

On February 17, 1978 an aerial photography team from the Environmental Protection Agency (EPA) flew over and took detailed aerial photographs of the Midland, Michigan plant of the Dow Chemical Company. The Company had no knowledge that the flight was taking place. Prior to the flight, the EPA was conducting an investigation in connection with emissions from the Midland plant for the purpose of deciding whether to approve an agreement concerning emissions at the plant between Dow and the Michigan State environmental agency. Dow cooperated with the EPA investigation, answering every question and providing all requested documents. When the investigators indicated they wanted to take photographs, however, the Company balked. In order to protect its trade secrets Dow had a policy of not allowing cameras into the plant. After being informed of this policy, EPA officials authorized the flyover.

Was the EPA's flyover at Midland morally justified? If so, why? If not, why not?
(Ethical Theory and Business Beauchamp and Bowie 4th Ed.)

MODERATOR'S ANSWER: The EPA's flyover was morally justified. The EPA had a critical public responsibility to fulfill in deciding whether to approve the agreement between Dow and the State of Michigan in connection with emissions at the plant. The EPA has a responsibility to try to conduct its investigations in ways that do not intrude unduly upon an investigated organization. If the EPA needed information in connection with the Midland plant only obtainable by way of aerial photography, however, then the Agency acted within the scope of its legitimate authority in carrying out the flyover.

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