



Public Employees for Environmental Responsibility

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MALIBU UNITES *For Healthy Schools*

October 6, 2014

Sandra Lyon, Superintendent of Schools
Santa Monica-Malibu Unified School District
1651 16th St.
Santa Monica, CA 90404

By postal mail and email to slyon@smmusd.org

RE: Clarification of New Supplement to Santa Monica-Malibu Unified School District Toxic Cleanup Plan

Dear Superintendent Lyon:

We are writing you on behalf of Malibu Unites, a non-profit of parents, scientists and citizens for safe schools, and Public Employees for Environmental Responsibility (PEER), which represents “Concerned Malibu/Cabrillo Teachers” consisting of many of the teachers and staff at Malibu Middle and High School and Juan Cabrillo Elementary School. We are seeking clarification of Environ’s new September 26, 2014 Supplement to its July Toxic Cleanup plan.

As we understood the July plan, the District would allow PCBs above legal limits to remain inside classrooms for 15 years or more, unless the areas were renovated or demolished in the interim. As we understand the Supplement, the District is now stating that it will remove and dispose of building materials at the Malibu and other District Campuses within one year which are “identified and verified” to contain polychlorinated biphenyls (PCBs) in concentrations above the federal Toxic Substances Control Act (TSCA) mandatory removal standard of 50 ppm.

We seek clarification as to what information the District will use to “identify and verify” the presence of PCBs above TSCA limits.

For example, samples unofficially taken from several Malibu school facilities this July showed illegal PCB levels dramatically higher than previously reported – as much as 7400 times higher

than legal limits and the highest known results for a classroom in the U.S. In September, new samples showed four classrooms testing above the federal TSCA limit of 50 ppm. One classroom tested at 231,000 ppm (more than a quarter of the caulk consisted of PCB) while another contained 146,000 ppm.

These extremely high PCB readings come from EPA-certified independent laboratory testing. We seek answers on the following issues:

1. We want to know whether the District will accept and act on these independent samples indicating that at least another eight classrooms have PCBs above legal limits, and upon additional similar testing results that may be submitted in the future.
2. If these independent laboratory tests are considered insufficient, please specify with particularity in what manner they are deficient.
3. In light of the shift reflected by the Supplement pledge of removal of materials above TSCA limits, will the district accept and execute the testing plan provided to them by Malibu Unites and Cindy Crawford to completely bulk test all three schools? This plan takes one weekend to execute and 10 days to produce preliminary results. If not, please specify with particularity as to why the district will not identify and verify all PCB sources in the three schools.

As you are undoubtedly aware, the Malibu community has been forced to engage in self-help measures because the District has heretofore steadfastly refused to do comprehensive bulk/source testing in all of the older buildings or to commit to expeditious removal of contaminants found at illegal or unhealthful levels. It is obvious from the independent test results that PCB contamination in high concentrations is widespread in the older buildings on campus – not confined just to the places your consultant has identified. Thus, the District's piecemeal approach is only delaying the inevitable confirmation that a much broader remediation program is required, while sacrificing the district's credibility in the community and potentially the health and safety of students and staff.

The changed approach expressed in the Supplement gives us a glimmer of hope that the District has rethought its posture and will finally start to listen to the requests of parents, teachers, scientists, neighbors and, most recently, the Malibu Mayor and City Council that the District affirmatively take steps to identify and remove contaminants from all school facilities and thereby avoid additional legal action. Therefore, we are anxious to receive the requested clarifications.

Thank you for your prompt attention to this request.

Sincerely,

Jennifer deNicola
President of Malibu Unites

Jeff Ruch
PEER Executive Director