

Finally, a Chance to Clear the Air at Beverly Hills High

**After a year of allegations, a state official will hold hearings
into possible health risks at the school.**

COMMENTARY

By Joy Horowitz

Zack Anderson is a brainiac at Beverly Hills High School, a hip science nerd who won first place at the Los Angeles Science Fair last year for his robot that detects obstacles via sonar and zips by them. To overcome another set of obstacles, Anderson also masterminded beverlyunderground.com.

The website is a direct response, he says, to censorship of Beverly High's student newspaper, and to what he sees as efforts over the last year to quash public debate about environmental hazards posed by the flower-painted oil wells on campus and the Century City power plant next door.

"The school is kind of going along with the city, and trying to cover it up," according to Anderson. "They say, 'Everything's healthy and safe. Don't panic.' It's like propaganda."

Brainwashed in Beverly Hills sounds like a new zombie flick. But just how thoroughly hoodwinked the population has been may be revealed today. After a year of legal shenanigans and dueling "information" campaigns, state Sen. Deborah Ortiz (D-Sacramento) is holding public hearings in Los Angeles to investigate possible contamination at the school.

The potential problems at Beverly High came to light via the sleuthing of va-va-voom paralegal Erin Brockovich and her bombastic boss, lawyer Ed Masry. They are pursuing litigation against Beverly Hills, its school district and a host of deep-pocketed oil and gas companies — including Chevron-Texaco; Sempra, the parent company of Southern California Gas that runs the giant heating and cooling plant in Century City; and Venoco, the oil well operator at the school.

Brockovich and Masry contend that the oil wells and power plant have been illegally spewing pollutants on schoolchildren for decades. There's also the potential for methane explosions (remember Belmont High?). Now, 376 former students, faculty and residents have claimed in court that their cancers were negligently caused by exposure to chemicals and heavy metals. More than 500 others are suing for related health problems.

Viewing the allegations as pure hokum perpetrated by a couple of extortionists, Beverly Hills has held firm: No town hall meetings; no parent oversight committees; no independent investigation.

Indeed, the City Council and school district, apparently more anxious to defend against a lawsuit than serve the people, have embraced a campaign of spin and evasion: They hired a PR firm, created a website and enlisted the services of a cadre of take-no-prisoners defense lawyers to malign Brockovich's credibility and to insist that the high school is safe — spending nearly \$300,000 a month last year to do so. One such monthly allotment could pay for a decent, independent epidemiological study, which might help resolve questions about excess cancers among alumni. Instead, Beverly Hills has spent tax dollars hiring experts who give the school's air and soil a clean bill of health now.

No matter the outcome of the litigation — which is unlikely to be resolved until at least next year — the most glaring civic questions go unanswered: Where are the watchdogs? If questions about safety persist at Beverly High, one of the state's richest public schools, what does that say about safeguarding the rest of California's schools?

In many ways, Beverly High symbolizes the utter failure of California's regulatory scheme to keep kids safe. The fact is that two industrial facilities — the EPA defines one of them as a "major" source of air pollution — are just a few feet from the campus and have gone virtually unregulated for years.

The state Department of Toxic Substance Control was created to assess school sites but it is funded to monitor only new schools; existing schools must pay for a checkup. Beverly Hills, which sees such testing as possibly handing evidence to Masry & Co., won't pony up. (The city has good lawyers, an official of the department said, so "they know they don't have to.")

More troubling is the role of the South Coast Air Quality Management District, the air pollution monitoring agency, which had never monitored the air at Beverly High until that fact was revealed on TV last year. Venoco was denied an operating permit by the AQMD last April when leaks of benzene near the school were detected at as high as 950 parts per million — which created a cancer risk eight times the legal limit.

And yet the AQMD's attorneys continued to seek loopholes for Venoco. One suggested in an e-mail that the benzene concentrations be considered "baseline" as a way to avoid doing an environmental impact report. Venoco was fined just \$10,000 in October for violating air emission rules and is now back online, promising new monitoring systems and a health-risk assessment. Once that civil penalty was imposed, efforts by the district attorney to prosecute were trumped by a double-jeopardy provision in state law favoring corporate polluters.

Money, of course, has everything to do with the current imbroglio. In 1978, when voters passed Proposition 13 and public school funding was slashed, the Beverly Hills City

Council amended its municipal code to expand drilling at the high school in exchange for millions of dollars in royalty payments.

A devil's bargain? Maybe. Especially when no one — not the city or its school district, not Los Angeles County, not the state of California, not federal health and environmental agencies — has paid much attention to protecting schoolchildren.

"It is clear," Zack Anderson wrote in a column on his website, "that all is well is simply not the case." Can the Ortiz hearings energize the watchdogs? Maybe Ortiz should follow the Bard's advice: "The first thing we do, let's kill all the lawyers."

Joy Horowitz, a former Times staff writer, is writing a book for Viking/Penguin about environmental concerns at Beverly Hills High School, her alma mater.