

Site closure management and future responsibility

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Where innovation starts

The Problem of Future Responsibility

“Industry facing site closure (management) has a need to not only organize the sale or termination of lease notifications, permit notifications, social plans etc., but also to facilitate the complete exit from the property such that it no longer has rights or responsibilities towards its land use, i.e. such that there are no residual (potential) liabilities in respect of the site, both now and what will be seen as liabilities in the future... There are numerous processes and sometimes barriers which must be overcome.”

The Problem

- 1) Suppose that we have done everything we are obliged to do – we have fulfilled all our present responsibilities. (The site is clean, it is time to close it down.)
- 2) What should we do in order to ensure that no new responsibilities arise in the future?

My claim

No matter what precautionary measures we take now, we can nevertheless become responsible for X in the future, even if there is no causal link between our actions and X.

A distinction

Legal responsibility

vs.

Ethical Responsibility

BUT: Legal responsibility is often based on intuitions about moral responsibility!

Example: Hälleforsnäs (Sweden)



Hälsforsnäs (Sweden) 2004-2006

Hälsforsnäs Foundry started its activities in 1658. In the 1960's it was one of the largest foundries in Northern Europe.

Hälsforsnäs went bankrupt in 1997, after several decades of decline.

Pollution in the area is mainly concentrated to the old gasworks and the places where the coating has taken place, and where they dumped the coal tar from the gasworks.

Hälsforsnäs: The Coal Tar Dump

- Covered by a plastic layer in 2004 + 1.5 metre soil.
- Site specific Minimal Risk Levels (MRLs) for hazardous substances were established and are being monitored.
- The water from a nearby stream was re-directed.
- SO: In 2006 all present responsibilities were met.
- BUT: What responsibilities may arise in the future?

An overview of 'responsibility'

| | Backward-looking | Forward-looking |
|-----------------|--|--|
| Causal | I threw a stone on the window and it broke – I am responsible. | In order to prevent breaking the window I refrain from throwing the stone. |
| Rule-following | Parents are responsible for their children, and therefore have to pay for windows that children break. | Parents are responsible for their children, and therefore have to tell them to come home 11pm. |
| Decision-making | As a responsible decision-making parent I am able to figure out to whom I should apologize, etc. | As a responsible decision-making parent I am able to formulate the rule that my children should come home at 11pm. |

Hälsforsnäs järnbruk AB (bankrupt 1997)

Who is responsible?

Causal & Backward-looking? [Yes]

Causal & Forward-looking? [No]

Rule-following & Backward-looking? [Yes]

Rule-following & Forward-looking? [No]

Decision-making & Backward-looking? [Yes]

Decision-making & Forward-looking? [NO]

The Swedish Government (the taxpayers)

Who is responsible? Martin, the project manager?

Causal & Backward-looking? [No]

Causal & Forward-looking? [Yes]

Rule-following & Backward-looking? [Yes]

Rule-following & Forward-looking? [Yes]

Decision-making & Backward-looking? [Yes]

Decision-making & Forward-looking? [Yes]

Kemakta Konsult AB? WSP Konsult AB?

Who is responsible? Martin, the project manager?

Causal & Backward-looking? [No]

Causal & Forward-looking? [??]

Rule-following & Backward-looking? [No]

Rule-following & Forward-looking? [??]

Decision-making & Backward-looking? [No]

Decision-making & Forward-looking? [??]

Corporate responsibility and beyond

Q1. Can corporations be (morally) responsible for their actions?

Q2. Can corporate responsibility be reduced to individual responsibility?

The importance of everyday language

- In everyday language we talk *as if* corporations take decisions, sign contracts, make deals with other companies, etcetera – does this entail that corporations *actually are* responsible for these actions.

Two opposite views

- **1) Corporations/Groups are morally responsible for their actions.**
- **2) Only individuals can be held morally responsible.**

Derek Parfit: The Drops of Water

- **A large number of wounded men lie out in the desert, suffering from intense thirst. We are an equally large number of altruists, each of whom has a pint of water. We could pour these pints into a water-cart. This would be driven into the desert, and our water would be shared equally between all these many wounded men. By adding his pint, each of us would enable each wounded man to drink slightly more water – perhaps only an extra drop. Even to a very thirsty man, each of these extra drops would be a very small benefit. The effect on each man might even be imperceptible.**

Objections to collective/corporate responsibility

- **Collective actions are not possible: Groups, unlike individuals, cannot form intentions and hence cannot be understood to act or to cause harm *qua* groups.**
- **Groups, as distinct from their individual members, cannot be understood as morally blameworthy in the sense required by moral responsibility.**