

HIST1971 – Ethical Case Study Assignment

Part A: Hypothetical Scenario (worth 5 marks)

*Pick **one (1)** of the scenarios in this section and write a response of approximately **300** words. In your response, **identify the ethical theory** that you're applying (consequentialism, deontology, or virtue ethics) and **explain it briefly** (in one or two sentences). Then, explain whether, according to that theory, you consider the action described to be ethical.*

- 1) Shortly after you begin working for a computer hardware company, you accompany a sales representative to a large company to discuss details of a forthcoming contract. Later, in the parking lot, the sales rep stops by a car and puts two bottles of whiskey in the back seat. You suspect that the car belongs to the company's purchasing agent. What is your ethical responsibility? Should you report what happened to your boss?
- 2) You are a principal engineer. An employee whom you have assigned to a critical new product comes to you six weeks before the scheduled completion date. He gives you two days' notice that he is quitting, but he offers to take over the project as a consultant for a substantial raise. Is he behaving ethically? Would it be ethical for you to accept his offer?
- 3) Fifteen years into your engineering career, you are approached by a person who knows your particular job responsibilities. They offer you money for certain information, which you believe to be in the public domain. Is it ethical for you to accept this work, selling information that others could obtain just by doing a literature search as you did?
- 4) Six months ago, your chief engineer gave you a substantial raise and told you he had high hopes for you. Later, two months before the completion of an eighteen-month project, you are laid off. Can your employer's actions be ethically justified?

Part B – Historical Cases (worth 10 marks)

*Pick **one (1)** of the historical cases in this section and write a response of approximately **700** words. In your response, explain who is ethically responsible for the problem described and why: in what way did this person (or these people) act unethically? How could they have acted more ethically?*

*For this question, you must **identify and explain the ethical theory** that you're applying (consequentialism, deontology, or virtue ethics). If you are applying the same ethical theory as in Part A, you should explain it in more detail here. You must also **define and explain any ethical concepts** that you use to answer the question (e.g., utilitarianism, categorical imperative, phronesis, etc.). In total, you should provide about a paragraph of explanations of the relevant terms.*

You may conduct additional research on the incident that you choose to discuss. (This is not required, and you will not lose marks for not doing so.) Any sources you consult must be cited. You may use any standard citation style you prefer (APA, MLA, or Chicago), as long as you apply it consistently and correctly.

1) The Love Canal environmental disaster

The neighbourhood of Love Canal, Niagara Falls, NY is the site of a well-known environmental disaster that occurred in the 1970s. During the 1940s, the Hooker Electrochemical Company acquired the canal and converted it into a landfill, disposing of barrels of toxic waste there from 1942 to 1952.

In 1952, the City of Niagara Falls approached Hooker about purchasing the land to build two elementary schools. The city desperately needed new schools to accommodate a growing population. At first, Hooker was reluctant to sell the dump site to the city, fearing legal ramifications if the underground waste caused health issues. City officials pressured Hooker to sell, even threatening to condemn parts of the land or take it via eminent domain.

Eventually, Hooker's president and vice-president came to see this a useful opportunity: by selling the land, they would spare Hooker of any responsibility for harm caused by the chemicals in the landfill. Hooker sold the land to the city for \$1, with the sale documents specifying that Hooker would not be liable for any problems caused by the chemical waste buried at the site. From then on, the city was legally responsible for ensuring that the landfill did not become a threat to public health. The canal was sealed with clay to prevent toxic waste seeping out.

Construction of the first school began shortly after the sale. The architect in charge of the school warned the city about the danger and unpredictability of building on a chemical landfill. The city's response was to move the site to a less suspect location about 25 metres away. By this time, underground barrels had already damaged, allowing chemical waste to be released. The leaks were exacerbated by unusually heavy rainfall.

The first school opened in 1955 with 400 students. Later that year, waste barrels appeared near the school; these collected water, and children played in the puddles. Despite this, a second school was opened in the same year. Then, in 1957, other parts of the land formerly owned by Hooker were sold to developers who intended to build sewers for nearby housing. Hooker representatives objected to the sale, believing that it was unsafe to build underground structures on a chemical landfill, but they could not stop the city from selling land that Hooker no longer owned. Construction of the sewers penetrated the clay that had been used to seal the landfill. This allowed rainwater to enter the landfill, and waste began to seep out of the canal.

Nearby residents were unaware that the land had formerly been used as a toxic dump. They became aware of this when, in 1962, after an unusually wet winter season, massive amounts of toxic waste seeped out of the canal. Residents reported pooling of water mixed with toxic waste in their yards and basements. The pooling of contaminated water was exacerbated by the fact that a recently built highway prevented groundwater from reaching the nearby Niagara River.

It would be years before the complaints of residents prompted a full investigation. In 1977, after a particularly bad winter storm caused major seepage, the New York Departments of Health and Environmental Conservation investigated Love Canal, examining samples of air, soil, and groundwater. They found high levels of vapours from toxic substances, some of which are carcinogenic, in the basements of local residents; similar substances were found in the soil and water at unsafe levels.

Public outrage over the chemical seepage at love canal accelerated in 1978, mainly due to the investigative work of reporters. Michael H. Brown, a reporter at the Niagara Gazette, conducted a survey of residents near the canal. Collected data door-to-door, Brown found evidence of high numbers of birth defects. Later, the Health Department found that residents reported unusually high numbers of birth defects. Before long, President Jimmy Carter declared a health emergency in Love Canal, releasing federal funds to address the toxic waste situation.

Ultimately, both schools built in the 1950s were closed, and hundreds of residents were evacuated from their homes in the Love Canal neighbourhood. Many of these homes were demolished.

The case was tried in federal court in the 1990s. A federal judge determined that Hooker Electrochemical Company had been negligent to sell the land to the City of Niagara Falls. The Environmental Protection Agency sued the company that had purchased Hooker decades earlier, and the company agreed to pay over \$100 million dollars in restitution.

2) The Algo Centre Mall collapse

The Algo Centre Mall in Elliot Lake, Ontario was the site of a catastrophic roof collapse in 2012. The large mall, built in 1979-1980, was a major commercial and community centre in the region, including not only retail stores but also a hotel, a library, and a transit station. It also included a rooftop parking lot.

Structural issues at Algo Centre Mall first became apparent around 1990, when leaks and water damage began to appear frequently throughout the mall. Store owners routinely had to place buckets on the floor. The leaks became particularly serious in 2008, at which point the problems were reported in the local media. Many businesses in the mall were inconvenienced and some were temporarily closed. One business, a popular restaurant, had to be permanently closed; the owner, who was not informed about the leaks before leasing the property, sued the mall and won. The mall installed tarps to address the leaks, but they did little to improve the situation. The leaks also caused a considerable buildup of mould, particularly in the library. The mall had repair work done for several weeks, but afterward leaks continued, and buckets remained scattered around the mall.

The leaks in 2008 revealed that the most pressing concern was the structural integrity of the roof. The mall owner brought in an architect who advised them that the fibreboard pads running along the concrete slabs in the roof could disintegrate if they sustained water damage, thus weakening the roof. The owner spent about \$1 million to repair the roof. Over the next few years, the rooftop parking lot was used to host major events.

The first major incident related to the roof occurred in 2011, when a piece of concrete fell from the roof into a restaurant. The restaurant owner examined the roof and found that the ceiling tiles were soaked with water. Thereafter, the restaurant owner filed reports with the city and the mall owner. A city inspector was scheduled to visit the site two weeks later, but the inspector missed the appointment; the restaurant owner received no reply from mall ownership. According to the mall manager, following these events, the mall owner commissioned an engineering study to investigate any structural issues at the mall; the manager later told reporters that the study had been conducted and had revealed no significant structural damage. A further \$120 000 was spent on repairs, but according to witnesses, clear signs of water damage remained throughout the mall during the coming months. Nevertheless, multiple engineering firms were eventually brought in to inspect the structure and declared it sound.

In June 2012, a section of the roof measuring 12m by 24m collapsed into the mall, crashing through two storeys and causing numerous casualties. Two cars fell through the mall from the rooftop parking lot. As a result of the collapse, two people died and twenty-two others were injured. The collapse occurred directly beside the restaurant involved in the 2011 incident. Search-and-rescue efforts began the same day and continued throughout the following week.

In the subsequent months, an engineering firm conducted an investigation commissioned by the Ontario Provincial Police. The firm's report identified the causes of the roof collapse, which was partly due to water damage. The welding at a connection was found to have corroded by water and salt. The rooftop parking was specifically identified as a source of the problem: water and road salt from the vehicles led to the corrosion. The engineering firm also reported that the roof had been insufficiently waterproofed. The waterproofing problem was traced to the construction of the mall; the hollow-core concrete slabs used in construction could not be waterproofed effectively. The report indicated that the mall owner was aware of this problem during construction, and that leaks in the roof were immediately apparent. Various options were considered for additional waterproofing, but the construction company supplying the concrete structure advised against all of them, since the hollow-core concrete slabs could not accommodate any of these options. Thus, leakage persisted throughout the mall's existence until the roof eventually collapsed.

During a public inquiry into the mall collapse, an engineer who had consulted on the construction of the mall recalled that he had warned of sloppy workmanship and major structural problems during construction, including crooked structural columns, rusted steel beams, and the danger posed by the rooftop parking lot. The engineer had advised that construction be completely restarted; instead, the construction company made modifications to the existing structure, anchoring it to the rock face beside the site of the mall. The inquiry also revealed that the mall owner had pressured the engineers on the project to cover up the leakage issue by leaving it out of their reports; the owner also fabricated invoices for roofing repairs that were never done.

In the subsequent years, the mall was sued in a class-action lawsuit, and an engineer who had declared the structure sound mere weeks before the collapse was subjected to a criminal trial. Ultimately, the engineer was found not guilty: an Ontario Superior Court judge concluded that the engineer had exercised “poor judgement” in declaring the structure safe, but since he had reached the same conclusion as other engineers and architects who had inspected the structure, his actions were not criminal. The mall remained closed and was eventually demolished.