

118TH CONGRESS
2D SESSION

S. RES. 919

Recognizing the 40th year since the 1984 Bhopal chemical disaster and helping to ensure that no other community suffers another chemical disaster, by designating December 3 as National Chemical Disaster Awareness Day.

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2024

Mr. MERKLEY (for himself, Mr. WYDEN, and Mr. WELCH) submitted the following resolution; which was referred to the Committee on the Judiciary

RESOLUTION

Recognizing the 40th year since the 1984 Bhopal chemical disaster and helping to ensure that no other community suffers another chemical disaster, by designating December 3 as National Chemical Disaster Awareness Day.

Whereas, on December 3, 1984, a Union Carbide pesticide factory released a dense cloud of toxic methyl isocyanate gas into the Indian city of Bhopal, killing 8,000 people within 72 hours and permanently injuring 500,000 more in what is considered to be the world's worst industrial disaster;

Whereas this catastrophic chemical leak in Bhopal strongly influenced the Government of the United States to protect communities from toxic exposure by enacting legislation such as the Superfund Amendments and Reauthor-

ization Act of 1986 (Public Law 99–499; 100 Stat. 1613), the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 1101 et seq.), which authorized the Environmental Protection Agency to establish and maintain a Toxic Release Inventory, and the Clean Air Act Amendments of 1990 (Public Law 101–549; 104 Stat. 2576), which authorized the Environmental Protection Agency to implement the Risk Management Program and established the Chemical Safety and Hazard Investigation Board (referred to in this preamble as the “CSB”), and prescribing regulations such as the Process Safety Management standard published by the Occupational Safety and Health Administration in 1992;

Whereas major risks to the public remain, with approximately 12,000 hazardous industrial and commercial facilities across the United States, putting some 131,000,000 people at risk for toxic exposures resulting from any lapses which lead to dangerous conditions or procedures;

Whereas a CSB investigation identified dangerous conditions and deficiencies as responsible for a 2008 explosion at a pesticide manufacturing plant at Institute, West Virginia, which came so close to igniting a stockpile of methyl isocyanate that a Congressional inquiry concluded that it could easily have been “a catastrophe rivaling the Bhopal disaster”;

Whereas data received from the CSB’s Accidental Release Reporting Rule indicates 445 hazardous chemical incidents, including fires, explosions, and harmful chemical releases, occurred in the United States between April 2021 and October 2024;

Whereas these hazardous chemical incidents include a train derailment near East Palestine, Ohio, that released ethyl hexyl acrylate, isobutylene, and vinyl chloride into nearby air, soil, and water, requiring the emergency evacuation of over 2,000 residents, who now face ongoing health issues;

Whereas the health and economic impacts of chemical disasters have multigenerational effects, such as in Bhopal where survivors suffer significantly higher mortality rates, with over 150,000 survivors battling chronic illnesses related to their exposure or that of their parents, and approximately 500,000 people remain physically and economically devastated by the disaster;

Whereas a University of San Diego study found that men who were in utero in Bhopal at the time of the disaster have higher rates of cancer and disability precluding employment, and lower levels of education;

Whereas the Bhopal disaster survivors have undertaken hundreds of protests and dozens of legal petitions for adequate compensation, medical care, rehabilitation, and criminal justice, and to achieve their goal of establishing a serious deterrent against the possibility of other Bhopal-level disasters;

Whereas the Government of India charged Union Carbide and its former Chief Executive Officer Warren Anderson with culpable homicide, equivalent to criminally negligent manslaughter under United States law and an extraditable offense;

Whereas Union Carbide and its representatives have ignored repeated summonses to appear in court in India, and applications under 2 extradition treaties between India and

the United States dating back to 1942 have failed to secure their appearance;

Whereas Dow Inc., the owner of Union Carbide since 2001, has not compelled its subsidiary to attend any proceedings relating to the Bhopal disaster;

Whereas, regarding the Bhopal disaster, Amnesty International states that “The indifference and disdain with which the survivors and their descendants have been treated ever since the gas leak, the lack of proper and effective accountability of both state and corporate actors for both the gas leak and ongoing contamination, and the failure to ensure a reparations programme that adequately addresses all past and ongoing harms have been enabled by entrenched environmental racism”, in which the people who inhabit industrial “sacrifice zones” are treated “as disposable, their voices ignored, their presence excluded from decision-making processes and their dignity and human rights trampled upon”;

Whereas United States Census data shows that census tracts where people of color are the majority experience 40 percent more cancer-causing industrial air pollution and are twice as likely to get cancer from toxic air pollution compared to census tracts where White people are the majority, and the majority of residents near facilities where accidents occur are from historically underserved and overburdened populations; and

Whereas the centrality of human rights to the foreign policy of the United States and the commitment of the United States to the right to freedom from discrimination are in line with the goal of safeguarding against future chemical disasters, which disproportionately impact vulnerable communities: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) recognizes the 40-year effort of the sur-
3 vivors of the 1984 Bhopal chemical disaster to en-
4 sure that no other community around the world suf-
5 fers another Bhopal-level disaster by designating De-
6 cember 3 as National Chemical Disaster Awareness
7 Day;

8 (2) applauds the resilience of the Bhopal chem-
9 ical disaster survivors in battling to overcome ill
10 health, poverty, and marginalization to try to estab-
11 lish a deterrent against future chemical disasters;

12 (3) calls on the Department of Justice to
13 take—

14 (A) timely steps in response to requests by
15 the Indian Government concerning Dow Inc.,
16 who purchased the Union Carbide facility where
17 the disaster took place; and

18 (B) any other actions necessary for the
19 United States to comply with obligations under
20 the Treaty on Mutual Legal Assistance in
21 Criminal Matters, signed at New Delhi on Octo-
22 ber 17, 2001 (TIAS 05–1003);

23 (4) seeks to engage with the survivors of the
24 Bhopal chemical disaster to strengthen the public’s

1 understanding of the dangers of chemical disasters;
2 and
3 (5) emphasizes that supporting human rights
4 and protecting the right to freedom from discrimina-
5 tion are and should remain key pillars of United
6 States foreign policy worldwide.

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