thousands of occupants. A single industrial accident, such as the methyl isocyanate gas leak experienced in Bhopal, India in December 1984, can cause tens of thousands of casualties. Hazardous wastes can cause irreparable environmental damage (Gross, et. al. 1989, Carper 1989).

Society has recognized the need for increased protection. Legislation has been introduced to protect the environment and to enhance public safety. These laws exist because some controls must be mandated and enforced. Unless they are enforced diligently and equitably, the profit motive will control to the detriment of the environment and the public welfare. The competitive market will unfairly penalize those corporations that adopt costly environmental protection or public safety policies.

Inspection by a competent, licensed professional is critical to the effectiveness of enforcement (Carper 1984). Insofar as possible, the inspecting engineer should be autonomous, working under an administrative arrangement that permits the inspector to act independently.

Scott Lewis, however, finds himself in a much less desirable situation. He has been assigned the task of inspecting his employer's operation. Placing an employee in such an oversight position is fraught with conflicts. The employee is under the constant threat of potential pressure from superiors within the organization, and is often overly conscious of the economic implications of the negative reports that may be required by strict interpretation of regulations. The inspector's own job is on the line. Indeed, employees have been fired for subordination when they were conscientiously performing their inspection assignments (Martin and Schinzinger 1989, pp. 67, 216217).

The situation of selfinspection places those assigned the task in a very awkward position. Similar ethical challenges are encountered by the Accountant who must audit the records of a corporation. The Accountant who submits a report that is truthful may incur the wrath of the client corporation that has retained the Accountant. To a certain extent, there is constant implied pressure to perform a service that pleases the client. This conflict has been addressed in the accounting profession through strict adherence to a professional code of ethics and through diligent enforcement of legal requirements.

Laws are involved in Scott Lewis' case as well. There are public safety and environmental impact issues at stake. Scott should discuss his concerns with Tom Treehorn, including the potential consequences of breaking the law.

He should vigorously object to Tom's intentions, appealing to the Code of Ethics for support, if necessary. Reference to the Code of Ethics can be very useful when an engineer is confronted by such pressure from an employer or client (Evans 1988).

If such appeals are ignored, Scott should definitely threaten Tom with a report to Tom's superior. If Tom receives support from the management above him, Scott should be prepared to go outside the organization. Whistleblowing is justified when laws are being violated. In fact, Scott is obligated by his Code of Ethics to go to the proper authorities when his employer is in deliberate violation of regulations, especially when the public welfare is threatened (Elliston et al 1985, Pletta 1987). For example, the American Society of Civil Engineers has a policy statement that requires its members to report unsafe conditions discovered in the course of their work, even if the client for whom they are performing services objects.

An important principle in this case is the principle of universalizability (Martin and Schinzinger 1989, pp. 3738). Scott should confront Tom with the implications of everyone acting as he proposes to do. What if every chemical corporation were to ignore regulations regarding disposal? What if each supervisor were allowed to do it his or her own way? Even if each were thoughtful and conscientious, and even if each felt they knew best how to safely dispose of the waste, wouldn't the resulting chaos be unmanageable?

Scott should especially be concerned when Tom refers to the economic benefit of following his plans. Tom's true motive is revealed here; it is the profit motive.

Later, when problems do arise, a classaction suit is brought against the corporation. In the court proceedings, Scott must be truthful. This will include giving an account of the part he played in the inspection and in helping Tom violate the law. This will be complicated by his new position with a competing corporation.

It should be noted that if Scott were a Professional Engineer at the time of the violation, he may now be subject to personal litigation, and to prosecution by the state in which he is licensed. He may also be subject to disciplinary action by his professional engineering society.

Suggested Readings:

1. Carper, Kenneth L. 1984. "Limited Field Inspection Vs. Public Safety," Civil Engineering, American Society of Civil Engineers, New York, NY, Vol. 54, No. 5, May, pp. 5255.
2. Carper, Kenneth L., ed. 1989. Forensic Engineering, Elsevier Science Publishers, New York, NY, pp. 2628.
3. Evans, R. J. 1988. "Commentary on the Code of Ethics," Journal of Professional Issues in Engineering, American Society of Civil Engineers, New York, NY, Vol. 114, No. 2, April, pp. 148156.
4. Elliston, Frederick, J. Keenan, P. Lockhart and J. Van Schaick 1985. Whistleblowing Research: Methodological and Moral Issues, Praeger Publishers, New York, NY.
5. Gross, John L., J. Smith, and R. Wright 1989. "Ashland Tank: Collapse Investigation," Journal of Performance of Constructed Facilities, American Society of Civil Engineers, New York, NY, Vol. 3, No. 3, August, pp. 144162.
6. Martin, Mike W. and R. Schinzinger 1989. Ethics in Engineering (2nd edition), McGrawHill, Inc., New York, NY, pp. 67, 3738, 216217.

7. Pletta, Dan H. 1987. "Uninvolved' Professionals and Technical Disasters," Journal of Professional Issues in Engineering, American Society of Civil Engineers, New York, NY, Vol. 113, No. 1, January, pp. 2331.

Michael Davis

Scott Lewis is an engineer aware that an ABC employee is about to violate federal regulations designed to protect the environment. If he is a chemical engineer, he may know something of the history of those regulations, especially about how many seemingly safe means for disposing of waste turned out to be unsafe, how important keeping track of waste is to making sure only safe means of disposal are used, and how many of the EPA's seemingly over-technical standards are what experience has shown necessary for EPA inspectors to identify and understand a waste disposal problem relatively quickly.

The regulation forbidding return of chemical waste to its home site may be such a standard. Waste can flow in only one direction, away from the home site toward a licensed disposal site. All involved in handling a shipment of toxic waste can tell something is wrong the moment they see the flow of waste reversing. What alerted Lewis to a potential problem was precisely that Tom Treehorn proposed to reverse the flow. The regulation did what it was supposed to do. What should Lewis do?

Treehorn, head of ABC's Division of Chemical Waste, says Lewis should do nothing: "Trust me--I'm a good guy." Let's suppose that Treehorn's intentions are good. Still, he is breaking a law. He doubts the ability of those specially trained for the job, "the off-site folks," to do the job properly. He claims no authority from above. As he explains it, he alone knows what to do. He's sort of Lone Ranger of the wild wastes. The ancient Greeks had a saying, "Whom the gods would destroy, they first make mad." Treehorn is one whom the gods seem to have marked for destruction.

Lewis, though (presumably) an ABC employee and responsible for inspecting the warehouse, does not seem to be one of Treehorn's subordinates. He has a freedom of maneuver he would not have if he were under Treehorn. This makes response easier than it might otherwise be. The first thing Lewis should do is suggest that they call in Treehorn's superior and see what he thinks. If Treehorn refuses, that would settle things. Lewis would know he was dealing with a Lone Ranger in no position to pressure him. He and Lewis could get back to their job, finding a way to dispose of the wastes legally.

If, however unlikely on the facts as given, Treehorn agrees to bring in his superior, Lewis need make no decision until the whole issue has received a good discussion. Since it is hard to know what such a discussion would reveal, let us assume hereafter that Treehorn does not take Lewis' suggestion but instead withdraws his own. Should Lewis leave matters at that?

What Treehorn suggested to Lewis he may have suggested to others before. Indeed, the confident tone in which Treehorn made his suggestion suggests he has made it before with more success. Lewis should therefore consider raising the question with someone above Treehorn. But with whom? The better organizations will have some procedure, a hotline, ombudsman, or open door. Where such a procedure exists, Lewis could use it. If ABC has no such procedure, Lewis should seek the advice of his own supervisor, putting his concern in writing and making clear both how serious the problem could be and how incomplete his evidence is. He should keep a copy for himself. If custom allows, he should send a copy to everyone in the company who might be interested, including the Legal Department. (The more people who receive the memo, the harder it will be for any particular person to ignore it.)

Lewis should take care that his memo sounds like this: "I have no real proof of a problem in Chemical Waste. But we must investigate anyway. We have been put on notice of a potential problem. If we don't investigate and it later turns out there was a problem, we will look bad and the company will suffer." There are two reasons for taking this subdued but serious tone. One is, obviously, that Lewis could be wrong. Treehorn may have made his suggestion without thinking and thought better of it as soon as he saw Lewis's reaction. Lewis should not do Treehorn more harm than necessary. The other reason Lewis should take a subdued tone is to preserve his own credibility. Speaking softly, staying within the evidence, generally carries more weight than screaming, especially in the early stages of an inquiry when sides have not yet formed. Lewis ranks low. He does not have much credit. He should take care to husband it.

If Lewis does this much, then, even if the investigation turns up nothing, he will be in the clear. He will have alerted his superiors and given them the chance to do what they should. He need do no more because he has no knowledge that the public health, safety, or welfare is in fact threatened. He had only a well-grounded suspicion that Treehorn may be violating EPA regulations.

If the "worst" happens and years later Lewis receives a subpoena, he can dig out the memo and appear in court ready to tell what he knows. If ABC did a good investigation, those who did it will be able to tell what they know. They can testify to having done the best they could. Perhaps Treehorn lied to them and used methods they could not reasonably have anticipated. Treehorn will be to blame, no one else. He will have left ABC with a huge waste disposal problem, a dirtied reputation, and an almost unimaginable potential for litigation. But, to the degree others did their job, ABC's liability will be less and those involved will not be personally liable or morally blameworthy.

If, however, Lewis took what earlier seemed to be the easy way, doing nothing or even helping Treehorn load the truck, Lewis will now need a lawyer. He will have to be careful what he says. The truth may be used against him in a civil suit for damages. Lying would risk criminal prosecution for perjury. Keeping silent would be self-condemning. The "worst" seldom happens, but thinking about it can reveal fundamental weaknesses in a course of action that looks pretty good on the assumption that all goes well.

Joseph Ellin

I

Engineer Scott Lewis objects to Tom Treehorn's method of disposing of leaking drums. It is a violation of EPA regulations, as Tom admits. EPA may have good reason for the policy of requiring that leaking drums not be returned to the home site, but in this case, Scott may well think, the policy serves no purpose and may cost ABC company money. Since the method of disposing of the waste chosen by Tom apparently is superior to that required by the EPA, we evidently have a violation that seems more a matter of regulations than of realities.

We could look at this case as an example of the conflict between act utilitarianism and rule utilitarianism. Presumably the EPA's rule is warranted and generally produces good results. But in certain cases, as in this one, this may not be true. (Many automobile traffic regulations are like this). Is it permissible to violate the rule in the given instance? Perhaps; but in any event, we can say that the case for Scott interfering with Tom or for reporting Tom's infraction to Tom's superior is weakened. What is to be said for option 1, that Scott should inform Tom that he will report Tom's infraction to the superior, is, that Tom is violating the law and putting ABC at risk and his superior ought to know this. However reporting Tom seems a rather hostile way of proceeding, especially if Scott thinks that Tom is well intentioned and committing a technical infraction in a good cause. Scott might report

Tom anyway because Tom's superiors ought to know what Tom is doing. But under the circumstances Scott might be allowed to reason that if Tom's superior wants to know how Tom disposes of waste, it is his business to ask; if he doesn't inquire, it's not Scott's job to tell him what he doesn't want to know. Scott has done what's required of him by calling in Tom to dispose of the waste; other questions are internal to the operations at ABC. The situation might be different if there were a real risk to someone from Tom's irregular procedure, but it's premised in sections I and II that there isn't. The risk is entirely secondary, a risk to ABC, Tom and Scott of prosecution, created by regulations which over-reach.

Therefore the balance falls on option 3, that Scott does not report Tom but advises him that he shouldn't do it. Whether this is the best option might depend on what is meant by 'advice.' If Scott merely goes through the motions of saying, don't do this, knowing that Tom will ignore him, this option looks less attractive. If however he makes his arguments and then lets Tom come to his own conclusions, trusting Tom to consider Scott's advice and arguments seriously, then perhaps option 3 is best.

II

Should Scott help Tom dispose of the waste illegally? It would be terribly imprudent, because he is exposing himself to legal liability. However I find no statement in the Code that engineers may not expose themselves to legal liability if they think it's justified to do so. By helping Tom, maybe Scott thinks he's protecting the environment and saving ABC money. On this last point, however, both he and Tom are apt to be mistaken, since ABC stands to get into serious legal difficulty as a result of Tom's action. So they cannot be said to have met their responsibility to ABC, even though they may have met their responsibility to the environment. The money they save now for ABC may seem like pennies later. Tom's action would be much more justified if the EPA-approved method were actually more risky to the environment than the method Tom employs, which might be true if the EPA enacted its regulations in part for its own administrative convenience, (saving the government money but costing private companies unnecessary expense). But as the case does not say this, it should not be assumed, and therefore neither Tom nor Scott are justified, even from the point of view of saving ABC money.

III

Now the premise of the case changes; it turns out that ABC has been doing harmful dumping under Tom's direction for years. Scott has been a fool to ever believe that Tom was serious about protecting the environment. Should Scott testify about the little he knows about this to the court? This question admits of only one possible answer: since Scott will be under oath he has no choice but to tell what he knows. Evidently Tom managed to deceive him about Tom's disposal methods. Too bad for Tom and ABC. But if they engaged in a pattern of environmentally harmful violations over several years, they will have to face the consequences. As for Scott, due to his naivete he may now be guilty of concealing illegal dumping, or of being a party to it, if he acted as stated in section II. The lesson from this is that one should never be ashamed to protect one's rear and minimize your own legal exposure. Never assume that illegal actions are really harmless and can be ignored; for even if they're harmless to everyone else, the fact that they're illegal and you know about them, is itself harmful to you.

Michael Rabins

"Honesty is the best policy" is such a well-known and overused cliché (like "To thine own self be true", or "Truth will always out") that we seldom take the time to consider the consequences of not being truthful or even why these clichés have come into existence. One author has said that he is not smart enough to lie because he can not remember what different lies he told to different people and then keep all the balls juggling in the air correctly.

The 3rd and 4th Fundamental canons of the NSPE code of Ethics ("Issue public statements only in an objective and truthful manner" and act in professional matters for each employer or client as faithful agents or trustees") are there to provide us guidance and support as engineers to say and do the right (honest) things when faced with situations like Scott Lewis had to deal with at ABC.

Scott is a trustee of ABC's reputation, good will and long-standing position in the marketplace. If he won't stand up to do the right thing for his company (and synonymously, the public) who will? If he allows Tom Treehorn to break the law for just some short-term financial gains, is he really doing ABC a favor? If he does tell a 'white lie' and look the other way when Tom breaks the law to cart away the toxic waste, as in phase II of the case, the consequences of this action can have disastrous long-term effects as clearly shown in phase III. Now he must testify in court that he knowingly abetted Tom in breaking the law and that by not reporting Tom he committed the lie of omitting to report. At best he stands self-convicted of an error of judgement back in phase I now that he is on the witness stand in phase III. Worse still, by current federal law ("Resource Conservation and Recovery Act"-RCRA) he stands liable to be criminally indicted. Others in similar situations in real life now have a record of a convicted felony after a jury trial based on this law.

Putting aside the effects Scott Lewis personally suffered by not reporting Tom, one still needs to consider the effect his actions had on his company. True, he and Tom may have saved some money, time and trouble for ABC in the short term, but what will the long term effect on ABC's reputation be after a messy, front-page trial for toxic dumping? What effect will that have on ABC sales, stock-dividends, employment outlook and community tax-base contributions? What about the long-term effects on the professional pride and self-esteem of all the employees at ABC who, like Scott and Tom, are under obligation to "Hold paramount the safety, health and welfare of the public in the performance of their professional duties"? (The first Fundamental Canon of the NSPE Code of Ethics.)

This case is reminiscent of several other real life situations that the interested reader may wish to pursue. There is a wealth of writings on "Love Canal" and the Hooker Chemical Company that raise related issues. The recent case of the "Aberdeen 3" is very similar in some of the circumstances of this case. The hypothetical situation in the T.V. tape "Gilbane Gold" put out by the NSPE has some similar overtones of toxic waste issues. Also, the NOVA series has a number of T.V. tapes available in most college library audio-visual centers on such issues as PCB dumping and asbestos related issues that also relate to this case. The NOVA series and the NSPE tape are professionally done presentations that are effective for class-room use.

One last comment needs to be made regarding this Waste Disposal case, particularly with regard to phase I. The way the questions are posed in the phase I presentation of the case naturally brings up a number of important related considerations such as loyalty, differing professional opinions and whistle blowing. Regarding the latter, there is an excellent paper by Michael Davis, "Avoiding the Tragedy of Whistle Blowing"*, which makes a compelling case that once you get to a whistle blowing stage of a case, the situation is lost. Davis gives many pragmatic reasons why this is the case and offers many practical suggestions on how to avoid the tragic whistle blowing pathway. In this case, Scott would have done well to have read Davis' paper and followed some of his advice about networking with many people at ABC, and communicating with them in tactful and deft ways before the situation ever escalated to phase III.

In regard to as loyalty to his company and his fellow workers, Marcia Baron has some very relevant advice to offer Scott in her monograph "The Moral Status of Loyalty".** The very definition of loyalty has so many dimensions and interpretations that one must be extremely careful before jumping to any conclusions about what

you owe your company or your professional colleagues in situations like Scott faced in phase I.

Finally, why should we even pay attention to what our Professional Society codes of ethics tell us to do in general terms? The NSPE Fundamental Canons, as well as other codes, offer us support to do the right thing as professionals regardless of what other pressures (time, money, bureaucratic, political, etc.) come to bear. In "Thinking Like an Engineer: The Place of a code of Ethics in the Practice of a Profession", Michael Davis*** points out that by relying on the codes we take the kinds of decisions that Scott has to make in phase I out of the realm of subjective personal decisions, and put them at a higher level of professional expectations that we all need to recognize.

Wade L. Robison

I

Tom's "plan" is, at this point, clearly unclear. What, for instance, does he plan on doing with the leaking drums after he gets them back to ABC? Is he going to repack them and bring them back off-site? If so, then how are they going to be repackaged: what is to prevent a recurrence of the leak? And if he plans on repackaging them, why can't they be repackaged where they are? Moving the drums will expose the workers moving them to risk and expose as well those in the path from the warehouse to the plant and those in the place Tom is moving them to. If Tom does not trust those off-site to do a good job, then why doesn't he come to do it himself? And why hasn't he made sure that they are trained to do a good job if he is in charge of ABC's Division of Chemical Waste?

On the other hand, if he is not going to have the stuff in the drums repackaged, then by letting him take the drums back, Scott Lewis is effectively guaranteeing that chemical waste will be not be stored properly, that is, at the least that it will not be stored with the rest of the waste at an off-site location.

So Scott really cannot properly decide what to do until he has more information about what Tom is planning on doing. Tom's simply saying that he is carrying the drums back to their "home" site is not sufficient. Scott has to have some clarity about what Tom is about before letting Tom remove the drums.

So none of the options presented are appropriate. What Scott needs to do is to ask Tom for more clarity: what is he planning on doing with the drums once they are removed that requires their removal?

But if Scott can ask this question with any authority, then he must have some authority over the warehouse and the chemical waste stored there. It is unclear from the case why Scott is inspecting the warehouse. It matters if he is just inspecting the building and happens to notice the leaking drums or if he is supposed to be inspecting the drums to make sure that they are safely stored.

If he is inspecting the building, then he has no authority over Tom, one presumes, and though he can tell Tom that he is unhappy with what Tom is doing, he must operate outside any chain of command if he wants to pursue the matter further. If he is supposed to be ensuring the security of the drums, then he is in the chain of command, and he can presumably broach the issue as someone who is in part responsible, as part of his job, for the drums not leaking.

The way he relates to Tom, that is, will depend on what Scott's role is. He can either relate to him as a colleague with a common concern to make sure that the chemical waste is properly stored, because he will take some

blame if things go wrong, or he can relate to him as an outsider, who happens to notice the leak, draws it to his attention, and can only talk to him as someone who wonders if it is appropriate to move the drums, not as someone who clearly will be held accountable if the drums are moved. That is, he may be held accountable, but it would be like a bystander who warned someone that the bridge they were about to cross was unsafe, but who has no obligation to prevent the person's crossing the bridge. If, on the other hand, Scott is supposed to make sure that the drums are stored safely, then he may well have an obligation to intervene.

What is clear is that at this point Scott has no idea what it is exactly that Tom has in mind--other than to return the drums to their home site. But he does know that the Environmental Protection Agency would be, as it case puts it, "upset" at that, and the implication, from the case's going on to say that ABC could get into serious legal difficulties, is that the law prohibits such action.

But if that is so, then Scott may well be aiding and abetting an illegal action by not telling Tom not to remove the drums--especially if Scott has control over the drums and has not just found them there, leaking, in the course of his work in inspecting the building. That is, he may have a legal obligation to prevent the drums being removed, and since any legal proceedings would cost the company money, presumably, and bad publicity, he would have a moral obligation to the company as well. He also arguably has an obligation to do what he can to prevent harm to the workers who may be endangered by the drum's being moved.

II

If Scott were to help Tom take the drums back on-site, then he would not be fulfilling his obligations to the company, to the employees who may be harmed, or to society at large. The laws that the Environmental Protection Agency is charged to enforce are presumably there to protect the public from the harms produced by hazardous waste. One may think that some of the laws do not do what they are supposed to do, but one has a prima facie obligation to obey the law, that is, an obligation to obey unless some competing moral obligation is weightier. There is none here: no good will be done by moving the drums except that ABC will save some money in the short run.

The problem, of course, is that what is good in the short run may be bad in the long run. What the case says is not just that the drums were taken back on-site, contrary, presumably, to what the law requires, but that they were "disposed of on the ABC site." So we now know what Tom planned to do with the drums or, at least, what happened to them whatever Tom may have planned: they were left on-site. But the whole point of removing chemical waste from the grounds of a plant and storing them elsewhere until they are properly disposed of is to protect those working at the plant and to protect the groundwater and the ground from contamination by the chemicals. Tom is essentially betting, on his own, that the chemicals will not cause harm.

Scott went along with what Tom did, and if he knew ahead-of-time how the drums would be handled, then he knowingly put his fellow and future workers at risk and put at risk the ground and the groundwater, which may put at risk all those who drink from the aquafilter that runs beneath the plant. If he did not know how the drums would be handled, then he should have: he should have asked before agreeing to help and refused to help. He also should have gone above Tom's head in this case, given what was going to happen to the drums. That Tom has good intentions and is, as the case indicates, "serious about preventing environmental problems" does not relieve either Tom or Scott of their obligations not to cause harm.

III

If news leaks out later that the groundwater beneath the plant is contaminated and Scott is called to testify in a class action suit against the company, he is going to have to tell the truth, namely, that he is aware that there were violations. He will have to tell the story of what happened about the drums in the warehouse, and, unfortunately, he is going to have to tell the court that he failed to do anything to stop the drums being taken back on-site, in apparent violation of the law. He clearly knew that the drums were disposed of on-site because Tom explains to him that the company saved a lot of money. So he will have to tell the court as well that he also failed to stop the drums from being disposed of on-site and that he was told by Tom that the company would save money.

He is going to have to tell the truth because he is under oath to do so, because people have in fact been harmed by the practices Tom has been engaged in (despite his good intentions), because those who have been harmed have a right to some sort of compensation from the company, and because the practice needs to stop to prevent further harm to the groundwater and to those dependent upon it.