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PFAS pollution: the never-ending fight of Robert Bilott, the lawyer who inspired the film "Dark Waters"

He was discovered on screen as Mark Ruffalo in "Dark Waters". The Cincinnati lawyer, the real one, has been leading the battle against "eternal pollutants" for twenty-five years. Tenacious, modest, very professional, he relentlessly warns against a health scandal that has become global.

By [Emilie Torgemen](#)

On February 18, 2025 at 6:35 a.m.



Robert Bilott (here in 2019) helped to have PFOA, one of the main "perennial pollutants", recognised in the United States as a "concern". AFP/Angela Weiss

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"Admirable", "remarkable efforts", "a beacon". French elected officials revere him. European environmental associations worship him. "He perfectly illustrates the fact that, sometimes, David can triumph over Goliath," says Tatiana Santos, of the NGO European Environmental Bureau. Robert Bilott, an American lawyer, is the one who brought to light [the dangerousness of PFOA](#) (*one of the main "eternal pollutants", classified as carcinogenic*) in West Virginia.

Mark Ruffalo played his role in the film "[Dark Waters](#)", which traces the beginnings of his crusade against pollution that he believed to be local. When you reach him, you can't help but compare him to the actor, even if he is quieter than his double. On the phone, he sums up his odyssey in a few sentences in his gravelly voice. "Some manufacturers have known about the toxicity of PFAS for decades, but this information has been hidden! We started to have access to these internal documents as part of legal proceedings against DuPont in which I defended a West Virginia farmer.»

The business lawyer becomes the *bête noire* of industrialists

It all began in 1998, when Wilbur Tennant, a rancher, contacted him to show him videos of a calf with glassy blue eyes and blackened teeth dying near a soapy stream with dead fish floating around. The farmer suspected the DuPont company, to which his brother had sold part of their land.

Casting error? At the time, Robert Bilott was not a defender of the environmentalists who chained themselves to the trees against the giants of industry. On the contrary, he worked for these large groups to help them comply with environmental rules. Except that Tennant claimed to be his neighbor, who happened to be... the lawyer's grandmother. Tossed around during his childhood between his father's assignments in the US Air Force, Bilott considered his grandparents' farm a refuge, a hideout. He accepted the application.

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Well versed in the subtleties of the law and the mysteries of large companies, he quickly detects a strange acronym: PFOA. After two long years, he obtains by "court order" that DuPont communicate to him all the documentation on this mysterious substance. Dozens of boxes arrive in no particular order at the office. More than 110,000 pages in all. He discovers that not only has the firm known about the toxicity of PFOA for decades, but that it has indeed contaminated Tennant's property and is perfectly aware of the extraordinary concentration of PFOA in the water that circulates there. The game is up, an agreement is reached between the farmer and the American chemical giant.

"A hard worker"

What if humans, like cattle, could also be poisoned, he wonders? 972 pages and 136 attachments later, he is calling on federal authorities to analyze the health effects of PFOA and solutions to bring safe water to the site's neighbors. "As a lawyer, Rob is an incredibly hard worker and attentive to detail. His success in the DuPont case demonstrates these traits along with his reluctance to give up," says Thomas Terp, his former supervisor in Cincinnati, now retired.

An unfortunate legal detail was that PFOA was not considered toxic at the time. The lawyer used a brand new state law to force the manufacturer to finance the tests of the 70,000 plaintiffs. He won a great victory for his firm, but the time for research was long. In 2011, after seven years of waiting punctuated by tragedies and pressures that had devoured his family life and his health, Robert Bilott finally saw his efforts rewarded: scientists established a "probable link" between PFOA, kidney and testicular cancer, ulcerative colitis, thyroid disease, hypercholesterolemia and hypertension. "A relief," says the lawyer.

DuPont, which pledged to stop producing PFOA, paid a historic fine to the federal authorities and paid \$670 million to settle 3,500 complaints. End credits for the film "Dark Waters" which pretty much ends there. But the lawyer, the real one, has never stopped his crusade, while the extent of the problem has been widely revealed, PFOA being only the first of a very large family of controversial molecules.

Is he aware that he was the first to lift the veil on these "eternal pollutants", denounced by 200 scientists in 2015 in the "Madrid Declaration"? Modestly, he considers that it is Hollywood that has "made this issue known to the rest of the world". But Nathaniel Rich, the journalist who first wrote about Bilott in the [New York Times](#), wants to give credit where credit is due: "Rob found himself in completely unbelievable circumstances, as an *insider*, who, because of his deep expertise in the workings of the chemical industry, was able to annihilate DuPont's efforts to hide the dangerousness of eternal pollutants from the public."

"He predicted all the arguments that the lobbies would oppose to me"

"In France, Japan, Australia, no one is spared," warns the lawyer over the phone. "As a lawyer, I shouldn't say this, but the courts are not the best option. We need to talk to citizens, to have these products that are now ubiquitous in so many industries banned by legal or regulatory means." He denounces companies that marginally change the composition of PFAS and play cat and mouse to make lawsuits obsolete: "We add carbon here, and everything has to be taken back! What independent scientists say is that the whole family must be regulated." »

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Not necessarily worried about [Trump's return to power](#) (because his crusade "has been accomplished under multiple administrations"), he follows the debates in Brussels very closely, where he spoke in the European Parliament in 2020. "His speech had such a considerable impact that, for the first time in the history of the European Union,

the Commission has committed to tackling the PFAS problem," said Tatiana Santos of the European Environmental Bureau.

He warns French parliamentarians, who are necessarily less seasoned than him, of the pitfalls to come. "It's simple," smiles Nicolas Thierry, a member of parliament (EELV) for Bordeaux who is carrying a proposal to ban these *eternal pollutants* in France, "he predicted all the arguments that the lobbies would oppose me: ban on a case-by-case basis rather than all PFAS, legislate at the supra-state level to gain time..." The industry says it is struggling to find alternatives? The Ohio lawyer responds by citing the example of popcorn bags in Denmark: "We said that it was impossible to do without it, that hundreds of jobs would disappear! With their backs to the wall, producers found a solution in a few months." "

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