



Andrew A. Joyce
 Director, Global Environmental Affairs

The Dow Chemical Company
 1900 Dow Center
 Midland, TX 79701-4807
 800-338-4747
 Fax: 409-937-9444

November 8, 2008

His Excellency Ronen Sen
 Ambassador
 Embassy of India
 2107 Massachusetts Avenue, NW
 Washington, DC 20008

Dear Mr. Ambassador:

It was a pleasure to see you again at the U.S.-India CEO Forum in New York on 25 October. I especially appreciated your support in discussing resolution of the Bhopal legacy issue as a tangible, deliverable outcome for the CEO Forum.

Given the statements made by the Government of India representatives in front of all meeting attendees that Dow is not responsible for Bhopal and will not be pursued by the GOI, it will be important to follow through to ensure that concrete, sustained actions are taken that are consistent with these statements.

Following our discussions, the key actions to achieve legacy issue resolution for Dow include:

1. Remediation – with the support of local Indian CEOs and foundations, there is opportunity now for the Government of India to work closely with the State of Madhya Pradesh and Indian industry to remediate the Bhopal site. This should take place expeditiously – beginning immediately with GOI officials and industry leaders meeting with the relevant Cabinet Secretary who has executive oversight for the remediation efforts. GOI and the state government will need to work with the Court overseeing site clean-up to assure that this effort will pass legal muster as the site's final remediation plan.
2. Legal – GOI leaders need to work with all Ministries of the central government to ensure that their stated position is reflected in any and all of GOI's statements, legal filings, and dealings with the Indian court system. The Dow Chemical Company has been sued in Public Interest Litigation in the High Court of Madhya Pradesh related to environmental remediation of the site. GOI and the state government are also sued in that litigation, and GOI has taken positions adverse to Dow. Specifically, the GOI Ministry of Chemicals and Fertilizers applied to the Court in May 2008 to order Dow to pay a deposit of Rs. 100 crores, or approximately US\$22 million, against environmental remediation costs. The Court has to date deferred a ruling on the merits of this application. It follows logically from the GOI's statements regarding the non-liability of Dow, that the Ministry of Chemicals and Fertilizers should now withdraw its application for a financial deposit against remediation costs. Certainly a withdrawal of the application would be a positive, tangible demonstration that the GOI means what it says about Dow's lack of responsibility in the matter.

I appreciate your continued support regarding these proposals and would value an opportunity to discuss next steps with you. Our common goal is to support economic growth in India, including key foreign investments that will promote job creation, economic diversification and technology updaters. Thank you for your efforts to ensure that we have the appropriate investment climate to facilitate forward-looking government and business partnerships. Uta Schebeler (Dow Washington – 202 426 3407) will follow up with our office regarding scheduling a follow up discussion. In the interim, please do not hesitate to contact me if I may be of any assistance to you.

Sincerely yours,

TYPED VERSION OF ANDREW LIVERIS LETTER TO RONEN SEN

November 8, 2006
 His Excellency Ronen Sen
 Ambassador
 Embassy of India
 2197 Massachusetts Avenue, NW
 Washington, DC 2008

Doc

Dear Mr. Ambassador:

It was a pleasure to see you again at the U.S.-India CEO Forum in New York on 25 October. I especially appreciated your support in discussing resolution of the Bhopal legacy issue as a tangible, deliverable outcome of the CEO Forum.

Given the statements made by the Government of India representatives in front of all meeting attendees that Dow is not responsible for Bhopal and will not be pursued by the GOI, it will be important to follow through to ensure that concrete, sustained actions are taken that are consistent with these sentiments.

Following our discussions, the key actions to achieve legacy issue resolution for Dow include:

1. Remediation – with the support of local Indian CEOs and foundations, there is opportunity now for the Government of India to work closely with the State of Madhya Pradesh and Indian Industry to remediate the Bhopal site. This should take place expeditiously – beginning immediately with GOI officials and industry leaders meeting with the relevant Cabinet Secretary who has executive oversight for the remediation efforts. GOI and state government will need to work with the Court overseeing sight clean-up to assure that this effort will pass legal muster as the site's final remediation plan.
2. Legal – GOI leaders need to work with all Ministers of the central government to ensure that their stated position is reflected in any and all of GOI's statements, legal files and dealings with the Indian Court system. The Dow Chemical Company has been sued in Public Interest Litigation in the High Court of Madhya Pradesh related to environmental remediation of the site. GOI and the state governments are also sued in those litigation, and the GOI has taken position adverse to Dow. Specifically the GOI Ministry of Chemicals and Fertilisers applied to the Court in May 2005 to order Dow to pay a deposit of Rs. 100 crores, or approximately US\$22 million, against environmental remediation costs. The Court has to date deferred the ruling on the merits of the application. It follows logically from the GOI's statements regarding the non-liability of Dow, that Ministry of Chemicals and Fertilizers should now withdraw its application for a financial deposit against remediation costs. Certainly a withdrawal of application would be positive, tangible demonstration that the GOI means what it says about Dow's lack of responsibility in the matter.

NY
 MP
 — as we have copy.

I appreciate your continued support regarding these proposals, and would value an opportunity to discuss next steps with you. Our common goal is to support economic growth in India, including key foreign investments that will promote job creation, economic diversification and technology updates. Thank you for your efforts to ensure that we have the appropriate investment climate to facilitate forward-looking investment and business partnerships. Lisa Schroeter (Dow Washington – 202 429 3407) will follow up with your office regarding scheduling A follow up discussion. In the interim, please do not hesitate to contact me if I may be of any assistance to you.

Sincerely yours

Andrew Liveris