

Event helps employees laugh their way into ethical compliance

By Eddy Ball

NIEHS held its fifth annual Ethics Day May 15 with a refreshing mix of tunes, funny but instructional videos, good-natured competition, and serious talk about ethical conduct, with two keynote presentations and an informal brown bag discussion.

As she has in prior years, NIEHS and NTP Director Linda Birnbaum, Ph.D., joined members of the NIEHS [Ethics Office](#), headed by Bruce Androphy, J.D., for the event.

"It [Ethics Day] is really a very special way for us to come together and focus on some ethics issues and have some fun," Birnbaum said in opening remarks. "We are the only institute at NIH [the National Institutes of Health] to have such an event, and it has been cited by Larry Tabak, [D.D.S., Ph.D.], who is the principal deputy director for NIH and the NIH ethics officer, as a best practice."

Birnbaum and Androphy opened the program with what has become an Ethics Day tradition - a song with original lyrics outlining ethical principles, sung to the tune of a classic from the world of country music, Johnny Cash's "I Walk the Line." The ditty ended with a serio-comic reference to filing of the annual financial disclosure document, Office of Government Ethics Form 278, by May 15 each year - "'Cause I'm on time, I pay no fine."

They continued another tradition with an Ethics Quiz Bowl, as the audience divided into teams competing for points by answering questions about government ethics.

Rules of the road

As its first keynote speaker, the program welcomed Justina Fugh, J.D., senior counsel for ethics at the U.S. Environmental Protection Agency (EPA). Fugh built her presentation around "Ethical Rules of the Road," using a traffic metaphor to discuss rules related to official and personal capacity in outside activities.

Fugh seasoned her talk with humor, with jokes about her family life, fellow employees at EPA, and government employment. But, her message was an important one - "Stay in your own lane, signal your intentions clearly, and consult with your ethics officials."

When employees want to engage in outside activities, they need to make sure they obtain prior ethics approval. When they engage in activities in a personal capacity, they need to avoid even the slightest appearance of using their official affiliations with a government agency as a calling card.

As Fugh told the audience, "When you became a government employee, you gave up some of your civil rights." She cautioned employees that it is their responsibility to make sure they understand what those rights are.

An exciting time for people concerned about biomedical ethics

The focus and tone of the program changed dramatically with a telecast presentation on "NIH Ethics and Policy Priorities," by [Kathy Hudson, Ph.D.](#), (http://www.nih.gov/about/almanac/historical/deputy_directors.htm#hudson) deputy director for science, outreach, and policy at NIH. Hudson set her sights on big picture issues with national implications.

Hudson described the NIH response to ongoing ethical controversies over the protection of human subjects in the famous HeLa cell line case, and the standard of care in clinical trials. She described the process NIH is now leading to substantially revise ethical guidelines, to ensure that participants in biomedical research will have even greater rights to information about risk, and stronger protection of their individual privacy.

Hudson outlined important documents and principles developed over the last half of the 20th century, as well as ongoing efforts



With their spoof of the Johnny Cash ballad, "I Walk the Line," Birnbaum, left, and Androphy set the tone for the fast-paced program that kept people laughing and learning for the next two hours. (Photo courtesy of Steve McCaw)



Fugh's routine was a standup mix of self-deprecating humor and straight talk about the responsibilities of federal employees engaged in outside activities, such as serving on boards and other entities. "If you're confused, you should ask your ethics office first," she said. (Photo courtesy of Steve McCaw)

by NIH to reform the Common Rule for the Protection of Human Subjects in Research, to meet the unprecedented ethical challenges posed by new developments and technological advances in biomedical research in the 21st century, such as modern genomic technology.

After a short break, many attendees regrouped for a discussion over lunch led by Meave Tooher, J.D., on "Defending Government Employees Investigated or Charged With Ethical Misconduct." Tooher is a partner in an Albany, New York-based law firm, with expertise in representing individuals in cases involving ethics, government compliance, and administrative and municipal law.



Like biologist Justin Kosak, left, and Joan Packerham, Ph.D., director of the NIEHS Office of Human Research Compliance, most of the audience spent most of the program laughing along with organizers. (Photo courtesy of Steve McCaw)



Hudson's talk also explored efforts to encourage greater sharing of clinical trial results and enhance data sharing. "We want to get all of our data into the public domain," she said. (Photo courtesy of NIH)



NIEHS Ethics Office members Patricia Harris, left, and D.J. Joya emceed the Ethics Quiz Bowl, which had its share of silly items among the multiple-choice questions. Ethics staff also produced tongue-in-cheek video cartoons communicating some important ethics information. (Photo courtesy of Steve McCaw)



Hudson's presentation had a sobering effect on the audience, as evidenced in the thoughtful expression on the faces of NIEHS Scientific Director Darryl Zeldin, M.D., left, and NIEHS Clinical Research Unit Medical Director Stavros Garantziotis, M.D. (Photo courtesy of Steve McCaw)



Tooher, left, has been a regular at NIEHS Ethics Days, serving as a keynote speaker and discussant. Now in private practice, she is an attorney who formerly worked with Androphy at the New York State Commission on Public Integrity. (Photo courtesy of Steve McCaw)



Radiation Safety Officer Bill Fitzgerald, center, was part of one of the four teams competing for points in the Ethics Quiz Bowl. (Photo courtesy of Steve McCaw)

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(bruskec@niehs.nih.gov)

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Email the Web Manager at webmanager@niehs.nih.gov