

MEMORANDUM

To: Burlington Board of School Commissioners
From: Tom Flanagan, Superintendent
CC: Nathan Lavery, Lauren McBride, Jason Gingold, Bobby Riley
Date: December 7, 2021
Subject: New PCB Action Levels & Impact on BHS/BTC Project

Purpose: The purpose of this memo is to provide an update on the newly released polychlorinated biphenyls (PCBs) School Action Levels (SALs).

Background: The Vermont Department of Health (VDH) released new [PCB State Action Levels](#) in mid-November, 2021. These action levels differ from the pre-existing Screening Levels that served as the basis for guidance provided to BSD by VDH but do not change our need for a new building for BHS/BTC.

New action levels:

	Pre-Kindergarten	Kindergarten to Grade 6	Grade 7 to Adult
School Action Level	30 ng/m ³	60 ng/m ³	100 ng/m ³

Implications: Following receipt of these new action levels, BSD met with staff from VDH, the Vermont Department of Environmental Conservation (DEC), and the U.S. Environmental Protection Agency (EPA) to begin to understand the impact these new SALs may or may not have on the BHS/BTC project. We also submitted a list of questions and were told we would receive answers to those questions by Dec. 3, 2021.

The meeting clarified for us that the new SALs do not automatically mean that the 52 Institute Road campus can be re-occupied, nor do they change our need for a new building for BHS/BTC.

First, even though the SALs allow for more nanograms of PCBs per cubic meter, nearly 30% of the spaces [randomly sampled in 2020](#) were at or above the new SAL thresholds.

Second, the SALs refer only to concentrations of PCBs in the indoor air; they do not apply to the PCB-containing materials in the building, which are regulated by EPA and DEC. Therefore, the SALs do not provide BSD with any relief from our current obligations (under State and Federal regulations) to properly remove and dispose of the significant volume of these unauthorized materials on campus. Simply put, because we know of their existence, BSD has been, and remains, required to properly remove and dispose of many of these regulated materials regardless of the SALs and whether or not the buildings will be occupied or demolished.

We also confirmed that it may be possible to use more of the building than is currently being occupied. However, before we were to reoccupy any additional spaces, we would need to consult with the environmental agencies regarding specific plans and conduct additional testing, abatement, and, in some cases, possibly reconstruction. We have asked our Environmental Consultants to review the new SALs and provide an opinion as to whether increased occupancy to support District needs would be a potentially viable option. Continued use under the current occupancy plan will continue to require periodic air testing, although perhaps with less frequency since previous test results have been below the SALs.

More time will be necessary to fully understand the impact of the new SALs and VDH will be publishing guidance further on how to utilize the SALs. **However, our initial assessment indicates that the new SALs alone do not make immediate or full-scale re-occupancy of the 52 Institute Road campus possible.**