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Myths and Realities: The Truth Behind Union Carbide Corporation's Website on the Bhopal Accident

Union Carbide Corporation has set up a website, www.bhopal.com, to provide its version of the incidents that resulted from a leak of methyl isocyanate gas from its plant in Bhopal.

Incident Review

1.Myth The gas leak occurred at a plant in Bhopal, which was owned and operated by Union Carbide India Limited (UCIL). Therefore, the American company Union Carbide Corporation (UCC) had no responsibility in the matter.

Reality UCIL was a wholly owned subsidiary of the American company Union Carbide Corporation. UCC had 50.9 percent holdings in its Indian subsidiary. Therefore, the plant in Bhopal was the responsibility of UCC.

2.Myth The state government of Madhya Pradesh reported that approximately 3,800 persons died, 40 persons experienced permanent total disability, and 2,680 persons experienced permanent partial disability. Studies by India's Council of Medical Research indicate that severe injury to the lung is limited to a small percentage of those exposed.

Reality There is no exact figure of the number killed. Over 8,000 men women and children were killed within the first three days of the disaster. A senior UNICEF official, after spending weeks in Bhopal after the disaster, commented that many doctors and health officials reported to him that they believed that the death toll was around 10,000. (1)

A leading government aided research body, the

Indian Council of Medical Research came to the conclusion that over 520,000 exposed persons had poisons circulating in their bloodstream that caused damage to almost all systems in the body. (2)

To this day, approximately 120,000 survivors are chronically ill and are in desperate need of proper medical attention.

According to the Center for Rehabilitation Studies, a state government agency, at least one person dies from exposure related illnesses every day.

Survivors of the disaster suffer from a range of health problems including chronic bronchitis and emphysema, gastrointestinal problems, chronic conjunctivitis, early cataracts and neurological disorders such as memory and motor skill loss. Psychiatric problems include anxiety, depression and musculoskeletal problems. Women suffer from gynecological problems and suppression of lactation. (3)

In 1985, the Health Minister of the Government of India stated that "36 women had spontaneously aborted, 21 babies were born with deformities and there were 27 still births, all suspected to have been caused by exposure to the gas." (4)

3.Myth On January 14, 1987, the U.S. Second Circuit Court of Appeals in Manhattan upheld a decision by the U.S. District Court to send the legal case against UCC to India.

Reality Union Carbide Corporation's plea for the judgment was based on the argument that Union Carbide Corporation would not be able to defend itself properly in the United States. Union Carbide

Corporation lawyers pleaded that the case be dismissed on the grounds of *forum non conveniens*. They also argued that though a "favorable" decision for the plaintiffs would be enforceable in India, a decision against the plaintiffs may not be enforceable in India as per Indian Code of Civil Procedure.

UCC was able to delay the legal process in India. They even charged the Indian government and Indian investigating agencies of harassing a key witness in the case.

4.Myth In February 1989, the Supreme Court of India directed Union Carbide Corporation and UCIL to pay a total of \$470 million in full settlement of all claims.

Reality In the criminal proceedings in courts in India, preceding the settlement, UCC and members of its senior staff (including Chairman Warren Anderson) refused to appear in court or obey court orders. Warren Anderson and UCC were notified as absconders by the court.

This settlement was made without any consultation with the survivors. The survivors petitioned the court against the settlement. The court ruled that the settlement did not remove criminal liability from UCC, UCIL and senior staff mentioned in the initial criminal case.

These figures should be compared to \$108 million that Monsanto Company was ordered to pay the family of a single chemical worker who died due to benzene exposure or the \$2.5 billion offered by Johns Manville Corporation for about 60,000 claimants of injury caused by exposure to asbestos. (5)

As per the current settlement, the average claimant (the gas affected who put in a claim for compensation) receive approximately \$300 to \$500 which, in most cases, does not pay for medical bills. (6)

5.Myth In November 1994, Union Carbide Corporation completed the sale of its 50.9 percent interest in Union Carbide India Limited.

Reality Union Carbide Corporation had to make a special appeal to the Supreme Court of India for permission to sell its holdings. This was because the court where the criminal proceedings were

being held had ordered that the assets of UCC be attached. This was done in an attempt to ensure that UCC and the other co-accused be forced to appear in court, as well as to ensure that UCC was not able to evade criminal jurisdiction.

Some of the proceeds from this sale were used to fund the building of a hospital. The court attached the rest. Although the Supreme Court of India had ordered that UCC and UCIL to spend their own money to build a hospital for the survivors, UCC used the money from this sale to meet it's obligations.

Chronology

1.Myth UCC underwrites expenses for world recognized medical experts and medical equipment to assist the local medical community.

Reality The company's legal team arrived in Bhopal days before their medical team. The hand picked medical team constantly emphasized that the leaked gases would not have any long-term health effects. (7)

Union Carbide Corporation had commissioned a toxicological study of MIC at the Carnegie Mellon University in 1963 and 1970. The results of this research have never been released.

Local doctors had no information on the treatment methodology when affected people began streaming into hospitals. The health officer employed by UCIL stated that the leaked gas was a harmless tear gas. Messages for information sent to the UCC headquarters got conflicting replies. "They recommended using sodium thio-sulphate as an antidote, then advised against it. Success of the drug would have established that toxins had reached people's bloodstreams rather than affecting only their eyes and lungs. The company was anxious to play down the effects in order to avoid greater financial liability." (8)

In the first few days of the disaster UCC advised and rescinded many advisory telegrams sent to concerned authorities on the treatment of cyanide. Though their MSDS sheet states that thermal decomposition of methyl isocyanate "may produce hydrogen cyanide, nitrogen oxides, carbon monoxide and or carbon dioxide." (9)

2.Myth Jackson Browning (VP, Health, Safety and Environment) explains that no prior incidents involving the deaths from exposure to MIC ever occurred at Bhopal.

Reality By stating that there had been no prior MIC fatalities, UCC tries to divert attention from the fact that the facility in Bhopal had a record of accidents and fatalities due to other causes.

In 1981 a plant operator was killed by a phosgene gas leak. A further phosgene leak in January 1982 severely injured 28 workers and in the same year MIC escaped from a broken valve resulting in four workers being exposed to the chemical. In addition to this, workers were subject to routine low level exposure. The results of clandestine medical tests conducted on the workers by Carbide doctors were sent to the U.S. and never released. A 'business confidential' safety audit conducted by a U.S. team in May 1982 identified "61 hazards, 30 of them major and 11 in the dangerous phosgene/MIC units. Nothing was done." (10)

3.Myth UCC announced before U.S. District Judge that it will pay an additional \$5 million toward Bhopal disaster relief.

Reality During the court proceedings in the U.S., Judge Keenan was so moved by the plight of the survivors that appeared in an article that he asked UCC as "a matter of fundamental human decency" to provide an interim relief of \$5 to 10 million. Carbide chose the lowest end of the suggested range, reluctantly. (11)

4.Myth UCC was ordered to pay \$270 million interim compensation a practice that runs counter to the laws of India and other democracies.

Reality When the Bhopal District Court ordered this interim compensation on December 17, 1987, three years had passed since the disaster. Union Carbide Corporation and its key personnel had refused to appear in court. Further, according to the organizations and people working for the survivors, UCC and its Indian subsidiary were delaying the case. This only exacerbated the plight of the survivors who had no source of money to pay for their treatment and no compensation for their inability to work due to the effects of exposure to the gas.

5.Myth An independent investigation claimed that a disgruntled employee caused the incident.

Reality Even though UCC has had an opportunity in court to provide information on this sabotage theory, originally presented by Arthur D. Little (ADL), and thus resolve the case, it has failed to do so. However, the corporation still promotes this argument. When this theory was proposed in an international seminar, there was widespread condemnation by experts. A safety specialist with the World Bank noted that he "was shocked when [he] heard that ADL people were promoting the 'sabotage' theory for Bhopal at the Institution of Chemical Engineers conference in London." (12)

6.Myth The Supreme Court upheld the validity of the Bhopal Gas Leak Act.

Reality The Supreme Court of India states that the government of India is only authorized to represent the victims of the tragedy in civil cases and not in criminal cases.

7.Myth Judge Keenan dismissed a lawsuit brought in the federal court of Manhattan that sought to reopen the Bhopal litigation.

Reality Though Judge Keenan dismissed the case, the Second Circuit Court of Appeals reinstated parts of the case. The ruling allowed all claims of pollution and contamination not directly related to the 1984 disaster to be heard. The trial court will now consider these claims.

Union Carbide Corporation Aid and Relief Efforts

1.Myth Immediately after the tragedy, the company assumed public and moral responsibility.

Reality Union Carbide Corporation did not provide information on treatment methodologies immediately after the disaster. UCC refused to participate in the judicial proceedings in India. Reports state that UCC failed to upgrade/repair its manufacturing process even when an internal memo stated that there was every chance of a disaster.

2.Myth Local Bhopal court orders attachment of UCC's share in UCIL, effectively delayed the sale and funding plans for the hospital.

Reality With its attempts to sell holdings in its Indian subsidiary, UCC was trying to evade criminal jurisdiction. In fact, Union Carbide Corporation's director of corporate communications said following the deal, "once that deal is closed, we'll be totally out of it." (13) Funding plans for the hospital was never a priority when the company tried to sell its shares.

Footnotes

1. Dembo David et al. *Abuse of Power: Social Performance of Multinational Corporations; The case of Union Carbide*. New Horizons Press. 1990.
2. <http://www.bhopal.net/factsheet.html>
3. TED case studies: Bhopal Disaster;
<http://gurukul.ucc.american.edu/TED/BHOPAL.HTM>
4. *ibid.*
5. Dembo David et al. *Abuse of Power: Social Performance of Multinational Corporations; The case of Union Carbide*. New Horizons Press. 1990.
6. <http://www.monitor.net/rachel/r523.html>
7. <http://www.bhopal.net/background.html>
8. <http://www.bhopal.net/background.html>
9. Dembo David et al. *Abuse of Power: Social Performance of Multinational Corporations; The case of Union Carbide*. New Horizons Press. 1990.
10. <http://www.bhopal.net/background.html>
11. Dembo David et al. *Abuse of Power: Social Performance of Multinational Corporations; The case of Union Carbide*. New Horizons Press. 1990.
12. *ibid.*
13. *ibid.*