# *Dark Waters*: American capitalism poisons its population

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*Directed by Todd Haynes; screenplay by Mario Correa and Matthew Michael Carnahan, based on the 2016 article "The Lawyer Who Became DuPont's Worst Nightmare" by Nathaniel Rich, published in the* New York Times Magazine

Todd Haynes' new movie *Dark Waters* is a dramatic recounting of the nearly 20-year legal battle against the massive scale of toxic chemical contamination in Parkersburg, West Virginia by the DuPont chemical company.

Scripted by Mario Correa and Matthew Michael Carnahan, the movie is based on the January 2016 article, "The Lawyer Who Became DuPont's Worst Nightmare," by Nathaniel Rich, published in the *New York Times Magazine.* Rich is the son of former longtime *Times* drama critic and columnist, Frank Rich.

This is Haynes' eighth feature film. His body of work includes *Safe* (1995), *Far from Heaven* (2002), *Carol* (2015) and *Wonderstruck* (2017). He also directed the five-part HBO miniseries, *Mildred Pierce* (based on the 1941 James M. Cain novel), in 2011, one of his most intriguing efforts. Haynes has demonstrated that he is one of today's more talented and conscious filmmakers. With *Dark Waters*, he is stepping into somewhat new territory by dramatizing a horrific social crime—an episode that outraged him, as he has explained to interviewers.

The film's prologue, set in 1975, shows a group of teens venturing into a fenced-off, murky pond adjacent to a DuPont facility. Their nighttime swim is interrupted by men in a boat marked "containment," spraying the greasy surface of the highly polluted waters.

Mark Ruffalo plays Rob Bilott, an attorney at a very prominent Cincinnati-based law firm, Taft Stettinius & Hollister. In 1998, Bilott is approached by a farmer, Wilbur Tennant (Bill Camp) from Parkersburg, West Virginia, an area that Rob has visited as a child. Wilbur is convinced that DuPont, which operates a nearby site more than 35 times the size of the Pentagon, is polluting the town and killing his cows. Parkersburg is basically owned by DuPont, whose motto is "Better Living Through Chemistry." Wilbur has no hope of obtaining government or legal assistance in the city.

Although Rob defends chemical companies for a living, he nevertheless agrees to look into Wilbur's claims. The farmer has taken videotapes documenting the demise of his cows. He has also dissected the animals, exposing unusual discolorations and textures of the organs. Some of the cows had malformed hoofs and giant lesions protruding from their hides, among other deformities. DuPont, with the connivance of the federal Environmental Protection Agency (EPA), has charged Wilbur with inadequate husbandry, i.e., "poor nutrition, inadequate veterinary care and lack of fly control."

In 1999, Rob files a federal lawsuit against DuPont and soon discovers that in 1951, DuPont started purchasing perfluorooctanoic acid (PFOA), or C8, from 3M for use in the manufacturing of Teflon, the coating for "happy pans." (The "laboratory-formed chemical," known as C8 "because it contains eight carbon molecules," was used "to smooth out the lumpiness of freshly manufactured Teflon."—EcoWatch)

The chemical company rakes in $1 billion in annual profits just from its Teflon products. Over the ensuing decades, DuPont pumped hundreds of thousands of pounds of PFOA powder through the outfall pipes of its Parkersburg facility into the Ohio River.

In one scene, Rob, to the initial shock of his wife Sarah (Anne Hathaway) begins frantically stripping their kitchen of its pots, pans and flooring. (According to Rich, the fluoropolymers industry is "responsible for the high-performance plastics used in many modern devices, including kitchen products, computer cables, implantable medical devices and bearings and seals used in cars and airplanes. PFOA was only one of more than 60,000 synthetic chemicals that companies produced and released into the world without regulatory oversight.")

DuPont agrees to an epidemiological study to determine whether there is a link between PFOA and disease. If such a connection is found, DuPont will pay for medical monitoring of the affected group in perpetuity.

It takes seven years for the study's findings to be released. It is now 2011 and the wait has been a hard one. Rob has taken several pay cuts and is losing the confidence of his firm and his family. There is finally proof of a ''probable link'' between PFOA and "kidney cancer, testicular cancer, thyroid disease, high cholesterol, pre-eclampsia and ulcerative colitis." DuPont backs out of the agreement, even though decades earlier, the company tested the children of pregnant employees in their Teflon division. Of seven births, two had severe eye defects.

In Rich's article, Bilott asserts that he does not regret the long and all-consuming battle against DuPont. "The thought that DuPont could get away with this for this long, that they could keep making a profit off it, then get the agreement of the governmental agencies to slowly phase it out, only to replace it with an

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alternative with unknown human effects—we told the agencies about this in 2001, and they've essentially done nothing. That's 14 years of this stuff continuing to be used, continuing to be in the drinking water all over the country. DuPont just quietly switches over to the next substance. And in the meantime, they fight everyone who has been injured by it."

*Dark Waters* is a harrowing, gripping film. Straightforward and zealous, its rich cinematography captures DuPont's environmental destruction of West Virginia, the ruination of the state's farms and landscape in strikingly graphic manner. The psychological trauma and turmoil of the sick and dying and of those who dare challenge the corporate behemoth are wrenching.

The actors are clearly acting in part on the basis of their collective social conscience. Ruffalo performs in *Dark Waters* with considerable passion, empathy and integrity. He recently tweeted that it was "time for an economic revolution. Capitalism today is failing us, killing us, and robbing from our children's future." Unsurprisingly, Ruffalo's tweet went on to express support for Bernie Sanders and the Democratic Party "brand."

Ruffalo, Hathaway and Tim Robbins, as Rob's superior, dramatically convey the importance of the story. Camp, playing a modest farmer destined to die in the midst of the legal action against DuPont, is particularly effective as the irrepressible instigator of the battle with the corporate giant.

And for making such a hard-hitting film, Haynes has come under attack. From DuPont first of all, of course, and its apologists. The firm issued a statement, asserting, "Unfortunately, this movie claims to be 'inspired' by real events and appears to grossly misrepresent things that happened years ago, including our history, our values and science. The film's previews depict wholly imagined events. Claims that our company tried to hide conclusive scientific findings are inaccurate."

The Ohio Manufacturers' Association chimed in, claiming that *Dark Waters* "backed by a well-financed network of activists, investors, and trial attorneys [outside agitators!]—ignores the truth in a bid to make money and boost political special-interest groups. In a thinly veiled ploy to sell tickets and score political points, *Dark Waters* and its backers misrepresent our way of life in the Ohio River Valley."

More significant are the attacks from those who would like to pigeonhole Haynes along the lines of the description offered by the British Film Institute, to the effect that he is best known "as a pioneer of the New Queer Cinema movement that emerged in the late 1980s and early 1990s." That he "foregrounds sexualities that are transgressive, deviant and disruptive. In doing so, he actively recentres the oft-repressed identities of those who sit on the outskirts of dominant culture."

Haynes clearly comes equipped with some knowledge of left-wing directors such as Douglas Sirk and R.W. Fassbinder. Haynes offered a video introduction to Fassbinder's *Ali: Fear Eats the Soul* (1974) when it was re-released on video in 2003. In 2012, Haynes presented an homage to Fassbinder at the Munich International Film Festival.

However, respect and admiration for earlier filmmakers do not overcome all the difficulties, including contemporary social moods and pressures. Haynes' own *Far From Heaven* (2002)—a reworking of Sirk's *All That Heaven Allows* (1955), the film that also provided the inspiration for *Ali: Fear Eats the Soul*— is an unsatisfying work that does not tackle the class issues in the fashion of Sirk or Fassbinder. As the BFI description would indicate, Haynes has been more than a little diverted by identity politics.

So there is a certain objective significance to his making of *Dark Waters*. Filmmakers are now feeling pressure from the worsening of conditions for broad layers of the population and from social forces "below."

This angers some of Haynes' erstwhile admirers, disturbed that he is taking up social issues and the fate of ordinary people. One such commentator headlines his review, "What the hell is Todd Haynes doing behind the camera of generic docudrama *Dark Waters*?," and calls the film "a crushing disappointment."

An interviewer from *Filmmaker Magazine*, so obsessed with identity politics that he performs contortions to try and see the film through some non-existent racial prism, baits Haynes about his placement of "people of color." To which the director aptly replies: "Well, I'm sorry. I was diverting it more to a description of class, I guess, than of race."

Haynes also indirectly answers such critics in an interview with *GQ*: "It's a story about a massive scale of environmental contamination of a toxic chemical. And [the story] reminds us of global issues about climate change, our policies around our energy systems, and their unsustainability. These are things that have moved into the forefront of concerns among Americans. But I also did this as a filmmaker. It was a dramatic challenge to tell a story that I find staggering. It had a lot to do with me wanting to stretch myself in this kind of genre, with something I hadn't done before."

He further points out in Vox: "Then there's just our environmental situation—global warming, and a culture, and a country, and a leadership that favors industry and keeps defanging regulatory oversight. It's completely subservient to the needs of commercial interest." Haynes adds, "We need to make a change, and we're facing an election year."

Various commentators have also condescendingly suggested that *Dark Waters* is merely one more depiction of corporate criminality, hardly concealing their yawns. Quite legitimately, Jake Coyle of the Associated Press noted that it might "seem like there are too many corporate exposés. While they could use some new angles and perhaps fewer lawyer protagonists, I suspect that's not the problem. *Dark Waters* plays like a *Chernobyl* for America. Unfortunately, we probably need a lot more of these."

In any event, it is entirely to Haynes' credit that he is "stretching" himself and addressing crucial social realities. Many other artists will unquestionably have to do the same in the coming period.

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