

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAHU, *et al.*, :
 :
 Plaintiff, : Index No. 07 Civ 2156 (JFK)
 :
 -against- : **DECLARATION OF T.R. CHAUHAN IN**
 : **OPPOSITION TO DEFENDANTS'**
 UNION CARBIDE CORPORATION, *et al.*, : **MOTION FOR SUMMARY JUDGMENT**
 : **AND IN SUPPORT OF PLAINTIFFS'**
 Defendant. : **MOTION PURSUANT TO FEDERAL**
 : **RULE OF CIVIL PROCEDURE 56(d)**
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DECLARATION OF TOTA RAM CHAUHAN

I, Tota Ram Chauhan residing at B-17, A 2 Amar Homes, Punjabi Bagh, Raisen Road, Bhopal have personal knowledge of the facts stated herein, and if called upon to do so in a court of law, I could and would testify competently to the following.

1. I was a Union Carbide India Limited ("UCIL") employee at the pesticide manufacturing facility in Bhopal from August 11, 1975 to May 1985. During my employment I worked in the Phase II Plants which included Sevin, Alpha Naphthol and Methyl Isocyanate Plant.

2. Mr. L.J. Couvaras was at UCIL during the time that I was employed at the Bhopal plant. He was an employee of Union Carbide Corporation ("UCC") who was sent to India to oversee the detail design and erection of the plant. On behalf of UCC, Mr. L. J. Couvaras was responsible for approving any modifications or design changes made to the design reports and technology blueprints transferred by UCC to UCIL.

3. The technology used at the Bhopal plant, specifically the MIC unit, was transferred from UCC based on operating technology which UCC used at its plants in the United States. Through my work as an operator of the MIC unit, I learned that the Bhopal plant was designed and built on the basis of decades of experience in making MIC at its West Virginia, USA plant. The Operating Manuals for the MIC unit and other plant units were prepared by UCC in the United States.

4. The MIC unit generated most of the waste stream and by-products that were generated by plant operations at Bhopal.

5. UCC's engineering department in the United States was responsible for approving any modifications or changes to the plant design. This was done through Mr. Couvaras who was responsible for communicating any such design changes to UCC and relaying the approval or other feedback from UCC's engineers. Mr. Couvaras approved the detail designs for the Bhopal plant.

6. UCC engineers approved the creation, sizing and choice of materials for the solar evaporation ponds used to contain the waste streams generated by operations at the Bhopal plant. Any change in choice of materials or pond liners would have been approved by UCC engineering.

7. UCC conducted periodic safety and environmental audits of the Bhopal plant so UCC management would have been aware of any environmental problems or potential threat of contamination caused by operations at Bhopal. The UCC audits would result in reports generated with action items for UCIL and its management. UCIL had to report back to UCC on steps taken with respect to each action item within a certain period of time set forth in the operating manuals. There was a major leak in the solar evaporation ponds during the plant's operations in 1982. UCC would have had first-hand knowledge of that leak and any subsequent repairs.

8. The Bhopal plant contained a substantial amount of above-ground waste materials stored on the plant campus or buried in pits and landfills around the plant at the time of its closure in 1984.

9. The plant also had As an operator of the MIC unit, I had personal knowledge of these landfills and 'neutralization' pits scattered around the plant campus. UCC would have known of these pits and landfills around the plant campus from its environmental audits of the Bhopal plant.

10. The solar evaporation ponds were also left in an "as is" condition. At the time of closure, the ponds would have contained all of the waste generated during the plant's years of operation. No new solar evaporation ponds were built during the plant's operational lifetime.

I declare under penalty of perjury and pursuant to the laws of New York and the United States of America that the foregoing is true and correct.

Executed this 19th day of January, 2014 at Bhopal.



T. R. Chauhan