

TOP EPA OFFICIAL ADMITS MALIBU HIGH IS NOT "SAFE",  
THEN TELLS SCHOOL DISTRICT: DO NOT TEST THE CAULK

Concerned parents and teachers listened in disbelief at the June 20<sup>th</sup>, 2014 meeting with Regional Administrator Jared Blumenfeld, as the EPA, the very agency charged with protecting humans from environmental harm, revealed it is encouraging a PCB policy that intentionally allows school districts to circumvent the federal environmental laws it is required to enforce. EPA has directed the Santa Monica Malibu School District (District) to "not" test any additional caulking for PCBs at Malibu High School (MHS), even after Blumenfeld confirmed that the campus needs further testing before it can be labeled "safe."

Blumenfeld accepted an invitation from Malibu Unites\*, an advocacy group for healthy, toxic-free schools, whose sole mission is to protect the students and their teachers. He visited the Malibu High campus on what is known as a "toxic tour" to assess the current status of school grounds. When asked during a public Q&A if, based on current technical data, either the EPA or the District could call all classrooms on campus "safe," Blumenthal gave a single word answer: "**No.**" <http://youtu.be/2edZ7rxToXw>

The EPA will not test the caulk, a known PCB source at MHS, in any additional classrooms even though 5 of 10 rooms have already surpassed 50ppm (parts per million), which is a violation of the Toxic Substance Control Act of 1976 (TSCA). Instead the EPA is recommending that the District only test the air and dust, in an attempt to avoid results over 50ppm. Under current regulations there are no air testing thresholds that will violate TSCA and require cleanup.

Blumenfeld asserted, "The regulatory threshold is 50 ppm...if it's above 50 ppm and we've tested, it's got to be removed." Blumenfeld also stated, "Let's be very clear. I'm not saying that we test all the caulk in all the classrooms."

Malibu Unites believes the current EPA policy of "Don't Test, Don't Know" is designed for schools to avoid violation of TSCA and regulatory cleanup. It is clear that the EPA will not test additional caulking to see how widespread the PCB contamination issue is at MHS. In addition, the District plans to manage PCB caulking in place even for the 5 rooms that have already violated TSCA.

According to Paul Rosenfeld, PhD, of S.W.A.P.E., "Certain EPA officials have actually said (to me), Don't test for PCBs for if you find them, you will have to clean them up." Rosenfeld concludes, "This is an awful state of affairs."

"Don't Test, Don't Know" is designed to limit school districts' liability to remediate. More importantly it puts kids and teachers at unnecessary risk to cancer causing PCBs on a daily long-term basis. PCBs are classified as Group One carcinogens, according to the International Agency for Research on Cancer (IARC).

Malibu Unites technical expert Kurt Fehling, of The Fehling Group, LLC, states, "Samples should be collected from each source of suspected PCB contamination, not just the air. Only then can we access the full impact of contamination and know what to remediate and what is "safe". Until that happens, the parents and teachers will never know if the school is safe. To me, it is unconscionable that the District and EPA, by leaving PCBs in place, are playing free and loose with health of the Malibu High School students and staff."

At the meeting, Malibu Unites requested the following from Blumenfeld:

1. That the EPA requires the district to immediately test the caulking and other source material inside buildings and the soil for PCBs.
2. That the EPA enforces TSCA and requires immediate removal of all PCBs found in excess of 50 ppm.
3. That the precautionary principle be applied and children be relocated from buildings that have violated TSCA into portable classrooms until PCB sources have been successfully tested and removed.

Representatives from Senator Boxer's office and Representative Waxman were in attendance. All five members of the Malibu City Council were absent at the public meeting although all were invited. Superintendent Lyon and three of the seven district board members attended. At the superintendent's request, other board members were asked to not attend.



Malibu Unites Response to Environ regarding inadequate PCB clean up plan at MHS: <http://malibuunites.com/wp-content/uploads/2014/06/MU-RESPONSE-TO-ENVIRON-MEMORANDUM-OF-JUNE-16-6-26-14.pdf>

\*Malibu Unites is a coalition of parents, teachers, students, community members and industry experts from across the country united to ensure high standards of health and safety in our schools for all children and those who educate them. [www.MalibuUnites.com](http://www.MalibuUnites.com)

\*SWAPE Soil / Water / Air Protection Enterprise (SWAPE) is an innovative environmental consulting firm that brings outstanding expertise to clients for environmental challenges of all sizes and complexities.

\* The Fehling Group, LLC, was formed in 2008 to meet specialized needs of clients faced with risk management and regulatory compliance responsibilities related to chemical release and associated exposure and health risk issues. We offer extensive experience in environmental applications of toxicology, health risk assessment, geology/hydrogeology, chemical transport analysis, and applied chemistry and statistics.