

# Inadequate safety features allow leak

Three months ago when the Union Carbide plant in West Virginia reopened following a closure to revamp safety procedures, Carbide officials assured the public that they had made a safe plant safer. But Sunday, a cloud of toxic gas escaped from the plant into the surrounding area and about 200 people required medical attention at area hospitals.

The leak of methyl isocyanate last year from the pesticide-producing Union Carbide plant in Bhopal, India killed about 2,500 people and injured another 200,000. The tragedy triggered investigations into the only U.S. plant to produce the chemical, the Union Carbide plant in Institute, West Virginia. Concerns were raised that a similar incident could occur in the United States.

Following the leak on Sunday, it turns out that the concerns were not unfounded. After only three months in operation following the five-month closure, toxic gas seeped from the plant into the surrounding residential areas. Those injured complained of respiration problems, dizziness, nausea and burning eyes.

The leak, according to a Carbide spokesman, was due to a valve failure on a tank that contained the chemical. The chemical was identified as aldicarb oxime, a derivative of the chemical that leaked in Bhopal, methyl isocyanate.

During the five-month closure of the plant that followed the Bhopal catastrophe, \$5 million worth of safety improvements were made including a system that follows the flow of toxic chemicals through the plant and a siren intended to warn area residents that a leak is imminent. The formula for the pesticide, with the trade name of Temik, also was changed to use aldicarb oxime, a less dangerous derivative of the methyl isocyanate that was used previously.

And after an inspection of the plant, the Environmental Protection Agency agreed with Carbide officials that the plant did not pose any danger to local residents, and approved preparations for the plant to renew production of the pesticide.

But Sunday's mishap provides a strong indication that the existing and recently added safety features are not enough to protect those living in proximity to the Union Carbide plant. Even the siren, according to many victims, failed to warn of the gas before people were exposed to it.

But instead of recognizing the deficiency, Carbide officials have sought to downplay the event by emphasizing that no one was seriously hurt, and that the chemical is less toxic than the methyl isocyanate that plagued Bhopal.

But any leak of this magnitude is serious. The injury of 200 people, though slight in comparison to the disaster in Bhopal, is not to be taken lightly, particularly when it falls in the shadow of Bhopal and only three months after the EPA and Carbide officials found the plant to be safe. How many people need to die before a leak is considered to be significant?

In addition, this wasn't the first time a toxic chemical had escaped the West Virginia plant. An EPA study released earlier this year found that the plant leaked small quantities of methyl isocyanate on 28 separate occasions between 1980 and 1984.

Leaks can't be prevented entirely, but the West Virginia Carbide plant's track record suggests that current safety measures are inadequate. Bhopal was enough to convince the world of how crucial it is that safety features function properly. If Bhopal wasn't enough, Institute, West Virginia should spur Carbide authorities to ensure that the plant is better equipped to prevent hazardous leaks, and that area residents can be alerted before a toxic gas confronts them in their neighborhood.

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Letters to the editor must be limited to 250 words, typed, signed and the identification of the writer must be verified when the letter is turned in. The Emerald reserves the right to edit any letter for length or style. Letters to the editor should be turned into the Emerald office, Suite 300, EMU.



## commentary

# Law students should seek the unknown, not mediocrity

"Don't take the law into your own hands, take 'em to court," Doug Llewellyn says at the close of each chapter of the afternoon legal soap opera, "The People's Court." Most people don't realize that Judge Wapner is, in fact, a highly reputable former presiding judge of the largest judicial district in the country (Los Angeles County) and spent 20 years on the bench. He considers himself to be doing his part for education.

But most people have never taken the law into their own hands. Since I have had the slimy, squirming thing in my hands for three years, and am now a certified (and as yet unemployed) Doctor of Jurisprudence, I have certain impressions of the law and of legal education in general.

The July 17 issue of the Chronicle of Higher Education discusses various criticisms of legal education, and responses by traditionalists. Perhaps my fine legal training has squeezed me into a mold of moral ambivalence, but there is something to be said for both critics and supporters of traditional legal education. The mildly combative, pressurized setting of law school, particularly in the first year, serves as an introduction to a profession dedicated, after all, to ad-

vocacy and argument. Any reasonable, competent student who has good test-taking skills and really wants to be lawyer, can become a lawyer.

Some people ask what is missing from our legal curriculum, and advance a variety of ideas for new classes, different teaching styles and other reforms. Others insist that the moral relativism that seems inherent in legal education and practice needs to be supplemented with a sense of the sources, limitations and biases of the law, and of the relationship of law to other sources of authority. I am of this school.

When students choose classes at the University law school, less than 10 percent enroll in the class for which our degree is named: Jurisprudence. This class actually deals with some of the major issues of the sources, legitimacy and meaning of law, but most students don't care to discuss these questions, preferring to take classes oriented toward the golden gate: the bar exam.

Perhaps most practitioners don't need to think about the "why" of law in their daily practice, but I am convinced that the law school ought to permit students to take a larger number of courses for credit

outside the law curriculum. Law schools should not try to become adjuncts of the departments of philosophy, psychology or sociology, but the students are now too inclined to buy into their traditional role and the legal subculture with no questions asked.

Law schools, like universities in general, are becoming places where students say "yes" instead of "why" whenever a professor or administrator opens her mouth. This "yes" generation wants to be processed by college, and any broadening of personal horizons that takes place is often incidental. In their specialized and robotic responses to real or presumed authority, students fear the unknown, and settle for the mediocre. I ask that these people remember that this country was not built, improved or defended by people intent on the pursuit of mediocrity, or afraid to rock the boat.

I hope the lawyers of my generation will question authority frequently and with enthusiasm, take up exotic causes left and right, select opportunities instead of jobs, and look under obscure rocks to see who or what wriggles there.

Good luck to the class of 1985.

By Alan Contreras

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