



## FACT SHEET

### International Campaign For Justice in Bhopal

#### **What happened?**

On December 3, 1984 the worst peacetime chemical disaster in history took place in Bhopal, India. Twenty-seven tons of lethal gases leaked from Union Carbide's pesticide factory, immediately killing at least 8,000 people and poisoning half a million others. The factory's six safety systems that would have prevented the disaster were all either malfunctioning, under repair, or switched off as part of a cost-cutting exercise. Tens of thousands have died from the toxic exposure in the years since, and the death toll continues to rise as a result of long-term effects.

#### **Is the story over?**

No. Today, at least 150,000 people, including children born to parents who survived the disaster, are suffering from exposure-related health effects, such as cancer, neurological damage, nausea, breathlessness, numb limbs, headaches, body aches, fevers, anxiety attacks, chaotic menstrual cycles, depression and mental illness. On top of this, Union Carbide (UCC) knowingly dumped chemicals in and around the factory grounds, leading to ground and water contamination in the surrounding neighborhoods. For years over 20,000 people unknowingly drank water laced with alarmingly high levels of mercury, dichlorobenzene, chloroform, carbon tetrachloride and other persistent organic pollutants and heavy metals, resulting in similar persistent health issues like those of the survivors of the original disaster. Traces of lead and mercury have also been found in the breast milk of women living in these communities. Even after the contamination was verified, many of the residents have had no choice but to keep using this water because of limited financial means. Today most residents receive limited amounts of water from the government, but they still live on top of the highly contaminated soil. Many of the victims do not have access to appropriate medical treatment and are unable to pursue their usual means of livelihood due to extreme illness.

#### **Who is responsible?**

In 2001 UCC became a wholly owned subsidiary of The Dow Chemical Company. Dow, according to its own public statements, made the decision to acquire the company with full knowledge of the criminal charges pending against UCC and its status as a fugitive from justice. Despite repeated public requests and protests around the world, Dow Chemical has refused to make its new subsidiary appear before the Bhopal District Court to face the criminal charges pending against it. Dow also insists that UCC corrected the situation when they settled the civil damages for \$470 million with the Indian government in 1989. However, **this settlement did not extinguish the criminal charges against the company or its officials.** Moreover, the settlement amount, which was based on inaccurate statistics about the scale and magnitude of the disaster, resulted in each survivor getting only \$500 (Rs. 25,000) – **less than five cents a day to pay for a lifetime of medical needs.** Dow also refuses to take responsibility for the clean up of Bhopal, even though law dictates that the polluter of a site must pay for the clean up.

#### **What should be done?**

The International Campaign for Justice in Bhopal's demands include:

- Dow Chemical must take responsibility for the poisoned groundwater and contaminated areas within and outside the factory. The Indian government requested a \$23 million deposit from Dow to cover clean up fees, which Dow has not provided. The Indian government must begin clean up now to prevent further spread of the toxins, and it must use the court system to get reimbursed by Dow.
- Dow's subsidiary, Union Carbide, must show up in court to face trial in the ongoing criminal proceedings against them in India.
- The Indian government must undo the injustice of the original \$470 million civil settlement and use the Indian legal system to get Dow Chemical to provide adequate compensation for survivors.

### **What is the legal update?**

Union Carbide and its former chairman Warren Anderson face serious criminal charges at the Chief Judicial Magistrate's court in Bhopal. Neither party has appeared in court to face trial, and both have been declared absconders (fugitives from justice) by the Bhopal court. The Supreme Court of India, in its judicial review in October 1991, held that the 1989 settlement did not extinguish criminal charges, and directed that the criminal prosecution against UCC must proceed in the courts of India. A judge in Bhopal reissued the arrest warrant against Warren Anderson, instructing the Indian Central Bureau of Investigations (CBI) to take any necessary means to produce Anderson in court. UCC is also facing civil litigation regarding the contamination it left behind when it abandoned the site after the disaster. The groundwater contamination from the chemicals left at the factory continues to spread into new neighborhoods every year. Survivors say that UCC and Dow are responsible for cleaning up this toxic mess and for compensating victims, particularly the children in these communities.

Update: In September 2014, Warren Anderson died. Despite the criminal charges against him, the CBI was not able to produce Anderson in court to face trial.

### **Dow's Toxic Legacy**

In addition to Bhopal, Dow is responsible for many other toxic situations and human rights abuses, including:

Agent Orange: More than three million people are suffering from health effects related to the U.S. military's use of the dioxin-contaminated chemical warfare agent, Agent Orange, used during the Vietnam War. A class action suit is pending against Dow, Monsanto and the other Agent Orange manufacturers for massive related health damages.

Dioxin: The Dow Chemical complex in the company's hometown of Midland, Michigan is a major source of Dioxin, one of the most lethal carcinogens on the planet. Dow has poisoned 22 miles of Midland's Tittabawassee River, many neighborhood parks and thousands of properties with this toxin.

Dursban: Chlorpyrifos, the nerve poison insecticide better known by the trade name Dursban, is one of Dow's best selling pesticides. Although Dow spent more than \$100 million dollars on studies suggesting that chlorpyrifos is "harmless when properly applied," independent scientists and the EPA found otherwise. In 2000, the EPA restricted most home and garden uses of chlorpyrifos in a special action to protect children's health, and in 1995 fined Dow a record \$732,000 for not fully reporting the chemical's health effects. In 2008 the US Securities and Exchange Commission fined Dow for having paid more than \$200,000 in bribes to Indian agriculture ministry officials to expedite registration of 3 pesticides, including Dursban.

Silicone Breast Implants: In the 1970s Dow Corning produced "new & improved" silicone breast implants that medical journals soon began suggesting were permeable, allowing silicone gel to leak into women's bodies. Internal memos later revealed that Dow officials were fully aware that the implants leaked before they began marketing them.

**For more information: [www.bhopal.net](http://www.bhopal.net)**

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