



THE DOW CHEMICAL COMPANY'S RESPONSE TO THE CURATIVE PETITION FILED BY THE UNION OF INDIA

The Dow Chemical Company has lodged objections to the curative petition in which the Union of India seeks to reopen the nearly 25-year-old legal settlement concerning the 1984 gas release in Bhopal, India. The Dow Chemical Company does not conduct business directly in India, and therefore the court lacks jurisdiction over it in the curative petition matter.

Dow has long maintained that it has no connection to the incident and does not belong in any legal proceeding involving Bhopal. The Government's ill-advised action puts at peril the image of India as a nation committed to promoting and adhering to accepted legal principles and the rule of law, with the inevitable result that confidence in investing in India will be undermined.

The 1984 gas release in Bhopal was a tragedy of such immense and unprecedented scope that it is understandable for anger and grief to remain 30 years later. What is not understandable is the turnaround in the Government of India's long-held defense of the fair and final legal agreement that resolved claims related to the tragedy.

Equally incomprehensible is the demand in the curative petition and from some non-governmental organizations to attach liability to Dow, which has no connection to the tragedy or its aftermath. Dow never owned, operated or inherited Union Carbide India Limited's (UCIL) Bhopal site. The fact that Dow could not have liability for the Bhopal gas tragedy is recognized not only under principles of U.S. corporate law, but by the laws of India as well.

It's important to remember that the Supreme Court has twice (in 1991 and 2007) validated the 1989 settlement agreement between the Government of India and Union Carbide Corporation (UCC) and its then-subsiidiary, UCIL, refusing to reopen challenges and acknowledging the long-standing position taken by the Government of India that the settlement is fair and reasonable.