

Environmental Update From SMMUSD Board Meeting March 19, 2015

At Thursday night's SMMUSD Board Meeting at Malibu City Hall, Environ discussed the soil testing and removal of hazardous levels of PCBs outside building G, justified their outrageous \$2,700,000 in fees, and they recommend continuing to avoid testing the caulking.

Here are some notable highlights:

Environ confirms Independent tests are Accurate and exceed Legal Limits

We learned for the first time, that Environ retested classrooms independently tested in 2014 that showed concentrations in caulk were as high as 370,000ppm. Environ did not openly offer this information to the Board and audience during their two-hour presentation, this information was only given after Board Member Oscar de la Torre questioned Environ if they had verified the independent test results and what their findings were. Only then did Environ state that their tests confirmed the accuracy of the independent tests.

"Don't Test, Don't Know" or "Test But Don't Tell Anyone"

Environ and SMMUSD's lack of transparency has become apparent yet again when they opted to not openly share that they had retested and found more classrooms with high levels of PCBs with the community. On Friday, March 20th, America Unites sent a letter to Sandra Lyon demanding immediate release of these test results to the public, which has not been done.

We cannot allow the district to play the games of "Don't Test, Don't Know" (as long as they don't test the caulk, they don't have to remove it) or "Test, But Don't Tell" (when they find PCBs over 50ppm and don't tell the public). After eighteen months and \$4 million dollars spent, it is time for all games to cease. Our community has pleaded to SMMUSD to **TEST** the caulking, **REMEDiate** in compliance with the law & **PROTECT** students and staff by moving into PCB-free portables, but SMMUSD made it clear on Thursday night that they will continue their plan for Best Management Practices Cleaning (BMPs) as the only method of protection. EPA confirms that BMPs are not scientifically proven to be effective nor does it comply with the law.

Congress called out only one chemical, PCBs, in the Toxic Substances Control Act, because of the undeniable evidence that PCBs are an unacceptable risk to human health. What the Malibu community is asking for is nothing more than what Hartford, CT immediately and voluntarily did when they discovered PCBs in their school in Dec 2014.

Environ hired to “assure parents & teachers school was safe” rather than investigate extent of the PCB contamination

The second slide in the Environ presentation outlined Environ's task from the district was to “assist the District in achieving its goal of assuring employee’s and the community that the schools are healthy learning and working environments.” AU respectfully asks: Shouldn’t the goal of Environ be to investigate the full extent of contamination on campus, create and implement a plan for remediating the campus, and *then* to assure parents and teachers that the campus is a safe and healthy learning environment – rather than starting with the desired outcome first and reverse engineering the process?

Before Environ even began, they had already started with the assumption that the *school is safe* and it was their job to figure out how to scientifically *prove* this to the community. To accomplish this goal, Environ must avoid testing the caulking since we know it is in violation of legal health standards, manipulate air and dust testing to ensure low results, avoid doing a cumulative human health risk analysis and avoid removing students and staff from PCB-laden classrooms, even in an abundance of caution, because that admits that classrooms are not safe.

Malibu community speaks out against being characterized as “affluent, largely white,” looking for preferential treatment

Several parents and students, during the Public Comments section that followed Environ’s presentation, spoke eloquently about the necessity for environmental justice for all children, regardless of their skin color or the socio-economic status of their communities. ([Click Here to Watch Video of Students Speaking to Board](#)) They referenced an August 1, 2014 email from Laura Preston, legislative advocate for the California Association of School Administrators, to Jared Blumenfeld, EPA Region 9 Administrator, in which she revealed that her organization had been working with Superintendent Sandra Lyon for several months on the PCB issue in Malibu schools. She expressed that her office had also met with the offices of all of our state and federal elected officials, including the California Governor’s office about this issue. This email urged Blumenfeld his actions could give the appearance of “preferential

treatment " to Malibu, a "affluent, largely white community" regarding PCB testing and cleanup in our schools, because the appearance of such treatment could "easily become a civil rights issue for all of us." This email, unfortunately, reveals the type of discussions that have taken place in Sacramento and between Sacramento and Santa Monica to not actively identify the PCB contamination and removal for political reasons.

Malibu is not requesting "preferential treatment." Malibu is, and has all along been, asking for the district to comply with Federal law, and for students and teachers in EPA Region 9 to receive the same level of precaution and health protection currently received by students and teachers in other EPA regions. Every child and teacher has the right to a healthy, safe school. America Unites will continue to advocate for environmental excellence in Malibu schools and schools nationwide.

Environ Fees are 23 Times the Actual Cost of Wipe & Air Tests

When Environ presented the following power point slide of what they charged the district for air and wipe tests, the crowd gasped, but the Board of Education did not question a single outrageous charge. Environ charged \$1500 for a wipe test that normally costs \$65 for a total of \$822,000, instead of \$35,620. They charged \$1600 per air tests spending \$316,800 instead of approx. \$29,700. And this was only for this summer's testing and did not include winter break's testing. Environ also charged \$250,000 for removal of 20 cubic yards of PCB-laden soil outside of building G (that's \$12,500 per yard!). What is the plan to stop this ridiculous spending?

Blatantly missing from Environ's presentation was their estimate to remove PCBs from the 4 windows required for removal by June 30th, 2015. Is the District putting this out to bid to find the most cost effective remediation company or is Environ going to charge 23 times what it should cost and is no one going to step up and make them accountable?

If Hartford, CT can protect students and staff and identify the nature and extent of PCB contamination in 60 days, so can Malibu... but we need experienced PCB remediators to do so.

One year later and \$2,700,000 spent, Environ has not removed an ounce of Caulking. We are still unsure of Environ's experience in remediating PCBs in schools as all of their work experience points to working for corporate America. School PCB case studies such as the latest Hartford school district exemplifies how, when hiring

experienced PCB-remediation companies, the overall spend for identifying and removing PCBs is substantially less than the SMMUSD approach of hiring high-priced attorneys, inexperienced consultants, and PR firms.

The will of the people, precautionary measures nor compliance with Federal law has compelled the District to do the right thing. Sadly, the only course of action left is to file a Citizen's lawsuit claiming for injunctive relief to remove PCBs and protect the innocent lives of children and their teachers.