

Press Release

For Immediate Release: Monday, March 23, 2015

Contact: Kirsten Stade [PEER] (202) 265-7337; Jennifer deNicola [America Unites for Kids] (310) 436-6001; Charles Avrith [counsel for America Unites] (310)-473-1200

FEDERAL LAWSUIT TO FORCE TOXIC CLEANUP OF MALIBU SCHOOLS Immediate Removal of PCBs above Legal Limits and School-Wide Testing Sought

Los Angeles — A lawsuit filed today accusing Malibu school officials of violating the federal Toxic Substances Control Act would end the long stalemate over failure to thoroughly decontaminate the combined elementary, middle and high school campuses. The citizen suit seeks immediate removal of materials already identified as containing toxic polychlorinated biphenyls (PCBs) in concentrations above those allowed by law. The plaintiffs are also seeking expedited PCB testing of all school facilities.

The suit was filed today in U.S. District Court in Los Angeles by America Unites for Kids (formerly Malibu Unites), representing parents and other concerned Malibu residents, and by Public Employees for Environmental Responsibility (PEER), on behalf of Concerned Malibu/Cabrillo Teachers, a group of 30 teachers and staff at the Malibu Schools. The complaint names all members of Santa Monica Malibu Unified School District Board of Education as well as District Superintendent Sandra Lyon and Associate Superintendent and Chief Financial Officer Jan Maez, all in their official capacities.

Since October 2013 when a group of 20 teachers jointly complained of health problems, including thyroid cancers, they believed were linked to contaminated classrooms, the district has avoided a comprehensive source testing of the campuses. Instead of directly tackling PCBs embedded in caulk and other building materials, the district has –

- Spent nearly \$4 million (far more than the cost of removal) on consultants and attorneys but so far has conducted only indirect “avoidance testing” such as air and dust sampling, which do not comply with federal law;
- Even in the four classrooms where the district’s own consultants back in November 2013 found illegal PCB levels in window caulk, removal is not scheduled until the end of June 2015. Independent tests beginning in July 2014 have identified levels of PCBs in caulk up to 7000 times the legal limit. The District’s consultant recently announced that they have confirmed these results, but the District has failed to issue plans to remove the PCBs; and
- Spurned an offer by supermodel Cindy Crawford, a Malibu parent who has since removed her children from the public schools, to personally pay for comprehensive source testing.

“The district had ample notice and more than ample opportunity to avoid litigation but has not moved a step toward complying with the law to insure safety for students and teachers,” stated PEER Senior Counsel Paula Dinerstein. “Across the country, we see school districts faced with similar conditions opt for immediate and complete removal but, by comparison, Malibu school officials seem stuck in the sand.”

Teachers who expressed concern about working in classrooms where illegal levels of PCBs have been identified have been threatened with termination. Parents who asked to have their children excused from attending contaminated classrooms have been threatened with truancy violations.

“For almost two school years, our district leadership has blatantly disregarded the law and put our kids

and teachers at unnecessary risk. No amount of cleaning with wet rags can remove PCBs and guarantee no exposure for our children and teachers,” said Jennifer deNicola, President of America Unites for Kids, which is being represented in this action by the Los Angeles law firm of Nagler & Associates. “The law is the law, and the Toxic Substances Control Act requires removal of any PCBs above 50 parts-per-million – that is the remedy we demand.”

###

Read the complaint

Look at lavish district spending to avoid cleanup

<http://www.peer.org/news/news-releases/2015/01/14/malibu-schools-spending-millions-to-avoid-toxic-cleanup/>

See alarming PCB test results

<http://www.peer.org/news/news-releases/2014/10/17/new-malibu-tests-show-alarming-classroom-contamination/>

Trace the unfolding story

<http://www.peer.org/campaigns/public-health/toxic-schools/malibu.html>