

Monday, November 23, 2015

Dear Ms. Sarah Braff, et all CTA leadership:

It is a sad state of affairs when the Teacher's Union sends a letter to its members with misleading and inaccurate statements that protects the school district rather than its teachers.

Your letter falsely asserts that the most recent independent EPA-certified lab results are "unscientific". If you have been following the caulk testing done up to now you would know that **all independent tests previously done have been proven to be 100% accurate by the district's own experts**. The method of caulk testing, on samples the size of half a toothpick, is performed by an EPA-certified lab using EPA-certified testing method 8082. They are in full compliance with the EPA and licenses up to date. Previous tests have been validated by both the school district and the Los Angeles District Attorney's Office and this method is one of two methods approved by EPA. If the scientific methods are accurate enough for the DA and the EPA, why would they not be accurate enough for the SMMCTA and cause you to make such a libelous assertion regarding these tests to your members?

We ask that you send a corrected statement to all the members you sent the last email to, apologize for misleading them and clarify that the labs used for independent sampling are EPA-certified labs who are in full compliance with EPA methods and that all previous independent tests have been proven to be 100% accurate by the district's own tests.

In regards to your assertion that the district is "in alignment with national safety standards," we assume you are aware of all the evidence that demonstrates that SMMUSD is in **serious violation of Federal law** for having PCBs at levels up to 11,000 times the legal limit. This evidence was provided to the EPA following SMMUSD's own testing. (see results attached below) Common sense would tell any reasonable person that PCBs will also be found in the windows and doors of the same building where the same caulking was used. Yet, SMMUSD refused to test these other doors and windows and instead chose to practice the "don't test, don't tell" approach, which leaves dangerous levels of PCBs in classrooms occupied by your teachers.

Now, new tests prove "common sense" to be "scientifically accurate". They show that illegal and dangerous levels of PCBs are in 31 additional locations throughout the Malibu High Campus. These tests show that all other doors or windows in the same building also have illegal PCB contamination. The piecemeal remediation done thus far by SMMUSD does not erase this violation or "remediate an entire classroom making it safe for your teachers. Your defense of the district's behavior without proper investigation yourself is reflective on the union. Please take a look at the link to Fairfield, CT to see what a real remediation plan, that both protects health and complies with the

law, looks like. This is not what SMMSUD is doing and your teachers deserve an environment that is both safe and in compliance with the law—a law created to protect human health. We request you fight for this.

Despite what the district claims, you know, PCBs are a danger to health. They have been causally linked to a myriad of diseases and cancers including thyroid cancer, thyroid disease and endocrine disruption, which are together affecting more than 30 of your teachers in these PCB-contaminated Malibu Schools. While the district points to a report from the LA County Department of Health as evidence of no correlation, those conclusions from 2013 are insufficient and inconclusive. In addition, they do not include any of the new diagnoses of the past two years, nor do they even include all of the cases from 2013.

Even Monsanto knew PCBs were toxic and a danger to humans dating as far back as 1930. By 1960's they were already in PR-spin mode and by the 70's, they agreed to stop producing PCBs because of the harm. Substantial evidence in the EPA's own 1978 environmental impact statement, along with current cutting-edge research, links thyroid disease and cancer to PCBs exposure even at low levels.

Just in case you have doubts about the dangers of PCBs, here are some examples of what the PCB scientific community says about the dangers of PCBs:

- ❖ Congress banned PCBs in 1976 under the Toxic Substance Control Act as the only chemical they mandated EPA to fully remove from the environment. EPA regulation states that PCBs over 50 ppm are a serious risk to health and EPA policy says caulk must be removed. (<http://www.law.cornell.edu/cfr/text/40/761.20>)
- ❖ The legislative history of PCBs states that PCBs are “bad, hazardous, and dangerous.” (<https://archive.org/details/leehisto00unit>) (Nowhere do the regulations say that instead of removal, PCBs can be left in place and cleaned with wet rags. (Best Management Practices = using wet rags and HEPA vacuums, and washing hands frequently.) If cleaning with wet rags could remove the risk of PCBs; Congress would have made a law to clean PCBs, not a law to remove them.)
- ❖ PCBs accumulate in your body. When a teacher gets pregnant, stored PCBs transfer to the growing fetus and when nursing, PCBs are transferred in significant amount causing an array of risks. (see EPA chart attached)
- ❖ A recent letter (Nov. 2015) from Larry W. Robertson, PhD, MPH, ATS, Professor Department of Occupational and Environmental Health at the University of Iowa, College of Public Health, which has a Superfund grant from the EPA to study PCB exposure in schools:

“The great majority of PCBs in ambient air and in air of buildings is in the vapor phase NOT absorbed onto particles. Therefore removing particles from the air or surfaces, however desirable, does nothing for the PCB vapor in the air.”

(this refers to the theory that BMP's will protect teachers from exposure to PCBs)

“In our recent publication (Environ. Sci. Technol. 2015, 49, 1156–1164), we demonstrate that low levels of PCBs in the air of the schools we study (around 6 ng/m<sup>3</sup>), contribute significantly to the exposure of our school children and add to their body burden.”

(6ng is 100 times less than EPA deems acceptable for kids, 200ng, currently being used by SMMUSD is 33.3 times higher than 6ng)

“The levels at your school from Mark Katchen’s 2013 tests, show that Malibu has 2-10 times higher levels than the schools studied by us here at the U. Iowa. One of our scientists has calculated that at 100ng/m<sup>3</sup>, PCB exposure from air equals that from food borne exposure for school children. Therefore at that level, airborne PCBs will double the total PCB exposure.

There are very few inhalation studies on which the EPA can build a calculation for a Reference Concentration for PCBs. And at the moment the level is a guess, not based on any scientific work that I am aware of. Our research here in Iowa is designed to fill that knowledge gap...”

(current EPA air thresholds were derived from oral PCB studies and not inhalation studies, because there are no inhalation studies to make any safe determination of inhalation for PCBs

<http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/upload/forum2014-lehmann.pdf>)

“Please do not hesitate to contact me if you need more information, or would like copies of the papers we have produced. With best regards,

Larry”

- ❖ Dr. David Carpenter has been involved with PCBs research for decades including the contamination issue in Anniston, AL. He sits on the IARC and determines the toxicity of chemicals including PCBs. His latest research (2015) states “even low concentrations of PCBs in air constitute an important route of exposure and disease, especially if the exposure is prolonged.”

[http://mediad.publicbroadcasting.net/p/wnpr/files/201508/385\\_volatile\\_pcb.pdf](http://mediad.publicbroadcasting.net/p/wnpr/files/201508/385_volatile_pcb.pdf)

- ❖ EPA's own toxicologist, Geniece Lehman also states there are not enough inhalation studies to assess risk. Even regarding oral exposure, which is what EPA's inhalation of PCBs in schools is currently based on, she says, "There is no IRIS RfD for complex PCB mixtures in general; and the RfDs for Aroclor 1016 and Aroclor 1254 were last updated in 1993 and 1994, respectively." (so not only is EPA's air guidelines based on oral studies and not inhalation studies, but they are based on oral studies done over 21 years ago. ([http://cfpub.epa.gov/ncea/iris\\_drafts/recordisplay.cfm?deid=231623](http://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=231623)) (<http://water.epa.gov/scitech/swguidance/fishshellfish/fishadvisories/upload/forum2014-lehmann.pdf>))

Your assertion that teachers who are worried about their health should "discuss it with your doctor and report it to the appropriate authorities." is very upsetting. The CTA promises its members,

#### **"Environmental Safety**

Students and employees should be insulated from environmental pollution and hazards. School personnel, students, and their families shall be notified of potential hazards and correction plans.

#### **Safe School Environment**

All educational facilities must be smoke-free and safe from all environmental and chemical hazards"

The teachers you represent deserve an environment that is compliant with Federal law, and one that doesn't jeopardize their health. A union representing the teachers should be asking for precautionary principles to be implemented in the absence of concrete evidence to protect any further risk. After two years of disinterest in the PCB issue and the knowledge that there are violations of Federal law, will you now stand up for teachers like the Worcester, Massachusetts, Teachers Union did? When the district refused to sample the caulking, just like SMMUSD is, they took their own samples to ensure teachers worked in an environment that complied with Federal law to protect their health? ([http://www.necn.com/news/new-england/\\_NECN\\_Teachers\\_Protest\\_PCB\\_Levels\\_in\\_Worcester\\_NECN-251924651.html](http://www.necn.com/news/new-england/_NECN_Teachers_Protest_PCB_Levels_in_Worcester_NECN-251924651.html))

If you have questions or are interested in investigating further, please contact the teachers with cancer at MHS; they are well-versed in the facts. These same teachers asked for your assistance 2 years ago and are still sitting in PCB-contaminated classrooms with levels that exceed Federal law that are only exasperating their current health issues.

It is never too late to take the right path and protect those you represent. We hope that you will study all of the documents we have linked, call the experts who are unbiased in their research and use the precautionary principle to advocate for the teachers. You assert that the district's paid environmental consultants claim the school is safe, but you very well know they have a vested interest in representing a particular point of view and in this instance, that point of view is that the school, even with extraordinary amounts of cancer causing PCBs is perfectly safe just the way it is. Please do not mislead your members. You are in the business of education, please take an educated approach, use evidence and multiple sources before determining the fate of the teachers sitting in toxic classrooms that at a minimum violate Federal law but in reality may very well be the catalyst to serious health issues that will plague them for life.

Respectfully,

America Unites for Kids

On behalf of the Malibu community, students, parents and in support of the MHS and JCES teachers who have been bullied by the district into silence

These are the results of the district's March 2015 testing of the caulking. Remember that 50 ppm is a violation of law and considered a serious danger to health. Look at these numbers... (mg/kg=ppm)

Aroclor Results (mg/kg)
1,600 J
1,800 J
330
1,800
220,000 J
190,000 J
4,500
1,800 J
1,500
3,800 J
290,000
270,000
230,000
390,000
570,000
560,000
280,000
470,000
220,000
130,000
350,000
440,000
280,000
180,000



## Infant Risk Adjustment Factor

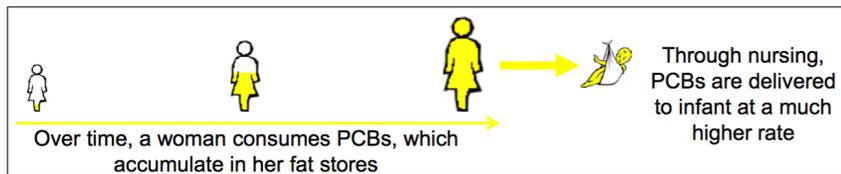
$$\text{Hazard Quotient} = \frac{\text{Calculated Exposure}}{\text{Acceptable Exposure}}$$

$$\text{IRAF} = \text{HQ}_{\text{infant}} / \text{HQ}_{\text{mother}}$$

$$\text{HQ}_{\text{infant}} = \text{HQ}_{\text{mother}} \times \text{IRAF}$$

### Calculated Infant Risk Adjustment Factors

Chemical	IRAF
DDT/DDD/DDE	2
Dioxins	2
PCBs	25



Oregon DEQ. (2010). Human health risk assessment guidance. Portland, OR: Oregon Department of Environmental Quality. Available at <http://www.deq.state.or.us/lq/pubs/docs/cu/HumanHealthRiskAssessmentGuidance.pdf>.

# Malibu Middle & High School 2015 PCB Caulk Contamination Map

PCBs First Discovered in Caulk in 2013, First Discovered in Soil in 2009  
Students and Teachers Currently Occupy Contaminated Rooms

window / door  
**CAULKING / SOURCE MATERIAL**  
PCB's OVER 50ppm

★ KNOWN TEACHERS/AIDES TREATED FOR THYROID DISEASE, THYROID CANCER OR MELANOMA (SELF REPORTED)

Blue signifies rooms where the district performed PCB testing and then limited remediation on only the windows or doors they specifically tested and found to contain PCBs over 50 ppm. Post remediation testing reveals there are still PCBs in excess of 50 ppm in rooms 5, 401 and 8. In March 2015, the district inadvertently tested, identified & remediated PCBs on the opposite side of the GYM building rather than on the side independently tested and shown to have PCBs over 50 ppm -- an office occupied by a teacher with thyroid cancer.

