

AMERICA UNITES FOR KIDS
DEMANDS ANSWERS “NOT SPIN” FROM THE
SANTA MONICA-MALIBU UNIFIED
SCHOOL DISTRICT

<https://lawofficesofbarryfagan.wordpress.com/2015/07/23/america-unites-for-kids-demands-answers-not-spin-from-the-santa-monica-malibu-unified-school-district/>

On July 23, 2015 America Unites for Kids demanded the following answers from the Santa Monica-Malibu Unified School District:

[America Unites for Kids](#)

Dear Gail Pinsker: (SMMUSD’s Public Relations Officer)

We are disappointed in you taking the time to point us to irrelevant documents that do not have the answers to the questions we asked. This is not acceptable. School starts in 1 month and parents have a right to know what our children are being exposed to. You have a duty as a public agency to provide us transparent and accurate information. None of the information we requested is privileged information that the district can keep to themselves.

1. The district has the PCB test results for SaMo and Olympic, making excuses not to share them is unacceptable. Where are they and what are the results?
2. What PCBs were removed from room 1, 5, 8, library and wood shop room? Was it just a window? All the windows? Just the door frame? Did they remove all the windows and all the door frames in the entire building? These documents you pointed us to do not answer these questions.
3. What was done in the 10+ other rooms the district tested in March 2015 that showed 24 of 24 caulk tests with PCB results up to 570,000ppm? Did you remove all the caulking in these rooms or are you planning on putting kids back in those rooms for another year?
4. The Q & A from May 2015 is just a PR spin with no facts! As I said before, we are a sophisticated group of parents that see right through this. We do our research, we have a far reach of contacts and we cannot be bamboozled by PR and lies. Please stop pointing to this document.

5. Where is the plan given to the remediators so they knew what PCBs to remove? That would tell us what was removed in each room and what rooms were remediated? If they did the work already, then you must have this document?

6. What company did this remediation work? Someone is getting paid, who is it? And how much?

7. The district is required to get bids for projects, where are they? (And none of us are willing to go through BOE meeting video as you suggested to see if they are there.) Please provide them to us.

8. Your Q&A asserts that PCBs over 50 ppm can be left in place. This is not accurate. The law is clear, PCBs over 50 ppm must be removed... immediately. Every inch of caulking does not need to be tested to verify there are PCBs. Based on standard building practices is reasonable to assume that all like-caulking in the same building contains PCBs. This fact has already been proven accurate in our schools: building G is an example.

9. The plan you pointed us to and the Q & A inaccurately states PCBs over 50 ppm can be managed in place illustrating that the district is blatantly disregarding the law and the EPA directive in the Oct 31, 2014 approval which says PCBs over 50 ppm are an unauthorized use and must be removed.

10. Your Q&A incorrectly states that MHS had no air levels above EPA's levels. When in fact, as an example, MHS had air samples that exceeded 300ng in the Music room but rather than look for the source, they instead cleaned again. Yet the air was still high. So guess what, they cleaned again rather than look for the source. It took numerous cleanings to get one test result below 200ng, Environ then claimed the music room is now safe!?! Seriously? 3 tests are bad and 1 test is okay. We are educating kids here, and even they would know that if 75% of the tests failed that would make the room NOT SAFE and require identification of the source. Even when SMMUSD exceeds these thresholds they deem so important, they do not do anything about it! They are not looking to solve the problem, they are looking to manufacture evidence, even false evidence, as an excuse to do nothing! Even when 570,000ppm of PCBs was found in building G and the soil surrounding the building had to be removed, the district left children in the building and they still refused to test the whole building or remove all the caulking! Is there any threshold, any level of PCBs that would trigger the district to care enough about the kids and get them out of the buildings until they remove all the PCBs?

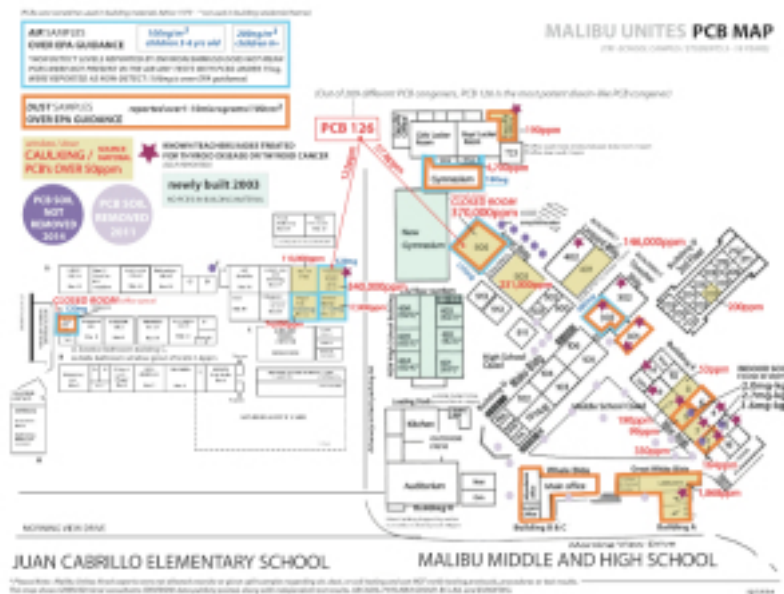
11. Now for the 3rd year in a row, SMMUSD is going to knowingly put kids in PCB contaminated classrooms and pretend that if they did not test the material

themselves, then it doesn't, couldn't possibly, contain cancer causing, neurological, endocrine and developmental disrupting, toxicants that can have serious impacts on the children mandated to sit in these classrooms for 7 hours a day. Are we back to covering our eyes to pretend something that is there really isn't because we can't see it?

Shame on you and the district for continuing to attempt to bamboozle the parents and spending our hard earned tax dollars on lawyers and PR and outrageous and ineffective testing.

This Malibu High School and Malibu Middle School along with Jaun Cabrillo's campus map highlighting testing results of toxins and presence of illness (thyroid cancer, thyroid disease and nodules) paints a pretty convincing picture of the harm already caused. (The three teachers with thyroid cancer all taught in classrooms with toxic illegal levels of PCB in caulk or with wipe samples considered "PCB Contaminated" under the PCB Regulations. As of today, at least three student alumni have also been diagnosed with thyroid cancer. There are also at least 14 known cases of thyroid disease among teachers, and three cases of melanoma or pre-melanoma (a cancer which is also associated with exposure to PCBs) among teachers and former teachers, as well as other serious health problems.)

If the classroom has no color coding, then the caulking has not been tested.



See SMMUSD's July 21, 2015 letter in response to SMMUSD Parents' Demand for Answers:

<https://lawofficesofbarryfagan.files.wordpress.com/2015/07/lucas-denicola-072115-1.pdf>

Malibu Parents' Response to the SMMUSD:

1. On July 22, 2015 Malibu Parent Jeff Kletter stated the following in response to the SMMUSD's July 21, 2015 letter containing misleading information:

Hello Gail Pinsker,

It seems that letters, comments, begging for honesty and help for our community, are NOT working and falling on deaf ears with SMMUSD.

I read your response dated July 21, 2015. Your first paragraph states you understand parents and community members have questions regarding PCB removal (as you are acknowledging there are PCB's) can you give us all the details on the PCB's being removed, I'm sure you had to test to find the extent and where to start.

Then the second paragraph, "The district is committed to making this process transparent". Just so we are all on the same page, definition of

Transparency from Merriam-Webster:

t : the quality of being transparent: such as

a : the quality that makes it possible to see through something

- the *transparency* of a piece of glass

b : the quality that makes something obvious or easy to understand

- the *transparency* of their motives
- He says that there needs to be more *transparency* in the way the government operates.

PLEASE provide transparency, SMMUSD has known about the PCB issue for years and there has been little to none in regard to real transparency.

I could go on but you know what's really happening and we'd all like the same information. I am shocked, no, beside myself and very concerned about the safety of the children, so I'm trying to figure out why this issue has not been dealt with properly. This is our community, our children, your teachers, but it seems that there is no feelings towards anyone here. September 8th??? Schools back in session and we don't know what you've done or stirred up and we are all concerned.

If you are not concerned or worried about your remediation measures, why not come work out of the MHS location for the next year? We'd welcome hanging out with you and Sandra Lyon (and of course your children, if you have them and they are in middle or high school).

Regards,

Jeff Kletter

2. On July 22, 2015 Malibu Parent Josh Malina stated the following in response to the SMMUSD's July 21, 2015 letter containing misleading information:

Ms. Pinsker,

Your response is an astonishing pile of bs, almost wholly devoid of substance. The fact that two years (and 6 million dollars of legal fees) into this mess, the district cannot provide clear answers to the community's urgent questions, boggles the mind.

My wife and I have had such a crisis of confidence in Sandra Lyon and the other "leaders" whose job it is to keep our kids and teachers safe, that we have pulled our son out of school, and are considering moving from Malibu altogether.

It baffles me that there are still parents who feel comfortable sending their children to a school with known areas of extreme toxicity, and other areas where there's simply no good information, especially when our representatives appear to be dead-set against a thorough examination and remediation of the matter.

Rest assured that many of these parents are ignoring the little voice in their heads that says "There's something very wrong here." But no doubt there is, and at some point the district will simply have to deal with it.

In the meantime, let me add my voice to the chorus of people who find you and those you represent a thorough disgrace.

Sincerely,

Joshua Malina

"You can fool all the people some of the time and some of the people all the time, but you cannot fool all the people all the time."

It's time to fire Superintendent Sandra Lyon

<https://lawofficesofbarryfagan.wordpress.com/2015/07/04/it-is-time-to-fire-the-santa-monica-malibu-unified-school-districts-superintendent-sandra-lyon/>

**Email the Santa Monica Unified School District's Board of Education:
brd@smmusd.org**