

January 13, 2014

To Superintendent Sandra Lyon and Principal Jerry Block:

We are the twelve of the thirteen teachers who have moved out of our classrooms due to concerns about toxic contamination and the high incidence of unusual and serious illnesses among us. We are writing to let you know that we have decided not to return to our classrooms at this time. Nothing that has occurred since we left those classrooms gives us any confidence that they are now safe for our students or us. The problems and concerns listed below reflect an overriding lack of transparency and consultation with the teachers and other community members that has pervaded this process. The only way to secure the community's confidence that our environment is safe is to accurately inform and consult with us while plans are being made and before actions are taken. This did not occur with the current testing and cleanup, on which even the District's own Environmental Task Force was not consulted, resulting in many defects that would have been raised had all of us been consulted, possibly avoiding a largely wasted effort.

1. The classrooms were not tested for most of the contaminants found on campus when soil was removed in 2011 including but not limited to: organochlorine pesticides (chlordane and DDT) lead, arsenic, cadmium, benzene and toluene, or for other potential contaminants.
2. Even the limited testing that was done for PCBs is of highly questionable value. It therefore cannot, as Superintendent Lyon claimed, "give the District the ability to confirm that the best management practices cleaning is effective in reducing PCB concentrations in air and . . . create a record of current conditions in the event any questions arise after the cleaning."
  - a. Although the District assured the school community that EPA had reviewed and approved the testing protocols and the EPA would oversee the testing, this assurance was highly misleading. In fact, there was EPA review and oversight for only 5 out of the 18 rooms that were tested and cleaned. Mark Katchen and the Phylmar Group tested the remaining 13 rooms, both pre- and post-cleaning, without any EPA oversight. As far as we know, there were no testing plans for those 13 rooms when testing occurred. An only recently posted protocol for this testing on the District's website is undated and unsigned, and there is no evidence that it existed at the time of the testing.
  - b. The Phylmar Group, with the apparent concurrence of the District, chose to do some of the testing with windows open, despite clear EPA direction that testing should be done with all windows closed. Testing with the windows open means that the air samples were diluted with outside air coming in through the windows, lowering the concentration of PCBs that would exist with the windows closed. As a result, there is no true pre-

cleaning baseline for those rooms reflecting conditions that teachers and students were exposed to for many years when windows were closed.

This belies the claim in the District's January 5, 2014 Q & A: that the project would be conducted to "assure the community that we were not sweeping away potentially valuable information." These rooms were also tested post-cleaning with windows open, contrary to EPA direction and not reflecting common actual conditions.

- c. Although the District Q & A claimed that testing was done with windows both open and closed "to capture a range of data, including the conditions most similar to when a room is in use," in fact rooms were tested with windows open in nearly every case where that was possible. Four of the six rooms listed by the District as being tested pre- and post-cleaning with windows closed, rooms 17, 14, 302 and 303, do not have windows.
  - d. In the winter or when it is cold, windows and doors remain closed. There was no survey done for Mark Katchen or the Phylmar Group to determine whether teachers keep the windows open or closed to support a claim that windows open would be an accurate classroom condition in the winter. To the extent that any of us were asked if we keep windows open, we stated that we kept the windows and doors closed and we believed that most of the other teachers did also. In addition, it is our general feeling that the heaters in the room are unsafe and unhealthy to use, have not been properly maintained or cleaned.
  - e. We have also heard, though it has not been confirmed, that some or all of the testing done in November was with the windows open, also casting doubt on those results. The District should confirm whether or not this is the case.
  - f. A consultant for a parents' group has expressed a concern that all of the pre-cleaning air test results may be invalid because there is no possible way that all of the samples collected had the same volume of air of 9555 liters or 9114 liters, which was reported. This indicates that they must not have properly calibrated the PUFF cartridge flow rate, invalidating the results.
3. The community was told that the pre- and post-cleaning testing was intended to confirm that that best management practices cleaning was effective at reducing PCB concentrations in the air. Yet, we are being told that we can move back into our classrooms even before the post-cleaning test results for PCBs have come back. Even putting aside the problems with the testing data, there is at this point no evidence as to how effective the cleaning was in reducing PCB exposure, much less exposure to any of the other toxins found on campus. Being told we can move back before the results are even in, raises

suspicious that the District is just half heartedly addressing contamination problems and then declaring success without any actual evidence.

4. Even assuming the pre-cleaning testing results are valid, which they do not appear to be, they do not assuage our concerns.
  - a. Mark Katchen presented a calculated evaluation threshold to the Task Force for PCBs in air of 20.2 ng per cubic meter. This threshold reflected the residential exposure level adjusted for how much time teachers and children spend at school. Some PCB experts suggest using the residential threshold of 4.3 ng per cubic meter for schools as well as residences. 20.2 was agreed by the District and the Task Force as the threshold prior to receiving any results.

The District claimed that the air samples taken in some of our classrooms in November did not raise health concerns. However, these samples were found to be below the level of concern only because after receiving the results, Mr. Katchen and the District raised the threshold previously agreed to by the District to 100 ng per cubic meter, so that the results would fall below the new threshold. The agreed-upon threshold was arbitrarily raised when it appeared that several of the results exceeded this amount. Two recent and questionable pre-cleaning results also exceed this 20.2 ng per cubic meter and many more exceed the residential level.

- b. We are particularly concerned because the highest levels of PCBs in the air were detected in the rooms of the three teachers who have had thyroid cancer.
- c. Apart from the question of what is a “safe” level of PCBs in air samples, one cannot rely solely on air samples to declare classrooms safe. This fails to consider cumulative exposures from PCBs in dust and soil, as EPA has stated is necessary, and which have not been tested in each classroom.
- d. Relying only on PCB air samples to claim that classrooms are safe also fails to consider cumulative exposures to PCBs and other toxins that may be present, such as the pesticides and other contaminants previously found in campus soils. Information from the California Department of Toxic Substances Control indicates that chlordane was generally poured under and around foundations at the time these buildings were constructed. Chlordane is known to volatilize into building air, and could enter and contaminate the ventilation systems. We are particularly concerned about the classrooms that were trenched over the summer, exposing the soil beneath.

5. The testing and cleaning that was done was not thorough and did not include testing and cleaning of the ventilation systems. This needs to be done. Based on what we have seen of our rooms post-cleaning, cleaning was very limited. We only noticed the window sills were cleaned and many rooms remain very dusty. Those rooms that were trenched over the summer still have dirt from the trenching. There also has been nothing done to remove moldy carpeting, which was previously promised.

In conclusion, the ill-conceived and poorly executed winter break testing and cleaning project has done nothing to create confidence that our classrooms are safe. In order to create such confidence, there needs to be an open, collaborative process for all future testing and remediation. At a minimum, a satisfactory plan would include:

1. Taking samples of air, dust, and dirt in classrooms and ventilation ducts/systems, and running them thru a Gas Chromatograph/ Mass Spectrometer (GC/MS) to identify all contaminants and their concentrations (e.g. in parts per billion or smaller).
2. Taking samples of soils on campus in a grid and at various depths, and running those samples thru a GC/MS to identify all contaminants and their concentrations.
3. Remediating where there are concentrations of hazardous materials posing health risks and/or regulatory violations.
4. Re-testing the areas remediated.

We would expect to hear your response at the earliest possible date and certainly before the next phase of testing and remediation plans are finalized. We cannot stress enough how the lack of consultation throughout this process has aggravated our concerns for the well-being of ourselves, our colleagues and our students.

Sincerely,

Twelve Malibu teachers from the vacated classrooms