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6 KEEP TURF SAFE

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego

**02/01/2017** at 08:00:00 AM  
Clerk of the Superior Court  
By Tamara Parra, Deputy Clerk

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN DIEGO, CENTRAL DIVISION  
10

11 KEEP TURF SAFE

12 Petitioners and Plaintiffs,

13 vs.

14 SAN DIEGO UNIFIED SCHOOL DISTRICT

15 Respondents and Defendants  
16  
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19  
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Case Number: 37-2017-00004045-CU-TT-CTL

VERIFIED PETITION FOR WRIT OF  
MANDATE AND COMPLAINT FOR  
DECLARATORY RELIEF UNDER THE  
CALIFORNIA ENVIRONMENTAL QUALITY  
ACT (CEQA)

21  
22 **INTRODUCTION/SUMMARY**

- 23 1. This action challenges the decision by San Diego Unified School District (“*Respondent*”) to install  
24 artificial turf at San Diego public schools (“*Field Turf Project*”) over the course of a period of  
25 unknown years. Specifically, the artificial turf fields that *Respondents* are installing in San Diego  
26 public elementary schools consist of recycled tires that are ground to a sand-like consistency. This  
is known as tire crumb turf.

27 KEEP TURF SAFE V. SAN DIEGO UNIFIED SCHOOL DISTRICT  
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- 1 2. Studies have shown elevated risks to human health from playing on fields made with tire crumb.  
2 Evidence readily available illustrates an unusually high incidence of cancer among young soccer  
3 goalies across the United States who have played on tire crumb turf.
- 4 3. The *Field Turf Project* is in violation of the California Environmental Quality Act (“CEQA”),  
5 Public Resources Code §21000 et seq., the CEQA Guidelines, title 14 California Code of  
6 Regulations, §15000 et seq., and the State Planning and Zoning Law, Government Code §65300 et  
7 seq.
- 8 4. For purposes of this action, the mass installation of tire crumb turf at San Diego public schools will  
9 be referred to as the *Field Turf Project*. This is because *Respondent* has not been forthcoming about  
10 when the decision was made to install tire crumb turf at schools in San Diego, whether the decision  
11 is being made on a case-by-case basis, or whether it is one large project or a series of smaller ones.  
12 However, the use of “tire crumb” itself has not been voluntarily revealed by *Respondent* to the  
13 public. *Respondent* did release a list of schools scheduled for field updates, but has not publicly  
14 identified which ones will use tire crumb (See Exhibit A).
- 15 5. With respect to the *Field Turf Project* at large, *Respondent* did not prepare an environmental impact  
16 report (EIR) pursuant to CEQA’s minimum standards. In fact, *Respondent* did not prepare an EIR  
17 at all. *Respondent* also failed to file a Notice of Exemption (NOE) or Notice of Determination  
18 (NOD) or engage in appropriate and open environmental review prior to commencing this project,  
19 or projects.
- 20 6. With respect to the recent installation of tire crumb turf at Silver Gate Elementary (completed  
21 January 2017) and Euclid Elementary (completed September 2016) no evidence of environmental  
22 review was produced by *Respondent* and provided for public comment. Furthermore, in the draft  
23 environmental impact report available for Wilson Middle School and Central Elementary School,  
24 currently open for review, *Respondent* notes that the project involves the installation of an artificial  
25 turf field but there is no mention of the material to be used. This omission is misleading and a  
26 violation of CEQA. The draft EIR should mention the use of tire crumb turf.
- 27 7. All documentation available on *Respondents’* website  
28 <http://www.boarddocs.com/ca/sandi/Board.nsf/Public> pertaining to the *Field Turf Project*, fails to  
make any mention of the dangers posed by tire crumb turf.
8. Petitioners only came to know of tire crumb turf when it was installed at Loma Portal Elementary  
School and students were noticeably covered in little black specks (pieces of tire). Further concern  
was raised when the students began collecting and throwing the little black specks at each other.

- 1 9. *Respondent* is continuing to install this artificial tire crumb turf at schools in San Diego. *Respondent*  
2 has not issued adequate environmental review for the *Field Turf Project* at large, let alone on a  
3 school by school basis. The public at large is not aware that the artificial turf being installed in  
4 schools in San Diego is made of recycled tires.
- 5 10. The tire crumb poses a risk and contains heavy metals, known carcinogens and other toxic  
6 substances. Despite this, *Respondent* is happy to allow San Diego's young children to roll on these  
7 fields, eat and drink on these fields (risk ingestion), collect tire crumb pellets, and take home pieces  
8 of tire.
- 9 11. The tire crumb turf also poses a risk to other animals and plants via runoff water. This concern  
10 came to light during the third week of January 2017 when strong rains hit San Diego. At Silver  
11 Gate Elementary, the tire crumb turf particles were dispersed and sent into nearby drains leading  
12 to Catalina Boulevard and into storm drains.
- 13 12. The tire crumb turf was installed at Euclid Elementary in September of 2016. The first day that the  
14 artificial tire crumb field was opened, 44 students were sent to the school nurse for heat exhaustion  
15 after playing on the tire crumb field. Recycled tire material gets dangerously hot and emits fumes.
- 16 13. The tire crumb turf was installed at Silver Gate Elementary between September 2016 and January  
17 2017.
- 18 14. *Respondent* is not disclosing the material or dangers used on the *Field Turf Project* to the public.  
19 Petitioners discovered the material by chance, personal research and concern.
- 20 15. *Respondent* did not consider alternative types of artificial turf despite the availability of natural  
21 alternatives such as cork.
- 22 16. The Los Angeles Unified School District has declined from laying synthetic turf made from tire  
23 crumb over health concerns. The New York City Department of Parks and Recreation also declines  
24 tire crumb turf. The Environmental Protection Agency is currently studying tire crumb turf over  
25 concerns. **Elliot Kaye of the U.S. Consumer Product Safety Commission (CPSC) stated at a  
26 Congressional Committee meeting that the CPSC does not endorse tire crumb turf as safe for  
27 children to play on (May 19, 2015).**

## 28 PARTIES

17. Keep Turf Safe is an unincorporated group of parents and educators in San Diego dedicated to  
keeping playing fields at San Diego public schools safe. The members of Keep Turf Safe consist

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1 of parents from San Diego's public schools, many of which have already had the tire crumb  
2 installed or are on the list to have it installed.

3 18. Petitioners and their respective members have a direct and beneficial interest in San Diego's  
4 compliance with CEQA as their children will be playing on tire crumb turf for the duration of their  
5 educational years.

6 19. *Respondent*, San Diego Unified School District is responsible for ensuring the education of children  
7 within its district. *Respondent* is the lead agency for purposes of conducting environmental review  
8 and approving this Project.

9 20. Petitioners do not know the true names of respondents DOES 1 through 20 and therefore sue said  
10 respondents under fictitious names. This Petition will be amended to reflect true names and  
11 capacities when they are known. Each of these respondents is an agent or employee of *Respondent*.

### 12 JURISDICTION AND VENUE

13 21. This Court has jurisdiction over this action pursuant to California Code of Civil Procedure sections  
14 1085, 1094.5, 1087 and 526 of the California Code of Civil Procedure, and Public Resources Code  
15 sections 21168 and 21168.5. This Court has the authority to issue a writ of mandate directing  
16 *Respondent* to cease from installing the turf at schools and to engage in proper CEQA  
17 environmental review.

18 22. Venue for this action properly lies in the Central Division of the San Diego Superior Court because  
19 Respondents and the *Field Turf Project* are located in San Diego County. This is pursuant to Code  
20 of Civil Procedure sections 394 and 395. The *Field Turf Project* is taking place in San Diego and  
21 all the students whose health is at risk are located in San Diego.

22 23. Petitioners have fulfilled Public Resources Code section 21167.5 by serving a written notice of  
23 Petitioners' intention to commence this action on *Respondent* on January 27, 2017. A copy of this  
24 written notice and proof of service of attached hereto as Exhibit B.

25 24. Petitioners have complied with the requirements of Public Resources Code section 21167.7 by  
26 sending a copy of this petition to the California Attorney General on January 28 2017. A copy of  
27 the letter transmitting this Petition is attached hereto as Exhibit C.

28 25. Petitioners will comply with the requirements of Public Resources Code section 21167.7 by filing  
a notice of Petitioners' election to prepare the records of administrative proceedings relating to this  
action.

26. Petitioners have exhausted any and all administrative remedies to the extent required by law.

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1 27. Petitioners have no plain, speedy, or adequate remedy on the course of ordinary law and therefore  
2 request that this court grant this writ of mandate.

3 **STATEMENT OF FACTS**

4 28. Propositions S and Z are bond programs funded by San Diego Unified School District that were  
5 voter approved in 2008 and 2012 respectively.

6 29. These bond measures fund San Diego Unified School Districts' capital improvements.

7 30. The funds are used to repair, renovate and revitalize district schools through various improvement  
8 projects. One such project is updates to turf fields at San Diego elementary schools.

9 31. At some unknown date, *Respondent* began implementing a *Field Turf Project* and San Diego  
10 elementary schools began receiving updates to their athletic fields under this capital improvements  
11 plan. This *Field Turf Project* did not indicate which fields would be using artificial turf as opposed  
12 to natural turf. At no point was it revealed that tire crumb turf would be used as an artificial field.

13 32. In the Fall of 2015 Petitioners noticed school children at Loma Portal playing with little black  
14 specks from the school's newly installed artificial turf. This later was found out to be tire crumb.  
15 Children were collecting the tire crumb and throwing it at each other. They were also ingesting  
16 food and drink simultaneously without washing their hands. Petitioners note that the children were  
17 covered in the little black specks.

18 33. This sparked concern and Petitioners began researching tire crumb turf. This revealed an  
19 investigation into the health and safety concerns of tire crumb turf revealing a link between regular  
20 exposure to the tire crumb turf and cancer. Tire crumb turf is made up of recycled tires and contains  
21 chemicals such as benzothiazole and carbon black.

22 34. Los Angeles Unified School District declines from installing tire crumb turf out of the above  
23 concerns. The EPA is also conducting an investigation. The **U.S. Consumer Product Safety  
24 Commission (CPSC) does not endorse the tire crumb turf as safe for children to play on.**

25 35. In March 2016 Petitioners received notice that Silver Gate Elementary would be receiving a new  
26 artificial turf field. Petitioners made several phone calls and emails and eventually uncovered that  
27 the intended field would be tire crumb turf.

28 36. In April 2016 the parents of Silver Gate Elementary held a parent meeting out of concern.

1 37. By May 2016 Keep Turf Safe had obtained the signatures of over 200 parents at Silver Gate  
2 Elementary objecting to the tire crumb turf installation over health and safety concerns. This was  
3 in turn presented to *Respondent*.

4 38. In response to the concerns of parents at Silver Gate Elementary, *Respondent* prepared a letter  
5 stating that the CSPC declared the tire crumb turf as safe (see Exhibit D). This is misleading  
6 because on May 19, 2015 the CSPC DURING PUBLIC HEARINGS announced that they DO  
7 NOT endorse the tire crumb turf as safe for children to play on. This further evidences that  
8 *Respondent* did not perform a thorough environmental review, but alternatively reacted when  
9 concerned parents unveiled lack of environmental review.

10 39. *Respondent* did not issue a Notice of Determination or a Notice of Exemption with respect to  
11 Silver Gate (or the project at large – *Field Turf Project*) so it is unclear when the decision to  
12 continue the project was in fact made. No formal decision appears to have been made for the  
13 Silver Gate project, or other projects to proceed. And in the event that the formal determinations  
14 were made, they have not been supplied to Petitioners who have requested the environmental  
15 review documents in this instance. Furthermore, the public was not made aware of the possible  
16 dangers of tire crumb turf or even that the tire crumb turf could be used.

17 40. The use of tire crumb turf and the hazards has come to light because of the curiosity and concern  
18 of parents at San Diego elementary schools.

19 41. In September 2016 installment of tire crumb turf began at Silver Gate Elementary. This came  
20 without notice of final approval for construction. The project was completed in January 2016.

21 42. Further field updates are scheduled at other San Diego elementary schools but it is not known  
22 which are scheduled for tire crumb installation.

23 **FIRST CAUSE OF ACTION: CEQA VIOLATIONS**

24 43. The purpose of CEQA is to safeguard the environment from harm caused by public (or private)  
25 decisions. In order to achieve this end, CEQA requires projects with significant environmental  
26 impacts to prepare environmental impact reports (EIR).

27 44. Pursuant to CEQA, EIRs should provide sufficient information such that:

- 28 a. decision makers can make reasoned conclusions regarding the environment;

- b. viable alternatives and environmental impacts are considered;
- c. the community has an opportunity to be informed, participate and comment;
- d. thresholds of significance are considered; and
- e. feasible mitigation measures are weighed.

45. Pursuant to CEQA if a project cannot be mitigated to a less than significant environmental impact but a feasible alternative exists, then the feasible alternative must be pursued.

46. Here, *Respondent* did not engage in the CEQA environmental review process for either the *Turf Field Project* across all San Diego elementary schools or the tire crumb turf installations at Silver Gate or Euclid Elementary. There is no draft EIR, Notice of Exemption, Notice of Determination and absolutely no mention of tire crumb turf as the artificial turf of choice. The use of tire crumb turf is a hazard to children but also poses a danger to animals and plants due to water run-off and contamination.

47. *Respondent* has not supplied the public with an adequate description of the tire crumb turf installation other than noting that it is “artificial turf.”

48. In not participating in any form of environmental review, *Respondent* has failed to attempt to mitigate any hazards posed by the tire crumb turf. As evidenced by the September 2016 incident at Euclid Elementary, the tire crumb turf is a hazard on excessively hot days.

49. In not participating in any form of environmental review, *Respondent* has failed to attempt to research feasible alternatives such as natural field or artificial turf made with cork.

50. In not participating in any form of environmental review, *Respondent* has failed to provide legally adequate justifications or any sort of administrative record to review.

51. In not participating in any form of environmental review, *Respondent* has not allowed the public to formally respond or raise objections pursuant to CEQA. The project at Silver Gate began in September 2016 and public notice was never provided to the public about the hazards of tire crumb turf.

52. The installation of tire crumb turf at elementary schools in San Diego is not a project that is exempt from CEQA. In this instance, **there is a reasonable possibility of significant effect** due to the unusual circumstances surrounding this project (CEQA §15300.2). This project would expose and does expose children to regular contact with cancer causing material that is small and easy for children to ingest. It exposes children to cancer causing material during play, snack and lunch time.

1 53. Furthermore, the cumulative impact of the smaller projects (installation at individual schools)  
2 needs to be addressed in light of the larger project, *Field Turf Project*. Lack of transparency,  
3 notice or decision requires that Respondent now submit itself to environmental review.

4 54. The *Field Turf Project* as a whole and the smaller projects across San Diego elementary schools  
5 are not exempt under CEQA.

6 **PRAYER FOR RELIEF**

- 7
- 8 1. For a temporary stay restraining *Respondent* from any further implementation of the *Field Turf*  
9 *Project* using tire crumb turf until they comply with the requirements of CEQA;
  - 10 2. For a temporary stay restraining *Respondent* from installing any further tire crumb turf until they  
11 comply with the requirements of CEQA;
  - 12 3. For a writ of mandate directing *Respondent* to set aside approval for the *Field Turf Project* and  
13 any other projects where tire crumb turf will be installed.
  - 14 4. For a writ of mandate directing *Respondent* to comply with CEQA and the CEQA Guidelines.
  - 15 5. For a judicial determination that *Respondent* violated CEQA.
  - 16 6. For legal costs of this suit.
  - 17 7. For attorneys' fees pursuant to the California Code of Civil Procedure.
  - 18 8. For such other relief as the Court deems just and proper.
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23 DATED: JANUARY 30, 2017

24 *Gabriela M. Torres*

25 \_\_\_\_\_  
26 Gabriela M. Torres  
27 Attorney for Petitioner

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UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)



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**VERIFICATION**

**STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

I have read the full contents of this VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF.

I am the Founder of KEEP TURF SAFE, a party to this action. I am authorized to verify this petition. I am informed and believe that the matters stated in this petition are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 31, 2017 in San Diego, California.



Erika Lundeen (Jan 31, 2017)

Erika Lundeen

# **EXHIBIT A**

Planned Construction Year	Site Name	Type of Improvement
2014	Whittier	Miracle League / Play Field
2014	Knox MS	Play Field/Track
2014	Fulton ES	Play Field
2014	Dana MS	Baseball
2014	Loma Portal ES	Play Field
2014	Emerson ES	Play Field
2015	Balboa ES	Play Field
2015	Mission Bay HS	Practice Field / Football / Track
2015	University City HS	Practice Field
2015	Kearny HS	Football
2016	Muir K-12	Play Field
2016	Marshall ES	Play Field
2016	Oak Park ES	Play Field
2016	Bell MS	Miracle League / Play Field
2016	O'Farrell Charter	Multi-Purpose
2016	Hamilton ES	Play Field
2016	Sequoia ES	Play Field
2016	Dewey	Playfield
2016	Baker ES	Play Field
2016	Bethune ES	Play Field
2016	Encanto ES	Play Field
2016	Euclid ES	Play Field
2016	Audubon ES	Play Field
2016	Montgomery	Play Field (JUA)
2016	Hickman ES	Play Field
2016	Lindbergh - Schweitzer ES	Play Field
2016	Toler ES	Play Field
2016	Curie ES	Play Field
2016	Cubberley ES	Play Field (JUA)
2016	Silver Gate ES	Play Field
2016	Linda Vista ES	Play Field
2016	Boone ES	Play Field
2016	Pacific Beach MS	Play Field
2016	Rolando Park ES	Play Field
2016	Crawford HS	Football
2016	La Jolla HS	Football
2017	CPMA @ Kroc	Play Field (JUA)
2017	Crawford HS	Football
2017	McKinley ES	Play Field (JUA)
2017	Grant ES	Play Field
2017	Hawthorne ES	Play Field
2017	Holmes ES	Play Field
2017	Benchley/ Weinberger ES	Play Field
2017	Jones ES	Play Field
2017	Marvin ES	Play Field
2017	Sunset View ES	Play Field
2017	Florence ES	Play Field
2017	Freese ES	Play Field
2017	Paradise Hills ES	Play Field
2017	Sessions ES	Play Field
2017	Gage ES	Play Field (JUA)
2018	Longfellow ES	Play Field
2018	Scripps Ranch HS	Practice Field
2018	Mira Mesa HS	Practice Field
2018	Ross ES	Play Field
2018	Lafayette ES	Play Field
2018	Foster ES	Play Field
2018	Rowan ES	Play Field
2018	Burbank ES	Play Field
2018	Carver ES	Play Field
2018	Lee ES	Play Field
2018	Nye ES	Play Field
2018	MacDowell MS	Play Field
2018	Taft MS	Play Field (JUA)
2018	Horton ES	Play Field (JUA)
2018	Hancock ES	Play Field
2018	Miller ES	Play Field
2018	Correia MS	Multi-Purpose (JUA)
2019	Sandburg ES	Play Field
2019	Whitman ES	Play Field
2019	Bay Park ES	Play Field
2019	Logan ES	Play Field
2019	Johnson ES	Play Field
2019	Perry ES	Play Field
2019	Webster ES	Play Field
2019	Serra HS	Practice Field
2019	Henry HS	Practice Field
2019	Perkins ES	Play Field
2019	New Dawn/ Riley	Play Field
2019	SCPA	Play Field
2019	Pt Loma HS	Softball
2019	Morse HS	Practice Field
2019	Tubman	Play Field (JUA)

\*JUA denotes potential Joint Use Agreement with City of San Diego

\*\*Angier, Montgomery, and Wegforth schools have active Joint Use Agreements and are in various stages of construction by City of San Diego

# **EXHIBIT B**

# Resolve Legal Solutions

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**Gabriela Torres**

Attorney at Law

1455 Frazee Road

Suite 500

San Diego CA 92108

619 930 5802 (phone)

619 374 7048 (fax)

[gabriela@resolvelegalsolutions.com](mailto:gabriela@resolvelegalsolutions.com)

**San Diego Unified School District Board of Education**

4100 Normal Street

San Diego CA 92103 -2682

619 725 5506 (phone)

619 291 7182 (fax)

January 27, 2016

Re: Notice of Intention to Commence Action under CEQA (Field Turf Project)

**Dear San Diego Unified School District Board of Education ,**

This notice is given pursuant to Public Resources Code section 21167.5. Keep Turf Safe will file a suit against San Diego Unified School District for failure to adhere to the California Environmental Quality Act (CEQA), Public Resources Code section 21000 *et seq.*, and the CEQA Guidelines for failing to engage in environmental review for the field turf installations of tire crumb turf at San Diego public schools.

Sincerely,

*Gabriela M. Torres*

**Gabriela Torres, Attorney at Law**

**PROOF OF SERVICE**

I declare that I am employed in the County of San Diego, California. I am over the age of 18 years and not a party to this action. My business address is 1455 Frazee Road, SUITE 500, San Diego, CA 92108.

On January 27, 2017 I served the attached documents:

1. Notice of Intention to Commence Action under CEQA (Field Turf Project)

[X] (BY FACSIMILE) I caused a copy of said pleadings to be sent via fax transmission to the interested party listed below. The fax used to transmit was in compliance with Rule 2003 (3) and no error was reported by the machine pursuant to Rule 2005 (i).

San Diego Unified School District School Board 619 291 7182

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed January 27, 2017 in San Diego, California.

*Gabriela M. Torres*

Gabriela M. Torres, Attorney

# **EXHIBIT C**

# Resolve Legal Solutions

---

**Gabriela Torres**

Attorney at Law

1455 Frazee Road

Suite 500

San Diego CA 92108

619 930 5802 (phone)

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[gabriela@resolvelegalsolutions.com](mailto:gabriela@resolvelegalsolutions.com)

**Xavier Becerra, Attorney General**

State of California

Office of Attorney General

1300 "I" Street

Sacramento, California 95814-2919

January 30, 2016

Re: Keep Turf Safe v. San Diego Unified School District

**Dear Xavier Becerra, Attorney General ,**

Enclosed please find a copy of the Verified Petition for Writ of Mandate and Complaint for Declaratory Relief ("Petition") in the above-captioned action. The Petition is provided to pursuant to Public Resources Code §21167.7 and Code of Civil Procedure section 388. Enclosed is a prepaid, self-addressed envelope. Please acknowledge receipt.

Sincerely,

*Gabriela M. Torres*

**Gabriela Torres, Attorney at Law**



# **EXHIBIT D**



June 10, 2016

9:40 AM

Edit

Date

Dear \_\_\_ name of school \_\_\_ Parents and Staff:

In an effort to provide a safer, more comfortable surface on which our students can exercise and play, the district is planning to install a high-quality synthetic turf field at our school to replace our current DG playground.

The safety of our students is our first priority and a synthetic turf field will reduce the injury rate and playability for our students. The high-quality Field Turf product material includes a crumb rubber infill and has been used for more than a decade.

Some individuals have recently expressed concern regarding the safety of the rubber infill material commonly used in synthetic turf fields. Current studies by reputable institutions such as the U.S. Consumer Product Safety Commission (CPSC) report no scientific evidence suggesting the crumb rubber infill material is harmful to humans. In 2008, the CPSC declared that crumb rubber artificial turf was “safe to play on.” There is no scientific evidence that alternative infill products are more or less safe for students than the products currently in use.

As a school district, we make decisions based on facts. We will continue to monitor the scientific research by reputable institutions and governmental agencies, including the U.S. Environmental Protection Agency, the Centers for Disease Control and the CPSC on this subject, and change procedures accordingly.

In addition to reducing the injury rate, synthetic turf also lowers water usage and costs. For decades, San Diego Unified has worked to conserve water. The severe drought conditions in California have made it necessary to increase our water conservation efforts

The new synthetic turf fields are fitted with a cooling/cleaning system that reduces water consumption and costs approximately \$990-\$1,320 as opposed to natural grass irrigation that averages \$25,000 per year.

As we move through the planning and design process, please

**PROOF OF SERVICE**

I declare that I am employed in the County of San Diego, California. I am over the age of 18 years and not a party to this action. My business address is 1455 Frazee Road, SUITE 500, San Diego, CA 92108.

On February 1, 2017 I served the attached documents:

1. VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

(BY FACSIMILE) I caused a copy of said pleadings to be sent via fax transmission to the interested party listed below. The fax used to transmit was in compliance with Rule 2003 (3) and no error was reported by the machine pursuant to Rule 2005 (i).

San Diego Unified School District 619 291 7182

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed February 1, 2017 in San Diego, California.

*Gabriela M. Torres*

Gabriela M. Torres, Attorney