Message

From: Jennifer deNicola [jen@americaunites.com]
Sent: 2/25/2015 7:18:08 AM
To: Armann, Steve [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0e0ea7a009d4d75bc7bea58747ccf9e-SARMANN]
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Subject: Re: PCB concerns at Malibu High School (AX-15-000-0377-WH)

Dear Mr. Steve Armann,

Below is your letter in response to a parent at Malibu High. Please see my comments in red.

Your response is misleading this parent. First you quote EPA's policy from the website, yet Region 9 is not even following it. The EPA knows that there is a serious contamination issue at MHS and JC based on 17 rooms tested in 10 different buildings at levels of 370,000ppm and congener 126 at 122 ppm! Then, you give an example of a PCB clean up effort in Maine and infer that EPA only enforces PCB removal during renovation, which is not true or compliant with the Toxic Substance Control Act. Renovation is not a qualification to comply with TSCA. If a school finds PCBs at **anytime** they must be removed. TSCA does not make exceptions

to leave PCBs over 50ppm in place until renovation. The absurdity of finding PCBs in Malibu Schools and then not further testing to determine the extent of the PCB contamination is sidestepping the law.

> **"If testing reveals PCB levels above these levels, schools should attempt to identify any potential sources of PCBs that may be present in the building, including testing samples of caulk and other building materials (e.g., paints, floor and ceiling tiles) and looking for other potential PCB sources (e.g., old transformers, capacitors, or fluorescent light ballasts that might still be present at the school). "**

The EPA online literature is clear, source identification should be done when air levels are above EPA guidelines. During the summer level were found high, Room 303 was at 480ng (200ng is the guideline) and instead of identifying the source, Environ cleaned again and tested; that air result was still too high. Environ couldn't figure this out and called a remediation company on the East Coast to ask how to get the air levels down. Two of three tests were **consistently** above EPA screening levels, yet Environ claims this room "needs no further action".

EPA's website recommends air testing and caulk testing to schools that have NOT already FOUND PCBs. Now that the EPA and the district KNOW there are PCBs over 50ppm, not identifying the nature and extent of PCB contamination throughout the buildings is abdicating the law.

And what about direct contact exposure which can be prevented by identification, removal, encapsulation, isolation, getting the kids out of classrooms where direct contact can occur? Yet Region 9 has not even mentioned this but Region 1 consistently addresses direct contact in all of their PCB cleanup approvals.

Room 19 at Juan Cabrillo has congener 126, the most toxic PCB, at levels of 122ppm occupied by 5-10 year olds! This level far exceeds EPA's regional screening levels. The EPA has not closed this room. Over the summer, air levels in this room were above 120ng & dust tests were above the screening level. Again this Dec, the tests were above EPA screening levels even after the district secretly cleaned the room hours prior to testing. Even when 2 of 3 tests were over the screening level, the district once again cleaned & retested until they got the results they wanted. What more evidence do you need to take action?

Here is what a PhD toxicologist says about congener 126:

> "With regards to the toxicity of PCB 126, the scientific literature demonstrates that it is extremely toxic - causing alterations in hormone production, disruptions in cellular processes, and altered gene expression. Given the nature of the toxicological mechanisms leading to health effects, complete pathways of exposure, and presence of PCB 126 at high levels in the caulk, I believe that the high concentrations of PCBs in the caulk would present an unreasonable risk to children, teachers, and pregnant women at the school."

A great example of what EPA region 9 should require in Malibu is the EPA approved PCB remediation plan from Fairfield, CT. http://archive.fairfieldschools.org/downloads/Osborn%20Hill%20-%20PCB%20Abatement%20Plan%20Approval%20by%20the%20USEPA.pdf

Please reply in a timely manner.

Respectfully,

Jennifer deNicola
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"Children's right to a great education includes the freedom to learn in an environment that does not jeopardize their health"

On Oct 21, 2014, at 8:37 AM, Armann, Steve wrote:

> Dear Ms. Marcellino:
> Thank you for your email addressed to the Vice President of the United States on September 18, 2014 requesting that EPA consistently implement the Toxic Substances Control Act (TSCA) Polychlorinated Biphenol (PCB) regulations and standards for schools in every state. I have been asked to respond to your concerns.
> US EPA Region 9's approach to the PCB issues at Malibu High School is consistent with national guidelines and recommendations. SMMUSD is not consistant with national guidelines, they have not even followed BMPs correctly. EPA's national guidelines for PCBs in Schools is generally outlined in the fact sheet, "Preventing Exposure to PCBs in Caulking Material" (available athttp://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/caulk/pdf/caulkexposure.pdf). The fact sheet summarizes the key national recommendations such as:
>
> - Cleaning and proper maintenance of ventilation systems, thorough and frequent cleaning of surface areas to minimize exposures; and Ventilation has not been done
> - "Testing to determine if PCB levels in air exceed EPA's suggested public health levels. If testing reveals PCB levels above these levels, schools should attempt to identify any potential sources of PCBs that may be present in the building, including testing samples of caulk and other building materials." When levels have come up high, the district has not identified the source. And air testing is a recommendation to schools that have NOT already tested for PCBs and FOUND them. Now that the EPA and the district KNOW that there is a PCB problem, NOT identifying the nature and extent of PCB contamination throughout the buildings and materials that have already been identified is abdicating the law.

Other key National EPA recommendations are isolation of the caulking to prevent direct exposure in the short term before full removal can occur and keeping kids away from PCBs....

> EPA also recommends that schools remove PCB containing caulking material during building renovation or demolition. A number of schools in EPA Region 1 (Northeastern United States) area have removed PCB containing caulk as part of renovation and upgrade projects. One school some have raised as an example of national inconsistency is the Lake Regional High School in Maine. I have attached a link to an announcement by the Superintendent of Lake Regional Schools where he clearly states that the PCB containing caulk was found and is being removed as part of a window renovation project (http://www.lakeregionschools.org/announcements/windowabatement).

However is a school finds PCBs at anytime, once they are discovered they must be removed. TSCA does not make exceptions to leave PCBs over 50ppm in place until renovation. The above example in Maine, does not

apply they way you have tried to compare it to Malibu. The absurdity of finding PCBs in Malibu and then not testing to determine the extent of the PCB contamination is sidestepping the law and defies logic.

> The Santa Monica-Malibu Unified School District (SMMUSD) took action this summer consistent with EPA national guidance. All rooms at MHS have been thoroughly cleaned and extensive air and surface testing has been conducted. The results of the testing has shown that **the primary exposure pathways, air and surface dust**, are now below levels of concern and the school is safe to occupy. Please see the attached letter from EPA to the SMMUSD containing more details on our findings.

You have conveniently forgotten to address direct contact and ingestion from direct contact as well as the highly toxic nature of PCBs at 370,000 ppm. Do you even know where the PCBs are to ensure avoidance of direct contact? Removal is the law, but how have you addressed this in the short term? Did you know kids are licking the caulking as a inside joke on the campuses? Now you do, what are you, the EPA, going to do about it?

> Finally, when testing of caulk or other building materials in structures being used show PCBs are present at or above 50 ppm, the TSCA PCB regulations in 40 CFR 761 require that the PCB-containing material be removed. On September 26, 2014, the Santa Monica-Malibu Unified School District (District) submitted a supplement to their original cleanup plan where they agree to remove all known and verified PCB containing caulk (equal to or greater than 50 ppm) within 10 months. They also agreed to remove any newly discovered PCB containing caulk within one year after discovery **and verification.**

There is no legal basis for the word verification in TSCA. When a valid test (EPA A certified lab using EPA approved testing) shows PCBs over 50ppm it is a violation in law and must be removed. PCB contamination waste surrounding the PCB source must also be brought into compliance to 1ppm. Once again, the absurdity of finding PCBs in so many rooms and then not testing to determine the extent of the PCB contamination in the entire building is sidestepping the law, defies logic and is highly irresponsible for a Gov't agency, especially when kids are involved!

Where is the peer reviewed scientific evidence of health effects and dose response to inhalation of PCBs at low levels? What about the peer reviewed scientific evidence of health effects risk to women in their child bearing years, pregnant or nursing, do you have dose response and human studies to justify any exposure to this sensitive group?

THERE IS NO JUSTIFICATION FOR AN OUNCE OF RISK TO OUR CHILDREN'S HEALTH, NOT EVEN FOR ONE DAY. 122 PPM OF PCB CONGENER 126, THE MOST TOXIC OF PCBS, IDENTIFIED IN CLASSROOMS WHERE SPECIAL NEEDS CHILDREN OCCUPY!

WHAT ARE YOU GOING TO DO? DUSTING IS NOT REMEDIATION.

> If you have any questions please contact me by phone at 415-972-3352 or email at Armann.Steve@epa.gov.

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