

### Exercise 33: The Johnson Controls Case

In this exercise we examine how the LOD of various instruments and the reliability of the information generated by a given technique is accessed by the public in public policy determinations.

As a focus for this discussion students will read three summaries of the court process involving the case of Johnson Controls. Johnson Controls was sued by its union for discriminatory practices in removing women of childbearing age from the lead acid battery production line. It won the case at the district level, won an appeal at the district level, and lost the case at the Supreme Court Level. Several arguments at the district level depended upon the analysis of lead and the allowable limits of lead exposure.

#### **PROCEDURE**

Read the two briefs relating to the original court case and the supreme court case. You may wish to skim through the district court appeals. Write a summary incorporating the following points.

Some jargon: BFOQ = Bonafide Occupational Qualification  
PDA - Pregnancy Discrimination Act

- A. District Court Summary, 1988, #84-C-472
  1. What three criteria did the court use to decide this case?
  2. Summarize the “experts” opinions with respect to those three points.
  3. Make a “value” judgement about the validity and weight you feel should be given to the experts opinions. Set your own criteria (be explicit) as to the weighting scheme you are using.
  4. Using your own judgements, decide the merits of the case based on the criteria the court set forth.
  
- B. 1991 Supreme Court Brief
  1. Summarize the final arguments of the Supreme Court.
  2. Does lead analysis and its limit of detection and reliability play any role in the Supreme Court decision?
  3. What ethical implications does the Supreme Court ruling have for employers whose employees are possibly exposed to substances harmful to fetuses? To substances which have a mutagenic affect in the reproductive systems of employees?

Read the attached three articles.