



WHAT LIES UPSTREAM

A FILM BY CULLEN HOBACK

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WHAT LIES UPSTREAM

In this political thriller, filmmaker Cullen Hoback investigates the largest chemical drinking water contamination in a generation. But something is rotten in both state and federal regulatory agencies. Through years of persistent examination, we learn the shocking truth about what's really happening with drinking water in America.

Synopsis:

In the documentary exposé WHAT LIES UPSTREAM, investigative filmmaker Cullen Hoback travels to West Virginia to study the unprecedented loss of clean water for over 300,000 Americans. Upon examination, he discovers a shocking failure of regulatory framework from both state and federal agencies and a wrecked political system. While he's deep into his work in West Virginia, a similar water crisis strikes Flint, Michigan supporting the case that the entire system to protect drinking water in America is fundamentally broken.

In January 2014 West Virginia citizens notice that their tap water has a peculiar smell. It is discovered that a mysterious chemical, MCHM, has leaked into the Elk River, poisoning the drinking-water supply for nearly half of West Virginia. Hoback arrives at the state's capital during the heart of the crisis, his interest piqued by his family ties to the state and a desire to understand *why* this contamination happened. But getting to the bottom of this seemingly simple question is about to lead him down a rabbit hole of an unimaginable scale.

Initially all the blame seems to be directed at Freedom Industries, the company that spilled MCHM, the chemical that traveled downstream before entering the water intake. But locals reveal that Freedom Industries is only one small facility in the area they call "The Chemical Valley." While it's obvious that Freedom Industries plays a key role in this contamination, it is equally obvious that their chemical tanks were allowed to completely erode over time without proper government oversight or inspection.

As Hoback continues his investigation, he meets West Virginia Cabinet Secretary Randy Huffman, who serves as the head of the state's Department of Environment Protection (DEP), which regulates all the industry in the state and handles all inspections. Huffman admits that Freedom Industries' tanks hadn't been inspected since 1993, but initially dismisses fears that MCHM is harmful. At the same time, Dr. Rahul Gupta, who runs the local health department, is the only official who seems concerned that the chemical might have negative long-term health effects. Yet, despite little scientific evidence, the CDC determines what amount of MCHM is safe for residents to drink.

Hoback continues to expand his study of drinking water in West Virginia to include outlying areas, where it quickly becomes clear that coal and chemical

production have gone unchecked for decades. Virtually all the rivers and streams aren't suitable drinking water sources. Back issues of the local paper reveal Secretary Huffman's complicity—25,000 violations of the Clean Water Act were ignored during his time in office.

Weeks pass, yet the drinking water for the entire community still has a smell. There's a cascade of events: Independent scientists arrive in West Virginia to conduct their own studies on the water, former industry workers become whistleblowers, and the politicians of the state decide to shield themselves from the impending public backlash by developing the strongest piece of environmental legislation the state has ever seen, known as "The Tank Bill."

Over the next two years, studies by independent scientists reveal that MCHM is actually twice as toxic as originally reported bringing into question motives behind the CDC's misguided safety determination. Bizarrely, the CDC stands behind the fabricated science created by MCHM's original maker.

Meanwhile, "The Tank Bill" is revisited and attacked by State Senators, lobbyists and water company executives. Both Dr. Rahul Gupta and Randy Huffman transform during this period. Secretary Huffman awakens to the idea that environmental policy being controlled by industry lobbyists may not be a good thing. Dr. Gupta is hired to run the state's health department, making him a political appointee beholden to the Governor, limiting his voice.

Disillusioned, Hoback travels to Flint, Michigan to see if there is a connection between the recent lead contamination there and the water contamination in West Virginia. With the guidance of key whistleblowers in Flint, Dr. Marc Edwards and Dr. Mona Hanna-Attisha, the connection becomes clear: there's corruption at the highest levels of government—the regulatory agencies.

A massive drinking water crisis may have launched this investigation, but the film reveals the problem to be much more widespread than one chemical spill in West Virginia or one lead contamination incident in Flint, Michigan. The public knows very little about what chemicals are in the water supply and even less about the weak regulations and enforcement practices meant to protect it. Just because you don't live in West Virginia or Flint doesn't mean your water is safe.

These two cases of drinking water contamination were just canaries in the coal mine. Hoback's comprehensive study reveals how science is being manipulated and ignored by both state and federal agencies, connecting this problem to political agendas. The country is at a turning point; who we elect to office will determine the kind of science the EPA and CDC use to make environmental decisions, decisions that will impact the entire globe. We're left wondering: Will these hidden forces inside government be allowed to continue the poisoning of its own citizens?

WHAT LIES UPSTREAM BIOS

Cullen Hoback, Director, Editor –

Cullen Hoback, originally from Los Angeles, has won multiple awards, and his films, *Monster Camp* (2007) and *Terms and Conditions May Apply* (2013), have shown in top festivals and theaters around the world. His most recent film *Terms And Conditions May Apply*, a humorous but chilling documentary about digital privacy, had a significant theatrical release, was picked up by Participant's PIVOT network, and has been viewed by millions. He has appeared on MSNBC, CNN, NPR, Fox, HuffPo Live and others, and has written op-eds for *The Guardian* and other major media outlets. He is also a Film Independent Fellow.

John Ramos, Producer -

John Ramos is a producer and Film Independent Fellow based in Los Angeles. In 2012, his narrative feature film *The Trouble With Bliss*, starring Michael C. Hall, Lucy Liu, and Peter Fonda and directed by Michael Knowles, was theatrically released across the US. John also produced the documentary *Terms And Conditions May Apply* with director Cullen Hoback, which played theatrically in over forty US cities and was a *New York Times* Critic's Pick. In addition to *What Lies Upstream*, he and Hoback are working together on several social-action projects in various stages of development.

Alina Solodnikova, Co-Producer –

Alina Solodnikova, heralding from Russia, produced one of the biggest film festivals in her home country: The Contemporary Science Film Festival. She's coordinated massive projects, traveling festivals, and worked with dozens of filmmakers. She's also held positions at both the LAFF and Tribeca Film Festivals. Alina's focus is coordination and marketing, but she also has a keen eye for editing.

Vincent Sweeney, Cinematographer –

A Virginia native now based near Los Angeles, Vincent owned his first camera at the age of nine. His first paid camera work was doing surveillance video for a P.I. firm, and he later studied cinematography in various courses, including a prolonged stay in England at a small film and art school in Brighton. Since then he has shot five indie features as the Cinematographer and recently won a Gold Addy and State Broadcasting award for a no-budget commercial which he wrote, shot and directed in just 4 hours. Vincent produced, wrote and directed the feature film *Blue Ridge*, which is inspired by his experiences growing up in Virginia. The film premiered at Cinequest in San Jose, and won the Virginia Indie Festival as well as screenwriting and acting awards at the Southern Appalachian festival; it is now available on several outlets including Amazon DVD/VOD, iTunes, Vudu, etc. Currently, Vincent works on friends' films serving as cinematographer while developing his next feature: a dramatic sci-fi adventure set in rural Appalachia.

What Lies Upstream Director's Statement

It was 10 PM on January 9th, 2014, when my mom texted me the message: *Have you seen what's happening in West Virginia?* Childhood nostalgia is a powerful force.

When I was a kid, most summers we would visit my Uncle Dave, a gaunt, generous man with a fondness for the seclusion of the woods. Uncle Dave was the closest thing my dad ever had to a father. Likewise, he taught me how to shoot a bow and arrow and to fish, and played the role of grandfather. West Virginia had a mysterious quality to it—from the lush hollers with creeks at every turn to the sounds of gunfire in the distance; it felt like a place outside of time. I loved it in the way a kid finds autonomy in a tree house or freedom at summer camp. But my uncle died from cancer when I was 10—and I hadn't been back since.

Back in the present, the news reports seemed impossible. The online map of West Virginia showed a red stain covering nearly half the state, indicating that 300,000 people had been exposed to a mysterious chemical in their drinking water. I imagined my childhood self caught in this crisis with all attendant impotence and fear. But now, as a filmmaker with a penchant for investigation, I was in a unique position to act.

The dichotomy of what West Virginia was in my mind versus what it was in reality was stark. Temperatures were below zero, the scenery a mush of browns and grays, a color palette that would eventually shape the look of the film. My past invoked a sense of mystery that influenced the film's tone. We rented a country home on the outskirts of Charleston, the capital city where the spill had taken place. My crew and I adapted to the bottled-water shower, not realizing this would become our routine in the months ahead.

As I quickly discovered, being an outsider in West Virginia, poking around with cameras, and asking questions weren't things locals would typically tolerate. But this spill had changed attitudes. As long as you didn't bring up coal, folks were eager to talk, and politicians and state regulators were motivated to play the part of the hero. I would come to appreciate folks' sense of pride in the blue-collar sacrifice of their coal mining and chemical-making past—one that put hard labor above health—as well as the trappings of it.

When we began shooting, I imagined a strictly character-driven story; after all, I was an outsider. My on-screen investigative persona evolved out of necessity, when I came to realize that following characters alone wouldn't produce answers; few were willing to confront the political powerhouses for fear of retaliation.

Over the next three years, this initial access would prove critical to revealing the machinations of the regulatory system ostensibly designed to protect drinking water. The situation would devolve and darken, yet the momentum of documentation seemed to compel my characters to remain involved, like a poker player low on chips staying in until the last hand. I still struggle when I think of one particular character, a man who became my friend, who started on the side of public safety only to end up being manipulated by the very forces he once flatly opposed. I fought with myself constantly

in the editing room, trying to justify the actions of many characters in the film. Ultimately, my feelings to a backseat to the facts, as best I could decipher them.

I was prepared to handle the tragedy, but the process of searching in a shapeless body of problems, uncertain if I would ever even know what I was seeking, took its toll. There were countless times I wanted to give up, cursing my past and my spontaneity for dragging me into this. It came to the point where I could no longer sleep through the night, my thoughts like a retro video game, making narrow progress with each cyclical attempt.

Without the crisis in Flint, I doubt I ever would have come to understand the totality of the problem to see that West Virginia wasn't some hyperbolic example of what happens when deregulation runs its course, and where political pressure overrides scientific evidence and public health. I came to learn that chemicals and their safety in the environment, as revealed through the regulators, politicians, and lobbyists, are really a legal matter, one masked under the pretense of science. I ended up exploring themes similar to my previous film, *Terms and Conditions May Apply*, my fascination with the intersection of technology and law becoming a central theme.

I'll be forever grateful to Flint expert Dr. Marc Edwards and EPA whistleblower Dr. David Lewis for providing key clues about our regulators, clues that would eventually solve the question I didn't think to ask: Why is the system to protect drinking water in America broken? I didn't think to ask this question, because I didn't know that it was.

- Cullen Hoback

WHAT LIES UPSTREAM CREDITS

Director
Cullen Hoback

Producers
John Ramos, Cullen Hoback, Nitin Khanna

Executive Producers
Nitin Khanna, Karan Khanna, Jaswinder Grover, Jay Walia

Co-Producer
Alina Solodnikova

Writer
Cullen Hoback

Cinematographer
Vincent Sweeney

Editor
Cullen Hoback

Consulting Editors
Geoffrey Richman, Greg Finton

Composer
John Morgan Askew

WHAT LIES UPSTREAM PHOTO CAPTIONS & CREDITS

High resolution images available via email request.

All images are courtesy of Hyrax Films LLC.

Director Cullen Hoback takes secret charter up West Virginia river to collect water samples under the cover of night.



Flint River during 2016 crisis, Director Cullen Hoback looks at iconic water tower in distance.

Dr. Marc Edwards, prominent scientist and noted lead contamination whistleblower





Randy Huffman after being asked about his complicity in 25,000 violations of the Clean Water Act. Huffman is Cabinet Secretary for West Virginia's Department of Environmental Protection.

Dr. Rahul Gupta, currently the Commissioner of West Virginia's Bureau For Public Health, addresses citizen health concerns during the 2014 WV water crisis.

