

Thank you, Dheera for the opportunity to respond both in writing and through audio comments. While much has been written about the tragedy in the past 25 years, I'm especially concerned that much more has been forgotten.

First, Union Carbide continues to have the utmost respect and sympathy for the victims of the tragedy and their families. Union Carbide did all it could to help the victims and their families from Day 1 right up through the settlement with the Indian Government.

Union Carbide provided immediate and continuing aid to the victims and set up a process to resolve their claims. In the days, months and years following the disaster, Union Carbide:

- Immediately provided approximately \$2 million in aid to the Prime Minister's Relief Fund;
- Immediately and continuously provided medical equipment and supplies;
- Sent an international team of medical experts to Bhopal to provide expertise and assistance;
- Offered an initial \$10 million to build a hospital in Bhopal; the offer was declined;
- Provided an additional \$5 million to the Indian Red Cross;
- Established an independent charitable trust for a Bhopal hospital and provided initial funding of approximately \$20 million, and
- Provided about \$90 million to the charitable trust for the hospital.

Second, the Bhopal plant was owned, managed and operated by Union Carbide India Limited (UCIL), an Indian company in which Union Carbide held just over half of the stock. **The company, which in 1994 was renamed Eveready Industries India Limited, still continues to exist in India today.** Prior to the sale, UCIL completed some \$2 million of remediation work at the site under the direction of the Indian central and state governments. **In 1998, the Madhya Pradesh State Government revoked Eveready Industries' lease on the site, took possession of the facility, and assumed all accountability for the site, including the completion of any further remediation.**

Third, the Supreme Court of India directed a \$470-million settlement (about \$1.2 billion in today's dollars) in 1989, **based on the number of victims known at that time. The settlement resolved all existing and future claims against Union Carbide India Limited and Union Carbide.** The Indian Supreme Court upheld the settlement agreement in 1991 and – **this is important** -- **also required the Government of India to provide medical coverage to citizens of Bhopal in the event of future illnesses through a group medical insurance policy, and to make up any shortfall in the settlement fund.**

Fourth, **in a surprising turn of events that has not received a great deal of attention, some NGOs and activists have repeatedly blocked remediation attempts.** Those who offered to help raise funds for cleanup or conduct pro-bono remediation have had activist groups and NGOs protest against them. And, the Madhya Pradesh state government has seen implementation of its remediation plan tied up in public interest litigation. **It just doesn't compute: why do the very people who claim to have dedicated their lives to helping the people of Bhopal continue to block efforts to clean up the site?**

**Furthermore, any efforts to apply the "polluter pays" principle are misdirected.** If the court responsible for directing clean-up efforts ultimately applies the "polluter pays" principle, it would seem that legal responsibility would fall to Union Carbide India Limited, which leased the land, operated the site and was a separate, publicly traded Indian company when the Bhopal tragedy occurred. In 1994, Union Carbide sold its interest in Union Carbide India Limited with the approval of the Indian Supreme Court. **The company was renamed Eveready Industries India Limited and remains a viable company today.**

**Efforts by some activists' and non-governmental organizations' (NGOs) efforts to attach responsibility/liability for the site clean up to Union Carbide and The Dow Chemical Company also are misdirected.** Dow acquired shares of Union Carbide in 2001 -- 7 years after UCIL became Eveready Industries and more than 10 years after Union Carbide settled its liabilities with the Indian government in 1989 by paying \$470 million. Carbide never owned or operated the UCIL plant site and, therefore, there were no liabilities for Dow to inherit through Union Carbide on the Bhopal issue.

You asked about the site itself. While we are aware of conflicting claims being made by various groups and reported in the media, we have no first-hand knowledge of what chemicals, if any, may remain at the site and what impact, if any they may be having on area groundwater. **There are a number of reports issued by India's National Environmental Engineering Research Institute (NEERI), Greenpeace, the Madhya Pradesh Pollution Control Board and the National Institute of Occupational Health (NIOH) which have had divergent or varied comments regarding contaminants in groundwater samples.**

**And finally, Union Carbide gave all toxicity information on the chemicals involved in the manufacture of methylisocyanate (MIC) to the Government of India immediately following the incident. Any statements to the contrary are just not true. Additionally, the government seized plant records after the tragedy and these also would have included all such information on MIC.** On the day of the tragedy, Union Carbide dispatched a team of technical MIC experts, who carried MIC studies that were shared with medical and scientific personnel in Bhopal. UC experts provided all published and unpublished studies available at that time on MIC toxicity.

The groundwater issue at the Bhopal site is best addressed by the State Government of Madhya Pradesh, which owns the site and is responsible for clean-up activities. Our understanding is that the Central and State governments have plans for site clean up and we're hopeful they will follow through with their remediation plans, including addressing concerns about groundwater.

The Government of India needs to address any ongoing medical and health the concerns of the Bhopal people.

Union Carbide's responsibility – along with the rest of the chemical industry – is to work hard every day to prevent a tragedy like this from ever happening again.

Regards,

Tom F. Sprick  
Director  
Union Carbide Information Center  
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