

DOW

Dow's 2001 purchase of Union Carbide made it the world's largest chemical company. According to US, Indian and international corporate law, this also made Dow responsible for Carbide's unresolved liabilities in Bhopal – liabilities which led *Forbes Magazine* to call Dow's purchase of Carbide "a mistake".

Dow's Scorn for the Law

Now a fully-owned Dow subsidiary, Union Carbide faces criminal charges of culpable homicide in Bhopal, and its non-appearance has made it an "absconder" in the eyes of Indian law. But Dow continues to harbour Union Carbide from trial, and declares bluntly that it has no intention of complying with the summons of the Bhopal court. "Union Carbide and Mr. Anderson, the former CEO, are named in [the criminal lawsuit]. They have not



Jose Alberto Paniagua, 24, a victim of Nemagon

come forward. Their position on the matter is that the Indian government has no jurisdiction over Union Carbide or Mr. Anderson; therefore, they are not appearing in court," Dow spokesman John Musser said in 2003.

CBI ignores the problem: In January 2005, the Chief Judicial Magistrate summoned Dow to produce Union Carbide in the ongoing criminal case. Subsequently, Dow's Indian subsidiary moved the High Court to Madhya Pradesh and managed to get a stay on the summons issued against Dow USA. The CBI has made no effort to have the stay vacated and to ensure that Dow USA responds to the legal summons of the district court.

Dow's Scorn for India

Unfortunately Dow's scorn doesn't end with India's courts.

- **Double Standards:** In 2002, shortly after its purchase of Union Carbide, Dow set aside \$2.2 billion to resolve asbestos-related liabilities incurred by Union Carbide in Texas, United States. In contrast, it has refused to address Carbide's liabilities in India.
- **Double Standards:** Dow currently manufactures and sells Dursban (aka chlorpyrifos) for home applications in India while it has withdrawn the product from household use in the US after it was demonstrated that the chemical damages children's brain development. Tests conducted by Delhi NGO Centre for Science and Environment in 2003 found Dursban residues in Indian Coca Cola and Pepsi Cola products. Dow continues to market Dursban in India and claims it has "an established record of safety regarding humans and pets."
- **Lies:** In 2005, Indian Oil Corporation severed a contract to source technology from Dow Global Technology, Inc. Indian Oil Corporation says that this was done "keeping in mind the misrepresentation of facts by M/S Dow Chemical." Dow had attempted to sell Union Carbide's trademark technology in India by passing it off as a Dow technology.

- **Racism:** In July 2002, when asked whether the compensation Bhopalis received was sufficient, Dow spokeswoman Kathy Hunt declared that “\$500 is plenty good for an Indian.”

Dow’s Dirty Legacy

Bhopal isn’t the only catastrophe Dow has created or perpetuated. They’ve built a long legacy of human suffering, misery and death:

- **Agent Orange:** Between 2-5 million Vietnamese civilians and hundreds of thousands of US, Korean, Australian and Canadian veterans of the war have been poisoned, sickened, and in many cases slowly killed by this notorious Dow product. Dow produced Agent Orange so rapidly that the herbicide was left heavily contaminated with dioxin, one of the most dangerous chemicals known to humankind – a contamination that Dow kept hidden from the Government, veterans, and the public.
- **Dioxin in Michigan:** Dow’s factories at its global headquarters in Midland, MI, have contaminated the entire region, particularly the Tittabawassee River and its floodplains, with stratospheric levels of dioxin. Testing by the state of Michigan has found levels as high as 16,000 parts per trillion, far in excess of the 90 ppt state cleanup standard, and nearly 200 downstream residents are suing Dow for damages. Testing had indicated serious contamination as early as the 1980s, but Dow chose to take no action.
- **Nemagon:** Dow continued to produce and export the extremely hazardous pesticide DBCP, sold under the name of Nemagon, to developing countries for years after it was banned in the US in 1979. Dow sold Nemagon without warning labels and no instructions on the use of safety equipment. Widespread use of Nemagon in Central American banana plantations caused the permanent sterility of thousands of workers, and an estimated 22,000 Nicaraguans suffer from Nemagon-caused diseases and disability including miscarriages, birth defects, liver damage and cancer.

Dow in India

Despite Dow’s dirty legacy, its abuse of Indian law and scorn for its people, India appears poised to allow Dow unfettered access to its market.

- Dow Chemical CEO Andrew Liveris was one of a few chosen American CEO's to have a luncheon meeting with the Prime Minister of India in September 2005. As a direct outcome of this meeting, a group of non-resident Indians have chosen Haldia in West Bengal and Vizag in Andhra Pradesh for setting up two petrochemical complexes in which Dow Chemical will invest. The Planning Commission is setting up a special task force to facilitate these investments.
- On March 2, 2006, the Prime Minister once again met Mr. Liveris in New Delhi and hosted a luncheon for him and a chosen handful of US corporate CEOs. Commitments made to the CEOs are being carried forward under the leadership of Shri. Montek Singh Ahluwalia and the Planning Commission.
- Dow Corning is proposing to start a new plant in Ranjangaon, Maharashtra, for production of silicon.

Dow in India – Fast Facts

1954 – Agrees to build polystyrene plant; production starts 1957
1963 – Opens Representative Office in New Delhi
1995 – Denocil for agricultural products joint venture established
1995 – Sales exceed \$50 MM
1997 – Chlorpyrifos plant completed
1998 – Polyurethane System Application Development Centre opened
1999 – Dow Automotive Design Centre set up
2000 – Sales exceed \$100 MM
2001 – Dow purchases Union Carbide, but refuses to address its liabilities in Bhopal.
2001 – Increases equity in Denocil to 76 percent
2004 – Sales exceed \$300 MM with almost 300 employees in Dow, Dow AgroSciences and Anabond Essex (joint venture)
2005 – Denocil becomes 100 percent Dow owned and is renamed Dow AgroSciences India Pvt. Ltd.

What Dow Must Do

As the current owner of Union Carbide, the Dow Chemical Corporation must:

- **Face Trial:** Ensure that Union Carbide and Warren Anderson present themselves in the Indian courts, and cease to abscond from the Chief Judicial Magistrate’s court in Bhopal.
- **Provide Long-term Health Care:** Provide for medical rehabilitation of the persons exposed to toxic gases and contaminated groundwater and their children. This includes medical care, health monitoring and necessary research studies. The company must provide all information on the health consequences of the leaked gases and contaminants in the ground water.
- **Clean Up the Poison:** Clean up toxic wastes and contaminated groundwater in and around the Union Carbide factory site. Provide safe water to the community, and just compensation for those who have been injured or made ill by this contamination and/or have had their property damaged.
- **Provide Economic and Social Support:** Provide income opportunities to victims who can not pursue their usual trade as a result of exposure-induced illnesses and income support to families rendered

destitute due to death or incapacitation of the breadwinner of the family.

WE DEMAND that the central government stop the purchase of Dow products and any business associations between Dow and Indian public sector companies. Also, the central government must hold Dow's business expansion plans until it pays for the clean up of toxic contamination and compensation for the health and environmental damage caused due to reckless dumping of chemical wastes in Bhopal.

This padyatra is our march for justice and dignity. We shall struggle until our last breath.

21 years is enough!

Bhopal Gas Peedit Mahila Stationery Karmachari Sangh +91 755 93031 32959 _ Bhopal Gas Peedit Mahila Purush

Sangharsh Morcha +91 755 93290 26319 _ Bhopal Group for Information and Action +91 755 98261 67369

Bhopal ki Aawaaz +91 755 98261 82226 _ www.bhopal.net/march