

**A**ccolades have never been something deliberately sought by Robert Bilott. Not even the descriptor of “beautiful guy” afforded by one Mark Ruffalo when chatting about him on *The Graham Norton Show*. A corporate lawyer by trade and a self-described ‘army brat’ as a child, Bilott’s story – that of a two decade quest to uncover an environmental disaster of epic proportions – recently made it to the big screen in the film *Dark Waters*.

Starring Mark Ruffalo as Bilott and Anne Hathaway as Sarah Bilott (his wife), Robert was a young(ish) lawyer at Taft Law in the late 80s when a phone call from a disgruntled farmer, Earl Tennant – concerned about his cattle dying by the hundreds – led to Bilott spending almost two decades uncovering the extent of the catastrophic dumping of PFOA, a so-called ‘Forever Chemical’.

## Reaction

PFOA belongs to a family of chemicals that would later be linked to conditions such as specific cancers. Teflon was the household-name product line uncovered by Bilott as containing PFOA. DuPont, the company producing it, had been dumping the waste on the land where the cattle were based, leading to them dying. The contamination went further than that, though, thanks to ‘Forever Chemicals’ being found in most household objects: waterproof eye make-up, fast-food packaging and mouthwash, for example.

Dismissed by his community as a conspiracy theorist, Earl Tennant would sadly not live to see the culmination of Bilott’s work and the chain of events he set in motion, due to exposure to PFOA. That work included a ‘class action’ lawsuit, documentary, and the subsequent film itself.

“I think he would be really proud to see that this story has finally come out,” says Bilott, noting it was the one thing Tennant was most passionate about. He was adamant that the story would not be covered up, he adds. *Dark Waters* would later be shown to his two surviving daughters, who were excited to see their father’s story on screen.

It’s a story that is still continuing today. What’s not so explicit is the overlap between regulatory agencies and the organisations supposed to be regulated. ‘Forever Chemicals’ have been prevented from being regulated in the US. The US has the legal principle of Separation Of Powers: organisations regulated by federal agencies in the US are supposed to have no personal relationships.

# What Happened Next?

Words: Lydia Wilkins

The true story told by *Dark Waters* didn’t stop when the film was released. We catch up with Robert Bilott, the subject of the movie, to find out more...







## The movie

*Dark Waters* was brought to the screen by director Todd Haynes, very much a different kind of movie from his previous productions such as *Carol*, *I'm Not There* and *Far From Heaven*. Based on an article in *The New York Times* magazine and adapted for the screen by Mario Correa and Matthew Michael Carnahan, it opened to strong reviews at the end of 2019. But, when it didn't get a strong awards run – not interesting the Academy, nor even the Golden Globes – it didn't get the box office rocket fuel it really needed. Its worldwide gross stands at just over \$23m, but the film has quietly built an audience on streaming platforms.

Whether that's enough to interest someone else in picking up the story is unlikely. But that's not stopping Robert Bilott continuing to tell it.

Key moments in *Dark Waters* concentrate on confrontational 'you knew' scenes, where Ruffalo's character presents DuPont's executives with documents that allege the company had been aware of the human impact for decades. *Exposure*, Bilott's memoir, points to DuPont executives having relationships within regulatory agencies.

"It's very difficult to deal with because you have people who are, you know, very well paid in the corporate world who are able to move freely into the regulatory world," he says,

noting that they could then be lured back with a potentially larger salary.

## Measures

President Biden's administration has taken steps to implement environmental measures in recent weeks. That said, a report about Forever Chemicals by the Environmental Protection Agency (EPA) has been overturned on grounds of political interference, something Bilott has pointed to for almost a decade. The US still has no set standards

for drinking water to be 'safe'. Bilott described himself as "cautiously optimistic" about the Biden administration. There would not be a dramatic change, he said – but his optimism stems from awareness coming from *Dark Waters* and social media.

Bilott is still in touch with people across the globe, lobbying for the right to safe drinking water. Litigation is still pending in the US – and he insists companies that expose people should pay for testing to ensure no harm will transpire. At the time of writing, the next stage of the lawsuit is whether it can become a 'class action', in effect a lawsuit on behalf of every citizen in the US.

Themes of accountability and justice are at the heart of the story that was told in the film itself. "I think seeing the story

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come out is justice in a way, to know that the cover up didn't work," says Bilott, describing his position as a lawyer to use the court system as fortunate, but not seeing himself as an activist.

### Headliner

'DuPont's worst nightmare' is a title Bilott earned thanks to a newspaper headline. A photoshoot in the rain, which accompanied the headline, was not something he professed to enjoy. Yet the more he speaks, the more fitting the title becomes.

Introverted and sometimes shy, sans flashy Zoom background, there's an indignant nature to his speech, and disgust at the impact on ordinary people. He smiles slightly sadly on observation of this. The traditional corporate lawyer had 'changed sides', no longer defending those in the 'regular client' archetype description.

In the aftermath of the release of *Dark Waters*, DuPont inevitably responded. It set up a website, for instance, to 'tell the truth' about the events depicted on screen.

"I wish I could say I was surprised and shocked, but no..." sighs Bilott. From his corporate law background, he understood the scale of the problem – including the potential for punitive damages from jury trials, which DuPont's own lawyers had warned about. He describes it as a "counter media campaign" to protect the brand name. His wish was for truthful data to be found in one particular place later manifested through his book and *Dark Waters*.

### 2015

*Dark Waters* ends with the first trial of DuPont in 2015 – yet moves had already been made to protect Teflon by that point. DuPont broke up its companies, and merged with others. Bilott says it looks like the assets of the company were moved to avoid heavy litigation and damages, as well as allowing it to appear as having had nothing to do with the initial contamination.

Chances of promotion and salary rises had been given up in order to take on DuPont, but costs of a different value were also accumulating. *Dark Waters* charts family moments missed due to the long hours being clocked up at the office. However, it looks like the efforts are finally paying off in some ways.

"I still recall the night that I was able to see the film for the first time, and was there with my wife and my children in the theatre, and while it was playing, to see my sons turn back, turn around to me – they were sitting in the row in front – saying 'wow, is that what you were really doing?'"

"I think they finally have understood what's been going on, it's difficult when you're living in it, to really see that there's anything unusual at all going on. That's just the way it is."

He adds that some of his children are now considering going to law school, a feeling he agrees is incredible. *Dark Waters* meanwhile, whilst hardly a huge box office hit, continues to get more people watching it, and the story continues to spread. 📺

***Dark Waters is widely available.***