



SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

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NEWS RELEASE**

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Federal Judge Approves Malibu Campus Modernization Plan
Modernization projects began this summer

Santa Monica, CA – U.S. District Court Judge Percy Anderson of the Central District of California today validated the approach taken by the Santa Monica-Malibu Unified School District to modernize two of its Malibu campuses. The modernization of Malibu High School and Juan Cabrillo Elementary School, which began over the summer break, includes construction of two new buildings, technology upgrades, and the replacement of pre-1979 windows and doors in several buildings that have been the subject of concerns about the presence of polychlorinated biphenyls (PCBs) in caulk. The decision answers questions regarding the district's management of caulk.

"We respect the court's determination in this case," Board of Education President Laurie Lieberman said. "With the planned modernization already in the works at Malibu High School and nearly complete at Cabrillo, which is the court's endorsed remedy, we're very pleased to now turn back to our primary purpose of providing quality education for our students."

The case began on March 23, 2015, when America Unites for Kids, a group of Malibu community members, and Public Employees for Environmental Responsibility, a Washington, D.C.-based lobbying group, filed suit against the district. *America Unites, et al. v. Sandra Lyon, et al.*, Case No. 2:15-cv-02124.

The lawsuit alleged that the defendants, who are the officers and directors of the District, had violated the Toxic Substances Control Act (TSCA) and its implementing regulations by using caulk around windows at Malibu High School and Juan Cabrillo Elementary School—two of the District's 16 campuses—that contained PCBs in excess of 50 parts per million. The district has worked closely with the Environmental Protection Agency (EPA) regarding management of PCBs and materials potentially containing PCBs on both campuses. Under EPA oversight, significant investigation and testing was undertaken. Those exposure tests of the air and dust at the two schools show that classrooms are safe for students and staff; and that, in accordance with EPA policy, no further testing of caulk or other building materials is needed. While the court concluded that it is likely that additional caulk contains PCBs in excess of TSCA's permitted limits, the court concurred that there was no need for a costly caulk removal operation in light of the planned modernization. The EPA has been involved in oversight of PCB issues at the two

campuses since 2013 and has confirmed the District's approach. The court concurs in the EPA's approach and policy regarding the management of PCBs in building materials.

Both campuses, which include buildings originally constructed in the 1950s and 1960s, are undergoing a planned modernization project using Measure BB and Measure ES funds. Among many planned upgrades, this project will result in the demolition of two buildings on the high school campus and their replacement with new buildings, as well as of the replacement of the middle school building on the high school campus, and modernization of pre-1979 windows and doors across both campuses. Construction for the modernization project began this summer, and the District anticipates that all window and door replacements, as part of the modernization project at the two schools, will be completed within the timeframe required by the court, December 31, 2019. Modernization at Juan Cabrillo Elementary School is complete, except for the F building, with completion expected during this semester.

For modernization and construction project fact sheets please visit:

Malibu High School: <http://fip.smmusd.org/pdf/ProjectFactSheet-Malibu.pdf>

Juan Cabrillo Elementary School: <http://fip.smmusd.org/pdf/ProjectFactSheet-Cabrillo.pdf>

The Santa Monica-Malibu Unified School District is headquartered in Santa Monica and serves the diverse coastal communities of Santa Monica and Malibu. It is located in Los Angeles County and serves 11,000 students in pre-school through 12th grade in 16 schools and several child development centers.

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