

ASUC SENATE FINAL BILL

Resolution Calling for the Accountability of Dow Chemicals

SB 198 F04

Submitted December 1, 2004 to University and External Affairs

Committed December 8, 2004

Passed under Consent Calendar p.32-33

Submitted by Senator L. Sridaran

Sponsored by Senator B. Kastenbaum, Senator N. Limon, Senator D. Perez, Senator D. Takruri, Senator A. Terre

WHEREAS, the leakage of 40 tons of lethal methyl isocyanate gas from a Union Carbide factory in Bhopal, India, on the night of December 2, 1984, which led to the death of an estimated 8,000 people in the first three days and more than 20,000 to date, was made possible due to the failure of six safety systems at the Union Carbide plant, each of which was inoperative because of Union Carbide decisions or neglect; and¹

WHEREAS, in 1991, India's Central Bureau of Investigation charged the Union Carbide Corporation and its officials, including then-CEO Warren Anderson, with culpable homicide and other offenses; and²

WHEREAS, Union Carbide Corporation and Warren Anderson are currently offenders in the eyes of the Indian Government after the Chief Judicial Magistrate's court in Bhopal proclaimed the company and Warren Anderson an absconder from justice for their failure to honor the process of Indian law; and

WHEREAS, 20,000 people in the vicinity of the Union Carbide factory continue to be exposed to toxic chemicals through soil and groundwater contamination which has not been remedied; and³

WHEREAS, the Dow Chemical Company, after purchasing Union Carbide in 2001, thereby acquiring its assets and liabilities, has refused to assume the civil and criminal liabilities of Union Carbide related to the disaster in Bhopal; and⁴

¹ Office of the Medical Commissioner of Bhopal, December 1999.

² As written about by the BBC. See <http://news.bbc.co.uk/2/hi/business/2240895.stm>

³ In 1999 local soil and groundwater testing revealed mercury levels 20,000 times higher than expected, and other cancer, brain-damage- and birth-defect-causing chemicals at levels up to 50 times higher than EPA safety limits. (The Bhopal Legacy, Greenpeace Research Laboratories, University of Exeter, November 1999.)

WHEREAS, the University has significant ties to Dow Chemical (and formerly Union Carbide), which have included at least \$4 million in donations⁵ from Dow to the University between 1980 and 2003, principally to the School of Chemistry where Dow is an “industrial friend”; and

WHEREAS, the University accepts money from Dow that the corporation might otherwise have spent to provide safe drinking water and a healthy environment for the survivors of the Bhopal disaster; and

THEREFORE BE IT RESOLVED, that the ASUC writes on behalf of the students of the University of California at Berkeley to Dow Chemical to state that the students recognize that this is the 20th anniversary of the disaster, that the company has not met its obligations to the survivors in all this time, and that the students support the campaign of the survivors for justice, and to demand that the company clean up the Bhopal, India factory and provide safe drinking water; and

BE IT FURTHER RESOLVED, that the ASUC calls upon the Chancellor of the University of California at Berkeley to write a public letter to Dow Chemical, asking that it accept liability for the disaster, clean up the Bhopal, India factory and provide safe drinking water; and

BE IT FURTHER RESOLVED, that the ASUC requests the University to review its investment portfolio to identify if it, or UC, owns Dow stock; and to make the findings public; and to sell the stock if any; and

BE IT FURTHER RESOLVED, that the ASUC calls upon the Chancellor, the University, and the Deans of Schools and Colleges who receive funding from Dow Chemical, urging the University to reject all donations from Dow or its directly associated foundations in excess of that which the corporation spends to clean up the Bhopal site on an annual basis, until such time as the site has been cleaned to United States Superfund standards.

⁴ Lawyers advise that under US and Indian corporate law, Dow’s claims that it possesses no environmental liability for the Bhopal disaster are “legal nonsense.” See <http://www.greenpeaceusa.org/bhopal/>

⁵ According to documents released by the University of California at Berkeley to Ryan Bodyani in 2003 under a Freedom of Information request.