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December 1, 2016

VIA FEDERAL EXPRESS

Matthew D'Andrea
Office of the Superintendent of Schools
4 Pine Street
Vineyard Haven, MA 02568

RE: Martha's Vineyard Synthetic Turf Fields

Dear Superintendent Matthew D'Andrea,

I am writing this letter as a concerned part-time resident of Martha's Vineyard and an attorney with experience in mass tort litigation – i.e., tobacco, asbestos, and defective drugs. Sadly, what is currently unfolding within the synthetic turf industry bears striking similarities to the aforementioned mass tort catastrophes – deceptive marketing practices, industry funded junk science (aimed at misleading customers and creating doubt in the courtroom), and a focus on corporate profits over consumer health and safety. As The Ferraro Law Firm prepares for potential future litigation against the synthetic turf industry and premise owners, I was dismayed to learn that Martha's Vineyard Regional High School is planning to install these very fields. Hence, my objective in writing this letter is three-fold: 1) shed light on the potential dangers that synthetic turf fields present to the residents of Martha's Vineyard and the Island's eco-system; 2) highlight that the risks (direct and indirect) associated with these fields far outweigh any *potential* benefits and; 3) strongly encourage reassessment of the decision to install synthetic turf fields while putting all decision-makers on notice.

Over the past ten years, thousands of school districts, towns, and other facilities across the United States have purchased similar synthetic turf fields based in part on the turf industry's representations that its fields are economical, safe to human health, and environmentally friendly. In light of the industry's rapid growth and "green" marketing initiatives, it has managed to operate in a largely unregulated market, a market that encompasses large groups of individuals, primarily children. However, in response to accounts of hundreds of athletes, who played on synthetic turf

fields and contracted various cancers, government agencies such as the Consumer Product Safety Commission (CPSC), Environmental Protection Agency (EPA), and the Centers for Disease Control (CDC) are currently investigating the toxicity of synthetic turf fields. While these studies are focused on tire crumb – the infill material used in 99% of fields – research regarding the risks of all the other synthetic field components, including plant-based infills, is already underway.

The list of carcinogens that often appear in all components of a synthetic turf field (i.e., plastic “grass” carpet, alternative infills, and field care treatments) is enormous. For example, the following compounds, some of which are known carcinogens, have been found in and around (due to run-off from the fields) synthetic turf fields including, but not limited to, lead, benzothiazoles, crystalline silica, cadmium, fabric softeners, fungicides, pesticides, microbiocides, flame retardants, UV stabilizers, and various plastics. In regards to one of the most infamous neurotoxins mentioned above, lead, the CDC has stated there is no safe exposure level for children. Nonetheless, the synthetic turf industry openly admits that lead remains in its products. The dangers associated with many of these compounds have been known for decades. Yet, now that they are packaged into lustrous fields and marketed as eco-friendly (as opposed to a rugged industrial product), suddenly the dangers are seemingly concealed and forgotten. Further, it should be noted that many carcinogens have synergistic interactions thereby exponentially increasing one’s risk of developing cancer, as opposed to being exposed to a single carcinogen.

Another area of grave concern, aside from the number of potential carcinogens in synthetic turf fields, is the number of exposure sources. By way of example, in cases involving asbestos exposure – an area my firm is heavily involved in – the source of exposure often hinges upon an individual’s inhalation of microscopic fibers. Here, the source of exposure involves not only inhalation, but also dermal and ingestion. When an athlete makes contact with the synthetic turf surface, he or she may encounter all three exposures simultaneously – inhalation, dermal, and ingestion. When an athlete is playing with even a small open wound (which are common on synthetic fields), the exposure to such carcinogens is even more alarming. Given that the high school fields are intended for use by athletes of all ages, it is important to note that children are at a much greater risk to these exposures. From birth and throughout adolescence, a child’s lung continues to develop alveoli (air sacs within the lungs where the exchange of oxygen and carbon dioxide takes place). The result of this development is an increased surface absorptive area in the lung. Moreover, children simply spend more time on the ground than adults.

The above-mentioned accounts of athletes developing cancer seem to be the tip of the iceberg. It is noteworthy that the majority of these athletes were goalies, who spend more time than other soccer players, and athletes in other sports, on the synthetic surface. More time spent on that surface clearly equates to greater exposure. This group of athletes also includes a significant number of football players, who likewise have a lot more contact with the synthetic surface. However they are less exposed based upon the large amount of equipment required to play. Drawing preliminary conclusions from these findings does not require medical or scientific expertise. Nonetheless, once comprehensive epidemiological studies are performed to analyze large populations of athletes exposed to synthetic turf, the scientific link will be established to pave the way for clear (albeit long overdue) regulation and **widespread litigation against manufacturers and premise owners of synthetic turf**. The consensus within the mass tort plaintiffs’ bar is that it is not a matter of if, but when, synthetic turf litigation will commence.

Throughout my experience in mass tort litigation, I often wonder: what if the industry players (manufacturers and premise owners) could step back in time and reassess their decisions to purchase and/or use toxic substances (i.e., asbestos)? For synthetic turf industry participants that time is right now. The decision you are facing is clear from every angle. There are obvious risks to the health of the children of Martha's Vineyard and all individuals who may come in contact with the synthetic turf field or its runoff, in addition to the far-reaching environmental implications. The location of the proposed fields, in a Zone II wellhead protection area, is particularly concerning. Placing Martha's Vineyard's residents and the Island's delicate ecosystem in danger, for a product that is far from necessary, is negligent and illogical.

Even leaving aside health and environmental concerns, purchasing a synthetic field does not make practical or economic sense for Martha's Vineyard. Recently many professional sports teams, such as the Baltimore Ravens and almost every Major League Baseball team, have torn out their synthetic turf, opting for traditional grass fields simply in response to player concerns over orthopedic injuries. Additionally, as reported last week, Tom Brady stated that he wants the synthetic turf at Gillette Stadium replaced with grass. Moreover, the costs associated with replacing a synthetic turf field are far greater than those associated with re-sodding and managing a traditional grass field.

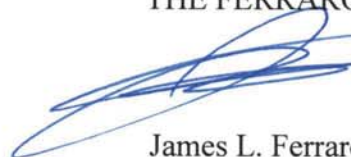
As Superintendent, you should know that in conjunction with the health and environmental risks mentioned above, the school (as premise owner) may be directly subjected to future litigation if individuals develop illnesses associated with synthetic turf and/or property interests are impacted as a result of environmental damage. As we have seen in asbestos litigation, massive lawsuits often drive manufacturers into bankruptcy, leaving premise owners as the only responsible party. In the case of a school, with a fundamental obligation to protect its students, and advanced notice of potential harm, the school will be held fully accountable.

Based upon all of the foregoing, I strongly encourage you to reevaluate the decision to install any synthetic turf fields. Please exercise logical judgment and take full account for the health and wellbeing of Martha's Vineyard's athletes and residents, as well as the Island's environment.

Thank you very much for your time and attention to this matter. Please do not hesitate to contact my office with any questions or concerns you may have.

Very truly yours,

THE FERRARO LAW FIRM, P.A.

A handwritten signature in blue ink, appearing to read "James L. Ferraro, Jr.", is written over a horizontal line.

James L. Ferraro, Jr., Esq.

cc: Richard Smith (Assistant Superintendent), Robert Lionette (MVRHS Committee Chairman), Sara Dingley (MVRHS Principal), Mark Friedman (MVRHS Finance Manager), Adam Turner (MV Commission, Director), Paul Foley (MV Commission, DRI Coordinator), David Wallis (MV@Play, President), Oak Bluffs Board of Selectmen, Oak Bluffs Board of Health, Oak Bluffs Finance & Advisory Committee, Tisbury Board of Selectmen, Tisbury Board of Health, Tisbury Finance Committee, Edgartown Board of Selectmen, Edgartown Board of Health, Edgartown Finance Committee, West Tisbury Board of Selectmen, West Tisbury Board of Health, West Tisbury Finance Committee, Chilmark Board of Selectmen, Chilmark Board of Health, Chilmark Finance Committee, Aquinnah Board of Selectmen, Aquinnah Board of Health