The Right to Know in the Workplace

The Moral Dimension

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It is significant that this workshop is taking place during the week of our national celebration of the life of Dr. Martin Luther King, Jr. It reminds us of the clear awareness that the American Civil Rights Movement had for the specific concerns of workers. Indeed, the part of the struggle that cost Dr. King his life was the attempt to secure economic justice for garbage workers in Memphis.

The timing also was excellent in that it permitted me the opportunity to hear late last week a splendid talk by Congressman John Lewis of Atlanta, a remarkable man who embodies the history of the Civil Rights Movement. The son of an Alabama sharecropper, he marched shoulder to shoulder with Dr. King. He faced the dogs, the firehoses, the jails—he was one of the frontline soldiers. He went on to earn two academic degrees and an honorary degree from Princeton. He is now a member of the U.S. House of Representatives.

Hearing Congressman Lewis reminded my wife Joan and me that part of my decision in 1961 to join the U.S. Public Health Service and seek assignment at the Centers for Disease Control in Atlanta was our mutual desire to return south and be active participants in nonviolent change. Joan especially has reason for pride. In the mid-60s while I was fighting smallpox in various places around the world, she worked with John Lewis' Student Nonviolent Coordinating Committee in voter registration in Georgia. Congressman Lewis talked about that. He noted that in 1964 in the states of the old Confederacy, there were less than 100 elected black officials. Today, there are more than 5,000!

Significantly, Congressman Lewis tied the victories of those days to very contemporary problems. Because of those struggles, he said "We have come a distance as a people, and as a nation. We are now free to ask other questions, such as: What's in the water I drink? What's in the air I breathe?," or I might add, "What's in the place where I work?"

He reminds me, by both his words and his life, that progress *does* occur in this country—productive change *does* happen. I remember the promise in Psalms 9:18, "For the needy shall not always be forgotten: the expectation of the poor shall not perish forever."

BACKGROUND

But you asked me here to speak on the "right to know." This most challenging subject has been under increasing public scrutiny for several years. Underlying the debate are widely divergent views, strongly defended by responsible people, all of whom consider themselves well informed and concerned about the health and safety of workers. Because the issue is both very broad and very complex, it is well to start with some definitions.

Just what is a right? The Random House Dictionary[1] says a right is "a just claim whether legal, prescriptive, or moral." Now one can see that there is ambiguity here. The definition raises almost as many questions as it answers. Today, when I speak of the right to know, I will be talking about the "just claim" of workers to have knowledge of the risks they face in their workplace. In general, rights are always seen as *relational*, that is, they are correlated with *obligations*. In other words, if I have a right to something, then somebody has an obligation or duty to grant it to me. Here again, in this discussion, my use of right to know should generally be understood to incorporate the correlative "duty to inform."

I have chosen to focus my remarks on the *moral* dimension of right to know. I have done this for two reasons: (1) I believe there are important moral issues associated with the right to know in the workplace that should be discussed. (2) I find myself typically prone to make snap judgments about moral issues without going through the disciplined dissection that characterizes the work of professional philosophers. To do so is a dangerous practice; I would never make such snap judgments in my own field, epidemiology, and I want to learn to avoid such abuses in the philosopher's field.

I have no personal professional credentials as a philosopher. However, I have a good friend, Dr. Robert F. Almeder, who is Professor of Philosophy at Georgia State University and who is also a national figure in biomedical and business ethics. We have collaborated on several endeavors in the past, including most recently a National Conference on Moral Issues in the Use of Quantitative Risk Assessment. That meeting was cosponsored by the National Science Foundation, Georgia State University, and NIOSH. Out of it came a book edited by Professor Almeder and his associate, James M. Humber. The book is entitled, "Quantitative Risk Assessment, Biomedical Ethics Reviews, 1986" (Humana Press, Clifton, NJ, 1987).

With your invitation I went to Dr. Almeder and asked for his advice and help. What he presented is the result of our collaboration. If there is erudition in what I say, it is his; if there is confusion and befuddlement, it is very likely to be mine!

Although not really a definition, perhaps the most useful depiction I have seen of rights is that by David Lyons in his book of that name.[2] He describes rights as "centers of controversy." This rings true to our national experience; since our origins as a nation, much of our national consciousness has focused on rights. Moreover, as David T. Ozar notes,[3] "rights talk," such as we are doing here, "is in the western world . . . one of the most common ways of formulating moral issues. For this reason, it is important to understand rights talk and to see how it can be used to explain the moral components of the situation we face in our lives" (pages 3–4).

THE NATURE OF MORAL RIGHTS

Explaining the nature of a moral right is more than even a professional philosopher could handle adequately in the time allotted to me. Hundreds of books and treatises have been and are being written on the nature of moral rights. There are very different and mutually exclusive views on the nature of moral rights and no lack of profoundly thoughtful people who are willing to define what they regard as *the correct view* about morality. However, the sad truth is that there is no consensus, either public or academic, on just what a moral right is. Accordingly, when it comes to the nature of moral rights, anyone taking a clear and dogmatic stand is

like the proverbial "fool rushing in where angels fear to tread." It seems that the best one can do is to adopt a particular view that one finds congenial and then "sallie forth to do battle." Even so, refusal to honestly and energetically confront the issue of human moral rights seems a reprehensible abandonment of our human responsibility. In short, "woe to those who seek to understand human moral rights, and woe to those who don't."

In spite of these woes, I will rush in and outline a major obstacle I see facing us in the construction of a problem-free public policy on the right to know in the workplace. This obstacle is a philosophic one. Therefore, in this discussion I hope you will tolerate my using distinctions and concepts that moral philosophers consider commonplace, but that others, including me, may find unfamiliar and hard to follow. I will, it is hoped, end up with some practical observations on how to reduce the obstacle.

TWO BASIC VIEWS ON MORAL RIGHTS: CONSEQUENTIALIST AND NONCONSEQUENTIALIST

There are two basic and mutually exclusive views about the nature of human rights. The first is the consequentialist theory of rights, and the second is the nonconsequentialist theory of rights. Under the first theory, consequentialists say that a right exists if recognition of the right would produce the best outcome for all those affected by the exercise of that right. As the name implies, the consequentialist says we must look at the consequence of exercising the right, and if the consequence promotes the best outcome, given all the available alternatives, then the right exists. For example, consider the question, "Is there a right to life?" For the consequentialist it is a matter of determining the consequences of letting people kill without a very good reason. As these consequences clearly would not produce the best general outcome for all those affected by the behavior, the consequentialist asserts that there *is* a right to life for everybody—by this he or she means only that nobody ought to take anybody else's life without a very good reason.[4]

Conversely, the nonconsequentialist says that rights can and do exist even if recognition of them does *not* produce the best general outcome. The nonconsequentialist holds that even if killing one innocent person would save the lives of a thousand other innocent people who would otherwise surely die, it is still wrong to kill that one innocent person. Thus, the nonconsequentialist says there are certain things one should *never* do (or should *always* do), no matter what the consequences. The famous German philosopher Immanuel Kant argued that no matter what the consequences, one should *never* lie, steal, or murder.[5]

Perhaps the best way to depict the differences between these two theories on the nature of rights is to cite a hypothetical example that moral philosophers frequently use when contending over the nature of morality, the famous "Commandant Example."[6] Suppose you are an occupant of a POW camp, and the commandant (who is reliable but insane) approaches you and says, "Either kill one of the innocent babies in this camp, or I will kill 5,000 innocent inmates." Assuming you cannot kill the commandant, what would be the morally correct course of action? If you choose to kill the innocent baby to save the lives of a much larger number of innocent persons, then you have opted for the consequentialist theory of rights, namely, that the baby does not have the right to life, because recognition of such a right would result in 5,000 deaths which does not

produce the best general outcome. Conversely, if you refuse to kill the innocent baby, you have opted for the nonconsequentialist view that no matter what the circumstances, it is never morally permissible to kill an innocent person.

Consequentialists attack nonconsequentialists on the grounds that anybody who would not kill an innocent baby to save 5,000 innocent people is more like a moral fanatic than a responsible agent acting on moral principle. After all, they say, anybody who would not be willing to kill an innocent baby to save the world is surely morally blind! Nonconsequentialists, however, stand in amazement over what they consider the total moral blindness of anybody who would kill an innocent baby even to save a larger number.[7] The consequentialist who sees morality as a matter of the greatest good for the greatest number regards the nonconsequentialist as morally blind; the nonconsequentialist who sees morality as a matter of doing certain good things no matter what the consequences, equally sees the consequentialist as morally blind. An important point is that no matter which position you choose, there does not seem to be any decision procedure for effectively resolving the dispute over which view of moral rights is the correct one. Those of us who must make public policy from such opposing viewpoints see no good way to resolve the dilemma in terms of an agreeable principle.

What then are we to do? Should we ignore the philosophers and make decisions on some other, nonmoral basis? Is there a means by which we can resolve these conflicts?

A CASE IN POINT

Lest you think this is so much intellectual esoterica, I offer you a very real and very personal experience with just exactly this type of moral dilemma. In late 1981, early in my tenure as Director of NIOSH, I took on the question of what NIOSH should do about workers whose records had been analyzed in retrospective cohort mortality studies, leading to the finding of a risk of some sort for the cohorts involved. Given that NIOSH generally publishes its findings in scientific literature and the like, should the individuals in these cohorts be individually notified of the observed risks or not?

I posed this question to (1) the Office of General Counsel of the Public Health Service, and (2) the CDC Ethics Committee. Here are the responses. From the lawyers of the Office of General Counsel I got a lengthy discussion of pertinent case and common law leading to the following general summary: "NIOSH *has no legal duty to advise* individual workers. . . ." Moreover, in a follow-up note, we were warned that should NIOSH decide to undertake individual notification anyway, NIOSH would incur certain legal liabilities as a consequence. In other words, not only had we no legal duty to inform, but also we might enhance our likelihood of legal trouble if we did.

The CDC Ethics Committee, in its draft report, advised the following: "NIOSH does have a general responsibility to ensure that workers have knowledge of their exposure to hazardous materials. The general responsibility *should be interpreted as a moral duty to inform. . . .*"

In short, the well-meaning counsel I got on the question consisted of two opinions that are 180 degrees apart! What to do next was not so esoteric an issue!

IN DEFENSE OF THE CONSEQUENTIALIST

When we specifically turn to the debate about the right to know in the workplace, we recognize immediately the two distinct views on the nature of moral rights. On the one hand, there are clearly nonconsequentialists who insist that no matter what the consequences of informing workers about possible risks in the workplace, workers have an absolute right to that information as an extension of their right to autonomy and even of their right to life.[8] On the other hand, there are also consequentialists who insist that failure to look at the consequences of notifying workers is unjustifiable moral fanaticism. The problem for those of us who fashion public policy is to struggle with the moral question of whether or not the right to know in a particular case is a valid right only if informing workers causes less human harm than not informing them. We can imagine instances in which more harm would be created by revealing information than by withholding it.[9] In fact, some aspects of the present public reaction to information on AIDS suggest this. After all, the Surgeon General has publicly said, "Most of the people who are scared to death of AIDS couldn't catch it if they tried!"[10] Obviously, circumstances in which untoward results of notification outweigh benefits are expected to be exceptional, but because such exceptions are conceivable, we should be willing to examine the consequences of dispensing information about risks in the workplace. Those who object to such a policy from the basis of the nonconsequentialist theory of moral rights must recognize that their position is no more morally privileged than is that of the consequentialists.

The nonconsequentialist often overlooks the crucial fact that this society has already opted very strongly for the consequentialist view on the moral right to life. Certainly as a nation, we grant that human life is sacred and that everyone has a fundamental right to life. However, we do not hesitate to endorse an institution that conscripts and kills large numbers of innocent persons in the interest of preventing predictable deaths of even larger numbers of innocents. I refer, of course, to the institution of war. If having a right to life meant that a life would never be taken no matter what the consequences, then war would never be morally acceptable to us. The fundamental reality is that this society is unwilling to live with the principle that a human life should never be taken, no matter what the consequences. One may ask then, why should we act differently when it comes to the moral right to know, especially if the moral right to know is construed as an extension of the moral right to life itself?

Whether we talk about war or capital punishment, we as a society endorse the view that the right to life means only that one must have a *very good reason* for taking another person's life, and that the only "very good reason" may well be the anticipated greater harm (in terms of lives lost) that would result from *not* taking that person's life. Is there reason to adopt a different general attitude when it comes to the moral right to know?

IN DEFENSE OF THE NONCONSEQUENTIALIST

Although it makes sense to examine the consequences of informing workers in order to determine if there is a moral right to know, the concern behind the nonconsequentialist posture should not be dismissed too easily. After all, as we have already noted, the Kantian view that morality has nothing to do with the

consequences has commanded the respect of serious and profound thinkers. But where are the nonconsequentialists "coming from" on the moral right to know in the workplace?

First, there is a long-standing and deeply felt suspicion that some corporations are more than willing to be indifferent to the safety and health of workers if the costs of compassion are sufficiently burdensome to the shareholder. Nobody denies that these abuses have occurred. Unless a good watchdog is in place, such abuses also are likely to occur in the future. To some extent this concern may be addressed by the effect of strict liability law and its capacity to engender real fear in the hearts of those who might otherwise be tempted to play loose with the health and safety of workers. Of itself, however, liability law works only *after* harm (including loss of life) has occurred. Although it may allay some of the moral concerns of nonconsequentialists, liability law is certainly no substitute for a mechanism that would *prevent* harm.

Secondly, what often bothers the nonconsequentialist is the ominous prospect of measuring the life of the worker in purely economic terms. Some people erroneously believe that such estimates are a legitimate part of cost-benefit analyses as associated with workplace protections. Certainly, however, the responsible consequentialist does not endorse measuring the sanctity of human life purely in terms of dollars. Neither does the responsible consequentialist imply that any worker should be exposed to risks simply as a cost of doing business.

The core concern of the nonconsequentialist perhaps could best be dispelled by adopting the same strategy toward the moral right to know that we, as a nation, adopt toward the moral right to life, namely, that a person has a right to life only if nobody can take his or her life without *a very good reason*. Those who would take it must assume the burden of proof and demonstrate that compelling reason. Similarly, those who would withhold from workers the information on occupational risks would need to assume the burden of proof and demonstrate the presence of a similarly compelling reason. Indeed, such a reason may be "compelling" only if informing the worker is demonstrably more likely to involve loss of life, than is not informing. This kind of strategy, assuming we can suitably implement it, should allow us to alleviate the root concerns of the nonconsequentialist, without having to abandon the consequentialist view of the moral right to know in the workplace.

PHILOSOPHICAL CONCLUSION

Many other problems exist in implementing a broadly agreeable public policy on the right to know in the workplace. There are questions involved in the determination of risks as well as the quantitative degree of risk that must be present before a worker's right to know is materially affected. Also, I have said nothing as yet about legal rights. I have sought only to confront what I see as the major obstacle posed by the nonconsequentialist's view that no matter what the consequences, no worker should ever be exposed to any risk in the workplace without his enlightened and informed consent.

In sum, I have urged that the moral right to know in the workplace is best construed as the consequentialist construes it. This implies that the worker has a *prima facie* moral right to know about any reasonably harmful condition or substance in his or her workplace; this amounts to saying that nobody can morally withhold that information without a very compelling reason. Those who would

withhold such information must bear the burden of proof and demonstrate the compelling reason. By extrapolation from the moral right to life, the "compelling" reason would probably have to be that there is more likely to be a greater loss of life by informing workers than by not informing them. It seems to me that such a circumstance is highly unlikely to occur in reality.

NOW, WHAT ABOUT THE "REAL WORLD?"

So much for philosophical theories. Is any of this relevant in a practical sense? You bet it is. Decisions to inform or not to inform are very important in the prevention of work-related diseases and injuries. As Dr. Lorin Kerr expressed to me just last week, "No law alone can protect the worker. There never will be enough inspectors to insure protection. Therefore, what the worker *knows* is crucial to protection."

Having been very much a part of the debate concerning the right to know, I believe that participants in the debate are all genuinely concerned about finding practical ways to protect workers. The debate has revolved around how best to do that. No one seriously suggests that workers should not have information about the risks that they face. The storms of debate have swirled around ways to provide the needed information while neither sacrificing ongoing prevention activities nor provoking problems that would leave workers worse off than they were.

The concern to notify workers of their risks is not new and some of these concerns have been addressed in law. The Occupational Safety and Health Act (PL 91–596, Dec. 29, 1970) is rife with references to a legislative imperative to inform workers. Some examples follow.

1. As regards employers, Section 5 of the Act, known as the "General Duty Clause" reads, "each employer . . . . (2) shall comply with occupational safety and health standards promulgated under this Act." Turning to Section 6(b)(7), where such standards are described, one finds the requirement that "any standard promulgated under this Subsection shall prescribe the use of labels or appropriate forms of warning as are necessary to assure that employees are apprised of all risks to which they are exposed. . . ." Hence employers are charged to comply with standards, and standards are mandated to include information on risks.

2. Section 8(c)(3) is even more explicit in charging that: "Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by applicable occupational safety and health standards promulgated under Section 6."

3. Section 13(c) mandates that whenever an OSHA inspector finds "eminent dangers" in "any place of employment, he shall inform the affected employees and employers of the danger. . . ."

4. Section 17(i) prescribes penalties such that "any employer who violates any of the posting requirements as prescribed under provisions of this Act, shall be assessed a civil penalty of up to $1,000.00 for each violation."

5. Section 20, which deals with research, provides in Part (d) that "information obtained by the Secretary, and the Secretary of Health, Education, and Welfare, under this Section, shall be disseminated by the Secretary to employers and employees and organizations thereof."

6. In Section 12(g) even the Occupational Safety and Health Review Commission is mandated to inform, by a provision that "every official act of the Commission shall be entered of record, and its hearings and records shall be open to the public."

I conclude from all this that, conflicting ethical theories aside, the framers of the Occupational Safety and Health Act clearly wanted workers informed of their risks. Viewed in this light, the worker notification efforts of NIOSH, the recently expanded OSHA Hazard Communication Standard, and all the legislation currently being considered by the Congress in this area represent predictable further steps toward fulfilling a dream first elaborated in the Occupational Safety and Health Act.

SUMMARY

The makers of public policy cannot avoid the deep and often strident public controversy over the nature and scope of basic moral rights. There are persuasive defenders on both sides of the issue. Forging public policy in the absence of a broad public consensus is nothing more than the arbitrary imposition by government of some preferred, but not necessarily privileged, moral view. It hardly seems the legitimate role of a democratic government, even in the name of moral leadership, to so impose views that are deeply controversial and not capable of broad-based support by the population at large. It is better by far, for reasons of stable public policy, that we seek the painful path of building a general public consensus among the well-informed and well-meaning citizenry. If no such consensus can be achieved, then the law will, as a matter of necessity, settle the issue in the interest of the efficient discharge of general social functions . . . and that is really not a particularly unfortunate outcome.

NOTES AND REFERENCES

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5. For a general discussion of Kant's views see FRANKENNA, W. 1982. Ethics. :25–29, Prentice-Hall, and Kant, I. 1959. The Foundation of the Metaphysics of Morals, Liberal Arts Press, New York. See also, as an example of the nonconsequentialist position, ANSCOMBE, G. E. M. 1958. Modern Philosophy :7. Philosophy.
6. WILLIAMS, B. & J. J. C. SMART. 1976. Utilitarianism For and Against, Cambridge University Press. Cambridge, England. (The example was initially offered by B. Williams.)
7. ANSCOMBE, G. E. M. 1958. Modern moral philosophy. Philosophy :7. See also GEWIRTH, A. 1979. Moral Philosophy. University of Chicago Press. Chicago, IL.
8. FADEN, R. R. & BEAUCHAMP, T. L. 1982. The right to know in the workplace. Canad. J. Phil. 8(suppl.): 199 ff.

9. FADEN, R. & BEAUCHAMP, T. 1982. The right to know in the workplace. Canad. J. Phil. 8: 197–200. The point Faden and Beauchamp make is that one sometimes has a responsibility to beneficence that may well conflict with the worker's right to autonomy. In which case, depending on the circumstances, we may withhold information for reasons of beneficence.
10. Opening General Session, Annual Meeting of the Association of Military Surgeons of the United States. Las Vegas, Nevada, Nov. 9, 1987.

DISCUSSION OF THE PAPER

PAUL BRANDT-RAUF (*Columbia University, New York, N.Y.*): This dichotomy between consequentialists and nonconsequentialists has troubled me for many years, particularly as applied to occupational health. At least on a theoretical basis, the conclusion I have reached is that ethical reality probably mirrors physical reality. Let me explain that statement. Particle physics has no trouble dealing with two mutually exclusive, simultaneous, differing realities. Taking the electron beam as an example, a physicist can tell you whether it is acting as a waveform or a particle form, but it cannot be both at the same time. I suggest that ethical reality reflects that. Furthermore, I suspect that there is some superethical reality that we cannot approach on a rational basis; that is the underlying problem between the two camps who logically address this dichotomy. There is a consequentialist side and a nonconsequentialist side, and they exist simultaneously; they are mutually exclusive, but they are both right.

The trick in practical reality is to be able to approach problems from both points of view in an intellectually sound way. When training professionals in the field, we should be teaching them more about these different approaches, so that when faced with ethical problems they will be able to make a sound judgment and then reach a conclusion.

PETER BARTH (*University of Connecticut, Storrs, Connecticut*): I appreciate your approach to this issue, but I would like to suggest that you might also want to address the question of legal rights as you consider these questions.

States have given workers rights to compensation for conditions that may be the consequence of occupational exposures; those rights have now existed for 60, 70, and in some cases 75 years. It seems to me, however, that those rights are very hollow in a job where workers are not informed as to the kinds of substances or the kinds of hazards to which they have been exposed. Without such information, workers may not even recognize that their diseases are occupationally derived and that they have a right to present themselves for compensation before the various state bodies.

Given the problem of long latency, it is not enough to wait for the illness to develop, to wait for the worker to bring this illness to a compensation arena, and then to raise the question of whether or not there was an exposure. We may after all be talking about businesses that no longer exist, processes that are no longer being used, and issues of proof that are very difficult. As to the question of right to know, it seems, therefore, that we ought to examine it in the context of the rights that workers were given 60, 70, or 80 years ago when the compensation system was first put into place.

J. DONALD MILLAR: I agree that there certainly are such things as hollow rights. Faden and Beauchamp make this point in their landmark summary of the issue, *The Right To Know In The Workplace*. They say that to make the right to know truly meaningful and functional in the context of the workplace, other worker rights must also be secured. They point out six different rights that are assured by the Occupational Safety and Health Act which are peripheral and supportive to the right to know. They are: (1) the right to complain to OSHA about perceived safety and health problems; (2) the right to accompany OSHA officials during plant inspections; (3) the right to contest the reasonableness of OSHA-proposed abatement periods; (4) the right to participate in relevant adjudicatory proceedings; (5) the right to request a NIOSH health hazard evaluation; and (6) the right to employee training and education funded by OSHA.

Clearly the question of support for right to know is important. I believe that the only really satisfying way to deal with this problem is through the establishment and recognition of legal rights. At least in that process, we have to reach a societal consensus in order to get a bill passed and implemented. There is the added advantage that a great deal more can be done about implementation and enforcement if a law is in place, than if simply a moral principle is cited.

M. A. EL BATAWI (*World Health Organization, Geneva, Switzerland*): I greatly enjoyed your talk, Dr. Millar, and the philosophical discussion associated with it. Nowadays, however, it has become a fashion throughout the world not only that workers should know, but also that workers should participate in discussions on occupational health problems. By their participation they should know a number of the things that you have just listed including exposure limits, early manifestations of disease, how to save a life in an emergency, and how to be self-sufficient in taking care and doing self-care for health. This notion in this country has extended to programs for health promotion, which are intended to educate workers to follow a lifestyle that would prevent aggravation or causation of diseases.

MILLAR: The idea of worker participation in the decisions and programs that affect workers' health is a fundamental operating principle that we have always cherished in NIOSH. For example, in formulating our policy recommendations, whether they be recommended standards or other policy statements, we have insisted for many years that there be tripartite review of these policies and decisions. Furthermore, we are very reluctant to make decisions or to enunciate policies unless there has been thorough participation in that process by labor, management, and government.

DAVID WEGMAN (*University of Lowell, Lowell, Mass.*): I took substantial comfort from your discussion of consequentialist versus nonconsequentialist theories of rights, because the right to know is a right that needs to be accepted by either theory. I cannot imagine a way that it could be denied. What interests me is the next step to which you referred, namely, the cost of implementing the Right-to-Know bill and the consequences of using dollars for this purpose. It reminded me of yesterday's discussion on risk assessment and cost-benefit analysis. It troubled me, not in terms of what you said, but in terms of planning for the future. We seem too willing to try to reduce risk assessment to cost-benefit analysis. A consequence of this approach is that considerations of cost too often dominate the debate. However, it is equally, if not more important in public debate to consider the issue of risk. We must move away from cost-benefit analysis and back to informed judgment in order to decide what is a risk and to know when and whom to notify.

MILLAR: Dr. Wegman and others working with the NIOSH Board of Scientific Counselors have produced a very helpful document, *Guideline for Worker Notification*. It spells out the concerns that Dr. Wegman has discussed and offers recommendations for dealing with the identification and assessment of risks. Moreover, it considers what levels of risk warrant notification. These are very important, indeed crucial, issues for implementation.