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The following letter has been sent by certified mail on October 28th and 29th, 2015 to:

- American College of Medical Toxicology, (ACMT) Board of Directors and Director Dr. Paul Wax
- 2) Presiding Justice California Fourth District Division One Court of Appeal (4th/1st) Justice Judith McConnell,
- 3) President, Veritox, Inc.

Mr. Bruce J. Kelman

- 4) American Board of Toxicology, (ABT) Board of Directors
- 5) Robert Wood Johnson Foundation, Board of Directors
- 6) White House, Office of Science and Technology Policy (OSTP) Chief of Staff Cristin Dorgelo
- Department of Health and Human Services (DHHS)
 Secretary Sylvia Mathews Burwell
- 8) United States Attorney General Loretta E. Lynch

Dear Dr. Wax and ACMT Board Members,

RE: Choosing Wisely® to sunset the ACMT Mold Statement as the main references of the publication have already done so; thereby curtailing discrimination of the environmentally disabled and dying by use of the "Veritox Theory".

Greetings. I am an advocate for integrity in health marketing. I research and write of how and why concepts are promoted to influence physician education, public health policies, insurer practices, and toxic torts in the United States and Canada.

Note: for ease of reading the linked-references for this letter, it may be read online at Katy's Exposure Blog, in a post entitled "American College of Medical Toxicology, Choose Wisely To Sunset Your Mold Statement".[1] Short link: http://wp.me/plYPz-3VW

The gravamen of this letter is to request that ACMT stop causing environmental disability, death and discrimination of the disabled and dying by ceasing to promote a flawed scientific concept as appropriate physician education. Three "nonprofit" medical associations have been the primary mass-marketers of an erred concept for use by insurers, governmental agencies, private-sector stakeholders, and many other "nonprofit" organizations to stave off financial liability for causation of environmentally caused disabilities and deaths. The other medical associations which were mass-marketing the illness-causing scientific fraud have ceased to do so. ACMT is the last "learned body" of "esteemed colleagues" still marketing that it is scientifically proven toxigenic molds (and so many other antigens, toxins and inflammagens found in water-damaged buildings, WDB) do not harm humans. This is causing physicians and the public to be left unaware that many are living and working in hazardous environments.

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INTRODUCTION

Contrary to what your toxicologist-physician trade association has promoted for a decade, science dictates that a linear-dose-no-threshold (LNT) model cannot be used as proof that toxigenic molds do not harm humans. Regarding the substantial error of promoting the false concept that LNT risk assessment models are able to prove more than they are scientifically capable of doing:

"Eventually a disturbing conclusion was reached, that is, the principal dose-response model... had never been validated, but simply accepted as true, being passed down with authoritative conclusionary statements from textbook to textbook, from professor to student, from regulatory agencies to citizens, across generations of scientists, creating an illusion of knowledge and informed guidance." Edward J Calabrese Department of Public Health, Environmental Health Sciences, University of Massachusetts, Amherst, MA, [2]

[Interpreted for lay people: One cannnot take a rat-study's data, add some math and claim they have scientifically proven no human is being injured by an environmental exposure. To do so is spinning science to a fraudulent outcome. This spin to fraud has been mass-marketed as legitimate risk-assessment for far too long in U.S. public health advisories, in physician education, and in courts by "learned bodies of science and medicine".]

ACMT's position statement on illnesses caused by mold, mycotoxins and other microbial contaminants found in WDB is hereafter referred to as the "ACMT Mold Statement". Entitled "Institute of Medicine Report on Damp Indoor Spaces and Health" [3] and attached hereto as EXHIBIT 1, it was co-authored in 2006 by Tom Kurt, M.D., and Daniel Sudakin, M.D. Dr. Sudakin is a current ACMT board member. In 2006, he was an affiliate of Veritox, Inc. along with ACMT Fellows, Dr. Michael Holland and Dr. Kevin Wallace. [4] [5] Dr. Wallace is still an affiliate of Veritox, Inc. [See footnote (fn) 5]

According to the ACMT website regarding position statement review policies [6]:

"All statements should be reviewed on a periodic basis (every 3 years) and as needed when new data or questions arise. The original author(s) will be asked to address any questions, indicating the date of any revisions on the statement. Each author must sign a disclosure form discussing any potential sources of bias and conflict of interest." [Lines 15-18]

The ACMT Mold Statement has not been updated in nine years since approved for publication in June of 2006. It includes the following antiquated and always inaccurate key statement:

"With respect to mycotoxins in indoor air, exposure modeling studies have concluded that even in moldy environments, the maximum inhalation dose of mycotoxins is generally orders of magnitude lower than demonstrated thresholds for adverse health effects. (3,7,8)" [Paragraph 7, lines 1 & 2] See EXHIBIT 1, fn 3

- [1] Katy's Exposure "ACMT, Choose Wisely to Sunset Your Mold Statement" http://wp.me/plYPz-3VW
- [2] Calabrese E J, Hormesis is central to toxicology, pharmacology and risk assessment Hum Exp Toxicol 2010; 29; 249 http://freepdfhosting.com/b6fe5a07f4.pdf
- [3] EXHIBIT 1 ACMT Mold Statement http://www.acmt.net/cgi/page.cgi/zine_service.html?zine=show&aid=12
- [4] 2006, Dr. Sudakin, FACMT, Dr. Wallace FACMT, Dr. Holland FACMT, affiliates of Veritox, Inc. http://freepdfhosting.com/52ba6e6e71.pdf
- [5] About Veritox, Inc. "Veritox® experts are certified by appropriate accrediting bodies and our physician [only one?] holds subspecialty certification in Medical Toxicology and primary care certificates in Preventative Medicine, Occupational Medicine and/or Emergency Medicine. Our experts have evaluated numerous claims of personal injury and health impacts from many chemicals, and have presented a variety of health risk concepts to policy makers, government regulators, citizen groups, and individuals involved in all aspects of the legal process" http://www.veritox.com/experts.html
- [6] ACMT Position Statement page with noted review policies: http://www.acmt.net/resources position.html

I.

MISAPPLICATION OF A LINEAR-NO-THRESHOLD RISK MODEL (LNT) "THE VERITOX THEORY"

There is only one exposure model upon which the toxicity findings in the ACMT Mold Statement are primarily founded. Contrary to the above boxed-in and misleading sentence, there is no such thing as a scientifically established "maximum inhalation dose of mycotoxins generally orders of magnitude lower than demonstrated thresholds for adverse health effects" in humans exposed to mycotoxins in the indoor air. No "demonstrated thresholds" or permissible exposure limits (PEL) have ever been established for biocontaminants, including mycotoxins, in WDB by any route of exposure. Because of the complexity of WDB exposures and diversity of those exposed, it is scientifically not possible to establish thresholds and PELs by mere LNT.

The ACMT Mold Statement's doubt-selling of causation of illness from mycotoxins by implied, yet nonexistent, establishment of an unattainable threshold is founded upon extrapolations applied to data taken in 2001 from one mechanistic study of an acute dose of mold (not mycotoxins) intratracheally instilled into rats' lungs. That is the foundation for the above greatly flawed ACMT boxed-in sentence. The problematic LNT is hereafter referred to as the "Veritox Theory", attached hereto as EXHIBIT 2.[7]

While causing vast harm to the public by promotion of the Veritox Theory, the following material facts are ignored: 1) unlike the research rats in the LNT model, humans in WDB may be exposed to multiple molds and mycotoxins for long periods of time; 2) via all routes of exposure simultaneously -- ingestion, inhalation & dermal contact; 3) synergistically with multiple biocontaminants [8]; and 4) because of the complexity of WDB exposures, the threshold for causation of human illness by individual component of the mixture is undeterminable by mere LNT model of one offending agent by one route of exposure.

Ignoring the above-noted real-world exposure-facts and promoting the false concept that an LNT establishes mycotoxins in WDB cannot reach a harmful level [9], the Veritox Theory claims:

"Levels of exposure in the indoor environment, dose-response data in animals, and dose-rate considerations suggest that delivery by the inhalation route of a toxic dose of mycotoxins in the indoor environment is highly unlikely at best, even for the hypothetically most vulnerable subpopulations." [See EXHIBIT 2 fn 7]

"Nonprofit" medical associations have mass-marketed the Veritox Theory into medical and insurer policies and practices purposed toward selling doubt of liability for causation of illness and death in the courts. It is a collusive deception which has caused massive devastation. It is scientific fraud to unethically promote the belief that such work establishes environmentally injured people, their treating physicians, researchers, and attorneys are lying about what is making people sick from WDB exposures -- toward the goal of staving-off monetary liability for responsible-party WDB-stakeholders.[10] When the WDB-stakeholder is an insurer, as it often is, use of the Veritox Theory to deny liability in toxic torts then becomes discriminatory insurer fraud by use of scientific fraud upon the courts.

Please view fn 12, 13 & 14. They are trailers for the 2015 documentaries "<u>Moldy</u>" and "The Forgotten Plague" and a video statement regarding suicides among the environmentally disabled who are being disparaged by the U.S. mainstream medical communities. The videos, along with fn 15 describing the recent bullying and suicide of a WDB-injured teen, document the devastation occurring by hand of medical professionals misleading other medical professionals and courts to believe that the physically ill should be deemed mentally ill, hypochondriacs, or otherwise dishonest – based upon the mass-promotion of the "garbage science", "litigation defense argument" Veritox Theory. [11] [12] [13] [14] [15]

[7] EXHIBIT 2 the "Veritox Theory": http://freepdfhosting.com/74478c4cad.pdf

[8] 2011 World Health Organization, "Mycotoxins Children's Health and the Environment, WHO Training Package for the Health Sector",: "Exposure to molds can also occur by ingestion, but also occurs via inhalation of contaminated air and dermal contact with surfaces on which they are deposited. Molds are ubiquitous in the outdoor environment and can enter the home through doorways, windows, air conditioning systems and heating and ventilation systems. Molds proliferate in environments that contain excessive moisture, such as from leaks in plumbing, roofs, walls, and pet urine and plant pots. The most common molds found indoors are Cladosporium, Penicillium, Aspergillus, and Alternaria. If a building is extremely wet for an extended period, other molds with higher water requirements, including Stachybotrys and Trichoderma species, can grow." [Page 10] http://www.who.int/ceh/capacity/mycotoxins.pdf

[9] 2005 Trial testimony of Bruce J. Kelman falsely claiming while under oath that the Veritox Theory proves mycotoxins in WDB "could not be" the cause of debilitating illness. [Page 29] http://freepdfhosting.com/ec0fad16ee.pdf

[10] 2007 Wall Street Journal, "Court of Opinion, Amid Suits Over Mold Experts Wear Two Hats, Authors of Science Paper Often Cited by Defense Also Help in Litigation" https://katysexposure.files.wordpress.com/2009/09/wsjonlinejan92007.pdf

[11] 2002 Email from ACOEM's Chair of the Scientific Advisory Board to BOD members referring to the Veritox Theory as "garbage science" & "litigation defense argument" http://freepdfhosting.com/bb400631a3.pdf

- [12] 2015 VIDEO documentary MOLDY https://moldymovie.com/index?affiliate=3983
- [13] 2015 VIDEO documentary *The Forgotten Plague https://www.tugg.com/events/44775*
- [14] 2015 VIDEO CFIDS Assoc. President Carol Head tells of suicides among the environmentally disabled. https://www.youtube.com/watch?v=JcvITFumS7E&feature=youtu.be
- [15] 2015 "Mold injured teen commits suicide. Mother pleads for laws to protect children" http://wp.me/plYPz-3U9

II.

ACMT MISUSE OF REFERENCES TO PROMOTE THE VERITOX THEORY AS SOUND SCIENCE

<u>ACMT Mold Statement Reference #1</u> is the 2004 National Academy of Science "<u>Institute of Medicine Damp Indoor Spaces and Health Report</u>" (IOM Report) [16]. Chapter 4 of the book is "<u>Toxic Effects of Fungi and Bacteria</u>". When actually read rather than blindly accepted as a legitimate reference in support of the validity of the Veritox Theory, one can easily see that this reference, the IOM Report, discredits the scientific validity of the Veritox Theory by accurately stating:

"Except for a few studies on cancer, toxicologic studies of mycotoxins are acute or short-term studies that use high exposure concentrations to reveal immediate effects in small populations of animals. Chronic studies that use lower exposure concentrations and approximate human exposures more closely have not been done except for a small number of cancer studies." [Page 125] "Toxicologic studies, which examine such responses using animal or cellular models, cannot be used by themselves to draw conclusion about human health effects." [Exec Summary Page 7]

In 2011, the World Health Organization (WHO) issued "<u>Guidelines on Dampness and Mould</u>."[17] Like IOM, and directly contradictory to the Veritox Theory and the ACMT Mold Statement, WHO found that there is currently no scientific method to establish a threshold level of exposure to the multiple contaminants, including mycotoxins, found in WDB before they cause/contribute to adverse human health effects. To quote WHO:

"As the relations between dampness, microbial exposure and health effects cannot be quantified precisely, no quantitative health-based guideline value thresholds can be recommended for acceptable levels of contamination with microorganisms". [Executive Summary Page xv] "Although direct extrapolation from experimental data to human risk is not possible, the studies that are described provide important information about the possible toxicological mechanisms behind the observed health effects in damp buildings." [Page 84, para 5 lines 7-10]

<u>ACMT Mold Statement Reference #8</u> that is cited in alleged support of the Veritox Theory and the boxed-in key sentence in the ACMT Mold Statement is Environmental Health Perspectives (EHP) "<u>Satratoxin G from the black mold Stachybotrys chartarum evokes olfactory sensory neuron loss and inflammation in the murine nose and brain."[18] Its authors' understanding of the relevance of their research directly contradicts the sentence their research is cited to support in the ACMT Mold Statement.</u>

ACMT Reference #8 was a mechanistic study which establishes that mycotoxins can breach the blood-brain barrier and inflame the noses and brains of rats. It had nothing to do with giving credence to the myopically formed LNT Veritox Theory. ACMT Reference #8's authors state that their research suggests plausibility of human toxicity and brain inflammation from mycotoxin exposure in WDB. They concluded:

"These findings suggest that neurotoxicity and inflammation within the nose and brain are potential adverse health effects of exposure to satratoxins and Stachybotrys in the indoor air of water-damaged buildings." "Ultimately, all such information must be framed against accurate quantitative assessments of human exposure to satratoxins using both state-of-the-art sampling and analytical methods and relevant biomarkers."

[16] 2004 IOM Damp Spaces and Health Report http://www.nap.edu/openbook.php?isbn=0309091934

[17] 2011 WHO *Guidelines on Dampness and Mould* http://www.euro.who.int/ data/assets/pdf file/0017/43325/E92645.pdf

[18] Islam Z, Harkema JR, Pestka JJ. *Satratoxin G from the Black Mold Stachybotrys chartarum Evokes Olfactory Sensory Neuron Loss and Inflammation in the Murine Nose and Brain.* Environmental Health Perspectives. 2006;114(7):1099-1107. doi:10.1289/ehp.8854. http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1513335/

III.

HARM BY POSITION STATEMENTS WORDSMITHED TOWARD AGENDA PROMOTIONS

When LNT models are misapplied toward promoting the false concept that an environmental injury is a proven figment of a person's imagination and this is then portrayed by position statement to be the scientific understanding of thousands of learned physicians; the damages caused by the resultant mass-unawareness of a hazard and mass-discrimination of the environmentally-injured can be colossal.

People sickened by exposures to biotoxins and inflammagens often found in WDB need medical attention for their physiologically-caused Idiopathic Environmental Intolerances (EI) (also known as Multiple Chemical Sensitivity (MCS)[19] or Toxicant induced Loss of Tolerance (TILT)).[20] They need help for their WDB induced Chronic Fatigue Syndrome (CFS), Fibromyalgia, and Myalgic Encephalomyelitis (ME) (also known as Chronic Inflammatory Response Syndrome from WDB Exposures (CIRS-WDB)).[21] They and environmentally-trained physicians repeatedly report newly-acquired intolerances to WDB re-exposure, to mold re-exposure, to chemicals, and to various forms of air pollution, foods and liquids (EI) after the initial not-normal exposure. They also repeatedly report newly-acquired symptoms such as brain fog, difficulty concentrating, extreme fatigue, phantom pain, and chronic inflammation of various and multiple organs of the body, CIRS-WDB. [22] [23]

Neither the environmentally-disabled nor society as a whole, need federally funded "nonprofit" medical trade associations such as ACMT [24] adding insult to injury by promoting the discriminatory false concept that the environmentally disabled are hypochondriacs and liars. Furthermore, it is not just "naysayer" medical associations (filled with toxic tort defense witnesses) which are problematic when spinning science to conceal causation of environmental illnesses and disabilities. WDB injuries make for a multi-billion dollar issue, commonly referred to as the "Toxic Mold Issue". Wordsmithing is pervasive to influence medical and insurer practices, building maintenance practices, and outcomes of toxic torts.[25] [26]

Overstating the magnitude of the problem can be an equally effective means to cause mainstream physician and other decision-maker skepticism of WDB-induced disability as is promoting that the illnesses are figments. A prime example of this problematic area of the Toxic Mold Issue is the nonprofit organization, Global Indoor Health Network (GIHN).[27]

Formed as a nonprofit in 2010, GIHN is run by a former insurance company small-department manager and has about one hundred members, some of whom are alternative medicine physicians.[28] It claims to advocate for the WDB-injured and writes of the harm caused by "naysaying" medical associations and others who have promoted the Veritox Theory in policies, practices, physician education, and courts.[29]

Yet, GIHN promotes an equally harmful false concept. It promotes that it is a proven fact that 50% of the world's illnesses are caused by poor indoor air quality (IAQ). If poor IAQ was proven to cause 50% of the world's illnesses that would make the number one cause of the Global

Burden of Disease (GBD), but it is not.[30] Like ACMT wordsmithing references to sell the Veritox Theory for naysaying the existence of WDB debilitating illness, a quick read of GIHN's references exposes wordsmithing to market the equally ridiculous concept that it is proven poor IAQ is the leading cause of illness worldwide.[31] [32] [33] [34]

The harm centers on reliance of GIHN as a credible source for the WDB-injured to share with their mainstream physicians that poor IAQ is proven as the number one cause of the world's illnesses. Where the mainstream doctor has been indoctrinated to believe the WDB injury is imaginary via the mass-marketed Veritox Theory, it is understandable why doctors would tend to prescribe for psychological impairment and hysteria rather than to accurately recognize the symptoms are physiological in origin.

No matter which way spun, "nonprofits" which have been spinning science are deterring appropriate medical attention from mainstream U.S. physicians for CIRS-WDB and EI. Misdiagnoses as psychological illness by mainstream doctors, drives those who can afford it into the arms of "mold doctors" who are few in the U.S., and/or to the use of the plethora of products being marketed as natural remedies. By and large insurers will not reimburse for alternative treatments, travel to obtain treatments, or natural supplements. This leaves the poorest of the sick nowhere to turn for help for their CIRS-WDB and EI.

America's children and elderly in low-income housing are the most vulnerable sub-population-victims of the spinning and lying.[35] When WDB-illnesses are not recognized as environmentally-induced, the false concept that WDBs pose no real public health threat is then used as an insidious excuse to not properly and timely remediate public housing. Occupants who complain are then labeled as liars and hysterics for saying they are gravely ill, while left to occupy WDB hazardous environments as their health declines.

The 2014 report by the National Institute of Health (NIH) entitled "Final Report, Pathways to Prevention Workshop: Advancing the Research on Myalgic Encephalomyelitis/ Chronic Fatique Syndrome" describes the dire adverse impact on the public when physicians are misdirected by trusted organizations.[36]

To quote from the NIH Report:

"Both society and the medical profession have contributed to ME/CFS patients feeling disrespected and rejected. They are often treated with skepticism, uncertainty, and apprehension and labeled as deconditioned or having a primary psychological disorder. ME/CFS patients often make extraordinary efforts at extreme personal and physical costs to find a physician who will correctly diagnose and treat their symptoms while others are treated inappropriately causing additional harm. Overall, the debilitating effects of ME/CFS can result in financial instability due to the consequences of the illness (e.g., the loss of employment, home)....economic burden estimated to be between \$2 billion and \$7 billion in the United States... results in major disability for a large proportion of the people affected."

- [19] 1998, U.S. Congressman Bernard Sanders speaking before the House. "MCS is a chronic condition marked by heightened sensitivity to multiple different chemicals and other irritants at or below previously tolerated levels of exposure....MCS is often accompanied by impaired balance, memory and concentration." http://someoneskid.angelfire.com/boycottsbu2000/RepSandersChemicalSensitivity.html
- [20] 2001 Miller CS *The compelling anomaly of chemical intolerance*. Ann N Y Acad Sci. 2001 Mar;933:1-23. http://www.ncbi.nlm.nih.gov/pubmed/12000012
- [21] 2014 Shoemaker RC, House D, Ryan JC, Structural brain abnormalities in patients with inflammatory illness acquired following exposure to water-damaged buildings: A volumetric MRI study using NeuroQuant® Neurotoxicology and Teratology 45 (2014) 18–26 http://www.ncbi.nlm.nih.gov/pubmed/24946038
- [22] 2014 Dr. Mary Ackerley "The Brain on Fire The role of toxic mold in triggering psychiatric symptoms" http://freepdfhosting.com/5e77f45ec4.pdf
- [23] 2015 Mold Asbestos Connecticut "37 Health symptoms caused by mold" http://www.asbestosmoldct.com/37-health-conditions-caused-by-mold/
- [24] ACMT receives funding from the U.S. Department of Health and Human Services (HHS) Agency for Toxic Substance and Disease Registry (ATSDR) http://www.guidestar.org/FinDocuments/2013/870/460/2013-870460513-0add6264-90.pdf [Page 9]
- [25] 2006 Stone DC, Boone KB, Back-Madruga C, Lesser IM. *Has the rolling uterus finally gathered moss?*Somatization and malingering of cognitive deficit in six cases of "toxic mold" exposure. Clin Neuropsychol. 2006

 Dec;20(4):766-85. http://www.ncbi.nlm.nih.gov/pubmed/16980261
- [26] Source Watch & WSJ re: mold defense witness Paul Lees-Haley http://freepdfhosting.com/754f688a2f.pdf
- [27] Global Indoor Health Network (GIHN) http://www.globalindoorhealthnetwork.com/
- [28] About GIHN BOD http://freepdfhosting.com/347b627ad4.pdf
- [29] GIHN Naysayer Page http://www.globalindoorhealthnetwork.com/naysayers
- [30] 2015 WHO GBD 2004 poor IAQ estimated at 2.7% revised to approximately 6% in 2015. (NOT 50%!!!!!) http://www.who.int/indoorair/health-impacts/burden_global/en/ & http://www.healthdata.org/GBD
- [31] 2012 GIHN Position Statement in early 2012 "Indoor air pollutants cause 50% of illnesses globally." http://freepdfhosting.com/c806962c9f.pdf
- [32] 2011 GIHN Reference #1 direct quote: "indoor pollution has been among the top five environmental risks to public health" http://freepdfhosting.com/15ce1c3d3d.pdf
- [33] 2012 Eblast from GIHN BOD president directly lying "in solidarity" to GIHN members about the wordsmithing of references to promote the 50% nonsense http://freepdfhosting.com/a3d841e705.pdf

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[34] 2012 GIHN Position Statement revised in late 2012, artful-dodge for lying about the 50% nonsense "In a 1989 report by The Commonwealth of Massachusetts, Special Legislative Commission on Indoor Air Pollution:'Indoor air pollution is a growing problem in the United States and accounts for up to 50% of all illnesses." http://freepdfhosting.com/9a43a4b7a9.pdf (Still a ridiculous statement not founded upon any research)

[35] 2014 NRDC "Rampant Mold & Moisture Problems in NYC Public Housing" http://www.nrdc.org/ej/mold-and-moisture-in-public-housing.asp

[36] 2014 NIH "Final Report, Pathways to Prevention Workshop: Advancing the Research on ME/CFS" https://prevention.nih.gov/docs/programs/mecfs/ODP-P2P-MECFS-FinalReport.pdf

IV.

ACMT REFERENCES No. 15 & No. 3 HAVE CEASED MASS-MARKETING THE VERITOX THEORY

<u>ACMT Mold Statement Reference #15</u> is the American Academy of Allergy, Asthma and Immunology (AAAAI) Position Statement of 2006, titled "<u>The medical effects of mold exposure</u>". It is commonly referred to as the "AAAAI Mold Statement" and is attached hereto as EXHIBIT 3.[37] While citing the "nonprofit" AAAAI as an alleged credible reference the ACMT Mold Statement states,

"The American Academy of Asthma, Allergy, and Immunology (AAAAI) has addressed some of these issues in their recent position statement on health effects from mold exposure (15)."

The AAAAI Mold Statement was retired in 2011. AAAAI is the allergists' medical trade association. With regard to illness from exposure to microbial toxins in WDB, AAAAI relied upon the 2002 position statement of the occupational-physicians trade association as their source reference -- the "nonprofit" American College of Occupational and Environmental Medicine (ACOEM). In 2002 ACOEM became the first medical trade association to mass-market the Veritox Theory via their position statement on mold. (See fn 10, 2007 Wall Street Journal article describing the falsely stated co- authorship of the AAAAI Mold Statement)

<u>ACMT Mold Statement Reference #3</u> in corroboration of the boxed-in sentence is the ACOEM Mold Statement itself, titled "<u>Adverse Human Health Effects Associated with Molds in the Indoor Environment</u>".[38] **The ACOEM Mold Statement was retired in February 2015**.

Attached hereto as EXHIBIT 4 is the March 2015 WorkCompCentral (WCC) article "<u>ACOEM Takes Down Position Paper Commonly Used to Defend against Mold Claims</u>" announcing the ACOEM sunsetting.[39] It states:

"[Sharon] Kramer told WorkCompCentral in an interview last week that Michael Hodgson, medical director for the U.S. Occupational Safety and Health Administration [OSHA], received a statement from ACOEM's publications director [Marianne Dreger] last year that the organization would sunset the position paper in early 2015....Kramer said the sunsetting that appears to have occurred takes away any weight the paper might hold as a defense against workers' compensation claims where the claimant is seeking benefits for mold-related illness...'It was a litigation defense argument right from the get-go,' she said.... [Dr. Ritchie] Shoemaker* said there are several ways to show that a patient has been exposed to the inhalation of mycotoxins, which mold produces....'After 2003, there were no cases that I participated in where defense did not quote ACOEM,' he said...The online portal for the Official Disability Guidelines offers no entry in its 'UR Advisor' tool and points users to..a government-run website which simply states that 'inhaling or touching mold or mold spores may cause allergic reactions or asthma attacks in sensitive people."

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[37] 2006 EXHIBIT 3, AAAAI Mold Statement http://freepdfhosting.com/3b65b8d89c.pdf

[38] 2002 ACOEM Mold Statement, minor revision 2011, sunset Feb 2015 http://freepdfhosting.com/061d898ddc.pdf

[39] **2015 EXHIBIT 4, WorkCompCentral** "ACOEM Takes Down Position Paper commonly Used to Defend Against Mold Claims" http://wp.me/plYPz-3Sx

^{*} Neither Dr. Shoemaker nor most mold and CIRS-WDB researchers, toxicologists or physicians are affiliates of GIHN.

٧.

FOURTEEN YEARS OF MEDICAL "NONPROFITS" PROMOTING THE VERITOX THEORY FOR EXPERT DEFENSE WITNESS PROFIT BY SCIENTIFIC FRAUD UPON U.S. COURTS

The Veritox Theory was created fourteen years ago in 2001, by Dr. Sudakin's former associates and co-owners Veritox, Inc., Mr. Bruce J. Kelman and Mr. Brian D. Hardin. Mr. Hardin retired as a deputy director of CDC NIOSH in 2000 and began a second career of expert defense witnessing in mold litigations. Mr. Kelman is also a prolific defense witness in mold litigation. He came to the mold issue circa 2000 after many years of being an expert defense witness for Big Tobacco. They profitably bill themselves as professional toxicologists when selling doubt of causation of illness by use of LNT models.

Mr. Kelman, Mr. Hardin and Dr. Sudakin have all three generated substantial income as expert defense witnesses in mold litigation. Over the years, I have read many transcripts of their deposition and trial testimonies.[40] Their testimonies have relied heavily upon the Veritox Theory being legitimized since 2002 by "nonprofit" medical trade associations as evidence based science, when clearly it is not.[41]

The endorsements of the "nonprofit" medical associations have added undeserved credibility in support of the "nonprofit's" members' paid expert witness opinions on behalf of defendants attempting to avoid liability for causation of illness, disability and death from WDB exposures. Fn 10 is the 2007 front-page Wall Street Journal (WSJ) article titled, "Court of Opinion, Amid Suits Over Mold Experts Wear Two Hats. Authors of Science Papers Often Cited by Defense Also Help in Litigation". It provides a clear overview of how and why the Veritox Theory science-fraud made its way into policy via the legitimizing by ACOEM in 2002, by the Manhattan Institute and U.S. Chamber in 2003, and by AAAAI in 2006. To quote:

"They [Mr. Kelman and Mr. Hardin] took hypothetical exposure and hypothetical toxicity and jumped to the conclusion there is nothing there." Dr. Harriet Ammann, IOM Report co-author and Senior Toxicologist, State of Washington (retired)

"a lot people with legitimate environmental health problems are losing their homes and their jobs because of legal decisions based on this so-called 'evidence-based' statement." James Craner, MD, MPH, FACOEM

I am aware that ACMT Mold Statement co-author Dr. Kurt has also served as an expert defense witness in no less than one mold litigation in Texas involving the large national self-insured retailer (*Target Corp.*) toward aiding their ability to deny financial responsibility for a worker (*McGovern*) who was disabled by a WDB work environment. In his litigation report, Dr. Kurt claimed with a reasonable degree of certainty that the injured worker could not have been disabled by the WDB. To support his compensated expert opinion, he cited the Veritox Theory in three forms: the medical associations of ACOEM, AAAAI and the mold statement he co-authored for ACMT with Veritox's Dr. Sudakin.[42]

The attorney in the 2008 Texas workman's compensation case was Darryl Silvera, Esq. – a successful workcomp defense attorney for many large corporations and insurers.[43] I am aware that Mr. Silvera's law firm was again able to use the ACOEM version of the Veritox Theory to defeat WDB-injured workers' claims for another national retailer in 2015. As I understand it, the Texas courts refused to take notice that the ACOEM Mold Statement had been retired as they denied the injured workers' claims.[44]

When workman's compensation insurers and employers are able to discriminate against disabled workers by denying them their rightfully due benefits based on bogus science by bogus experts; then the burden of care for the disabled worker and their family often shifts onto the American taxpayer via various forms of social services.[45] Some states dictate by law that physicians must adhere to workmans' compensation treatment guidelines written by medical associations in order to be insurer compensated for their medical services. The workcomp guidelines written by the "nonprofit" ACOEM are owned by an insurance company.[46]

With regard to WDB-injured workers, the LNT Veritox Theory scam is workcomp insurer fraud to defraud the taxpayer while discriminating against the disabled worker. Mr. Silvera's firm and experts it hires offers a mere glimmer of the magnitude of the problems caused by use of the Veritox Theory in all its wrongfully-"nonprofit"-legitimized versions in workcomp practices, in building maintenance practices, and in all mold litigations/claims handling practices. Stated by Dr. Shoemaker in the 2015 WCC article:

"After 2003, there were no cases that I participated in where the defense did not quote ACOEM"

- [40] Documentation available upon request.
- [41] 2008 Craner J. "A critique of the ACOEM statement on mold: undisclosed conflicts of interest in the creation of an 'evidence-based' statement". Int J Occup Environ Health. 2008;14(4):283-98. http://www.ncbi.nlm.nih.gov/pubmed/19043916
- [42] Documentation available upon request.
- [43] Silvera Law Firm workmans' comp client list: http://www.silveralaw.com/?page id=37
- [44] The 2015 Texas injured workers wish to remain anonymous for fear of retaliation. Mr. Silvera and the expert defense witness have both been sent letters to assure they are aware that the ACOEM and AAAAI Mold Statements are no longer considered current accepted science to be used to defeat workcomp claims.
- [45] 2010 LaDou J "Workers' Compensation in the United States: cost shifting and inequities in a dysfunctional system" New Solut 2010;20(3):291-302. http://www.ncbi.nlm.nih.gov/pubmed/20943472
- [46] 2013 "Reed Group, Ltd., a wholly owned subsidiary of the Guardian Life Insurance Company of America" owns the workcomp guidelines written by ACOEM http://freepdfhosting.com/7209d2886e.pdf

VI.

THE VERITOX THEORY WAS SPUN BY INDUSTRY "NONPROFIT" LOBBYISTS & VERITOX, INC. OWNERS, PURPOSED TOWARD BLATANT SCIENTIFIC FRAUD UPON THE COURTS

Twelve years ago in 200, shortly after the publication of the ACOEM Mold Statement in 2002, Mr. Kelman and Mr. Hardin accepted no less than \$25,000 from the "nonprofit" Manhattan Institute Center for Legal Policy. [47] [48] [49] [50] The payment was for authorship of the "nonprofit" U.S. Chamber of Commerce's Institute for Legal Reform's [51] mold position statement. Referred to as the "U.S. Chamber Mold Statement", the product of the paid-for-hire spin of the LNT Veritox Theory is titled "A Scientific View of the Health Effects of Mold". [52]

For this version, science was spun even further for "nonprofit" industry lobbyists in 2003 than was done for the "nonprofit" medical association of ACOEM in 2002. The two Veritox, Inc. owners outrageously began claiming that the LNT Veritox Theory proves that all claims of death from toxigenic mold are only made because of "trial lawyers", "media reports", and "Junk Science". The "nonprofit" industry lobbyists then marketed the outrageous fraud to cause financially motivated discrimination in the courts.[53]

The scientific fraud for which Mr. Hardin and Mr. Kelman accepted thousands of dollars from a think-tank (Manhattan Institute) to pen for the "nonprofit-legal-reform" arm of the largest industry lobbyist in the United States (U.S. Chamber of Commerce) states:

"Thus, the notion that toxic mold is an insidious, secret killer as so many media reports and trial lawyers would claim, is junk science unsupported by actual scientific study." Bruce J. Kelman & Brian D. Hardin, Veritox, Inc., published July 17, 2003 [54]

The stated authorship for the U.S. Chamber Mold Statement is Mr. Hardin, Mr. Kelman and Ms. Coreen Robbins who are three of the six owners of Veritox, Inc.; along with Dr. Andrew Saxon of the University of California Los Angeles (UCLA). [See fn 52, 53] In 2006, Dr. Saxon stated in a deposition that he had never read it, let alone authored it. He said it is "the nonscientific piece that has my name on it".[55] [56] [57]

As such, only non-physician co-owners of one toxic tort defense-support corporation, Veritox, Inc., co-authored this paid-for-hire scientific fraud upon the court for "noprofit" industry lobbyists who specialize in influencing "legal policy" toward the falsely claimed goal of "legal reform".

To this day, the prestigious imprimatur of the University of California is on the U.S. Chamber Mold Statement by the fraudulent use of Dr. Saxon's name as a co-author. There strongly appears to have been dishonest intent to falsely portray university-affiliated-physician-co-authorship toward an air of university-affiliated-credibility for the Veritox Theory. In reality, it is a blatantly fraudulent spin of science by Veritox, Inc., the Manhattan Institute think-tank, and the U.S. Chamber of Commerce.

In 2008, Mr. Kelman stated under oath in deposition testimony [58] and provided documentation that only he and Mr. Hardin billed hours and were compensated for the endeavor [See fn 47-49], further adding to the evidence that the stated authorship of the U.S. Chamber Mold Statement is equally as fraudulent as the "Scientific View" it professes to prove.

Additionally, had Dr. Saxon of UCLA really co-authored the U.S. Chamber Mold Statement; then under the bylaws of the university the University of California Regents would have had to have been compensated for his work.[59] No such payment appears to exist.

The Veritox Theory foundation for U.S. Chamber Mold Statement is the same Veritox Theory upon which the ACMT Mold Statement is founded. Used extensively to sell doubt of causation of illness, disability and death, both promote the false concept that microbial toxins in WDB are proven to never be able to reach a threshold-level harmful to humans. In reality, no such proof of lack of causation of illness exists.

In 2008, Mr. Kelman also stated under oath that the U.S. Chamber Mold Statement was for the purpose of influencing the courts. In 2006, Mr. Hardin stated it was a lobbying piece.[60] It stands to reason that the ACMT Mold Statement written by Mr. Kelman's and Mr. Hardin's affiliate at Veritox, Inc., Dr. Sudakin, was published by the "nonprofit" medical-toxicologist association ACMT to serve the same purpose (committing scientific fraud upon the court by making the Veritox Theory appear to be legitimate, evidence-based science when cited by paid-for-hire expert defense witnesses in toxic torts.)

The following is just one example of the pervasive problem this has caused as it relates to discrimination against WDB apartment dwellers when industry-backed "nonprofit" lobbyists, medical trade association "nonprofits", unethical paid-for-hire experts witnesses, and defense attorneys collaborate to unduly influence judicial decisions by use of the Veritox Theory.

In 2009, the U.S. Chamber Mold Statement was submitted into Arizona mold litigation (Abad et.al. v. Wasatch Property Management, Inc. et. al.) as a legal exhibit of an amicus curiae brief by the "nonprofit" National Apartment Association (NAA). On page 9, the NAA amicus brief states:

"In a report entitled, 'A Scientific View of the Health Effects of Mold', a panel of scientists, including toxicologists and industrial hygienists stated that years of intense study have failed to produce any causal connection between exposure to indoor mold and adverse health effects.' U.S. Chamber of Commerce, A Scientific View of the Health Effects of Mold (2003)"[61] [62]

There was no "panel of scientists" who authored the U.S. Chamber Mold Statement. [See fn 47 to 60] Only Mr. Hardin and Mr. Kelman, two of the six co-owners of Veritox, Inc., authored it while working with "nonprofit" industry lobbyists to peddle the highly-discriminatory scientific fraud of the Veritox Theory to a very important target-market of decision makers, namely judges and justices. [See fn 60]

NAA is the multi-unit apartment owners' "nonprofit" trade association.[63] [64] Their Political Action Committee (PAC) lobbies in Washington, D.C. and contributes to politicians' election campaigns to advance their industry's interests.[65] Like Wasatch Property Management, several of their corporate members and/or their subsidiaries and insurers have been sued for negligent maintenance of rented-WDB-dwellings and bad faith practices while causing discrimination, devastation, disability and death. [66]

NAA's affiliate "nonprofit", the National Multifamily Housing Council, Inc. (NMHC), also works to influence public health policies and practices on behalf of multi-family housing owners and property managers.[67] The president of this "nonprofit" receives annual income of well over a million dollars. Other "nonprofit" officers' incomes are in the high-\$200,000 range.[68] They, too, have a PAC which proudly claims that they contribute to politicians' campaigns "especially U.S. senators and representatives" to promote the interest of multi-dwelling housing owners". [69] They boast that "Helping to elect such public officials is one of the most important ways NMHC, through NMHC PAC, serves its members" and that NMHC advocacy is a "behind-the-scenes insurance policy".

In the Arizona case (Abad) in which the NAA amicus curiae brief was submitted in 2009, Mr. Kelman and Ms. Robbins were testifying for the defense. The case involved two newborn infant deaths in the same apartment complex. As I understand it, mold remediation had occurred with no containment to curtail the spread of airborne mold spores and mycotoxins. The infants died shortly thereafter within days of each other. There was a \$25,000,000 liability policy issued from Travelers' Insurance to defendants.

The fraudulent U.S. Chamber Mold Statement by Mr. Kelman and Mr. Hardin was submitted by the NAA in support of Mr. Kelman's and Ms. Robbins' reciting of the Veritox Theory to cast doubt on causation of the infants' deaths. This use of the U.S. Chamber Mold Statement to lend credence to the Veritox, Inc., owners' expert opinions when selling the Veritox Theory in scientific fraud upon the court, was to stave off liability for Travelers Insurance and the NAA affiliate apartment complex owner/manager. Again, the Veritox Theory was marketed to the courts as legitimate science by a "nonprofit", this time the NAA.

This time the US Chamber of Commerce Mold Statement fraud was directly used to lend credibility to Veritox, Inc. owners' bogus, paid-for-hire expert opinions. It was property-casualty insurer fraud by use of a version of the LNT Veritox Theory, like was done by Dr. Kurt with three other versions (ACOEM, AAAAI, and ACMT) in the Texas workcomp insurer fraud example.

Through June of 2007, Veritox, Inc. was paid \$150,000 for Mr. Kelman's and Ms. Robbins' "professional services rendered" in the Arizona litigation.[70] I do not know the total amount that they billed for their profitable fraud in the litigation nightmare suffered by the grieving parents of deceased infants.

In 2010 the University of California Regents were made aware that the UC name was being misused by the US Chamber, Veritox, Inc., defense attorneys and the NAA to collusively commit insurer fraud in the Arizona courts.[71] In violation of the California Constitution, the Regents took no action to protect the publicly-owned university name from use in the "political and sectarian" endeavor purposed toward the profitable discrimination of WDB environmentally-disabled and deceased by fraud upon the court. [72] [73] [74]

Upon being made aware that the Veritox Theory was a scientific fraud upon their court, the Arizona jurists' response was as equally deliberately indifferent as the University of California Regents'. Actually, it was worse. Instead of taking action to disallow the Veritox Theory in their courts, Arizona jurists chose instead to assist in retaliation and financial devastation of the sole-practitioner plaintiff attorney.

He had provided jurists with the direct evidence of the fraudulent origin, fraudulent mass-marketing and dishonest purposed usage of the Veritox Theory to unduly influence their decisions. Arizona jurists ruled that he should pay sanctions and \$700,000 of opposing counsels' fees in the related matter.[75] The defense and NAA attorneys were never held accountable for submitting scientific fraud upon the court to unduly influence the case outcome.

- [47] 2003 canceled checks from Manhattan Institute to Veritox (formerly GlobalTox) equal to the hours that Kelman and Hardin billed for their work. http://freepdfhosting.com/8e5c4c5a36.pdf
- [48] 2003 contract between Manhattan Institute and Veritox http://freepdfhosting.com/da1f816865.pdf
- [49] 2003 Hardin & Kelman hours billed to Manhattan Institute http://freepdfhosting.com/43f07c34e8.pdf
- [50] Manhattan Institute http://www.sourcewatch.org/index.php/Manhattan Institute for Policy Research
- [51] U.S. Chamber of Commerce http://www.sourcewatch.org/index.php/U.S. Chamber of Commerce
- [52] 2003 U.S. Chamber Mold Statement www.uschamber.com/sites/default/files/legacy/reports/ilr_mold.pdf
- [53] 2003 U.S Chamber Mold Statement in most relevant parts http://freepdfhosting.com/a8baea5e37.pdf
- [54] 2008 Deposition of Mr. Kelman stating either he or Mr. Hardin wrote the blatantly fraudulent \$entence for the U.\$. Chamber of Commerce: http://freepdfhosting.com/6e7c68a201.pdf
- [55] 2006 deposition of Saxon stating he did not co-author the US Chamber Mold Statement, did not know his name was on and had never even read it. http://freepdfhosting.com/daf7d27e86.pdf
- [56] 2008 deposition of Kelman's conflicting statement that they had Saxon's permission to put his name on the US Chamber Mold Statement http://freepdfhosting.com/c510fbfb25.pdf
- [57] 2008 deposition of Kelman. He altered from a 2004 bench trial testimony that the payment for the US Chamber Mold Statement was \$40K to it was \$25K. What happened to other \$15K? Was someone else paid? http://freepdfhosting.com/1da865cdda.pdf

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- [58] 2008 Kelman deposition stating only he and Hardin were paid, but Saxon was an unpaid co-author. (See fn 55 for Saxon's conflicting under-oath testimony). http://freepdfhosting.com/1007274215.pdf
- [59] 2004 Saxon deposition Re: the Regents are paid for his expert defense work as a UC employee http://freepdfhosting.com/0a9b2517ef.pdf
- [60] 2008 Kelman deposition, 2006 Hardin deposition, stating US Chamber Mold Statement is a lobbying piece & the Manhattan Institute "wanted something more accessible for judges" http://freepdfhosting.com/31680a1525.pdf
- [61] 2009 NAA advertising to its members that it submitted the amicus curiae brief on behalf of an NAA member. http://freepdfhosting.com/e633e385ad.pdf
- [62] 2009 NAA Amicus in the Arizona case in relevant part http://freepdfhosting.com/7c640c2178.pdf
- [63] NAA financials 2013 http://www.guidestar.org/FinDocuments/2013/530/191/2013-530191129-0aecbdf4-90.pdf
- [64] NAA Government Affairs FAQs: http://www.naahq.org/learn/government-affairs/faq
- [65] NAA PAC federal lobbying http://www.opensecrets.org/pacs/lookup2.php?strID=C00113241
- [66] NAA Members: http://www.naahq.org/learn/national-lease-program/companies-using-national-lease
- [67] NMHC efforts to influence policy http://www.naahq.org/site-taxonomy/national-multifamily-housing-council-nmhc
- [68] NMHC financials (see page 7 for reported officer income) http://www.guidestar.org/FinDocuments/2014/521/127/2014-521127504-0aeb42ec-90.pdf
- [69] According to the NMHC website, "Advocacy, Often described as a valuable early warning system and a behind the-scenes insurance policy, the Council is actively involved in forming national housing policy and shaping the legislation and regulations that affect the industry. From public testimony before Congressional committees to selective participation in judicial proceedings, NMHC is consistently heard on the entire spectrum of housing-related issues. We concentrate our public policy efforts on issues relating to housing policy, finance, tax, technology, property management, environmental issues, labor and employment and building codes. NMHC sponsors a political action committee exclusively representing the multifamily housing industry. The National Multifamily Housing Council Political Action Committee (NMHC PAC) was formed to support political candidates, especially U.S. senators and representatives who are dedicated to the preservation and production of multifamily housing. Helping to elect such public officials is one of the most important ways NMHC, through NMHC PAC, serves its members. Although membership in NMHC is required to participate in NMHC PAC, it is funded separately and entirely on a voluntary basis." http://nmhc.org/Membership-Benefits/
- [70] 2007 Veritox, Inc. billing for the Arizona case up through June 2007 http://freepdfhosting.com/3ad4a1ccf1.pdf
- [71] 2010 ACHEMMIC letter to Regents http://freepdfhosting.com/e88548fd20.pdf
- [72] California Constitution re: UC Regents' duty http://freepdfhosting.com/a8ac423491.pdf
- [73] 2010 UC Regents "thanks for sharing" letter http://freepdfhosting.com/d68a7598b1.pdf

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[74] 2010 letter to Regents explaining the fraud and harm again. http://freepdfhosting.com/1ff83d97aa.pdf

[75] 2011 Tucson News "Lawyer settles suit in mold case after nearly nine years" http://freepdfhosting.com/43ac521d78.pdf

VII.

A DECADE OF RETALIATORY CRIME BY CALIFORNIA JURISTS, CLERKS, ATTORNEYS & MR. KELMAN TO KEEP THE VERITOX THEORY IN U.S. POLICIES, PHYSICIAN EDUCATION & COURTS

Over the years I have heard Veritox, Inc. owners and affiliates referred to as "snake oil salesmen", "doubt-sellers", "tobacco scientists", "insurer-hired-guns" [76], "front men of industry", "environmental health hazards", "defense whores" and "criminals" possessing "toxic clout". For good cause based on a decade-worth of irrefutable direct evidence, I find all of these characterizations to be true and accurate.

I have a degree in marketing which enabled me to quickly grasp by the mid-2000's how it became a false concept in policy and courts that it was proven microbial toxins in WDB could never reach a harmful level. By reading the marketing materials (professional advice by "learned bodies of science and medicine" published in medical journals as alleged-legitimate peer-reviewed research) it was easy for me to trace back the origin of the diabolical massmarketing scheme legitimized by "nonprofit" medical trade associations to one "garbage science" LNT, namely the Veritox Theory.

A decade ago, I was naïve to the fact that merely telling the truth in the United States of America on behalf of the weak, poor, less-educated, and disabled can be harmful to one's own health, safety, and welfare. I honestly believed that "public servants" would protect the health and safety of U.S. citizens from profitable fraud, waste, and abuse.

Toward the goal of offering them greater understanding of the massive problems being caused by the LNT Veritox Theory, on March 9, 2005 I published a writing on the Internet. It explains how the Veritox Theory was systematically mass-marketed for monetary gain, to cause jurists, jurors, and all decision makers to discriminate against WDB-disabled and dying.

My 2005 writing was the first public writing exposing the mass-marketing scheme to commit scientific fraud upon the courts purposed toward discriminatory insurer fraud, by use of the wrongfully-legitimized Veritox Theory. Titled, "Jury Finds 'Toxic Mold' Harmed Oregon Family, Builder's Arbitration Clause Not Binding", [77] the writing names those who I knew at the time were involved in the massive scam, including a United States Congressman. I wrote of the deceptive marketing in the context of an Oregon trial, Haynes v Adair Homes.

My now decade old writing is the epitome of what anti-SLAPP (Strategic Litigation Against Public Participation) laws are meant to protect the public from – retaliation under the color of law for exposing fraudsters and frauds purposed toward harming the public.[78] Yet, what has happened to me for telling the truth to save lives is a chapter for the American history books. It is one more chapter of how well-connected fraudsters are aided and abetted by United States state and federal agencies and entities and the courts to thwart advancements of environmental science and medicine, to great detriment of the public.

As was brought to light in my 2005 writing exposing how the Veritox Theory became current accepted science, when serving as an expert defense witness in the *Haynes* Oregon trial on February 18, 2005, Mr. Kelman attempted to stop questions regarding the collaborative effort to legitimize and mass-market the Veritox Theory. [79, transcript of Kelman's testimony in *Haynes.*] Unsuccessful, he was forced to discuss the relationship of the "nonprofit" medical association, ACOEM, to the "nonprofit" industry-think-tank, Manhattan Institute, in the proliferation of the scam. He shouted, feigned confusion, and portrayed he was offended by questions of being paid for the Veritox Theory. Taking his cue, the defense attorney then also attempted to stop the questions.

The judge would have ended the line of questioning had the plaintiff attorney, Calvin "Kelly" Vance, not had the transcript of a prior testimony of Mr. Kelman's from a 2004 Arizona bench trial, *Kilian v. Equity Residential Properties Trust*, in its entirety. Equity Residential Trust is also a member of the "nonprofit" NAA.

I am responsible for Mr. Vance having the *Kilian* transcript which forced Mr. Kelman to discuss the scheme in front of the Oregon jury. I had received a copy from Arizona plaintiff attorney, Richard Langerman in January of 2005. Recognizing that if the *Kilian* transcript was properly used, it was the smoking-gun to expose and stop the fraud of the Veritox Theory [80, transcript of Kelman's testimony in Kilian], I had it converted into a pdf and emailed it to mold advocates across the U.S. Mr. Vance received a copy from one of those advocates who was his client at the time, Susan Lillard Roberts. I had never spoken to Mr. Vance prior to interviewing him for my 2005 writing.

When the Oregon judge allowed the questioning to continue because of the transcript of Mr. Kelman's prior testimony from *Kilian* being available in its entirety, Mr. Kelman then tried to say that the two mold statements (allegedly unbiased ACOEM's and paid-for-hire U.S. Chamber's) were not connected while simultaneously having to admit that they are. The Oregon jury saw through his unartful-dodges and altering/flip-flopping testimony about the relationship of versions of the Veritox Theory. They awarded a half million dollars for the Haynes family "toxic mold" injuries in their newly-built WDB home. (Note: thus far I have given examples of the Veritox Theory being scientific fraud purposed toward insurer fraud in workmans' compensation, in landlord liability insurance, and now in new construction)

The March 2005 jury verdict for plaintiffs in Oregon made the *Haynes* trial nationally significant. It was a first in the Northwest to award damages for disability caused by "toxic mold" in WDB new construction. It was an excellent example of how to win a mold trial in spite of the Veritox Theory being portrayed by Mr. Kelman and his "esteemed colleagues" in "learned bodies" as evidence based medicine.

My writing of the scam wounded the cold heart (the Veritox Theory) of the defense in all mold litigations where CIRS-WDB and death had occurred. They were out for blood. In their retaliatory rage to get me for exposing their fraud, they took foolish acts which helped to shed even greater light on the problem.

The following cases have been written about many times in many venues which has caused many to understand that the Veritox Theory is one of the biggest frauds ever perpetrated on the American public. Even with the cases being fixed for Mr. Kelman et. al., by the compromised judicial officers in the San Diego superior and appellate courts, their foolish SLAPP suits helped me to gain attention to help shed light on the scientific fraud behind the LNT Veritox Theory in mold cases throughout the country. I was even able to get the Wall Street Journal to write of it. [Word of advice: never try to use criminal means to silence someone with degree in marketing. They'll use your aggressions as exhibits.]

In May of 2005, Mr. Kelman and Veritox, Inc., (formerly GlobalTox, Inc.) sued me for libel in a California state court for the words "altered his under oath statements" in the writing. I accurately used the words in a sentence which was part of the story of how the Veritox Theory became current accepted science by unethical means. From my writing:

"Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr. Kelman <u>altered his under oath statements</u> on the witness stand. He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox \$40,000 to write a position paper regarding the potential health risks of toxic mold exposure."

My writing stated the think-tank money was for the U.S. Chamber version of the Veritox Theory and I described how it was connected to the allegedly unbiased version written for Mr. Kelman's "esteemed colleagues" in the "learned body" of ACOEM.

In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was disseminated to the real estate, mortgage and building industries' associations ["nonprofits"]. A version of the Manhattan Institute commissioned piece may also be found as a position statement on the website of a United States medical policy-writing body, the American College of Occupational and Environmental Medicine [ACOEM]"

They were trying to stop sunlight on how the scientifically fraudulent Veritox Theory was mass marketed into policy – that it was proven "toxic mold" does not harm -- purposed toward misleading courts to deny liability for parties who are financially responsible for the disabling and killing of people. (Mainly this would be various types of insurance policies such as property-casualty, workcomp, errors and omissions, and health)

The California SLAPP suits (there were two, one beginning in 2005 and one in 2010[81]) were fixed to a false finding of libel with actual malice by jurists, Mr. Kelman's attorney Keith Scheuer, and court clerks. They systematically suppressed evidence that Mr. Kelman frequently lies under oath when serving as a toxic tort defense witness [82]. (and as a plaintiff in SLAPP suits) and that the Veritox Theory is one of the biggest scams ever perpetrated on the U.S. public.

As merely one of many examples of Mr. Kelman lying in *Haynes* when forced to discuss the money trail in the proliferation of the Veritox Theory:

VANCE[83] QUESTION: "So, you participated in writing the study, your company was paid very handsomely for it, and then you go out and you testify around a country legitimizing the study that you wrote. Isn't that a conflict of interest, sir?" KELMAN ANSWER: "Sir, that is a complete lie." [fn 79 page 55]

It is not a lie. Mr. Kelman and Veritox, Inc. *have* been paid very handsomely for authorship and uncountable false testimonies as to the validity of the multi-billion dollar fraud, the LNT Veritox Theory.

Against all odds and a decade of retaliatory wrath under the color of law in the San Diego Superior and Appellate courts, I have not been deterred from trying to save lives by stopping the many variations and uses of the Veritox Theory fraud (such as the ACMT Mold Statement). Nor has the criminal wrath in the California courts shielded the conflicted interest behind the origin and proliferation of the Veritox Theory from exposure to public light. [See fn 10, 16, 39, 41, 181, 185, 202, 206]

Taking the California SLAPP matters clearly into the realm of criminality under the cloak of law whilst trying to discredit, scare and harass me into silence of a massive fraud; Mr. Kelman, beginning in 2005 committed criminal perjury as a plaintiff in the first SLAPP to manufacture a libel-law needed reason for my alleged personal malice for him.

By use of plaintiff perjury, attorney suborning of perjury, and judicial suppression of evidence of perjury, it was falsely made to appear throughout the decade of harassment that I was a sourgrapes litigant who wrote of the *Haynes* case because I was out to get a great and noble man of science, Mr. Kelman. It was falsely made to appear that Mr. Kelman had harmed me personally, when retained as an expert defense witness in my own mold lawsuit of long ago. Although there was never one shred of evidence provided in the decade of SLAPP that I was remotely unhappy with Mr. Kelman's involvement in my own lawsuit (because I wasn't) it was falsely made to appear for a decade in the California courts I was allegedly:

"Apparently furious that the science conflicted with her dreams of a remodeled house, Kramer launched into an obsessive campaign to destroy the reputation of Dr. Kelman and GlobalTox".[83] Mr. Kelman's attorney, Keith Scheuer, suborning Mr. Kelman's perjury to manufacture malice. One of multiple examples of which the court officers repeated suppressed the evidence was suborning of material perjury. [84, 85]

The reality is, it is a matter of public record that my family received nearly a half-of-million-dollar settlement in our mold case of 2003, caused by a leak in an ice-maker line. That was plenty of money to remodel a house if that were my goal.[86] The reality is, I could have easily moved on from the Toxic Mold Issue long ago were it not for my concern for my fellowman.

The rewarded perjury and suborning of perjury to manufacture reason for malice in the first SLAPP was to avert attention that I exposed a massive public defrauding of which Mr. Kelman is a central figure. In the second SLAPP, the rewarding of the criminality was to conceal that leading California jurists have been practicing politics by criminal means from their benches to aid the continuance of the public defrauding via their aiding the Veritox Theory, now for a decade. [See fn 85 & 90]

Digging a hole deep enough for many to plie into, from 2005 to 2013 all (*emphasis added*) California judges and justices to oversee the matters suppressed the direct evidence of Mr. Kelman's material perjury, of Mr. Scheuer's repeated suborning of it, and of prior jurists suppressing the evidence.[86] So did the California State Bar.[87] The Commission on Judicial Performance (CJP) did, too, whilst shielding the main-case-fixer, CJP Chairwoman Justice Judith McConnell, from addressing her suppression of material evidence of perjury in a case with national significance. [89]

In addition to suppressing evidence of Mr. Kelman's perjury and Mr. Scheuer's suborning of it in SLAPP, court clerks falsified multiple material court documents and electronic case records [90] (which is easy to do without detection[91]). The California jurists relied on the clerks' falsified documents to abet the continued usage of the Veritox Theory in U.S. litigations, claims handling practices, medical association position statements, mainstream physician education, building maintenance practices, and courts – all purposed toward insurer fraud, for now a decade.

By felonious acts [92] to aid insure fraud the multiple jurists, Mr. Kelman, his attorney, and several clerks knowingly caused the resultant mass discrimination against the CIRS-WDB disabled to continue nationwide. As a mere example of what the Fourth District Division One Court of Appeal (4th/1st) justices knew they were aiding to continue by concealing Mr. Kelman's perjury and multiple court document falsifications in SLAPPs, is my January 2010 Reply to the 4th/1st Query.[93] It states,

"When this Reviewing Court acknowledges what legally cannot be denied: Kramer's overwhelming, uncontroverted and irrefutable evidence that seven judges and justices ignored Kramer's overwhelming, uncontroverted and irrefutable evidence of Kelman's perjury on the issue of malice and ignored Kramer's vast evidence of Scheuer's willful suborning of Kelman's criminal perjury; then seven years-worth of scientific fraud perpetrated on US Courts over the mold issue by the US Chamber of Commerce et al, will immediately cease by the acknowledgment that their author of their scientific fraud has no qualms about lying under oath to the courts and strategically litigating.."

In the process of case-fixing SLAPP for mass insurer fraud while causing discrimination of the environmentally disabled, they also egregiously violated federal law and my civil rights to lawfully advocate for the environmentally disabled without criminal retaliation by compromised court officers and their clerks, aiding corporate fraudsters and their attorney. [94]

Additionally, as a result of California court officers collusively fixing the first SLAPP suit and their clerks falsifying multiple court documents and electronic case records, Mr. Kelman and Mr. Scheuer began recording tens of thousands of dollars of fraudulent liens against my property in 2009 by use of a 2008 court-issued fraudulent abstract of judgment. The abstract shows a date of judgement entry of September 24, 2008. This is not possible and there is no notice of entry of judgement for that date. [95] [96]

The faces of the abstract and resultant lien from the first SLAPP provide direct evidence that interest miraculously (and criminally) accrues from a date before costs were submitted by Mr. Scheuer on October 14, 2008. The abstract and lien differ from the face of the equally fraudulent void judgement, which shows a date of entry of judgement as December 18, 2008. There is no notice of entry of judgement dated December 18, 2008, because it did not happen. The judgment document from the first SLAPP is a fraud.

The 2008 void judgment was back-dated twice by "MGarland" rendering it a worthless piece of paper that cannot lawfully be used for any purpose (Michael Garland was clerk of the trial court presided over by Judge Lisa Schall, the judge with the worst ethics record in the entire State of California according to CJP records. [97]).

Though legally worthless, Mr. Kelman and Mr. Scheuer, with the aid of multiple superior court judges and appellate court justices, continued to use the 2008 void judgment for five more years to harass me in the courts. It became a coram non judice collaboration to cover-up the document falsifications and rewarding of perjury in SLAPP, purposed toward aiding the Veritox Theory to continue in courtrooms and claims-handling practices all across America.[99] This is called "racketeering with no judicial immunity from prosecution".

Void on its face and therefore legally invalid [100] the 2008 judgment from the first SLAPP suit was amended in 2011 by Judge Earl Maas III. He refused to vacate it and instead amended to acknowledge that I prevailed over Veritox in trial and am entitled to costs. I have never been able to collect my costs because I would have to use the still void judgment to record an abstract; which would cover-up that it is a void legal document.

Regardless of its nullity, the void judgement from the first SLAPP was used by Mr. Kelman and Mr. Scheuer in 2010 as the sole foundational document in the second SLAPP. (this was before amendment in 2011 by Judge Maas III and still permanently void on its face because of 2008/09 backdating by "MGarland")

All jurists to oversee the second SLAPP were made aware that their courts had no subject matter jurisdiction. [100] Never denied with any refuting evidence, they just kept using the falsified judgment document as feigned legal reason to continue to try to harass me into silence of their multiple acts of case fixing for a diabolical insurer fraud scheme – to no avail.

Prior to Mr. Kelman and Mr. Scheuer using the void judgement from the firs SLAPP as the sole foundational document to the second SLAPP in November of 2010; 4th/1st Appellate Justices Richard Huffman, Patricia Benke and Joanne Irrion concealed that the judgment was void on its face in their September 2010 appellate opinion [101]. In April of 2009, Judge William Dato (now presiding judge of the North San Diego Superior Court) issued a ruling that I was entitled to costs in the first SLAPP. But he would not amend the judgment that was known to him at the time to be fraudulent, and void on its face with no notice of entry.

Judge Dato's clerk had previously been involved with Judge Schall's clerk, "MGarland" to conceal the document falsification and back-dating. Judge Dato's clerk mailed me a yellow-post it in January of 2009 to try to make the back-dating appear to be lawful to a Properia Persona defendant, me. [102] It is attached hereto as **EXHIBIT 5.** (Note this bolded fn is file stamped, meaning the appellate justices had this post it notice when they concealed the void judgment in their 2010 appellate opinion. Also attached is the electronic case record from the first SLAPP showing nothing occurred in the case on 12/18/08 – contrary to the face of the void judgment)

In 2013, I received a thinly veiled threat from Judge Robert Dahlquist in the second SLAPP suit that if I filed any more motions to have remittiturs recalled and void judgements vacated from either SLAPP suit, he would (coram non judice) deem me a "vexatious litigant" by motion of Mr. Scheuer.[103]

[Interpretation for lay people: One cannot alter a judgement document after judicial signature without initialing or dating to make it appear that things occurred in a court case on dates that they did not; then aid one's initials and date next to change at a later date to make it appear changes occurred on a different date; and then continue to use the falsified document to try to harass someone into silence of what multiple jurists and clerks did to aid continuance of the main weapon used in a discriminatory insurer fraud scam of epic proportion --the Veritox Theory. It is a felony to falsify court documents under California Penal Code 134 and additional felonies to take actions to cover-up the falsifications. [See fn 92] One also cannot abuse the courts to threaten a United States citizen that if they motion again to have prior falsified court documents nullified to cause an insurer scam stopped, the motions will be denied and they will lose their right to ever file a lawsuit without posting a \$25,000 bond via being deemed a vexatious litigant by a judge, not a court]

By law, judicial use of a void judgment means the court lacks subject matter jurisdiction. This is supposed to mean no judicial immunity from prosecution for aiding the owners of Veritox, Inc. et. al. to defraud the public by the harassing, criminal acts in SLAPP. Ignoring the lack of jurisdiction, jurists refused multiple times to prove it exists upon challenges. The judges and justices were made aware with uncontroverted evidence that their coram non judice crimes were aiding a massive fraud in mass discrimination of the environmentally disabled and dying. With reckless disregard for the truth, law, and the public they just kept on harassing me. [103]

- [76] 2007 Example of Veritox, Inc. bullying those who expose they are insurer-hired-guns and their Veritox Theory is nonsensical fraud upon the court. Threat from Veritox to attorney Dodson http://freepdfhosting.com/65e1577dd4.pdf
- [77] March 9, 2005 PRWeb & Industrial News, March 2005, SKramer "Jury Finds 'Toxic Mold' Harmed Oregon Family, Builder's Arbitration Clause Not Binding" http://freepdfhosting.com/4051da7b08.pdf
- [78] anti-SLAPP law C.C.P. 425.16 http://codes.findlaw.com/ca/code-of-civil-procedure/ccp-sect-425-16.html
- [79] February 18, 2005 *Haynes v Adair Homes* Testimony of Bruce J. Kelman (See pages 53-58) http://freepdfhosting.com/ec0fad16ee.pdf
- [80] 2004 Kilian Testimonies in relevant parts. (See pdf pages 5-7) http://freepdfhosting.com/2602d2f26b.pdf
- [81] 2005 *Kelman & GlobalTox v. Kramer* GIN044539 & 2010 *Kelman v. Kramer* 37-2010-00061530-CU-DF-<u>NC</u> http://courtindex.sdcourt.ca.gov/CISPublic/viewname
- [82] 2008 Declaration of Lincoln Bandlow, Esq. my trial attorney, explaining that Kelman's science was not permitted to be discussed in trial and that false hearsay documents somehow got into the jury room http://freepdfhosting.com/c61a589bd0.pdf
- [83] A word about my least favorite mold attorney in the whole wide world, Kelly Vance: Although my efforts assisted Mr. Vance to discredit the Veritox Theory's use in the 2005 *Haynes* trial, Mr. Vance did not want it known that I interviewed him and three of his clients (and I had been reading Mrs. Haynes' group emails) before I wrote in 2005.

First declaration of Vance (2008) in the California SLAPP suits not acknowledging that I interviewed him before I wrote. http://freepdfhosting.com/ceea3fbab8.pdf

Second declaration of Vance submitted sue sponte shortly before the Motion for Summary Judgment was denied in 2008 by Judge Michael P. Orfield, falsely making it appear that Vance somehow had superior knowledge that I had personal malice for Mr. Kelman; thus aiding the SLAPP retaliation to continue to harm me, and the Veritox Theory to continue to harm thousands already injured by WDBs. https://freepdfhosting.com/5c31d2331b.pdf

Mr. Vance had been under scrutiny by the Oregon State Bar for ethics violations. He did not want to be involved in the SLAPP suits. https://www.osbar.org/publications/bulletin/06jun/discipline.html

His clients, Mr. and Mrs Haynes (now divorced), had been sued for libel relating to their mold litigation, by what appears to be retaliation for writing of fraud. http://kellyvancelaw.com/toxicmold/oregon mold litigation7.html

Email correspondence with Mrs. Haynes after the damage was done by the mean-spirited, misleading sue sponte declarations in the SLAPP (seems they were mad that I would not spoon-feed Vance information of the Veritox Theory after they refused to state that I interviewed them) https://freepdfhosting.com/499d8d0567.pdf

Email correspondence with Vance (an odd duck, who has aided to harm many people to this very day, including me, with his demanding ignorance and self-absorbed ego) He was offering to put the dispute behind us so I could have the privilege of spoon-feeding him again - free of charge. http://freepdfhosting.com/5df623a66a.pdf

[84.] 2005 Kelman's Opposition to Motion to Strike in the first SLAPP (see pg 5) http://freepdfhosting.com/4020653ff0.pdf

- [85] "Environmental Advocate Sharon Kramer ~US DOJ Lying Experts~Cal Courts & Mold~ Not a pretty story!!" http://wp.me/PIYPz-3AJ They all kept lying and falsifying court documents throughout the SLAPPS multiple times. Note that many of the links in this document are file stamped, meaning the appellate justices had these when the SLAPPS have been on appeal.
- [86] 2003 Public record proof they lied to manufacture malice. This is three of the four settlements from my mold case of 2003, all signed by Judge Michael P. Orfield http://freepdfhosting.com/390c7a1bf3.pdf I cannot state the exact amount we received in total, because I have a confidentiality agreement with one of the cross-defendants which precludes me from doing so.
- [87] 2006 4th/1st anti-SLAPP Opinion excerpt --Judith McConnell, Cynthia Aaron and Alex MacDonald suppressed evidence of Kelman's perjury to manufacture reason for malice http://freepdfhosting.com/a87355dc1e.pdf
- [88] 2010 State Bar claiming they would review (this one is a story in and of itself of what was done to conceal the collusion to defraud too long for this writing) http://freepdfhosting.com/03864cfbcb.pdf
- [89] 2010 CJP claiming they could not intercede to stop fraud upon the court by their chairwoman, Justice Judith McConnell et. al. http://freepdfhosting.com/24c64a5060.pdf
- [90] 2011 "Is The California Court Case Management System (CCMS) Being Misused For Politics In Policy & Litigation...And The Fleecing Of The California Taxpayer Over The Mold Issue?" The clerks were falsifying court documents and electronic records as the jurists were fixing the case. The Judicial Council was no help to stop the fraud. In 2012, I was sentenced to five days in jail for posting the direct evidence of falsified court documents and electronic records on Katy's Exposure by a judge whose court had no subject matter jurisdiction. http://wp.me/plYPz-3aV
- [91] June 2015, Grand Jury probe for electronic records fixing in the Orange County Courts showing it is easy to do without detection http://www.ocregister.com/articles/court-667679-defendants-borris.html
- [92] Penal Code 134, It's a felony to alter court documents and electronic case records, and to conceal the falsifications of oneself and others. http://www.lacriminaldefensepartners.com/preparing-false-evidence-california-penal-code-134/
- [93] Jan 2010 Reply to Court's Query, See page 44 for suppressed evidence of what the 4th/1st justices knew they were doing to cause mass discrimination, nationwide. http://freepdfhosting.com/fbb3336368.pdf
- [94] 42 U.S.C. §§ 12201–12213. Title V includes an anti-retaliation/coercion provision. The Assistance Manual for the ADA explains it: "III-3.6000 Retaliation or coercion. Individuals who exercise their rights under the ADA, or assist others in exercising their rights, are protected from retaliation. The prohibition against retaliation or coercion applies broadly to any individual or entity that seeks to prevent an individual from exercising his or her rights or to retaliate against him or her for having exercised those rights ..Any form of retaliation or coercion, including threats, intimidation, or interference is prohibited if it is intended to interfere" http://www.ada.gov/taman3.html
- [95] 2008 Void Judgement and conflicting Abstract of Judgement/Lien from the first SLAPP suit http://freepdfhosting.com/b860cd20c2.pdf
- [96] 2012 2nd fraudulent lien recorded for \$19K in the second SLAPP http://freepdfhosting.com/52fc73c449.pdf
- [97] 2014 "Voter Questions Posed to San Diego Judicial Candidate Lisa Schall" http://wp.me/plYPz-3JB

[98] Details of how the 2008 judgment was falsified and used. http://freepdfhosting.com/abec667216.pdf

[99] 2013, Presiding Justice of the 4th/1st issuing findings while refusing to establish that her court had subject matter jurisdiction – because she knew it did not. http://freepdfhosting.com/51a65aa92a.pdf

[100] The 2008 void judgement from the first SLAPP as amended (2011) one year after it was submitted as the sole foundational document to the second SLAPP in 2010 by Kelman and Scheuer. (See page 3). http://freepdfhosting.com/786b95b2bf.pdf

[101] 2010 Appellate Opinion "The trial court, with a different trial judge presiding, heard Kramer's cost motion on April 3, 2009, and awarded her a total of \$2,545.28" FALSE. No judgment was entered awarding my costs – they would have had to acknowledge the judgment was backdated by clerks and a fraudulent lien had been recorded. (there is a lot more to this aspect. The appellate justices concealed that Scheuer comingled his clients' costs when recording the fraudulent lien in 2009. Mr. Scheuer recorded a lien against my property for his costs incurred by a party that I prevailed over in trial, Veritox, Inc.)

http://www.leagle.com/decision/ln%20CACO%2020100914027/KELMAN%20v.%20KRAMER

[102] April 2009, Dato ruling (but no judgment ever issued) http://freepdfhosting.com/6b94b07e42.pdf &

EXHIBIT 5, January 2009 yellow post-it mailed from Dato's clerk attached to Garland's backdated judgment "MGarland 12/18/08" with no matching notice of entry in existence – because it never happened. The document is a fraud. & the electronic case record (ROA) showing nothing occurred in the case on 12/18/08

Post it notice: http://freepdfhosting.com/cc26abb578.pdf discredited by ROA http://freepdfhosting.com/f94156ccce.pdf

& January 2009, ruling by former Presiding Judge of the North San Diego County Superior Court, Joel Pressman, refusing to hear my post-trial Motions for Reconsideration under the false pretense that an amended judgment had been entered on December 18, 2008 – Note: the notice file stamp, meaning the appellate justices of Richard Huffman, Patricia Benke, and Joan Irrion had this document when issuing their case-fixing 2010 appellate opinion concealing the judgment is a fraudulent document. http://freepdfhosting.com/5ac3cc36da.pdf

[103] 2013 Register of Action in 2nd SLAPP where the void judgment from the first SLAPP was used as the sole foundational document of the case – coram non judice. See 2nd entry page 1 for Judge Dahlquist denying Scheuer's vexatious litigant motion "without prejudice" http://freepdfhosting.com/01f7a6c48b.pdf & 2013 notice to Justices McConnell et. al. to "stop harassing me" http://freepdfhosting.com/bb0ea71958.pdf

VIII. A DANGEROUSLY JUSTIFIED SELF-PERCEPTION OF BEING ABOVE THE LAW

When jurists believe they do not have to follow laws even when they know that thousands of people are being physically hurt from their criminal acts, it serves as a bellwether that the United States may no longer be a country of the people, by the people and for the people. The involved jurists who have repeatedly broken the law to aid the Veritox Theory to maim and kill with their lies, have repeatedly demonstrated no remorse and no fear that they would ever be held accountable for collusive fraud upon their courts with no judicial immunity from prosecution.

Their fearless crimes with no concern of being held accountable appears to be justified "I am above the law" mentalities. From 2010 to 2013, leading California justices (who oversee cases in the 4th/1st and who fixed their appellate opinions beginning in 2006 while suppressing the evidence of Mr. Kelman's perjury and falsification of multiple court documents) repeatedly refused to recall the remittiturs and vacate the void judgements in both SLAPP suits. [104]

To date, <u>no one in government</u> will punish the gang of black-robed hooligans who operate out of San Diego and whose ring-leaders have basically run the California judicial branch (into the ground) for years.[105] [106] [107] [108] [109] This, while the Veritox Theory has played on to harm thousands directly as a result of years of criminal acts in the San Diego, California courts.

Case-fixer Justice Richard Huffman was the Chair of the Judicial Council (JC) Executive Committee during the time he fixed the 2010 SLAPP appellate opinion. He was Chair of this committee for fourteen years, making him the most powerful justice in the state. He now Chairs the JC Committee on Financial Accountability and Efficiency. Case-fixer Justice Judith McConnell was a CJP member/Chairwoman from 2005 to 20 13, while she was case-fixing to aid the Veritox Theory to continue.

While team-playing to cover up their crimes, in 2012, I was jailed by order of Judge Thomas Nugent, whose court had no subject matter jurisdiction (because of reliance on the void judgment from the first SLAPP to feign his court's subject matter jurisdiction in the second). The jailing was for my refusal to sign a false confession of libel with actual malice under penalty of perjury and refusal to state in writing:

"I do not believe Dr. Kelman committed perjury." [110] [111]

Clearly, I wholeheartedly believe that he did. In fact, I know it as do many others who, at best, remain mum. The involved jurists know that direct evidence of material perjury to manufacture malice was suppressed by the jurists since 2005, beginning with Judge Michael Orfield (retired). [See fn 121 pg 13-19 and fn 86 for perjury used throughout the SLAPPS on the material issue of malice. Fn 85, shows that Judge Orfield oversaw our family's mold suit of 2003. He signed three of the settlements negating the false reason that Kelman and Scheuer gave for my allegedly malicious reason to expose fraud to save lives]

In 2012, (second SLAPP) Judge Nugent, Mr. Scheuer, and Mr. Kelman were trying to coerce me to apologize for my accurate 2005 writing which exposed who was involved in the mass marketing the Veritox Theory; and of Mr. Kelman getting caught weaseling about it on an Oregon witness stand, February 18, 2005. They tried to scare me into self-deeming myself a liar by signing a false confession — by order of a judge whose court had no subject matter jurisdiction, which is criminal coercion to defraud with no judicial immunity.

After all the agony they had caused me for daring to tell the truth, I had no intention of being coerced into helping them conceal how they have harmed people with the Veritox Theory by retaliating against me in abuse of court -- even with carried-through threats of false imprisonment and bodily harm. [112]

And if all of this were not evil enough, while jailed in 2012 for my resistance to their attempts to coerce me into perjury, the trumped-up civil contempt of court charges (of a court with no subject matter jurisdiction) somehow morphed into a criminal contempt of court record. [113] As a result, I was given a false criminal FBI record by the San Diego County Sheriff.

They refused to remove my false criminal record for six months while claiming their computer system did not provide the ability for them to do so. When I threatened litigation in late 2012 the records clerk, Deborah Duncan, contacted someone. She called me back and within an hour the Sheriff Department was suddenly able to remove the false FBI record. [114]

Trial court Judge Nugent, who ordered me to jail coram non judice, lost his courtroom of over twenty years in 2012 and new judge took the case, Judge Dahlquist. Nugent has never been held accountable for his criminal acts in the collusive, body-harming and character assassinating harassment of me under the color of law. [115] [116] He retired in 2015 with full pension and with his legacy as an ethical, honest judge wrongfully, yet fully intact.[117]

Beginning in 2010 while demonstrating equally Unclean Hands, San Diego County District Attorney (DA) Bonnie Dumanis repeatedly refused to prosecute Mr. Kelman, Mr. Scheuer, her compromised judicial friends in the local courts, (and the San Diego County Sheriff 2014).

Instead, she used Fraud Assessment Commission (FAC)[118] funds in 2012 (aka tax dollars) to false-advertise herself on billboards as one who stops workman's compensation insurer fraud. She had aspirations to be San Diego's mayor. (She lost).

The San Diego County DA's office receives approximately \$5,000,000 per year from FAC to stop workcomp frauds. It is appalling that at the time when DA Dumanis was spending the FAC tax-dollars to plaster her face on billboards while false advertising, "Worker Comp fraud is a felony. We don't tolerate it" [119] she had been well aware for over two years that the Veritox Theory was being used against injured workers to deny workcomp insurer liability in San Diego county and nationwide.

DA Dumanis was well aware that insurer fraud was continuing because of the fixed SLAPP suits that she refused to stop by refusing to prosecute her friends for felony acts in the local courts.[120] I am on tape in her office in 2010 giving a three hour interview to her deputy DA James Koerber.

Their run-around response from the DA's office was that I should go to the Commission on Judicial Performance (CJP). At the time the CJP was chaired by the justice who was the main SLAPP case fixer – DA Dumanis' friend, Justice Judith McConnell.

Contrary to repeated claims by the DA's deputies that they were powerless to stop it [121] California DAs do indeed have the jurisdiction to prosecute criminals in the county who are jurists acting without their courts having subject matter jurisdiction. It is well established law that jurists who commit criminal acts outside of their court jurisdiction have no more immunity from prosecution than any other criminal. This includes for collusively criminal acts to aid the continuance of massive insurer fraud in discrimination of disabled, including disabled workers.

"Worker Comp fraud is a felony. We don't tolerate it." is false-self-advertising by DA Dumanis with misappropriation of tax-dollars. She most certainly tolerates it when it is insurers who are committing fraud (discriminatory to the environmentally disabled) aided by criminal acts of old time political allies in their mutual alleged war for equal rights of all people, the Lawyers' Club.[122] (This hypocritical aspect of the matter brings Bill Cosby to mind).

In 2014, the San Diego County Board of Supervisors also refused to intercede to stop the harassment I have been experiencing for the past decade for exposing the massive fraud. [123] [124] DA Dumanis again feigned ignorance of the fact that her friends in the local courts had been falsifying court documents coram non judice while causing cyberstalking of me by apparent local court employees. (Sherry Thomspon was the DDA to respond that there was nothing to my plea for help). The DA knew that I was fearful for my family's safety because of all the local court fraudsters who have motivation to see me silenced. Bone-chilling threats were being posting on the internet. (Please view the video in fn 124 and read some of the cyberstalking in fn 125)

I also went to the local FBI multiple times, who also refused to intercede. Mike Rod was the local FBI agent who refused to help stop the harassment of me by government employees in the local courts; and thus refused to stop the resultant public fleecing of taxpayers and WDB-disabled by the many continued uses of the Veritox Theory. I spent over three hours in Carlsbad FBI office being interviewed by Rod, as we discussed the falsified documents from the SLAPP suits. He has a copy of much, not all, of the fraud in the SLAPP cases aiding mass discrimination of the WDB—environmentally-disabled to continue, nationwide.

California Attorney General (AG) Kamala Harris, who is a current U.S. Senate candidate, ignored pleas to discipline the San Diego County DA and Sheriff for their roles in aiding to cover up the criminality of the SLAPP suits purposed toward abetting insurer fraud nationwide by use of the Veritox Theory.

Instead, in 2014 AG Harris [125] and all County Supervisors endorsed DA Dumanis for reelection as Dumanis endorsed the judge for re-election in whose court the 2008 judgment was falsified, Judge Lisa Schall.

In 2014, Sheriff Gore contributed \$1000 to DA Dumanis' re-election campaign, as DA Dumanis refused to prosecute him for falsifying FBI records. Gore's falsified FBI record stemmed from the cover-up of Judge Schall's void judgment by all subsequent judges and justices to oversee the matter. All County Supervisors then endorsed Sheriff Gore for re-election, just as they had done for DA Dumanis — whose name then went missing from Judge Schall's re-election endorsement page.[126]

Many government agencies and "public servants" have provided evidence that they have refused to intercede to stop the fraud, cronyism and harassment: CA Supreme Court, Judicial Council, CJP, DA, County Supervisors, Presiding Judges, State Bar, Governor, Bureau of State Audits, State Legislators, both CA U.S. Senators, CA U.S. Congressmen, US Senate HELP, OSHA, USDOJ, FBI, White House. (I could wallpaper a room with all the denials by "public servants" to stop the criminal cronyism in SLAPP which has caused the discrimination of thousands of people via the Veritox Theory.)

But California AG Harris, who oversees California's DAs and sheriffs, has never once even extended the courtesy of acknowledging receipt of multiple complaints for the massive collusion to defraud, that has been occurring on her watch as the state's chief law enforcer.[127] As such, it seems illogical to believe that she would do any better job of protecting the public's interest from corporate fraudsters and compromised government employees if she were elected to be a United States Senator. [128]

When I tried to stop the harassment and stop the damages on my own, I insisted in 2013 that 4th/1st Appellate Court Presiding Justice McConnell prove her court's subject matter jurisdiction before I would file an opening appellate brief. She simply ignored the evidence that her court's jurisdiction had been challenged in the second SLAPP. Justice Patricia Benke simultaneously refused to recall the fraudulent remittitur and vacate the void judgment from the first SLAPP. That void judgment was the document McConnell was relying upon to feign jurisdiction in the second SLAPP. While suppressing the direct evidence that her court did not have subject matter jurisdiction, and thus I could not file an opening brief until she proved it did, she chose instead to simply issue a third fraudulent remittitur from her court dismissing the case, coram non judice.[129]

It was shortly after this that Judge Robert Dahlquist issued the thinly veiled threat in March 2013 that should I motion again for the falsified court documents/remittiturs/judgments to be vacated, Mr. Scheuer's motions to have me deemed a "vexatious litigant" would stand a good chance of being granted, coram non judice. I got the message loud and clear. Scheuer's 2013 vexatious motion was denied "without prejudice". [See fn 103]

[104] "a remittitur may be recalled on the reviewing court's own motion, on motion or petition after notice supported by affidavits, or on stipulation setting forth the facts which will justify the granting of the order is now determined by rule. (Rule 25(d), Rules on Appeal; 36 Cal.2d at p. 22.)... Other than for the correction of clerical errors, the recall may be ordered on the ground of fraud, mistake or inadvertence."

http://scocal.stanford.edu/opinion/southwestern-inv-corp-v-city-l-25899

[105] 2011 Judicial Council Watcher, "Who REALLY runs California's judicial branch?" (case-fixer Justice Richard Huffman) http://judicialcouncilwatcher.com/2011/03/09/who-runs-californias-judicial-branch-a-parody-of-sorts/

[106] 2011 San Diego Reader, "Well-Behaved Women Rarely Make History" (urban legend of Judith McConnell's ethics and championing equal rights for all, shades of Bill Cosby)

http://www.sandiegoreader.com/news/2011/feb/02/cover-well-behaved-women-history/

[107] 2000 The Recorder, "New Age Feud in San Diego" http://culteducation.com/group/885-deepak-chopra/5532-a-new-age-feud-in-san-diego.html [Deepak Chopra "has complained to Gov. Gray Davis in a letter that he feels 'impotent and paralyzed because of the cronyism and corruption in the San Diego judicial system."]

[108] 2001 MetNews "Davis Appoints San Diego Jurist McConnell to Fourth District Court of Appeal" http://www.metnews.com/articles/mcco0830.htm

[109] 2009 McConnell appointed as Chair of the Commission on Judicial Performance. http://cjp.ca.gov/res/docs/annual_reports/2011_%20Annual_Report_03-29-12(1).pdf

[110] March 14, 2012 court transcript, Me to Judge Nugent: "*This is a crime*." I was brought before the judge in shackles and chains as Nugent "*strongly urged*" again for me to sign the false confession: http://freepdfhosting.com/0cce163e7b.pdf

- [111] Kelman's proposed false confession that I refused to sign in 2012 and was sent to jail for refusing to perjure myself to help them continue to defraud the public. http://freepdfhosting.com/061bb71ca4.pdf
- [112] April 2012 Request that San Diego Superior court pay for my needed medical attention resultant from the false imprisonment. No reply received. http://freepdfhosting.com/d0c2ecc49e.pdf
- [113] April 2012, Fourth Exparte motion for Judge Nugent to remove the false criminal record which strongly appears to have been done on purpose. (more evidence to this aspect of the story, too.) http://freepdfhosting.com/d9a210111d.pdf
- [114] 2012 SD Sheriff Dept removal of false criminal FBI record http://freepdfhosting.com/e2aeda16e5.pdf
- [115] April 5, 2012 Judge orders Sheriff to remove false criminal record which the Sheriff refused to do for six months. http://freepdfhosting.com/3f9fe215eb.pdf I never would have even known they gave me a false criminal record were it not for a private sector website.
- [116] April 12, 2012 Court transcript, Judge does not deny his court lacked jurisdiction to order incarceration; or harassment by criminal means was occurring in his court http://freepdfhosting.com/a52191aa44.pdf
- [117] January 2015, the "Honorable" Superior Court Judge Thomas P. Nugent retires: http://freepdfhosting.com/e53b4e9a9a.pdf

- [118] "Cal Fraud Assessment Commission is charged with allocating funding to fraud prosecutors statewide" http://www.insurance.ca.gov/0300-fraud/0100-fraud-division-overview/20-fac/
- [119] 2012 tax-dollar-funded billboard of DA Dumanis allegedly being tough of workcomp fraudsters http://www.sandiegoreader.com/news/2012/dec/07/stringers-billboard-image-bonnie-dumanis-/
- [120] 2009 Reply to Appellate Court's Query http://freepdfhosting.com/07798e41cf.pdf
- [121] 2012 DA Dumanis refusal to prosecute. http://freepdfhosting.com/7d16ff45e2.pdf
- [122] 2012 Lawyers' Club honoring McConnell for being such a great role model when championing equal rights and civil rights protection http://www.tjsl.edu/news-media/2012/6497
- [123] 2014 VIDEO of me begging the SD County Supervisors to help because I am fearful for my and my family's safety. https://www.youtube.com/watch?v=EJqVpsiJCKw
- [124] 2014 Documentation to Supervisors showing I was being cyberstalked by court employees and threatened with more physical harm under the color of law. http://freepdfhosting.com/0e212e820f.pdf
- [125] Kamala Harris and who she endorsed in 2014 https://en.wikipedia.org/wiki/Kamala Harris
- [126] 2014 Katy's Exposure "Why is DA Dumanis' Name Now Missing from Judge Lisa Schall's endorsers?" http://wp.me/plYPz-3Kr
- [127] 2015 Message to Governor Brown re: Harris lack of response and continuing harm to the public: http://wp.me/plYPz-3TW
- [128] 2015 Observer "California Prosecutor Falsifies Transcript of Confession, Court of Appeal slams Attorney General Kamala Harris again" http://observer.com/2015/03/california-prosecutor-falsifies-transcript-of-confession/
- [129] March 2013, electronic record of McConnell's case dismissal after refusal to prove court jurisdiction http://appellatecases.courtinfo.ca.gov/search/case/dockets.cfm?dist=41&doc_id=2027076&doc_no=D062764
 She has no immunity for this, no intention of following the law, and no fear she will ever be held accountable for all the lives she has devasted by criminal means. She and the other involved 4th/1st justices continue to smile and accept adoration as noble members of society, as people continue to die from their criminal acts -- and they know it. (Shades of several Bill Cosbys in the San Diego courts.)

IX.

2012 VOID PERMANENT INJUNCTION TO NOT "REPUBLISH" A SENTENCE NEVER PUBLISHED, PURPOSED TO KEEP THE VERITOX THEORY IN U.S. POLICIES & U.S. COURTS BY CRIMINAL MEANS

In July of 2012, Judge Thomas Nugent issued a void permanent injunction to cast doubt that I was telling the truth of the case-fixings purposed to fleecing the public with the Veritox Theory. Making it appear that I was lawfully found guilty of libel and that my 2005 writing was maliciously false; Judge Nugent bestowed upon me a distinction that I believe makes me one-of-a-kind.

I am most likely the only United States citizen to have a void permanent injunction, issued from a court with no subject matter jurisdiction, to never republish a sentence that I never published in the first place. Lawfully published here is the sentence for which I am "permanently enjoined" to never "republish" by a judge whose court had no subject matter jurisdiction because he knowingly used a prior void judgment to feign his court's jurisdiction:

"Dr. Kelman altered his under oath statements on the witness stand' while he testified as a witness in an Oregon trial." [130]

Despite a decade of rigged SLAPP suits I have no permanent injunction, void or otherwise, barring me from republishing the real sentences in my 2005 writing. Below are the words they sought to have me permanently enjoined from republishing by the 2010 COMPLAINT [131] [See fn 77 for entire writing]

"Dr. Bruce Kelman of GlobalTox, Inc. [renamed Veritox, Inc.] a Washington based environmental risk management company, testified as an expert witness for the defense, as he does in mold cases throughout the country. Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the witness stand. He admitted the Manhattan Institute, a national political think-tank, paid GlobalTox \$40,000 to write a position paper regarding the potential health risks of toxic mold exposure. Although much medical research finds otherwise, the controversial piece claims that it is not plausible the types of illnesses experienced by the Haynes family and reported by thousands from across the US, could be caused by "toxic mold" exposure in homes, schools or office buildings.

In 2003, with the involvement of the US Chamber of Commerce and ex-developer, US Congressman Gary Miller (R-CA), the GlobalTox paper was disseminated to the real estate, mortgage and building industries' associations ["nonprofits"]. A version of the Manhattan Institute commissioned piece may also be found as a position statement on the website of a United States medical policy-writing body, the American College of Occupational and Environmental Medicine [ACOEM]"

There is no question that my 2005 sentences accurately state what has occurred to cause the Veritox Theory to become policy, and that Mr. Kelman "altered his under oath statements" after being confronted with the Kilian transcript by Vance.

- 1) "Upon viewing documents presented by the Hayne's attorney of Kelman's prior testimony from a case in Arizona, Dr. Kelman altered his under oath statements on the witness stand." [132] [133]
- 2) "He [Mr. Kelman] admitted the Manhattan Institute, a national political think-tank, paid GlobalTox \$40,000 to write a position paper regarding the potential health risks of toxic mold exposure." [See fn 80 pdf pages 6-7]
- 3) "A version of the Manhattan Institute commissioned piece may also be found as a position statement on the website of a United States medical policy-writing body, the American College of Occupational and Environmental Medicine [ACOEM]" [See fn 80 pdf pages 6-7]

To this very day, Veritox, Inc. continues their profitably libelous charade. Their website lies as to what occurred in the fixed California SLAPP suits that has aided them to stay in the business of causing death, disability, discrimination, and destruction of lives via the proliferated Veritox Theory; and to stay out of jail for the criminal acts in SLAPP [134] From the Veritox website:

"On August 26, 2008, a San Diego County Superior Court trial jury found that Sharon Kramer libeled Dr. Bruce Kelman of Veritox®, Inc., when she published a press release in March 2005. In her press release, Mrs. Kramer stated that Dr. Kelman had altered his under-oath statements on the witness stand when he testified as a witness in an Oregon lawsuit. The jury found that Mrs. Kramer's statement was false and defamatory and that she had published it with malice. The Court of Appeal affirmed the judgment on behalf of Dr. Kelman. Nevertheless, Mrs. Kramer persisted in spreading the defamation. Accordingly, in November, 2010, Dr. Kelman filed a second lawsuit against her, to enjoin her from republishing the libel. The San Diego Superior Court issued a preliminary injunction against her in May 2011. She willfully disobeyed the injunction on several occasions, and as a consequence was incarcerated for civil contempt of court for two days in March 2012, and was fined \$3,000 in July 2012." The Court [FALSE, not a court, but a rogue judge] entered judgment in Dr. Kelman's favor in July 2012, permanently enjoining Mrs. Kramer from republishing the libel. Mrs. Kramer's appeal from the judgment was dismissed in March, 2013, when she failed [refused] to file an opening brief [in a court which the presiding justice refused to prove had subject matter jurisdiction upon challenge]. Mrs. Kramer continues to post false [corroborated as accurate] information and accusations maligning Veritox and its employees, as well as California justices, judges, court clerks and administrators, members of Congress and other elected officials. In the interest of saving time and minimizing annoyance, we currently ignore her posts regarding this matter. If you are a current or prospective client and have any questions about this, please call us for additional information and documentation."

My actual sentences published on March 9, 2005, which Mr. Kelman, et, al. sought to muzzle, are even more relevant today than they were a decade ago to stopping fraud by exposing: 1) discriminatory policies driven by money interest, 2) willful scientific fraud upon courts by misuse of LNTs by paid-for-hire defense whores, and 3) leading California justices practicing politics [135] [136] [137] [138] not law [139] [140] [141] from their benches.

[130] 2012 Coran non judice permanent Injunction to never republish a sentence I did not publish in the first place and additional \$11.4K of sanctions and attorney fees. http://freepdfhosting.com/ee4494b707.pdf

[131] 2012 Notice to Judge Nugent of refusal to sign the false confession http://freepdfhosting.com/e3c9d6c4c7.pdf

[132] 2006 anti-SLAPP Opinion http://freepdfhosting.com/f82eb3d2d4.pdf Page 10, as written by Justice Judith McConnell, Presiding Justice of the 4th/1st "The fact that Kelman did not clarify that he received payment from the Manhattan Institute until after being confronted with the Killian deposition testimony could be viewed by a reasonable jury as resulting from the poor phrasing of the question rather that from an attempt to deny payment".

[133] In the 2006 anti-SLAPP opinion, fourteen key lines were omitted from the middle of the transcript of the Oregon trial. The redacted lines show Kelman and the defense attorney unsuccessfully trying to stop the line of questioning. [See page 4 in the above footnote for the 4th/1st redacted reciting of the Oregon transcript, changing the color of Kelman's testimony to make it appear to be clarifying rather than obfuscating.] This link offers details: http://freepdfhosting.com/12f6aafb63.pdf

[134] September 2015 Veritox website lying of what occurred by criminal means in the SLAPPs: https://web.archive.org/web/20150502200452/http://www.veritox.com/

[135] 2000 4th/1st Published Opinion, *Rattan v. USAA*, Case law established: An insurer (in a fire & mold case) has not acted in bad faith and owes no duty to their insured if an item in peril (the insureds' home) is damaged during the rescue (remediation) by the insurer's recommended vendor (cheap contractor for the insurer to pay). http://caselaw.findlaw.com/ca-court-of-appeal/1130333.html

[136] 2015 Property Insurer Law Blog "Are Homeowner Insurers Liable for Faulty Work of Their 'Preferred' Vendors?" "These questions were answered by a California court in Rattan v. United Services Automobile Association."

http://scholar.google.com/scholar_case?q=Rattan&hl=en&as_sdt=4,5&case=14505548825059795157&scilh=0

[137] 2004 4th/1st Published Opinion, *Coldwell Banker vs. Salazar*, Case law established: A real estate broker and their insurer owe no duty to a child injured by real-estate-agent-concealed mold, lead, etc, in the child's dwelling because the child was not party to the real estate transaction. http://caselaw.findlaw.com/ca-court-of-appeal/1176007.html

[138] 2007 4th/1st Published Opinion, *Sycamore Ridge Apartments LLC, v. Naumann et al.,* Case law established: An attorney who takes over a (mold) case can be held liable for errors made by a prior counsel – thereby causing many WDB injured people to be unable to obtain effective counsel once they have had inadequate counsel. http://caselaw.findlaw.com/ca-court-of-appeal/1072541.html

[139] 2006 4th/1st Unpublished Opinion *Kelman & GlobalTox v. Kramer* Unwritten law established: A plaintiff in a SLAPP suit who writes scientific fraud to aid insurer fraud nationwide, can commit perjury to establish malice if he, his clients, and jurists involved are considered "too big to jail".

[140] 2010 4th/1st Unpublished Opinion *Kelman & GlobalTox v. Kramer* Unwritten law established: A void judgment can be used to conceal that 4th/1st justices fixed a 2006 anti-SLAPP opinion while concealing plaintiff perjury to aid insurer fraud to continue nationwide.

[141] 2013 4th/1st *Kelman v Kramer* Unwritten law: A void judgment can be used as the sole foundational document to a litigation to (unsuccessfully) harass someone into silence that 4th/1st justices fixed a SLAPP suit, twice, to aid insurer fraud in discrimination of the environmentally disabled, nationwide.

X.

IN 2015, THE UNITED STATES DEPARTMENT OF JUSTICE REFUSED TO PROSECUTE MR. KELMAN & CALIFORNIA COURT OFFICERS, ET.AL, FOR CRIMINAL ACTS IN SLAPP ~ USDOJ HAS USED THE VERITOX THEORY FOR OVER A DECADE

As stated on the Veritox, Inc. website: "If you are a current or prospective client and have any questions about this, please call us for additional information and documentation." Either Veritox, Inc. provides doctored or incomplete documentation from the fixed California SLAPP suits to potential client/toxic tort defense attorneys, misleading them that they would be hiring professional experts of the highest integrity and scientific knowledge — or — toxic tort defense attorneys are provided the complete documentation from the fixed SLAPP suits as a selling feature to hire Veritox, Inc. associates.

If an unethical attorney wanted to win a case by any means the complete SLAPP documentation would instill confidence that those who hire Veritox, Inc. are hiring people who will lie under oath on their and their clients' behalves with no need for anyone to be concerned about personal accountability. Corroborated by evidence, Mr. Kelman, Veritox and their attorney Mr. Scheuer, clearly possess "Toxic Clout" [142] making them "too big to jail" by the USDOJ [143] for criminal acts in SLAPP to defraud the public.

This appears to be because of all of the fearless California jurists and other public servants who would need to be jailed alongside them for the case-fixing and cover-up by criminal means [144] - or - because the USDOJ uses the Veritox Theory to defeat liability for WDB disabilities of federal employees and THEIR families.

From 2004 to date, the USDOJ has hired Veritox, Inc. as expert witnesses multiple times reportedly paying them nearly \$1,000.000.00.[145] The Veritox Theory has been repeatedly used by USDOJ attorneys to defeat claims of federal liability caused by negligent maintenance of WDB military housing and various federal buildings. [146] [147]

Under new leadership, the USDOJ claims to be holding corporate fraudsters personally accountable for harming the United States public by unlawful and criminal acts. [See fn 144] They claim to be cracking down on discriminatory acts by government employees in local jurisdictions who violate civil rights. [148]

Yet the USDOJ's promises of renewed ethics, of holding corporate fraudsters accountable, and of stopping civil rights violations by government employees, ring hollow. The promises of prosecution for collusive criminal acts appear not to apply when the USDOJ has an ugly stake in the game.

On August 7, 2015, a letter was sent to me from the office of the USDOJ Attorney Southern District of California refusing to prosecute for the collusive fraud upon the court in the SLAPP suits causing mass discrimination of WDB-disabled on behalf of WDB-stakeholders, including the United States government; while violating my right to advocate for the WDB-disabled. [149]

Mr. Kevin Shipp is an ex-CIA agent and author of the book, "From the Company of Shadows". My fellow-whistleblower Mr. Shipp, provided the following quote for this letter. Like mine, his comments are made to help thwart U.S. government backed fraud, waste, abuse of power, cronyism and rampant whistleblower retaliation/justified fear of retribution over the Toxic Mold Issue – to help save lives. To quote Mr. Shipp:

"Repeatedly, the federal government has concealed the existence of toxic mold in government buildings and on government bases. Certain agencies have gone as far as claiming personal injury suits for toxic mold and other exposures are 'classified,' to keep them from reaching the courts. Similar obstruction is used by the US military to conceal toxic exposure of military personnel and their families. As a result, federal employees and their families have suffered serious medical injury, incurred significant medical bills, had their personal possessions destroyed due to contamination and have been financially ruined. This has become a common modus operandi used by federal agencies to silence plaintiffs in federal toxic torts suits - because it has worked in the past. In many cases, federal employees or service members who file these complaints suffer severe retribution, including demotions and the loss of their career. This has caused several injured federal workers to refrain from reporting their illnesses, for fear of retribution." [150]

Whilst only addressing a minor player in the SLAPP fiasco, Sheriff William Gore, the gist of the August 7, 2015 USDOJ letter, is that they refuse to file charges against those who conspired to commit and cover-up the criminal acts in the aforementioned California SLAPP suits. Paraphrased, the letter states that I am more than welcome to try to do the USDOJ attorneys' taxpayer-funded jobs for them by filing a federal lawsuit on my own and most likely spend the rest of my life (and what little money I have left from being retaliated against for a decade) in litigation, as the fraudsters continue to go unpunished and able to harm many more people.

The USDOJ was made aware that jurists' fraud upon the court in SLAPP continues to cause nationwide financially-motivated discrimination of the environmentally disabled. They were made aware that the fraud was purposed toward the continued proliferation and misuse of the Veritox Theory. They were made aware that my civil rights to advocate for environmentally disabled have been egregiously violated by a decade-worth of retribution by criminal acts in the California courts.[151]

The "Thanks for sharing letter" from the USDOJ is not an acceptable answer when so many lives remain at stake, when my rights along with those of many others are still being violated, and while criminals who have harmed so many under the color of law continue to do so with no fear of ever being held accountable. The USDOJ letter telling me that I could file a federal lawsuit on my own is the epitome of what the saying "Justice delayed is justice denied" means.

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^[142] Center for Public Integrity "Toxic Clout" www.publicintegrity.org/environment/pollution/toxic-clout

[143] Sept 2015 NY Times "Justice Department Sets Sights on Wall Street Executives" http://www.nytimes.com/2015/09/10/us/politics/new-justice-dept-rules-aimed-at-prosecuting-corporate-executives.html? r=0

[144] Oct 2015 The Guardian "Corrupt justice: what happens when judges' bias taints a case?" "Hundreds of judicial transgressions...uncovered" http://www.theguardian.com/us-news/2015/oct/18/judge-bias-corrupts-court-cases

[145] FedSpending.org re: USDOJ payment to Veritox as expert witnesses <a href="http://www.fedspending.org/fpds/fpds.php?fiscal_year=ALL&city=Redmond&state=WA&company_name=Veritox_asortp=u&maj_agency_cat=15&first_year_range=2003&last_year_range=2012&year_range=2003-2012&datype=T&reptype=l&database=fpds&detail=3&submit=GO_

[146] 2006 Mr. Kelman citing the Veritox Theory for the USDOI's defense in a moldy military housing litigation. [See page 10-13 for symptoms he testified could not be from mycotoxins in WDB –based on his Veritox Theory] http://freepdfhosting.com/3696bb70f0.pdf

[147] 2006 Ms. Robbins citing the ACOEM version of the Veritox Theory for the USDOJ's defense. [See page 7: "the ACOEM position statement is that 'Current scientific evidence does not support the proposition that human health has been adversely affected by inhaled mycotoxins in the home, school, or office environment.' American College of Occupational and Environmental Medicine (ACOEM) Council on Scientific Affairs. Evidence-Based Statement. Adverse Human Health Effects Associated with Molds in the Indoor Environment. JOEM 2003: 470-478]"] http://freepdfhosting.com/8f0549a742.pdf

[148] August 19, 2015 NY Times "Justice Dept. Presses Civil Rights Agenda in Local Courts" <a href="http://www.nytimes.com/2015/08/20/us/justice-dept-presses-civil-rights-agenda-in-local-courts.html?emc=edit th 20150820&nl=todaysheadlines&nlid=48605265& r=1

[149] August 7, 2015 letter from USDOJ refusing to prosecute for my civil rights being violated by a decade of local court officers, et. al. causing discrimination of the environmentally disabled to continue nationwide, by criminal means http://freepdfhosting.com/aa5216c9c7.pdf

[150] Kevin Shipp "In the Company of Shadows" A Tea Party Tribute http://www.teapartytribune.com/2013/08/23/ex-cia-agent-releases-code-buried-in-book/

[151] 42 U.S.C. §§ 12201–12213. Title V includes an anti-retaliation or coercion provision. The Technical Assistance Manual for the ADA explains it: "III-3.6000 Retaliation or coercion. Individuals who exercise their rights under the ADA, or assist others in exercising their rights, are protected from retaliation. The prohibition against retaliation or coercion applies broadly to any individual or entity that seeks to prevent an individual from exercising his or her rights or to retaliate against him or her for having exercised those rights ... Any form of retaliation or coercion, including threats, intimidation, or interference, is prohibited if it is intended to interfere."

http://www.ada.gov/taman3.html

XI.

FEDERAL & STATE COVER-UP OF THE VERITOX THEORY FRAUD FROM SEA TO SHINING SEA (Part I)

In addition to Mr. Shipp's book, the following is merely one of many examples of what the federal government has to hide by refusing to prosecute leading California justices, Mr. Kelman, his attorney, et. al. for the fraud upon the court in the California SLAPP suits. It is a matter involving WDB military housing overseen by the federal contractor, Lincoln Military Housing (LMH).

It is set to go to trial in January of 2016, and if it were not for some very brave and tenacious military wives and mothers, (Booyah!) very few would even know what the United States government does to our troops' families over the Toxic Mold Issue by use of the Veritox Theory.

Lincoln Property Company (LPC)[152] is a member of the "nonprofit" NAA.[153] [See fn 47 to 75 for NAA interjecting the Veritox Theory via the U.S. Chamber fraud into an Arizona mold litigation involving two deceased infants, 2009]. In 2001, LPC formed their subsidiary LMH and began a partnership with the Department of Defense (DOD) to manage and maintain military housing.[154]

The DOD oversees the Army, Navy, Air Force, and Joint Chiefs of Staff. They have also overseen research projects regarding the use of mycotoxins in chemical warfare. They should therefore have superior knowledge of the symptoms caused by biotoxins found in WDB, and a complete scientific understanding that the LNT Veritox Theory is pure bunk when used as claimed proof of lack of causation of illness from mycotoxins and other biotoxins in WDB. [155] [156] [157] [158]

In a particularly nasty mold litigation involving several military families, LMH and the Navy (which is under the DOD) have run the military families sickened by WDB military housing through the gauntlet for the past four years. This is to avoid financial liability for causing their illnesses and disabilities.[159] The case is *Shelley FEDERICO*, et al., Plaintiffs, v. LINCOLN MILITARY HOUSING, et al., Defendants. United States District Court, E.D. Virginia, Norfolk Division. It is scheduled for trial in January of 2016.[160]

Deplorably, the Navy used the Veritox Theory via the ACOEM & AAAAI Mold Statements and used the CDC, to tell the families that their WDB-military-housing could not have caused their children's WDB-induced disabilities. They were told that their homes were not public health threats. The Navy handed out flyers at a meeting where the concerned military families were asking for answers of what the Navy intended to do about the poorly maintained housing and resultant illnesses of their children.

The military wives contacted the local news station, WTKR. The following is the Navy's response to news channel WTKR's query regarding the false safety advisories that the Navy provided to the WDB-military-housed families: [161] [162]

"The Centers for Disease Control and Prevention (CDC) and the American College of Occupational and Environmental Medicine (ACOEM) are nationally and internationally recognized organizations independent of the U. S. Navy. The information produced by these organizations represents the work of experts in their fields and is well regarded and accepted in the medical and scientific community."

Pilot Online: "Inspections of privately managed military housing have confirmed residents' complaints about mold and moisture problems, although both the Navy and the management company contend the issue is a maintenance problem, not a public health concern."

Once again under the color of law, like so many other "toxic mold cases", these families and the media, WKTR which brought the matter to public light, have been harassed, bullied and intimidated by the military housing defense attorneys. [163] [164] Like the fixed SLAPP suits in California, this is a case that makes me seriously question the leadership of this country and whose rights our troops give their lives to protect.

It is unsettling for me knowing that if the California courts had not fixed the SLAPP suits beginning in 2005 to aid the Veritox Theory to continue in policy and courts; these military families would never have been told by the federal government that based on current accepted science (the Veritox Theory) their children could not have been injured by the biotoxins in the WDB military housing. Instead they were lied to by the United States government. With reckless disregard, the military families were left to live the hazardous environments while being told it was safe, based on the Veritox Theory.

Some of these injured military children were not even born when California jurists began suppressing the evidence of Mr. Kelman's perjury in SLAPP in 2005. Were the SLAPP suits not fixed on the West Coast; then by the time these families were exposed in the WDBs on the East Coast, they and their physicians would have known by accurate health advisories that they needed to get out of the WDBs before the symptoms deteriorated into disability (CIRS WDB) and idiopathic environmental intolerances (EI).

Had the California court officers not fixed the SLAPP suits and tried to cover it up by criminal means for now a decade, the Veritox Theory would have been long gone from advisories providing falsely feigned safety of the military housing. Mr. Kelman and Mr. Scheuer et.al. would have long ago been jailed for submitting fraudulent documents to the court while racketeering, long before these military children were harmed by DOD agencies being able to cite the Veritox Theory "garbage science" to avoid the liability for harming the children.

All cases in which the Veritox Theory have been used over the past decade are unsettling for me because I know if the SLAPP suits had not been fixed, the Theory would not have been used as a weapon against sick children and others.

Yet this case disgusts me to the core. Military mothers and fathers sometimes give their lives to protect my and everyone else's rights to speak the truth in America without fear of retaliation; and to protect us from attack by foreign enemies.

By violating my right to protect *them* by speaking the truth of the fraud of the Veritox Theory, military children's lives have been forever damaged – not by hand of foreign enemies, but by joined unclean hands of the United States government, its private sector partners, black robed hooligans in California, and criminals disgusted as the USDOJ's honest, professional defense witnesses. Our troops give their lives to protect United States children. Yet the United States government has lied to our troops causing harm to their children – while Mr. Kelman and California court officers have spent a decade trying to shut me up about it.

This never should have been allowed to occur to these military families in the *Federico* case or any other families being housed in U.S. government housing. I have <u>ZERO</u> intention of shutting up of how and why it has happened by criminal means under the color of law, until it is stopped. I want justice for our troops and the American public. I want the corporate fraudsters at Veritox, Inc., and corrupt California judicial officers brought to justice – so that this does not happen again.

[152] About Lincoln Property Co. http://www.lincolnapts.com/about-lincoln/history

[153] "Dallas real estate professional Brad Williams, CPM, Lincoln Property Company, was sworn in as 2014 National Apartment Association (NAA) Chairman of the Board...During my term I look forward to representing the over 63,000 NAA members who represent over 7 million apartment homes...'Brad is a politically proactive leader who is dedicated to serving and protecting our industry,' NAA President and CEO Doug Culkin, CAE, said." http://www.naahq.org/news/brad-williams-named-2014-naa-chairman-board

[154] About Lincoln Military Housing "Lincoln has developed and managed more than 31,000 military family homes across the nation." http://lincolnmilitary.com/who-we-are/

[155] DOD flow chart

http://odam.defense.gov/Portals/43/Documents/Functions/Organizational%20Portfolios/Organizations%20and%2 <u>OFunctions%20Guidebook/DoD Organization March 2012.pdf</u>

[156] CDC Tricothecene Mycotoxin Definition http://emergency.cdc.gov/agent/trichothecene/casedef.asp

[157] US Army "Medical Aspects of Chemical and Biological Warfare" http://www.cs.amedd.army.mil/borden/Portlet.aspx?ID=bddf382f-3ca0-44ba-bd67-fdc48bfa03de

[158] US Army TRICHOTHECENE MYCOTOXINS https://ke.army.mil/bordeninstitute/published volumes/chemBio/Ch34.pdf

[159] WTKR 2012 "Navy's liability at issue in court cases for moldy military housing" http://wtkr.com/2012/09/13/navys-liability-at-issue-in-court-cases-for-moldy-military-housing/

[160] 2013 VIDEO WKTR "Moldy living conditions still being questioned inside Lincoln Military Housing as lawsuits pile up" http://wtkr.com/2013/05/07/moldy-living-conditions-still-being-questioned-inside-lincoln-military-housing-as-company-heads-to-court/

[161] 2012 (See pages 2 & 3 of Navy's response to WTKR query) http://www.survivingmold.com/resources/helpnorfolk/WTKR%20RESPONSE%20TO%20QUERY%2012%20JAN%202 012%5B1%5D.pdf

[162] Pilot Online, http://hamptonroads.com/2012/01/navy-housing-company-say-tests-show-no-extensive-mold

[163] 2013 WTKR "Lincoln Military Housing lawyer attacks NewsChannel 3 investigation in court" http://wtkr.com/2013/05/08/military-mold-families-appear-in-federal-court/

[164] 2015 "Federico v. Lincoln Military Housing, LLC, Due to Late Production of ESI Court Declines to Shift Costs; Denies Sanctions for Lost Text Messages Citing Rule 37 (e)" http://njlone.com/federico-v-lincoln-military-housing-llc-due-to-late-production-of-esi-court-declines-to-shift-costs-denies-sanctions-for-lost-text-messages-citing-rule-37-e/

XII.

FEDERAL & STATE COVER-UP OF THE VERITOX THEORY FRAUD FROM SEA TO SHINING SEA (Part II)

In early 2006, long before the Federico case families were made ill from the moldy military housing managed by Lincoln; I moderated a U.S. Senate Staff Briefing in Washington D.C. regarding the health effects of molds and mycotoxins. It was sponsored by the Democrat Senate Health, Education, Labor and Pension Committee (HELP) and the Public Works Committee (PWC). My panel was comprised of four scientists and physicians who hold superior knowledge of the matter.[165]

At the same time in early 2006, Mr. Kelman and Ms. Robbins of Veritox, had been hired by the USDOJ in a military moldy housing case (the Mitchell case)[166] to defend against federal liability for causing disability of a military family's children. The Veritox Theory was used as falsely claimed proof that the family's symptoms were not caused by biotoxins in WDB.

In October of 2006, the late Senator Edward Kennedy, who was Chair of HELP, ordered a federal Government Accountability Office (GAO) audit of the issue at my and others' strong insistence.[167] (Actually, we asked for Senate Hearings to stop the proliferation of the Veritox Theory in policies, medical practices and courts. They gave us a GAO audit instead.)

Shortly thereafter, the 2006 November mid-term elections took place giving Democrats control of both the House and the Senate in Washington D.C.[168] At approximately the same time in November 2006, Justice McConnell fixed the California appellate anti-SLAPP opinion to frame me for libel for exposing how the fraud of the Veritox Theory was mass-marketed to influence court decisions. She also suppressed the evidence that Mr. Kelman committed perjury to manufacture needed reason for malice.[169]

Additionally, she concealed the evidence in the 2006 anti-SLAPP opinion, that retired CDC NIOSH deputy director, Mr. Hardin, was an improperly undisclosed party to the SLAPP litigation, as the sixth owner of Veritox, Inc. (The concealment of Hardin being an improperly undisclosed party to the litigation was done again when the case was again on appeal in 2010 and the 2nd fraudulent 4th/1st remittitur issued awarding costs to undisclosed "Respondents". Hardin retired from government in 2000, long before these cases started in 2005.)[170]

In January of 2007, the Wall Street Journal article was published exposing the private-sector conflicts of interest behind the legitimizing and mass-marketing of Mr. Kelman's and Mr. Hardin's Veritox Theory to deny liability for causation of illness, disability and death. [See fn 10] (I spent six months between June of 2006 and January of 2007 working with the WSJ reporter, David Armstrong, to get the story out. He had flown to my home from Boston in May 2006,, hooked his computer to mine, and downloaded my files. My Senate HELP liaisons knew the article was being written and were asked to comment. They declined.)

In February of 2007, being fully aware of the pervasive problem causing a nationwide public fleecing over the mold issue; U.S. Senate HELP and the Federal GAO gutted the audit's potential to stop the fraud.

They deleted the following from the scope of the GAO audit – while aiding the Veritox Theory to flourish in mold litigation, and claims handling practices, physician miseducation, etc., throughout the country. Deleted from federal GAO audit by U.S. Senate HELP in February 2007:

"What medical and scientific standards are used in determining the admissibility of evidence of both acute and persistent health consequences resulting from exposure to mold? Which individuals and organizations have promulgated these standards and what, if any, conflicts of interest exist regarding these standards?"

What happened between October of 2006 and February of 2007 to cause California appellate justices on the west coast to fix the SLAPP suit aiding the continuance of the Veritox Theory, at the same time U.S. Senate HELP was back-peddling on the east coast from stopping Veritox Theory or holding anyone accountable? Were the WDB-disabled and I used as bargaining chips when negotiating with insurers what would later become Obamacare? [171]

(Too long for this writing, there is much more to this aspect of the matter involving not only U.S. senators but also U.S. representatives down both sides of the isle. In addition to being collectively ineffectual public servants over the Toxic Mold Issue; there are several legislators in both federal and state governments who have been named as defendants in mold litigation, when severe illness has occurred in WDB properties that they own, lease, sell, or otherwise have stakes in.)

In June of 2007, (after the first of the three fraudulent remittiturs issued from the 4th/1st in the SLAPP suits in March of 2007) Mr. Kelman, Veritox and their attorney, Mr. Scheuer, began trying to coerce me to sign a false confession of libel and to endorse the Veritox Theory as legitimate science. Benefiting from the fixed anti-SLAPP appellate opinion of November 2006 on the west coast, and beneficial to the USDOJ's mold litigation on the east coast where Veritox was retained as expert defense witnesses; Mr. Kelman and Mr. Scheuer wanted me to sign a document under penalty of perjury containing the following sentence:

"To my knowledge, their [VeriTox owners and affiliates] testimony and advice are based on their expertise and objective understanding of the underlying scientific data."

I refused to perjure myself and endorse their scientific fraud that has harmed and continues to harm so many. The SLAPP case proceeded, costing us everything we own to defend the truth of my words for the public good.

The GAO Report was published on the East Coast in 2008. This was shortly after the fixed SLAPP trial on the West Coast, where false hearsay documents somehow got past clerk "MGarland" and made their way into the jury room causing a verdict for Kelman. [See fn. 86 for bate stamped jurors' and attorneys' affidavits.] MGarland is the same clerk who back-dated the 2008 judgment rendering it null and void – and jurists continued to use it to harass me for five more years.

The 4th/1st justices concealed it was void in the 2010 opinion. Being the second 4th/1st wordsmithed-appellate-opinion, it was established beyond a reasonable doubt that they were case-fixing, concealing falsified court documents, and suborning the perjury on purpose – aiding the Veritox Theory to continue to hurt people for money.

Shortly thereafter, I began to file multiple complaints with several legal system/court ethics policing agencies to no avail. Mr. Kelman and Mr. Scheuer began to use the void judgment from the first case as the foundational document of the second case to try to harass me into silence, also to no avail.[172]

The GAO Report titled "<u>Better Coordination of Research on Health Effects and More Consistent Guidance Would Improve Federal Efforts</u>" as published in 2008 did acknowledge that it is plausible mycotoxins in WDB could be a cause of illness.[173] It did little to nothing to advance the public or mainstream physician understanding of CIRS WDB and EI.

The Report and lack of EPA follow-through accomplished **ZERO** (*emphasis added*) to stop the fraud of the Veritox Theory in policies, physician practices, and courts.[174] In 2012, the GAO deceptively deemed that their recommendations to the EPA to raise public awareness and provide consistency in government advisories had been "*Implemented*" and the matter "*Closed*".[175]

During this same time-period (when the USDOJ was contracting with Veritox, Inc. as expert defense witnesses) the EPA was also contracting with Veritox, Inc. paying them approximately \$260,000 for environmental/litigation consulting services.[176] And while Mr. Kelman and Mr. Scheuer were diligently trying to coerce me to endorse the Veritox Theory as the California jurists were case-fixing on the West Coast; on the East Coast the USDOJ was simultaneously paying Mr. Kelman directly as an expert witness.[177]

^[165] January 2006 Senate Staff Briefing on the Health Effects of Mold & Mycotoxins, moderated by me, Sharon Kramer http://freepdfhosting.com/47a63e7f67.pdf

^[166] February 2006 Kelman for the USDOJ citing the Veritox Theory http://freepdfhosting.com/3696bb70f0.pdf

^[167]October 2006 Senator Kennedy's GAO audit request http://freepdfhosting.com/f18db049a6.pdf

- [168] November 2006 "Democrats took a 233–202 advantage in the House of Representatives, and achieved a 49–49 tie in the United States Senate. https://en.wikipedia.org/wiki/United States elections, 2006
- [169] November 2006 fixed anti-SLAPP opinion & suppressed evidence of Mr. Kelman's perjury to manufacture malice. http://freepdfhosting.com/dc748c7054.pdf (Declaration of William J. Brown III, Esq 1:6-13, my anti-SLAPP attorney)
- [170] Katys' Exposure "Is The California Court Case Management System (CCMS) Being Misused For Politics In Policy & Litigation.....And The Fleecing Of The California Taxpayer Over The Mold Issue?" http://wp.me/plYPz-3aV
- [171] 2009 Roll Call "Health Care 10 Staffers to Know" #1: " [David] Bowen serves as Sen. Edward Kennedy's (D-Mass.) 'alter ego,' taking an approach to developing policy that is based on deal-making and team building." http://www.rollcall.com/issues/54 111/-33652-1.html
- [172] 2010 Multiple complaints filed for fraud upon the court http://freepdfhosting.com/b801845975.pdf
- [173] 2008 GAO Report http://www.gao.gov/assets/290/282318.pdf
- [174] 2011 Letter to EPA & OSHA from Concerned Citizens http://freepdfhosting.com/28609ff71e.pdf
- [175] 2012 GAO final report: http://www.gao.gov/products/GAO-08-980
- [176] 2010-2012 EPA payment to Veritox, Inc. \$260,000. http://freepdfhosting.com/46ffc27f5c.pdf
- [177] USDOJ payment of \$40K, to Kelman directly http://freepdfhosting.com/873f75b9d3.pdf

XIII.

FEDERALLY-FUNDED-ACMT PROLIFERATION OF SCIENTIFIC FRAUD SINCE 2006 APPEARS TO BE NO ACCIDENT

To reiterate, the 2006 ACMT Mold Statement was co-authored by Dr. Sudakin, who at the time was affiliated with Veritox, Inc. The position statement referenced AAAAI (ACMT Reference #15), which relied on ACOEM which was the first medical association to legitimize the Veritox Theory in 2002. ACMT also directly referenced ACOEM (ACMT #3) which now, like AAAAI, has also retired their mold statement.

The ACMT Mold Statement is officially titled, "<u>Institute of Medicine Report on Damp Indoor Spaces and Health</u>", which is the same title as the National Academy of Sciences, Institute of Medicine's report "<u>Damp Indoor Spaces and Health</u>" (NIH IOM Report).

The ACMT Mold Statement was approved for publication in June of 2006 while promoting the Veritox Theory. But the Mold Statement's Reference #1 is the NIH IOM Report which discredits the use of the LNT Veritox Theory.

Again, the references for the fraudulent ACMT key sentence:

"With respect to mycotoxins in indoor air, exposure modeling studies have concluded that even in moldy environments, the maximum inhalation dose of mycotoxins is generally orders of magnitude lower than demonstrated thresholds for adverse health effects. (3,7,8)" [Paragraph 7, lines 1 & 2] See EXHIBIT 1 fn. 3

<u>Reference #7 for the ACMT Mold Statement</u> in support of the above boxed-in key sentence is: <u>"Risk from inhaled mycotoxins in indoor office and residential environments"</u> by Bruce Kelman, Coreen Robbins, Loni Swenson, and Bryan Hardin --who are four of the six owners of Veritox, Inc.[178]

Approximately one month before ACMT accepted Dr. Sudakin's and Dr. Kurt's paper for publication as an ACMT position statement in June of 2006, its Reference #7 was not allowed to be used for its intended purpose of corroborating Ms. Robbins' expert witness opinion in a California mold case. It did not pass a Kelly-Frye hearing. The case was *Harold v Westmont Construction* The primary document used by the plaintiff attorney to cause this version of the Veritox Theory to be "Fryed" was the National Academy of Sciences, IOM Report "<u>Damp Indoor Spaces and Health</u>".[179] [180]

The ACMT Mold Statement was a direct attack of the NIH IOM Report in promotion of the Veritox Theory. (See EXHIBIT 1) Surely ACMT's Dr. Sudakin knew that the Veritox Theory, written by his associates at Veritox, Inc. had been disallowed for its intended usage in court just one month before the ACMT Mold Statement was accepted (upon peer review?) for publication in June of 2006.

Surely he knew that the version of the Veritox Theory disallowed in the court, was the same version he cited one month later in the ACMT Mold Statement to try to discredit the NIH IOM Report (Reference #7 – which was the primary document used to "Frye" the Veritox Theory in a California mold case.

To my knowledge almost everyone who follows the issue of expert witnesses in mold litigation was aware of the Veritox Theory being "Fryed" in April 2006, because Harris Martin Publishing (HMP) wrote of it in their magazine "Mold Columns". It is difficult to believe that a prolific expert defense witness, who was affiliated with Veritox at the time like ACMT Mold Statement author Dr. Sudakin, did not know of the Kelly-Frye ruling.

According to Harris Martin Publishing on May 25, 2006 [181] while quoting Sacramento, California Superior Court Judge Michael Kenney directly from the April 2006 Kelly-Frye hearing over the Veritox Theory in the *Harold v. Westmont Construction* case:

"Modeling has severe limitations, and one of the difficulties I was having here was this reliance upon animal studies to jump to a modeling conclusion generally with — again, I'm speaking from my own experience because there is nothing here in this transcript — generally one will use the data that one can receive either from animal exposure studies or other information to then input in a model to make a determination with some degree of reliability. Here I'm not hearing any of those things. I'm hearing essentially this jump from a literature review to a postulated model to a no harm result."

Additionally, in 2007 Veritox, Inc.'s zeal to convince everyone that they had scientifically proven mycotoxins in an indoor environment could never reach a threshold to harm human health, the corporations' principals and affiliates presented a unique experiment at the poster session of the International Union of Toxicologists ("IUTOX") Conference that was held in Montreal, Canada. They titled it "Risk From Inhaled Mycotoxins From Mold-Infested Produce".[182]

I have heard it jokingly referred to among real scientists as the "Lemon Caper". This is because proving once again that Veritox, Inc. sells "garbage science" Mr. Kelman, Mr. Hardin and associates tossed five lemons that had been injected and fermented with mold, into a garbage can and professed to have established:

"Despite the findings of learned bodies, there continue to be concerns throughout North America and Northern Europe about mycotoxins from mold spores in indoor environments our data indicates that the spore levels measured and potentially-associated doses of mycotoxin are not sufficient to cause adverse effects." [for lemons?]

^{[178] &}quot;Risk from inhaled mycotoxins in indoor office and residential environments". Kelman BJ1, Robbins CA, Swenson LJ, Hardin BD. Int J Toxicol. 2004 Jan-Feb;23(1):3-10. http://www.ncbi.nlm.nih.gov/pubmed/15162841

[179] 2004 NAS IOM Report Executive Summary of Chapter 4, discrediting the Veritox Theory http://freepdfhosting.com/202c87e945.pdf

[180] One of many examples of Mr. Kelman lying under oath that the IOM Report supports the Veritox Theory as legitimized by ACOEM and AAAAI (Abad case, AZ) http://freepdfhosting.com/32cf319a99.pdf

[181] May 25, 2006 Harris Martin Publishing http://freepdfhosting.com/b07f62e149.pdf

[182] "Risk From Inhaled Mycotoxins From Mold-Infested Produce" C.Y. Chan1, C.R. Robbins1, P. Fallah, B.D. Hardin, and B.J. Kelman http://freepdfhosting.com/82e1bd4f49.pdf

XIV. A CRIMINAL SETTING OF STANDARDS FOR U.S. TOXICOLOGISTS -- WHY?

There is a movement underway in U.S. healthcare to assert greater control over physicians by increasing several "nonprofit" medical certifying boards' abilities to require certain certifications. With regard to toxicologists, EHP recently published an article entitled "<u>A</u> Standard of Knowledge for the Professional Practice of Toxicology"[183]

The gist of the article is to sell the concept that in order to be considered a credible and ethical toxicologist in the United States, one must be certified by a "nonprofit" board such as the American Board of Toxicology (ABT). Regarding the premise that mandatory board certification by "nonprofits" will assure standards of professionalism in practices of toxicology, the EHP "Standard of Knowledge..." article states,

"it is of the utmost importance that work is conducted toward ensuring the scientific integrity of the products produced by professional toxicologists" and "Board certification can be a reliable indicator of proficiency if the certifying organization demonstrates, through regularly scheduled independent review, that its processes meet established standards and when a certificate holder is required to periodically demonstrate command of a body of knowledge that is essential to current professional practice."

Self-evident that scientists and physicians being forced to pay much money to be board certified by "nonprofit" medical boards is clearly not "a reliable indicator of proficiency"; or that required periodic re-certification will aid to "demonstrate command of a body of knowledge that is essential to current professional practice"; the EHP "Standards of Knowledge..." was coauthored by Mr. Kelman.

In addition to being a long-term and prolific toxic tort defense expert witness, a creator of the greatly flawed and widely mass-marketed LNT Veritox Theory, a paid-for-hire science fraud author for industry lobbyists, a hired gun of insurers and the USDOJ, and a criminal perjurer & recorder of fraudulent liens in California courts -- all for the purpose of profitably abusing the science of toxicology to discriminate against the environmentally disabled – he is also a Diplomat and board member of the "nonprofit" accrediting board, ABT.[184] Thus, a criminal is writing the standards for toxicological practices in the United States. Why?

Criminal Kelman's two co-authors for the EHP "<u>Standards of Knowledge.."</u> are an employee of the DOD and an employee of a pharmaceutical company. [See fn 184] <u>Thus, a criminal is writing the standards for toxicological practices in the United States with a United States federal employee. Why?</u>

A key reference for DABT Kelman's newest endeavor while promoting that the "nonprofit" ABT should be in greater control of certifying and educating toxicologists, is the <u>National Research</u> <u>Council's (NRC) Committee on Science, Technology, Law, Policy and Global Affairs' third edition of Reference Manual on Scientific Evidence.[185] In direct scientific conflict to Mr. Kelman's widely marketed LNT Veritox Theory this reference he cites, states:</u>

(Page 658) "...the court stated: 'Humans are not rats, and it is far from clear how readily one may generalize from one mammalian species to another. But in light of the epidemiological evidence [of carcinogenicity] that was not the main problem. Rather it was the absence of data at low levels." Id. at 394. The court remanded the matter to OSHA to reconsider its findings that formaldehyde presented no specific carcinogenic risk to workers at exposure levels of 1 part per million or less. See also Hopkins v. Dow Corning Corp., 33 F.3d 1116 (9th Cir. 1994); In re AccutaneProd. Liab., 511 F. Supp. 2d 1288, 1292 (M.D. Fla. 2007); United States v. Philip Morris USA, Inc., 449 F. Supp. 2d 1, 182 (D.D.C. 2006); ..."

(Page 662) "Note that many subjective symptoms are poorly modeled in animal studies. Thus, complaints that a chemical has caused nonspecific symptoms, such as nausea, headache, and weakness, for which there are no objective manifestations in humans, are difficult to test in laboratory animals."

(Page 674) "Advances in human genetics research are providing information about susceptibility to environmental agents that may be relevant to determining the likelihood that a given exposure has a specific effect on an individual."

(Page 671) "Acute exposure to many toxic agents produces a constellation of nonspecific symptoms, such as headaches, nausea, lightheadedness, and fatigue. These types of symptoms are part of human experience and can be triggered by a host of medical and psychological conditions. They are almost impossible to quantify or document beyond the patient's report. Thus, these symptoms can be attributed mistakenly to an exposure to a toxic agent or discounted as unimportant when in fact they reflect a significant exposure."

^[183] Hulla, J, Kinter, JB, Kelman BJ "A Standard of Knowledge for the Professional Practice of Toxicology" EHP; DOI:10.1289/ehp.1408643 http://ehp.niehs.nih.gov/1408643/

^[184] Criminal Kelman is a Diplomat and BOD member of ABT http://www.veritox.com/bruce-kelman.html

^{[185] 3}rd Edition of Reference Manual on Scientific Evidence http://www.nap.edu/read/13163/chapter/1

XV. FEDERALLY FUNDED "NONPROFIT" MEDICAL ASSOCIATIONS CHOOSING WISELY®

As noted in fn. 24, ACMT is federally funded by the DHHS to disseminate accurate health advisories to U.S. physicians. This is with the understanding that ACMT members keep abreast of current accepted science by their certifications and maintenance of certifications by "nonprofit" accrediting boards.

FOR WHOM?

According to the DHHS ATSDR website:

"ACMT members include physicians certified through the American Board of Medical Toxicology [ABMT[186]] or the American Board of Medical Specialties [ABMS[187]]. Associates can also gain additional knowledge and experience through participation in a number of activities such as...the expansion of medical toxicology practice through public policy and fellowship opportunities. An ATSDR grant has enabled ACMT to establish the Program to Build Capacity to Conduct Environmental Medicine and Health Education Activities. The grant also assists ACMT in providing courses in environmental medicine and environmental toxicology, national education and consultations, Internet-based educational resources — including the Toolbox for Public Health Response — and peer reviews for ATSDR's Case Studies in Environmental Medicine (CSEM)"

Choosing Wisely® is an accrediting campaign of which "nonprofit" ACMT is a participant. The campaign is run by the American Board of Internal Medicine (ABIM) and with grants from the Robert Wood Johnson Foundation.[188] For a greater understanding of the battle over claims that the ABIM "nonprofit" is unethically generating income from useless and burdensome required physician certification and re-certification, please read the footnotes [189], [190] and [191].

The basic gist of what is being said in fn 189 to 191, seems to be that old tobacco scientists are running the game by use of "nonprofit" medical specialty accrediting boards. The directors are riding around in chauffeur driven limos and buying multi-million dollar condos with money obtain from physicians who are forced to take useless certification tests to keep their licenses in good standing. These fat-cat board members are determining what treatments physicians may give if they want to keep their licenses. They have set up ancillary foundations and lobby politicians. The "nonprofit" Consumer Reports [192] disseminates much of the Choosing Wisely® campaign information for "nonprofit" medical associations, such as ACMT.

At the very least this is another area of healthcare that deserves scrutinizing because of the implications for conflicts of interest adversely influencing the future of medicine and healthcare. As merely one example, ACMT continues to promote the Veritox Theory as appropriate physician education and ACMT is working with multiple other "nonprofit" associations under the premise that accurate advisories will be provided by ACMT to U.S. physicians and to the public via Choosing Wisely®.

Dangerously harmful to the environmentally injured, ACMT has chosen to share the following discriminatory and misleading advice to U.S. physicians and to the public through their Choosing Wisely® affiliate Consumer Reports.[193] [194]

"Don't order tests to evaluate for or diagnose 'idiopathic environmental intolerances,' "electromagnet hypersensitivity' or 'mold toxicosis.' These diagnoses reflect labels to indicate that patients have adverse non-allergic reactions to normal environmental stimuli. These diagnoses are made on the bases of self-reported symptoms or non-validated testing procedures. Although these conditions have been widely promoted, evidence-based assessments fail to support these diagnoses as disease entities. Labeling a patient with these diagnoses may adversely affect the patient's lifestyle, obscure ascertainment of the etiology of their symptoms and promote unnecessary testing."

This begs the questions:

1) Choosing Wisely® for whom?[9]

- 2) What motivates a toxicological medical trade organization (whose members often serve as toxic tort expert defense witnesses for those who cause environmental disability) to teach physicians that environmental intolerances (EI) should never be diagnosed as reactions to not-normal environmental stimuli?
- 3) What motivates a toxicological medical trade association (which has been promoting the scientific fraud for years that it is proven mold toxicosis does not occur from WDB exposures) to teach physicians that symptoms of mold-toxicity (and CIRS-WDB) are based only upon self-reported symptoms and invalid testing?
- 4) When hired and paid as toxic tort defense witnesses, would it be harder for ACMT members to state in court that "current accepted science" finds toxic exposures in WDB could not cause the disabilities of the parties claiming injury -- if U.S. physicians were trained to understand that, indeed WDB exposures can cause the symptoms being reported?

The answers seem self-evident that Choosing Wisely® is just another government backed mismanaged healthcare program where no one is watching the ship. Just one more public fleecing where fat-cat leaders of "nonprofit" medical associations profit by proliferating insurers', pharmaceutical companies' and other stakeholders' interests over true healthcare, while discriminating against the environmentally disabled for profit.

Choosing Wisely® appears to be another chapter in U.S. healthcare that will end up in the Tobacco Legacy Library, housed at the University of San Francisco. The campaign appears to have a primary goal of insurers' profiting by controlling physician practices if they want to keep their licenses – not assisting physicians to provide quality, affordable healthcare.

Under the Affordable Health Care Act insurers are provided tax-dollars to assure all citizens are able to receive necessary medical treatment. But the Act is neither affordable nor is it health care when the environmentally injured are deemed hysterical liars from federally funded "nonprofit" organizations led by old Tobacco Scientists and toxic tort defense expert witnesses for the insurance industry. [195] [196] For the WDB-injured and honorable physicians who try to treat their WDB-injured patients while being compensated by insurers and able to keep their licenses; then based on the advice that ACMT is Choosing Unwisely to share, elements of the Affordable Health Care Act appears to have been permitted to deteriorate to be just that - an Act (by bad actors).[197]

[186] ABMT history and origin https://www.abem.org/public/subspecialty-certification/medical-toxicology/medical-toxicology-overview http://www.abtox.org/AboutABT.aspx

[187] ABMS http://www.abms.org/about-abms/

[188] Choosing Wisely Campaign http://www.choosingwisely.org/wp-content/uploads/2015/04/About-Choosing-Wisely.pdf

[189] Blog of Westby G. Fisher, MD, FACC University of Chicago's Pritzker School of Medicine http://drwes.blogspot.com/

[190] "Is it 'medically professional' for a non-profit organization to use physician testing fees to "choose wisely" \$2.3 million luxury condominium complete with a chauffeur-driven BMW 7-series town car? In my view obviously not. To most people such an action would conjure up images of hypocrisy, waste, and corruption." http://drwes.blogspot.com/2014/12/the-abim-foundation-choosing-wisely-and.html

[191] 2015 Newsweek "The Ugly Civil War in American Medicine" http://www.newsweek.com/2015/03/27/ugly-civil-war-american-medicine-312662.html

[192] "nonprofit" Consumer Reports role in Choosing Wisely http://www.consumerreports.org/cro/health/doctors-and-hospitals/choosing-wisely/index.htm

[193]ACMT choosing unwisely to give bad advice that could be quite profitable while serving as a toxic tort defense witness – if the mainstream physicians continue to buy the scientific fraud that is being sold to them: http://www.choosingwisely.org/clinician-lists/acmt-and-aact-tests-for-idiopathic-environmental-intolerances/

[194] Regarding ACMT's bad advice when choosing unwisely to mass-distribute it via Consumer Reports: "How The List Was Created -The American College of Medical Toxicology's (ACMT's) Board of Directors established a Choosing Wisely® work group in 2013 to develop a list of items for the Choosing Wisely® campaign. Members of the work group were chosen to represent various practice settings within the field of medical toxicology, including ambulatory, acute and population-based practice. Work group members included the President of the College, the Chair of the Practice Committee, the Chair of the Positions and Guidelines committee and other academic leaders within the medical toxicology community. All work group members also represented the American Academy of Clinical Toxicology (AACT). The first list was released by the work group in 2013 and in 2014, the work group reconvened to develop a second list of items for the campaign. A second preliminary list was disseminated to all members of ACMT and AACT for review, commentary and potential additions. Additional feedback was solicited

from leaders within the field of medical toxicology. The work group reviewed all responses, and narrowed the list to the final five items based on a review of scientific evidence, relevance to the specialty and greatest opportunity to improve care, reduce cost and reduce harm to patients. The final list was approved by the ACMT Board of Directors and the AACT Board of Trustees."

[195] Bruce J. Kelman, DABT for Phillip Morris 1999 https://industrydocuments.library.ucsf.edu/tobacco/docs/#id=zppl0191

[196] Dr. Wes "ABIM and Big Tobacco – A love story" http://drwes.blogspot.com/2015/09/the-abim-and-big-tobacco-love-story.html

[197] Choosing Wisely gives grant to "Integrated Healthcare Association IHA" The "nonprofit" IHA appears to be comprised of several insurance companies – not physicians who practice integrated medicine. http://www.abimfoundation.org/News/ABIM-Foundation-News/2015/New-Grantees-To-Focus-On-Reducing-Overuse-Of-Tests-Identified-By-Choosing-Wisely.aspx & http://www.iha.org/iha_membership.html

XVI.

CHOOSE WISELY TO USE FEDERAL FUNDS TO TEACH WDB INJURY PREVENTION – NOT TO TEACH A LITIGATION DEFENSE ARGUMENT WHILE CAUSING DISCRIMINATION & DISABILITY

The ACMT website states, "ACMT is a professional, nonprofit association of physicians with recognized expertise in medical toxicology." [198] The organization receives federal funding from the Agency for Toxic Substance and Disease Registry (ATSDR) which assists ACMT in providing courses in environmental medicine and environmental toxicology, national education and consultations, Internet-based educational resources."

The ATSDR is "mandated by congress to perform certain actions relating to the public health concerns of hazardous substances in the environment". Although ATSDR is an independent operating division within the Department of Health and Human Services, the Centers for Disease Control and Prevention (CDC) performs many of its administrative functions.[199]

ACMT is receiving federal funds to educate (not miseducate) United States physicians, health departments, the general public, and other medical "nonprofit" associations - such as the Pediatric Environmental Health Specialty Units (PEHSU) and the Association of Occupational and Environmental Clinics (AOEC)[200] [201] Given the influence which ACMT exerts over public health policies and physician education with the use of federal and private-sector funds and close ties to the CDC, it is imperative that ACMT start "Choosing Wisely" to cease disseminating discriminatory scientific frau environmental illnesses.

The Number One complaint heard when the WDB-injured figure it out on their own what is making them so sick, is:

"Why didn't someone just tell me?"

It is apparent that the WDB-injured and their mainstream physicians are not being told because those who are educating U.S. physicians are many of the same "nonprofit learned bodies" whose "esteemed colleagues" are generating substantial income as expert defense witnesses when denying causation of WDB-induced illness in toxic torts.

By miseducating the doctors, many of the expert defense witnesses, who are also policy writers, are creating business for themselves. By teaching discrimination instead of prevention, they are causing the need for their services in litigation where they lucratively become experts hired to deny causation of environmental illness, disability and death. Their testimonies and undeserved credibility for their testimonies are often times based on false concepts such as the Veritox Theory being mass-marketed as "current accepted science" by "nonprofit learned bodies of medicine".

The proper way to correct the WDB symptoms and prevent them from becoming permanent, debilitating or any matter to litigate over, is early intervention. When U.S. physicians are educated to recognize the symptoms indicative of CIRS-WDB and EI, they will know to advise their patients to look to their indoor environment as a potential cause of the symptoms.

By being informed by their physicians, people will know to stop the exposures early because of the potential for disability if the exposures continue. Landlords, employers, builders, sellers, and property managers will know that if they do not correct WDB problems promptly and properly, then their tenants', employees' and clients' health and lives could be forever devastated. As a result, they may find themselves held financially responsible, if they do not properly maintain the buildings.

Physicians being educated to recognize the early warning signs of CIRS-WDB and EI is the key to stopping the disabilities and assuring the buildings are properly maintained.

As such, please stop marketing to physicians that those made ill from WDB biotoxins and inflammagens should be shunned by the medical community as hypochondriacs and liars. You are **CAUSING** billions of dollars worth of disabilities and toxic torts by your "nonprofit" selling a profitable "litigation defense argument" based on "garbage science" as appropriate physician education. Stop it! Stop it! Stop it!

[198] ACMT website http://www.acmt.net/ACMT Fact Sheet.html

[199] ATSDR website http://www.atsdr.cdc.gov/

[200] Kramer S, Perez, J. "Association of Occupational and Environmental Clinics (AOEC): Pediatric Environmental Health Specialty Units" http://freepdfhosting.com/b16c7060b3.pdf

[201] Like ACMT, AOEC & PEHSU are federally funded. They are clinics meant to advance the understanding of environmental illnesses, set up and medical schools all across the United States. http://www.aoec.org/

XVII.

SEVENTY YEARS OF DISCRIMINATION OF ENVIRONMENTALLY INJURED BY LINEAR-DOSE MODELS

The gist of this paper has been to shed light in no uncertain terms, on how much money is being made off the backs of the sick, weak and poor by "nonprofit" medical associations mass-disseminating one linear dose-response no-threshold model (LNT), the Veritox Theory. It is also about how the fraud that it is proven microbial toxins in WDB do not harm, has continued to flourish and grow for over a decade directly because of SLAPP-suit fixing in the California courts by leading California justices. And it is about ACMT's and other "nonprofit's" duty to the public to stop teaching the lucrative scientific fraud, the Veritox Theory, under the guise of current accepted science -- because by doing so, you are causing devastation, disability, death, and the dumbing-down of U.S. physicians.

Yet amazingly, the problem goes even deeper than that. The reality is that the origin of deception by LNT is much older than merely a decade and does not just adversely impact those disabled by WDB. The misuse of LNT models to deny liability for causation of environmentally induced illnesses and deaths has been occurring in this country for nearly seventy years. Like its progeny Veritox Theory, the origin of LNT misuse was born not from science but from political will, toxic clout, and cronyism. As such, not just the Veritox Theory, but all LNT's need to be stopped from being promoted in science and policy as being able to prove more than they are scientifically capable of doing.

As documented in the newly published, "On the origins of the linear no-threshold (LNT) dogma by means of untruths, artful dodges and blind faith", [202] misapplications of LNT models by "learned bodies" of "esteemed colleagues" have harmed uncountable numbers of people. The author, Dr. Ed Calabrese of the Department of Environmental Health Sciences, School of Public Health and Health Sciences, University of Massachusetts, Amherst, MA, writes:

"This paper is an historical assessment of how prominent radiation geneticists in the United States during the 1940s and 1950s successfully worked to build acceptance for the linear no-threshold (LNT) dose-response model in risk assessment, significantly impacting environmental, occupational and medical exposure standards and practices to the present time. Detailed documentation indicates that actions taken in support of this policy revolution were ideologically driven and deliberately and deceptively misleading; that scientific records were artfully misrepresented; and that people and organizations in positions of public trust failed to perform the duties expected of them. Key activities are described and the roles of specific individuals are documented. These actions culminated in a 1956 report by a Genetics Panel of the U.S. National Academy of Sciences (NAS) on Biological Effects of Atomic Radiation (BEAR). In this report the Genetics Panel recommended that a linear dose response model be adopted for the purpose of risk assessment, a recommendation that was rapidly and widely promulgated. The paper argues that current international cancer risk assessment policies are based on fraudulent actions of the U.S. NAS BEAR I Committee, Genetics Panel and on the uncritical, unquestioning and blind-faith acceptance by regulatory agencies and the scientific community....The NAS Genetics Panel committed scientific misconduct by falsifying, fabricating and then publishing in the journal Science its doctored estimates of human genetic risk to radiation exposures. The Panel's deceits were designed to prevent the scientific community and the general public from knowing the profound uncertainties entailed in its genetic risk estimates, thereby insuring the ready acceptance of its policy recommendations...The implications of such fraudulent actions are profound and likely to affect: human health risk assessment, adoption and use of new technologies, cost benefit assessments at multiple societal levels, toxic tort actions/decisions, and in the education of the public on vast areas of environmental health and medical treatment practices."

[202] Calabreese EJ. "On the origins of the linear no-threshold (LNT) dogma by means of untruths, artful dodges and blind faith" Environ Res. 2015 Aug 3;142:432-442.doi: 10.1016 http://www.sciencedirect.com/science/article/pii/S0013935115300311

XVIII. CALIFORNIA JUSTICE MCCONNELL, RECALL & RESCIND THE REMITTITURS

Life has certainly been no walk in the park for the past ten years, because I dared to expose how the LNT Veritox Theory of Mr. Kelman's and Mr. Hardin's was mass-marketed into policy and courts by compromised "nonprofit" medical associations; along with the building-related stakeholder industries, government agencies, and PAC-funded-politicians for whom the "learned medical bodies" shill.[203]

Under the color of law, I have been systematically character assassinated, driven into poverty, had my career ruined by falsely being deemed someone who lies, jailed, bodily harmed, cyberstalked, given a false criminal FBI record, have tens of thousands of dollars of false liens recorded against my property, and permanently enjoined by a court with no subject matter jurisdiction to never republish a sentence I never published in the first place. It was all to make me appear to be a liar and a lunatic for exposing how a massive fraud, the Veritox Theory, was mass-marketed to discriminate against the WDB environmentally disabled, and it has been covered-up by corruption of leading judicial officers in the California courts -- for the sake of the all mighty dollar.

Until Justice Judith McConnell Presiding Justice of the California Fourth District Division One Court of Appeal grows a conscience and recalls the three fraudulent remittiturs from the SLAPP suits brought by Mr. Kelman and Veritox, purposed to try to silence me of the massive damaged done by use and proliferation of the Veritox Theory, Mr. Kelman and the ilks of Veritox will continue to generate income from selling the false concept that it is proven CIRS-WDB and EI are only figments of people's imaginations. The broken bodies and broken lives will continue to pile up in the wake of Mr. Kelman not being punished as a <u>criminal when a plaintiff</u> in SLAPP.

Mr. Kelman is an old Tobacco Scientist. Everyone knows they never change their spots – nor does anyone expect they ever will. [204] [205] [206] But even old Tobacco Scientists with Toxic Clout do not have a license to lie when they are a party to litigation. The crimes lays in the fact that Mr. Kelman committed perjury and used falsified court documents as a SLAPP plaintiff – not when serving as a weasling expert witness in mold cases. His ability to continue to harm when weasling as an expert lays in the fact that no one will hold Justice Judith McConnell and her judicial peers accountable for her fraud upon the court when case-fixing the SLAPPs to aid Mr. Kelman's Veritox Theory to continue in mold cases all across the country.

Sadly, what has happened to me and to many others for telling the truth of compromised government employees like Judith McConnell, and government contractions like Mr. Kelman, is just one of many examples of what has been happening in this country to truth-tellers over many issues. [207][208] [209] [210] Well-connected fraudsters in black robes are seldom punished for aiding and abetting the frauds of others. Justice Judith McConnell has had multiple opportunities over the years to stop the Veritox Theory from harming thousands of people, by recalling and rescinding the falsified court documents in SLAPP. She has repeatedly refused to do so.

I am not going to be silenced until those who have committed criminal acts in SLAPP, who have harmed thousands by fraud upon the court aiding and abetting scientific fraud in thousands of courts, are brought to justice in the best interest of the American public.

I first wrote of the deception of the Veritox Theory in 2005. To this day it continues to harm many because Justice Judith McConnell will not acknowledge her fraud upon her court and recall the falsified court documents; as Mr. Kelman continues to use Justice McConnell's fraud to make it appear that I have been lying about the Veritox Theory and the crimes in her court which aid and abet it to continue. From the Veritox website:

"Mrs. Kramer continues to post false information and accusations maligning Veritox and its employees, as well as California justices, judges, court clerks and administrators, members of Congress and other elected officials. In the interest of saving time and minimizing annoyance, we currently ignore her posts regarding this matter."

Shades of Bill Cosby.

[203] VIDEO TED Talk by Margaret Heffernan, "The Dangers of Willful Blindness" https://www.youtube.com/watch?v=Kn5JRgz3W0o

[204] "Trust Us, We're Experts!: How Industry Manipulates Science and Gambles with Your FutureHow Industry Manipulates Science and Gambles with Your Future" John Stauber http://www.prwatch.org/books/experts.html

[205] "Doubt is Their Product: How Industry's Assault on Science Threatens Your Health" David Michaels http://www.amazon.com/Doubt-Their-Product-Industrys-Threatens/dp/019530067X

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[210] Sidney Powell "Licensed to Lie: Exposing Corruption in the Department of Justice" http://www.amazon.com/Licensed-Lie-Exposing-Corruption-Department/dp/1612541496

XIX. CONCLUSION

PLEASE CHOOSE WISELY TO CEASE PROMOTING SCIENTIFIC FRAUD AS EVIDENCE BASED MEDICINE

None of the industry-lobbyist "nonprofits", their members, or government agencies would have been able to use the Veritox Theory to stave off liability for causation of WDB-induced disability and death without the "nonprofit" medical associations first anointing it sound physician education portrayed to be fully vetted by "learned bodies" of "esteemed colleagues". Many lives have been forever devastated by the wrongfully legitimized, scientific fraud being purposed toward physician miseducation with the end-goal being expert witness profitable scientific fraud upon the court, while aiding insurer fraud.

With the sunsetting of the AAAAI Mold Statement in 2011 and the sunsetting of the ACOEM Mold Statement in 2015, there is currently no medical association in the United States other than ACMT which is continuing to directly promote the Veritox Theory. ACMT is the last "learned body" domino to fall.

Please follow the lead of your physician peers in leadership roles at ACOEM and AAAAI. Please sunset your Mold Position Statement and start Choose Wisely® to cease promoting the false concept that the WDB environmentally disabled -- who so desperately need America's physicians' help — should have their suffering discounted as merely figments of their imagination.

Thank you for your attention to this matter. I look forward to seeing the ACMT Mold Statement missing from your website and your advisories for the Choosing Wisely® campaign promptly changed to teach better physician education of WDB-induced and all environmental illnesses.

Sincerely,

Mrs. Sharon Noonan Kramer

Sharon noonan Bramer

"Woman with stones"

XOXOXO

THIS LETTER IS DEDICATED TO THE MEMORY OF THE LATE JARED JOSEPH DUSSAULT

March 26, 1998 - August 16, 2015

Jared was fifteen year old environmentally injured boy living in Florida. He was bullied into hanging himself.

Beginning in the fall of 2014, he, his mother and two younger siblings were being treated like criminals for saying their NAA-affiliate-owned, water-damaged-apartment caused them to experience CIRS-WDB and EI, and that the bad faith acts of others with powerful political connections to cover it up, were only figments of their imagination.

The abusive insult to devastating injury drove him to take his life. Like so many others being maliciously deemed liars and horrifically harassed over the Toxic Mold Issue at a time in their lives when they need the most help, all he wanted was to be believed when telling the truth and treated like he mattered and was Somebody – which he was.

December 11, 2014 VIDEO of Jared Dussault pleading to "public servants" for help to stop the harassment and bullying of his family over the Toxic Mold Issue – to no avail. [212]

[212] VIDEO of Jared discussing harassment by police on behalf of stakeholders of WDB, and the dire need for help for his family in distress. https://www.youtube.com/watch?v=FKXDjyuD8vE&feature=youtu.be

[213] August 2015 Katy's Exposure "Mold injured teen commits suicide. Mother pleads for laws to protect children" https://katysexposure.wordpress.com/2015/08/20/mold-injured-teen-commits-suicide-mother-pleads-for-laws-to-protect-children/

[214] August 2015 "Was mold injured teen Jared Dussault 'suicided' for money? Yea, he was." https://katysexposure.wordpress.com/2015/08/23/was-mold-injured-teen-jared-dussault-suicided-for-money-yea-he-was/ ACMT Mold Statement as of October 26, 2015 https://web.archive.org/web/20151026030442/http://www.acmt.net/cgi/page.cgi/zine_service.html?zine=show&aid=12

Institute of Medicine Report on Damp Indoor Spaces and Health

Disclaimer

While individual practitioners may differ, this is the position of the College at the time written, after a review of the issue and pertinent literature.

INSTITUTE OF MEDICINE REPORT ON DAMP INDOOR SPACES AND HEALTH

The American College of Medical Toxicology (ACMT) is a professional society composed of physician toxicologists who focus on the diagnosis, management and prevention of acute and chronic health effects due to medications, chemicals, occupational and environmental toxicants, and biological hazards. The ACMT has reviewed the Institute of Medicine (IOM) report on Damp Indoor Spaces and Health,(1) and has prepared additional background and comments relating to this document. The ACMT considers this review to be valuable, because the IOM committee did not include input from physicians with training and board certification in the subspecialty of medical toxicology.

The ACMT commends the IOM for recognizing that damp indoor spaces present health risks to humans, in association with allergic mechanisms resulting from fungi, dust mites, bacteria, cockroach, and possibly other antigens that proliferate in moist environments. The ACMT concurs with the IOM that residences, schools, offices, and other buildings should be designed to prevent water intrusion, and that when water damage or chronic moisture is identified it should be remediated as soon as possible.

While the allergic effects of fungi are well-summarized in the IOM report, there are still a number of misperceptions relating to mycotoxins or other chemicals produced by certain species of fungi, and their role in adverse health effects from exposures in water-damaged buildings. Although several epidemiological studies of building-related illness have implicated mycotoxins as a cause of health effects in water-damaged environments, their interpretation is complicated by limitations in their study design, exposure and dose assessment methods, and confounding effects. In fact, these issues have cast doubt on the causative role of inhaled mycotoxins for any toxic health effects in the indoor residential environment. (2-5)

The ACMT believes that an improved understanding of the role of mycotoxins in damp indoor spaces should begin by acknowledging that both fungi and t heir mycotoxin products are ubiquitous in the outdoor environment. Human exposure to fungi can occur from contact with the soil as well as outdoor air, where fungal spores are normally present in much higher concentrations than indoor environments (with seasonal variability, e.g. cold, snow). Epide miological studies of mold in indoor environments should include appropriate comparisons with outdoor air, and studies should be designed to consider our aggregate and cumulative exposure to fungi and mycotoxins from indoor and outdoor environments.

The ACMT would like to emphasize the importance of distinguishing exposure to mycotoxins from exposure to the fungi that are capable of producing them. Toxigenic fungi and mycotoxins are not synonymous hazards. It is well established that for many fungal species, the production of mycotoxins is significantly influenced by genetics and the environmental conditions of their growth. The isolation of a toxigenic fungal species in the environment does not necessarily indicate that mycotoxins are also present, or that they are present at doses that pose health risks from environmental exposure. For this reason, if epidemiological studies of damp indoor spaces are to include hypotheses relating to mycotoxins, then exposure assessment methods should utilize validated techniques to detect and quantify mycotoxins directly in environmental samples. The interpretation of such environmental measurements should consist of a plausible, complete exposure pathway and an assessment of the dose-response relationship.

The ACMT would also like to emphasize the importance of acknowledging that the diet is the most important source of human exposure to mycotoxins. The vast majority of scientific data on the adverse health effects of mycotoxins is derived from their presence as natural and unavoidable contaminants of foods and beverages that are consumed as part of a healthy diet. Mycotoxins of known dietary importance include aflatoxins (in corn, ground nuts, and dairy products), trichothecenes (in corn, cereals and fermented beverages) and ochratoxins (in coffee, wine, and dried fruits). Risk assessments have been conducted for several mycotoxins that are of relevance to human health, (6) and these studies should be used as a benchmark for interpreting the relative role of exposures occurring from other sources and pathways in addition to dietary ingestion.

With respect to mycotoxins in indoor air, exposure modeling studies have concluded that even in moldy environments, the maximum inhalation dose of mycotoxins is generally orders of magnitude lower than demonstrated thresholds for adverse health effects.(3,7,8) The results of human studies in agricultural environments provide additional consistency for this finding, demonstrating that in moldy environments inhalation exposure to mycotoxins results in a dose that is far less than what is normally encountered from dietary exposure.(9,10) Studies that quantify human exposure utilizing validated biomarkers as indicators of internal dose will provide additional information to assess cumulative exposure to mycotoxins. There have been significant advances in the research on biomarkers of exposure to important mycotoxins,(11-13) and the ACMT recommends that future studies utilize these methods in the assessment of the dose-response relationship.

The ACMT is aware of other types of clinical laboratory tests that have recently been utilized in epidemiological studies of damp indoor spaces, including "mycotoxin antibody testing." Identification or measurement of antibodies to mycotoxins, rather than biomonitoring of mycotoxins directly, is not an accepted method to assess human exposure. This method has not been validated in well-designed epidemiological studies, and is not recommended for the assessment of human exposure to mycotoxins.(14) Fungal immunoassay tests (including immunoglobulin testing for IgG and IgE) can be clinically useful in the assessment of immunological conditions from exposure to fungal antigens (including common allergies and hypersensitivity pneumonitis), but they do not provide any information about exposure to mycotoxins and therefore they have no role in exposure assessment in this context.

The American Academy of Asthma, Allergy, and Immunology (AAAAI) has addressed some of these issues in their recent position statement on health effects from mold exposure (15).

In comparison to the low-level indoor exposures of general public concern, a syndrome known as Organic Dust Toxic Syndrome (ODTS) has been described in association with microbial exposures in agricultural environments, consisting of fever, malaise, myalgia, headache, dyspnea, chest tightness, dry cough, and nausea.(16) While the pathogenesis of this transient condition is not well-understood, it has been hypothesized to develop from acute inhalation exposure to high concentrations of bacterial endotoxins, fungal mycotoxins, and possibly other cellular components of microorganisms that proliferate in agricultural environments. The epidemiology of this disorder is uncertain, but the levels of microbial exposure that have been measured in association with its occurrence are generally orders of magnitude greater what has been measured in moldy home, school, or office environments. It should be noted that symptoms from ODTS are transient in nature, and generally resolve within hours to days from the time of acute exposure. There is no documented evidence that inhalation exposure to fungi or mycotoxins in indoor environments causes a chronic toxic encephalopathy.

Similarly, the role of volatile organic compounds produced by mold (mVOCs), and responsible for the musty odor, can be addressed from a toxicological perspective. In sufficient dose, mVOCs can produce transient irritive symptoms and subjective complaints such as nasal and eye discomfort, headache and dizziness. However, the concentrations of mVOCs produced by mold in indoor spaces are very low, on the order of nanograms to micrograms per cubic meter or part per billion (ppb) range (17). On the other hand, the levels that can induce sensory irritation are in the milligram per cubic meter (mg/m3) or parts per million (ppm) range in the air (18). Additionally, volatile organic compounds are volatile, thus having short environmental half-lives (minutes to hours), and their effects are transient. In cases where individuals complain of persistent neurological, cognitive, or non-specific symptoms week or months after the putative exposure, these symptoms should not be attributed to irritant effects; other causes should be sought.

In conclusion, the ACMT generally concurs with the IOM's assessment of the relationship between damp indoor spaces and human health effects. The ACMT recommends that public health responses to damp indoor spaces be based upon what is known and generally accepted with respect to their association with allergic disease. Public health responses should not be solely based upon the presence of fungi or mycotoxins, because from a toxicological perspective, the available scientific evidence does not provide any compelling data to conclude that they pose significant health risks via inhalation in these settings. The risks from inhalation exposure are minimal in comparison to other sources and pathways, including the diet, which in themselves are rarely of health consequence in the United States. Furthermore, the use of unapproved diagnostic studies and therapeutic modalities based on unproven infection or mold-related toxicity (as opposed to allergic phenomena) are medically inappropriate and costly.

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Prepared by the ACMT Practice Committee and approved June, 2006. Primary authors: Daniel Sudakin and Tom Kurt

Disclosure forms on file at ACMT

The Veritox Theory (if this looks to you like "garbage science" filled with scientifically irrelevant bells and whistles to support the concept that a flawed linear-dose-no-threshold mode (LNT) proves lack of causation of human illness -- that would be because that is exactly what it is!) http://freepdfhosting.com/74478c4cad.pdf

Adverse Human Health Effects Associated with Molds in the Indoor Environment Copyright © 2002 American College of Occupational and Environmental Medicine

In single-dose in vivo studies, S. chartarum spores have been administered intranasally to mice or intratracheally to rats. **76,77** High doses (30 x 106 spores/kg and higher) produced pulmonary inflammation and hemorrhage in both species. A range of doses were administered in the rat studies and multiple, sensitive indices of effect were monitored, demonstrating a graded dose response with 3 x 106 spores/kg being a clear no-effect dose. Airborne S. chartarum spore concentrations that would deliver a comparable dose of spores can be estimated by assuming that all inhaled spores are retained and using standard default values for human subpopulations of particular interest – very small infants,† school-age children,† and adults.†† The no-effect dose in rats (3 x 106 spores/kg) corresponds to continuous 24-hour exposure to 2.1×106 spores/m3 for infants, 6.6×106 spores/m3 for a school-age child, or 15.3×106 spores/m3 for an adult. If the no-effect 3 x 106 spores/kg intratracheal bolus dose in rats is regarded as a 1-minute administration (3 x 106 spores/kg/min), achieving the same dose rate in humans (using the same default assumptions as previously) would require airborne concentrations of 3.0×109 spores/m3 for an infant, 9.5×109 spores/m3 for a child, or 22.0×109 spores/m3 for an adult.

In a repeat-dose study, mice were given intranasal treatments twice weekly for three weeks with "highly toxic" s. 72 S. chartarum spores at doses of 4.6×106 or 4.6×104 spores/kg (cumulative doses over three weeks of 2.8×107 or 2.8×105 spores/kg).79 The higher dose caused severe inflammation with hemorrhage, while less severe inflammation, but no hemorrhage was seen at the lower dose of s. 72 spores.

Using the same assumptions as previously (and again ignoring dose rate implications), airborne S. chartarum spore concentrations that would deliver the nonhemorrhagic cumulative three-week dose of 2.8×105 spores/kg can be estimated as 9.4×103 spores/m3 for infants, 29.3×103 spores/m3 for a school-age child, and 68.0×103 spores/m3 for adults (assuming exposure for 24 hours per day, 7 days per week, and 100% retention of spores).

The preceding calculations suggest lower bound estimates of airborne S. chartarum spore concentrations corresponding to essentially no-effect acute and subchronic exposures. Those concentrations are not infeasible, but they are improbable and inconsistent with reported spore concentrations. For example, in data from 9,619 indoor air samples from 1,717 buildings, when S. chartarum was detected in indoor air (6% of the buildings surveyed) the median airborne concentration was 12 CFU/m3 (95% CI 12 to 118 CFU/m3). 80

Despite its well-known ability to produce mycotoxins under appropriate growth conditions, years of intensive study have failed to establish exposure to S. chartarum in home, school, or office environments as a cause of adverse human health effects. Levels of exposure in the indoor environment, dose-response data in animals, and dose-rate considerations suggest that delivery by the inhalation route of a toxic dose of mycotoxins in the indoor environment is highly unlikely at best, even for the hypothetically most vulnerable subpopulations.

References cited in alleged support of the Veritox Theory. Dr. Carol Rao's mechanistic work, to which Bruce Kelman and Brian Hardin applied their extrapolations:

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 - (77). "We have demonstrated that a single, acute pulmonary exposure to a large quantity of Stachybotrys chartarum spores by intratracheal instillation causes severe injury detectable by bronchoalveolar lavage. The primary effect appears to be cytotoxicity and inflammation with hemorrhage. There is a measurable effect as early as 6 h after instillation, which may be attributable to mycotoxins in the fungal spores. The time course of responses supports early release of some toxins, with the most severe effects occurring between 6 and 24 h following exposure. By 72 h, recovery has begun, although macrophage concentrations remained elevated"

Environmental and occupational respiratory disorders

Position paper

The medical effects of mold exposure

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Exposure to molds can cause human disease through several well-defined mechanisms. In addition, many new mold-related illnesses have been hypothesized in recent years that remain largely or completely unproved. Concerns about mold exposure and its effects are so common that all health care providers, particularly allergists and immunologists, are frequently faced with issues regarding these real and asserted mold-related illnesses. The purpose of this position paper is to provide a state-of-the-art review of the role that molds are known to play in human disease, including asthma, allergic rhinitis, allergic bronchopulmonary aspergillosis, sinusitis, and hypersensitivity pneumonitis. In addition, other purported mold-related illnesses and the data that currently exist to support them are carefully reviewed, as are the currently available approaches for the evaluation of both patients and the environment. (J Allergy Clin Immunol 2006;117:326-33.)

Key words: Mold, fungi, hypersensitivity, allergy, asthma

Exposure to certain fungi (molds) can cause human illness. Molds cause adverse human health effects through 3 specific mechanisms: generation of a harmful immune response (eg, allergy or hypersensitivity pneumonitis [HP]), direct infection by the organism, and toxic-irritant effects from mold byproducts. For each of these defined pathophysiologic mechanisms, there are scientifically documented mold-related human diseases that present with objective clinical evidence of disease. Recently, in contrast to these well-accepted mold-related diseases, a number of new mold-related illnesses have been hypothesized. This has become a particular issue in litigation that has arisen out of unproved assertions that exposure to indoor molds causes a variety of ill-defined illnesses. Many of these illnesses are characterized by the absence of objective evidence of disease and the lack of a defined

Abbreviations used

ABPA: Allergic bronchopulmonary aspergillosis

CRS: Chronic rhinosinusitis
HP: Hypersensitivity pneumonitis

MVOC: Volatile organic compound made by mold

VOC: Volatile organic compound

pathology and are typically without specificity for the involved fungus-fungal product purported to cause the illness.

In this position paper we will review the state of the science of mold-related diseases and provide interpretation as to what is and what is not supported by scientific evidence. This is important for members of the allergy-clinical immunology community, who are frequently asked by patients, parents, and other interested parties to render opinions about the relationship of mold exposure to a variety of patient complaints. Given the nature of this document, key rather than exhaustive citations are provided. The latter can be found in documents such as the Institute of Medicine reports "Damp indoor spaces and health" and "Clearing the air: asthma and indoor air exposure."

THE RELATIONSHIP OF MOLDS TO ALLERGY AND ASTHMA

It is estimated that approximately 10% of the population have IgE antibodies to common inhalant molds.³ About half of these individuals (5% of the population) are predicted to have, at some time, allergic symptoms as a consequence of exposure to fungal allergens.⁴ Although indoor fungal allergen exposure occurs, outdoor exposure is generally more relevant in terms of sensitization and disease expression. The role of indoor fungi in the pathogenesis of allergic disease has been extensively reviewed in recent reports from the Institute of Medicine of the National Academy of Science.¹

Sensitization to fungi, particularly *Alternaria alternata*, has been linked to the presence, persistence, and severity of asthma.⁵ Exposure to atmospheric fungal spores

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(principally in the outdoor environment) has been related to asthma symptoms and medication use in children with asthma.⁶

The association of asthma symptoms and exposure to indoor fungi is less clearly established. Literature reviews suggest that children living in damp houses, homes with visible mold growth, or both were more likely to experience lower respiratory tract symptoms of cough and wheeze than children who do not. ^{7,8} Recent prospective epidemiologic studies have shown that infants at risk for asthma, defined by a maternal history of asthma, who are exposed to high concentrations of indoor fungi (in addition to cockroach allergen and nitrogen dioxide sources) in the first year of life are at risk for persistent wheezing and cough. ^{9,10} These and similar epidemiologic reports fall short of prospective studies that control for confounding factors, such as humidity and other airborne allergens and irritants.

Molds are often presumed to be an important cause of the other atopic manifestations, including allergic rhinitis and, to a far lesser degree, atopic dermatitis. Abundant published data have established that sensitization (by skin testing, circulating IgE antibodies, or both) to one or more airborne molds occurs in these diseases, although sensitization is less frequent to molds than to pollens, animal danders, and house dust mite.

Current studies do not conclusively demonstrate a causal relationship of airborne mold exposure and clinical manifestations of allergic rhinitis. The data on outdoor molds (eg, *Alternaria* species and basidiomycetes) purportedly causing allergic rhinitis are indirect and conflicting. ¹¹⁻¹³ Studies attempting to correlate indoor molds with symptomatic allergic rhinitis are even more problematic because of such methodological uncertainties as lack of quantitative mold sampling ¹⁴⁻¹⁶ and inclusion of upper respiratory tract infections. ¹⁷

Published reports document mold sensitivity in some children and adults with atopic dermatitis. ¹⁸⁻²⁰ However, there are no publications that establish a causal role for airborne molds in this disease rather than the IgE antibodies simply reflecting an expected concomitant of their atopic state. There are no credible reports in the medical literature documenting indoor exposure to molds as a cause of the nonatopic IgE-mediated diseases (eg, urticaria-angio-edema and anaphylaxis).

Conclusions:

- Atopic patients (those with allergic asthma, allergic rhinitis, and atopic dermatitis) commonly have IgE antibodies to molds as part of polysensitization.
- Allergic responses to inhaled mold antigens are a recognized factor in lower airway disease (ie, asthma).
- Currently available studies do not conclusively prove that exposure to outdoor airborne molds plays a role in allergic rhinitis, and studies on the contribution of indoor molds to upper airway allergy are even less compelling.
- Exposure to airborne molds is not recognized as a contributing factor in atopic dermatitis.

- Exposure to airborne molds is not recognized as a cause of urticaria, angioedema, or anaphylaxis.
- Patients with suspected mold allergy should be evaluated by means of an accepted method of skin or blood testing for IgE antibodies to appropriate mold antigens as part of the clinical evaluation of potential allergies.

ALLERGIC BRONCHOPULMONARY ASPERGILLOSIS AND SINUSITIS

Allergic bronchopulmonary aspergillosis (ABPA) is a well-recognized clinical entity affecting individuals with asthma or cystic fibrosis. A variety of fungi in addition to *Aspergillus fumigatus* can produce a similar clinical picture. The critical element in ABPA is an underlying anatomic change in the lung and not a specific mold exposure because at-risk individuals will have ongoing exposures caused by the ubiquitous nature of the fungi involved. Exposure to *A fumigatus* can occur both from indoor and outdoor sources.

Allergic fungal sinusitis is similar to ABPA in that it is a localized hypersensitivity condition resulting from fungal growth in an area of abnormal tissue drainage.²² Although originally attributed primarily to A fumigatus, other fungi, particularly mitosporic (formerly known as Deuteromycetes or imperfect fungi) fungi are more commonly implicated (eg, Curvularia and Bipolaris species). Almost uniformly there is allergic sensitization to multiple allergens, including the fungus implicated in the affected sinus. Criteria for this condition have been well delineated, and it is generally readily distinguishable from typical chronic sinusitis. Specific criteria for diagnosis include eosinophilic mucus demonstrating noninvasive fungi, type 1 hypersensitivity (history, positive skin test result, or positive in vitro test result to allergens), nasal polyposis, and characteristic radiographic findings.

It has recently been proposed that most cases of chronic rhinosinusitis (CRS) are attributable to sensitivity to fungi. In particular, *Alternaria* species were suspected because most patients had these organisms recovered by means of culture from sinus surgery specimens. However, these organisms are frequently recovered from the nasal cavities of healthy individuals. Although some evidence for an immune response to these fungi in patients with CRS has been presented, clear-cut evidence for this as the cause of CRS is still lacking, and treatment with intranasal antifungal agents (eg, amphotericin) has not been conclusively demonstrated to be an effective treatment.²³

Conclusions:

- ABPA and allergic fungal sinusitis are manifestations of significant hypersensitivity to fungi, particularly Aspergillus species.
- Data supporting the role of fungi in CRS are lacking at this time.

HYPERSENSITIVITY PNEUMONITIS

HP, also referred to as extrinsic allergic alveolitis, is a disease that exists in acute, subacute, and chronic forms but with considerable overlap. It is an allergic disease in which the allergen is inhaled in the form of an organic dust of bacterial, fungal, vegetable, or avian origin. Both sensitization and the elicitation of the disease state generally require high-dose exposure, prolonged exposure, or both to the causative allergen. Many cases are, in fact, occupational because of this. There are reports of a similar, if not identical, disease from workers exposed to inhaled chemicals, especially isocyanates. A few instances of the disease have been attributed to systemically administered drugs.

HP is rare, and most cases have been reported in certain occupations, such as farming, and in hobbyists, such as persons who raise pigeons. It is not a reportable disease, and therefore prevalence and incidence are difficult to estimate. The immunopathogenesis of the disease is believed to be cell-mediated (delayed) hypersensitivity. Allergen-specific precipitins are often present in serum and are important is establishing exposure. Precipitins might also play a role in the mechanism of the acute phase of the disease. HP results in acute episodes of noninfectious, immunologically mediated interstitial pneumonitis (ie, alveolitis), which might eventually produce restrictive irreversible lung disease.

The diagnosis requires a clinical and environmental history, relevant physical examination findings, chest radiography or computed tomographic scanning, highresolution computed tomographic scanning, pulmonary function testing, bronchoalveolar lavage, and transbronchial or open lung biopsy. Specific diagnosis of the responsible allergen is performed by testing for IgG antibody to the allergen extract, typically by testing for the presence of precipitins in the Ouchterlony double-diffusion assay. In some instances provocation inhalation challenge to the suspected allergen extract might be necessary to replicate pertinent clinical and laboratory responses. Finally, a favorable response to the elimination of the inhaled antigen, administration of prednisone, or both is confirmatory. Because a differential diagnosis covers a number of respiratory diseases, an accurate diagnosis of HP demands that the clinical diagnosis be ensured.

Exposure to domestic specific indoor fungal spores is an extremely unlikely cause of HP, except in highly unusual circumstances, such as workplace exposure.

Conclusions:

 HP is an uncommon but important disease that can occur as a result of mold exposure, particularly in occupational settings with high levels of exposure.

INFECTION

Superficial mold infections (eg, tinea cruris, onychomycosis, and thrush) are common in healthy individuals

and result primarily from local changes in the cutaneous or mucosal barrier, resident microflora, or both. 24,25 These infections are not the result of environmental exposure, except occasionally as related to certain animal vectors. Indeed, molds of the Malassezia genus are resident on the vast majority of human subjects and only become evident as "tinea versicolor" during periods of more exuberant growth. A limited number of molds (eg, coccidiomycosis, histoplasmosis, and blastomycosis) are aggressive pathogens in otherwise healthy persons. Acquisition of these infections is generally related to specific outdoor activities-exposures. Individuals with recognized primary and secondary immunodeficiency disorders are at increased risk for infection with a wide range of opportunistic fungi, with the risk varying with the degree and nature of the specific immunodeficiency. Opportunistic fungal infections are typically associated with cellular rather than (isolated) humoral immunodeficiencies. Generally, host factors, rather than environmental exposure, are the critical factor in the development of opportunistic mold infection in immunocompromised individuals because exposure to potential fungal opportunistic pathogens (eg, Aspergillus species) is ubiquitous in normal outdoor and indoor environments. Accepted histologic and microbiologic methods should be used to make the diagnosis of fungal infection.

Conclusions:

- Common superficial fungal infections are determined by local changes in the skin barrier, resident microflora, or both.
- A very limited number of aggressive fungal pathogens can be acquired through specific outdoor exposures.
- Host factors, rather then environmental exposure, are the main determinant of opportunistic fungal infection.

TOXIC EFFECTS OF MOLD EXPOSURE Ingestion

Ingestion of mycotoxins in large doses (generally on the order of a milligram or more per kilogram of body weight) from spoiled or contaminated foods can cause severe human illness. 26 Toxicity from ingested mycotoxins is primarily a concern in animal husbandry, although human outbreaks do occur occasionally when starvation forces subjects to eat severely contaminated food. Specific adverse effects from a given toxin generally occur in a narrower and better-defined dose range than for immunologic or allergic effects that might vary across much broader dose ranges. Some mycotoxins, such as ocratoxins and aflatoxins, are commonly found in food stuffs, including grain products and wines, and peanut products, respectively, such that there are governmental regulations as to the amounts of allowable aflatoxin in foods.^{27,28} Acute high-intensity occupational exposures to mixed bioaerosols have given rise to a clinical picture called "toxic dust syndrome." The nature of the responsible agent or agents in that condition remains undefined, and the observed adverse effects reported have been transient. Such exposures are highly unlikely in nonoccupational settings.

Toxicity caused by inhalation

The term *mold toxicity* as used here refers to the direct injurious effects of mold-produced molecules, so-called mycotoxins, on cellular function. Toxicity should not be used to refer to changes related to innate immune responses (eg, nonspecific inflammation caused by mold particulates) or to adaptive immune responses (eg, induction of IgE or IgG antibodies). Mycotoxins are low-molecular-weight chemicals produced by molds that are secondary metabolites unnecessary for the primary growth and reproduction of the organisms. In-depth review of the toxicology of mycotoxins and their potential for adverse health effects can be found elsewhere. ^{1,2} It is important to emphasize key principles of toxicology relevant to patient concerns about possible toxic effects from mold exposure.

Only certain mold species produce specific mycotoxins under specific circumstances. Importantly, the mere presence of such a mold should not be taken as evidence that the mold was producing any mycotoxin. For a toxic effect to occur in a subject, (1) the toxin must be present, (2) there must be a route of exposure, and (3) the subject must receive a sufficient dose to have a toxic effect. In the nonoccupational setting the potential route of exposure is through inhalation. Mycotoxins are not volatile and, if found in the respirable air, are associated with mold spores or particulates. They are not cumulative toxins, having half-lives ranging from hours to days depending on the specific mycotoxin. Calculations for both acute and subacute exposures on the basis of the maximum amount of mycotoxins found per mold spore for various mycotoxins and the levels at which adverse health effects are observed make it highly improbable that home or office mycotoxin exposures would lead to a toxic adverse health effects. 1,29

Thus we agree with the American College of Occupational and Environmental Medicine evidence-based statement and the Institute of Medicine draft, which conclude that the evidence does not support the contention that mycotoxin-mediated disease (mycotoxicosis) occurs through inhalation in nonoccupational settings. Furthermore, the contention that the presence of mycotoxins would give rise to a whole panoply of nonspecific complaints is not consistent with what is known to occur; when a toxic dose is achieved (eg, through ingestion of spoiled foods), there is a specific pattern of illness seen for specific mycotoxins.

Conclusions:

The occurrence of mold-related toxicity (mycotoxicosis) from exposure to inhaled mycotoxins in nonoccupational settings is not supported by the current data, and its occurrence is improbable.

IRRITANT EFFECTS OF MOLD EXPOSURE

The Occupational Health and Safety Administration defines an irritant as a material causing "a reversible inflammatory effect on living tissue by chemical action at the site of contact." Irritant effects are dose related, and the effects are transient, disappearing when the exposure has decreased or ceased.

Molds produce a number of potentially irritating substances that can be divided into volatile organic compounds (VOCs) and particulates (eg, spores, hyphae fragments, and their components). The threshold level of irritant response depends on the intrinsic properties of the specific material involved, the level plus length of exposure, and the innate sensitivity of the exposed tissues (eg, the skin versus nasal mucosa).

VOCs made by molds (MVOCs) are responsible for their musty odor. MVOCs include a wide range of alcohols, ketones, aldehydes, esters, carboxylic acids, lactones, terpenes, sulfur and nitrogen compounds, and aliphatic and aromatic hydrocarbons. Although levels causing irritant effects have been established for many VOCs, MVOC levels measured in damp buildings are usually at a level so low (on the order of nanograms to micrograms per cubic meter) that exposure would not be expected to cause complaints of irritation in human subjects. Because there are other sources of VOCs indoors, measurement of indoor airborne concentrations of MVOCs is rarely done.

Mold particles (spores, hyphal fragments, and their structural components) are not volatile. These structural mold compounds (particulates) have been suggested to cause inflammation through deposition on mucus membranes of their attached glucans and mannans. However, whether such effects occur clinically remains unproved. In fact, subjects exposed to airborne concentrations of between 215,000 and 1,460,000 mold spores/m³ at work showed no differences in respiratory symptoms at work versus while on vacation nor was there evidence of increased inflammatory markers in their nasal lavage fluids related to their mold exposure at work. Thus mold particulates generally found indoors, even in damp buildings, are not likely to be irritating.

It should be emphasized that irritant effects involve the mucus membranes of the eyes and upper and lower respiratory tracts and are transient, so that symptoms or signs persisting weeks after exposure and those accompanied by neurologic, cognitive, or systemic complaints (eg, chronic fatigue) should not be ascribed to irritant exposure.

Conclusions:

- The occurrence of mold-related irritant reactions from exposure to fungal irritants in nonoccupational settings are theoretically possible, although unlikely to occur in the general population given exposure and dose considerations.
- Such irritant effects would produce transient symptoms-signs related to the mucus membranes of the eyes and upper and lower respiratory tracts but would

not be expected to manifest in other organs or in a systemic fashion.

 Further information about thresholds for irritant reactions in at-risk populations is needed to better define the role of molds, mold products, and other potential irritants in such individuals.

IMMUNE DYSFUNCTION

The question has been raised as to whether mold or mycotoxin exposure can induce disorders of immune regulation. At this time, there is no credible evidence to suggest that environmental exposure to molds or their products leads to a state of clinically significant altered immunity expressed as either immunodeficiency or autoimmunity. The published literature in this regard is of particularly poor quality and should not be relied on as scientifically valid. 33,34 Individuals who have had intense occupational mold exposures do not manifest opportunistic infections or other findings of immunodeficiency, and thus even the most intense form of airborne mold exposure is not a recognized cause of secondary immunodeficiency in human subjects. Some mycotoxins are immunosuppressive and used for this purpose clinically (eg, cyclosporine). However, the doses involved are not relevant to what might have been found in the environment. Doses that might be seen in environmental exposures are discussed in other sections of this article (toxicity and environmental sections). Testing of a wide range of nonspecific immunologic parameters, such as immunophenotyping of lymphocytes beyond those parameters having known clinical utility (eg, total B and CD3, CD4, and CD8 cells) or measurement of serum cytokines is not appropriate for assessing subjects for immunodeficiency in general and for mold-induced immune dysregulation specifically.³⁵

There is also no reliable evidence for mold exposure in any setting being a linked to the induction of autoimmune diseases in human subjects. Although certain viral and bacterial infections appear to have a relationship to the induction-precipitation of autoimmune diseases, such an association has not been established for any known mold exposure. The measurement of clinically useful tests of autoimmunity (eg, antinuclear antibody), much less testing of a broad array of nonvalidated autoantibodies (eg, putative antibodies to central or peripheral myelin), is not indicated, and such testing should not be used to indicate mold exposure or mold-related disease.

This practice of testing many nonvalidated immunebased tests, as has been done previously to suggest an immunologic basis for idiopathic environmental intolerance (multiple chemical sensitivity), is expensive and does not provide useful information that will be of benefit in diagnosis, management, or both of disease and is to be discouraged.

Conclusions:

 Exposure to molds and their products does not induce a state of immune dysregulation (eg, immunodeficiency or autoimmunity). The practice of performing large numbers of nonspecific immune-based tests as an indication of mold exposure or mold-related illness is not evidence based and is to be discouraged.

LABORATORY ASSESSMENT

Patient assessment

Measurement of IgE antibodies to mold proteins. Assessment for IgE antibodies to mold antigens has clearly been validated as a measure of potential allergic reactivity to mold. This assessment can be done through either in vivo or in vitro testing. The relative strengths of these different forms of testing have been reviewed recently.^{36,37} In general, there is a weaker correlation between in vivo and in vitro testing for IgE antibodies to mold antigens than for other antigens, partly as a result of the heterogeneity of extractable mold proteins. A positive IgE antibody level to mold proteins without appropriate clinical evaluation should not necessarily be taken as an indicator of clinical disease. In addition, the presence of IgE antibodies to a mold cannot be used to determine the dose or timing of prior exposures. Although IgE antibodies to Stachybotrys species can be detected through in vitro or in vivo testing, such testing should be discouraged. Stachybotrys species is unlikely to be a relevant clinical allergen in human subjects because it is poorly aerosolized and far less common than other well-established mold allergens.

Measurement of IgG antibodies to mold proteins. Assessment of IgG antibodies to mold proteins can be performed through immunoprecipitation-double diffusion or solidphase immunoassays.³⁷ Such testing has demonstrated value in assessment of individuals with suspected HP or allergic bronchopulmonary mycosis. Immunoprecipitation assays have been classically used for the assessment of HP, and although they measure all classes of antibodies present, they are primarily detecting IgG antibodies. Such testing (immunoprecipitation or solid-phase IgG testing) is appropriate to perform only in the setting of a clinical picture, including history, physical examination, imaging studies, and other laboratory assessments, suggesting HP or allergic bronchopulmonary mycosis as part of the differential diagnosis. Use of these tests as screening procedures for these diseases in the absence of an appropriate clinical picture is discouraged.

Immunoprecipitation testing remains the standard approach because the presence of precipitating antibodies is strong supportive evidence in the appropriate clinical setting. However, as many as half of highly exposed individuals might have precipitating antibodies in the absence of any clinical disease. Solid-phase immunoassays have not been widely used for the specific diagnosis of these diseases. Although newer assays are quantitative, the actual level of IgG antibody that would be associated with either HP or ABPA has not been defined. Therefore a level of mold antigen—specific IgG antibody above a statistically defined reference range cannot be taken as evidence for HP or ABMA with the same strength as immunoprecipitation testing. Limited studies suggest that

the level of a specific IgG antibody that would be associated with HP could be 5-fold or greater than the upper limit of the nondiseased group reference range. Use of older-generation, semiquantitative, solid-phase immunoassays is not recommended.

Testing for IgG antibodies to mold proteins cannot be used as a surrogate to assess either the level or timing of specific mold exposures.³⁸ This is not surprising given the widespread occurrence of molds in the environment.

Measurement of antibodies of isotypes other than IgG (eg, IgA and IgM) to mold is not useful to assess mold exposure. However, the differential response of IgM and IgG antibodies is useful in diagnosis with specific organisms (eg, coccidioidomycosis). IgM levels have not been shown to relate to specific airborne exposures to molds in the absence of infection because mold exposure is common and generally ongoing. Measurement of IgA antibodies to airborne molds has not been shown to be related to a specific timing of exposure, and the claim that increased IgA antibodies to mold represents a more recent exposure than IgG antibodies is not supported by scientific evidence. Measurement of salivary IgA to mold as a marker of mold exposure has not been shown to have scientific validity.

Measurement of antibodies to mycotoxins. Mycotoxins are not proteins but low-molecular-weight chemicals. There is no scientific basis to support measurement of alleged naturally occurring antibodies to various mycotoxins as a marker of exposure to mycotoxins. Evidence of natural exposures from ingestion in human subjects and animals and use of these compounds in clinical medicine does not support the concept of naturally occurring antibodies. Such testing has not been validated and cannot be relied on as an indication of exposure to any mycotoxin.³⁹

Conclusions:

- Measurement of antibodies to specific molds has scientific merit in the assessment of IgE-mediated allergic disease, HP, and allergic bronchopulmonary mycosis.
- Measurement of antibodies to molds cannot be used as an immunologic marker to define dose, timing, and/or location of exposure to mold antigen inhalation in a noninfectious setting.
- Testing for antibodies to mycotoxins is not scientifically validated and should not be relied on.

Measurement of molds and mold product exposure in the patient's environment

An in-depth analysis of methods to measure fungal organisms, mold products, and mycotoxins in the environment is outside the bounds of this article. Such information is reviewed in depth elsewhere. 40,41

Measurement of fungi in the subject's environment. Measurement of airborne fungal spores in the subject's environment by using culture methods, nonculture methods, or both is commonly used. Air testing provides

the most relevant measure of exposure and is usually reported as colony-forming units or spores per cubic meter of air. However, this testing suffers from the drawback that it is a snapshot that does not integrate exposure over time and provides data only about the location of sampling. Indoor testing must be compared with outdoor testing and preferably with more than one outdoor sample. Currently there are no standards as to what constitutes acceptable levels of outdoor or indoor airborne fungal spores.

Given these caveats, the levels of airborne fungal spores found in an indoor setting can be considered in relative and absolute terms. Indoor fungal spores arise from outdoor sources present within soil and vegetation. Therefore an increase in indoor-outdoor concentrations of specific fungi indicates the presence of an indoor source. Depending on clinical or other indications, it might be necessary to locate the source and, if necessary, take appropriate action. Total fungi spores that are greater in concentration in indoor than outdoor air might be potential evidence of increased fungal presence indoors. However, in normal indoor environments xerophillic fungi, such as Aspergillus and Penicillium species, might be found indoors at levels above those measured outdoors on a given day. Even when the fungal levels are greater indoors than those outdoors, health risks would be limited in most cases, except to the subject specifically allergic to the mold in question. Absolute fungal spore levels indoors can be put into context when one realizes that outdoor levels can reach tens of thousands of fungal spores per cubic meter and hundreds of thousands per cubic meter or higher around rotting vegetation compost or in agricultural settings, such as in grain elevators.

Bulk, surface, and within-wall cavity measurements of fungi, although sometimes indicating the presence of fungi, do not provide a measure of exposure. Fungi found in these places require a route of exposure through air (aerosolization and entry into the patient's respirable air) that involves many factors not included in these measurements. Such testing should not be used to assess exposure.

Measurement of fungal products in the patient's environment

Another approach to measure of potential fungal exposure is to test for fungal products in the environment.

Structural fungal materials. Testing for the levels of general mold structural material (eg, β -glucans in settled dust) has been used to try to integrate levels of potential exposure to molds in general over time. Although an interesting research avenue, such testing does not provide any information as to the nature of the specific fungi involved or their source (indoor or outdoor), is not useful for predicting health effects, and has not found general acceptance, as discussed elsewhere.

Mycotoxins. Specific molds can produce, under some conditions, a variety of mycotoxins or none at all. Thus measurements of spores cannot be used as surrogates of mycotoxin exposure. Mycotoxins can be measured directly. A variety of methodologies based on mass

spectroscopy have been applied to bulk samples with heavy fungal growth to identify the presence of mycotoxins; however, potential levels of mycotoxins in nonagricultural air samples are too low to be measured practically with this technology. The occurrence of mycotoxins in bulk sampling does not provide evidence of exposure because mycotoxins themselves are nonvolatile. Thus exposure requires inhalation of mycotoxincontaining spores or fungal fragments in the respirable air. For example, satratoxin H can be found in a sample of material with heavy *Stachybotrys chartarum* growth, but *Stachybotrys* species are not easily aerosolized. Testing with crude cytotoxicity of extracted bulk materials suffers from a lack of sensitivity and specificity. Such testing cannot be relied on to predict or evaluate health effects.

VOCs. See section on irritant effects above.

Conclusions:

- Sampling of both indoor and outdoor air for mold spores provides a measure of potential exposures and can be useful in certain clinical conditions, but it has many shortcomings.
- Bulk, surface, and within-wall cavity measurement or molds or mycotoxins, although having potential relevance for other purposes, cannot be used to assess exposure.
- Testing for airborne mycotoxins in nonagricultural environments cannot be used to diagnose mold exposure.

REMEDIATION

Issues regarding remediation of mold are beyond the scope of this article. Indoor mold growth should be addressed. These matters are reviewed at length in the Institute of Medicine 2004 report "Damp indoor spaces and health." For an overview, the reader can refer to the Occupational Health and Safety Administration document "A brief guide to mold in the workplace." The true challenges of mold remediation are currently being addressed in the flood-ravaged areas struck by hurricane Katrina, which will unfortunately provide a rich environment for the study of both mold-induced disease and mold remediation. 43,44

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ACOEM Takes Down Position Paper commonly Used to Defend against Mold Claims

Posted on March 18, 2015

https://katysexposure.wordpress.com/2015/03/18/acoem-takes-down-position-paper-commonly-used-to-defend-against-mold-claims/

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"ACOEM Takes Down Position Paper commonly Used to Defend against Mold Claims, by Ben Miller (Reporter) National Topic: Top

WorkCompCentral Monday, March 9, 2015

The American College of Occupational and Environmental Medicine appears to have retired a controversial position statement on mold that critics say has been used to deny workers' compensation claims for more than a decade.

The position paper, titled Adverse Human Health Effects Associated with Molds in the Indoor Environment, essentially stated that mold is not likely to cause many of the illnesses that employees mark down as job-related on workers' compensation forms, according to mold activist Sharon Kramer.

The paper no longer appears on the organization's website. A search for previous versions of ACOEM's policies and positions page using WayBack Machine – a website that takes snapshots of web pages and preserves them so users can compare changes later on – shows the paper appearing no later than Dec. 29.

ACOEM representatives did not respond to multiple requests for comment. But Kramer told WorkCompCentral in an interview last week that Michael Hodgson, medical director for the U.S. Occupational Safety and Health Administration, received a statement from ACOEM's publications director [Marianne Dreger] last year that the organization would sunset the position paper in early 2015.

Kramer said the sunsetting that appears to have occurred takes away any weight the paper might hold as a defense against workers' compensation claims where the claimant is seeking benefits for mold-related illness. "It's sort of damning for anybody who tries to use that in court because they basically said, 'Eh, this [is] no longer our understanding,'" Kramer said.

Kramer said the position statement was first published in 2002, then revised in 2011. Neither paper, she said, acknowledged mounting evidence supporting that mold can cause respiratory problems and inflammatory responses in the body. "It was a litigation defense argument right from the get-go," she said.

Ritchie Shoemaker, a mold researcher who has testified in more than 200 court cases related to mold illness, said the ACOEM paper was ubiquitous in litigation for many years. "After 2003, there were no cases that I participated in where defense did not quote ACOEM," he said.

Mold inhalation causes reactions of varying degrees, depending on the individual, Shoemaker said, and can present itself in an array of symptoms – confusion, memory problems, numbness and tingling, tremors, respiratory problems and even joint problems that look like rheumatoid arthritis at first glance.

"It's fascinating to see the diversity of inflammatory responses that we have," Shoemaker said. That position has been supported in literature from the World Health Organization as well as the National Institute of Occupational Safety and Health.

Shoemaker said there are several ways to show that a patient has been exposed to the inhalation of mycotoxins, which mold produces. Blood samples, brain imaging and soon genetic tests can all be used to show a "fingerprint" that only mycotoxin inhalation produces, he said.

He said he has submitted a journal article for publication on genetic testing. That paper shows that a person's messenger ribonucleic acid can be analyzed to see which genes have been activated and which have been suppressed by mold inhalation.

"If all we look at is just a genomic sample, we can take it as a blind without knowing anything about the patient and tell you with 93% accuracy whether we're dealing with a mold patient," he said. Further evaluation can bring the accuracy of diagnosing a person as suffering from mold inhalation up to 99%, he said.

Other workers' compensation treatment guidelines don't have much to say about mold. The medical treatment guidelines available on the Washington state Department of Labor and Industries website make no specific mention of mold. Colorado's guidelines, which were among the first for workers' compensation adopted in the country, also make no mention of mold.

"We can't cover everything and what we focus on are really the nine highest frequency and highest cost conditions in Colorado, and (mold) is actually not on the list," said Daniel Sung, manager of medical policy for Colorado's Division of Workers' Compensation.

In mold cases, he said, Colorado stakeholders will have to instead look for the best evidence-based medicine they can find.

The online portal for the Official Disability Guidelines offers no entry in its "UR Advisor" tool and points users to MedLineConnect, a government-run website which simply states that "inhaling or touching mold or mold spores may cause allergic reactions or asthma attacks in sensitive people."

Shoemaker said that even though the ACOEM paper appears to have been sunset, he expects it to continue cropping up in court because ACOEM was the last organization to hold the position that mold inhalation wasn't likely to cause medical problems.

"They don't have anything else," Shoemaker said. "The British were throwing rocks at Washington as he crossed the Delaware River because the Hessians were too drunk to fire their muskets."

https://ww3.workcompcentral.com/.../365fb293e6c28f3644229d743...

Sharon Noonan Kramer snk1955@aol.com

EXHIBIT

Shurian Roonan Kramer 2031 Onborwood Place Escondido, CA 92029

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9-24-2008 progress 5 entered 12-18-2006

SEP 2 4 2008

By: M. GARLAND, Deputy

CALIFORNIA

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TH DISTRICT

NO44539 r All Purposes to: SCHALL

IVIL CASE May 16, 2005

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SHI thi **IUDGMENT**

August 18, 2008

This action came on regularly for trial by August 18, 2008, with Plaintiffs appearing in person and by Keith Scheuer, Esq. of Scheuer & Gillett, and Defendant appearing in person and by Lincoln Bandlow, Esq. of Spillane Shaeffer Aronoff Bandlow. A jury of 12 persons was duly impaneled and sworn, witnesses testified, and after being duly instructed by the Court, the jury deliberated and thereon duly returned the following special verdicts:

[PROPOSED] JUDGMENT

60001089

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1. That Defendant Sharon Kramer acted wrongly b
making the following statement: "Dr. Kelman altered his unde
oath statements on the witness stand" while he testified as
witness in an Oregon lawsuit; that Kramer made the above
statement to persons other than Kelman; that the persons t
whom the statement was made reasonably understood that the
statement was about Bruce Kelman; that persons who read the
statement reasonably could have understood it to mean that
Kelman had committed we crime of perjury or testified
falsely while on the witness stand; that the statement was
false; that Kelman proved, by clear and convincing evidence,
that Kramer knew the statement was false, or had serious
doubts about the truth of the statement; and that Kelman be
awarded a monetary sum of nominal damages in the amount of
\$1.00 (one dollar and no cents).

2. That Kramer made the statement to persons other than GlobalTox, Inc., and that the persons to whom the statement was made did not reasonably understand that the statement was about GlobalTox.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff Bruce Kelman recover the sum of \$1.00 (one dollar and no cents) as nominal damages from Defendant Sharpn



Migricial Missis.

Kramer, and costs in the amount of STANDS, and that

Plaintiff GlobalTox, Inc. recover nothing in this action.

Dated:

Judge of the Superior Court

LISA C. SCHALL

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 4640 Admiralty Way, Suite 402, Marina Del Rey, California 90292. On August 28, 2008, I served the foregoing [PROPOSED] JUDGMENT on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Lincoln D. Bandlow, Esq.
David Aronoff, Esq.
SPILLANE SHAEFFER ARONOFF BANDLOW
1880 Century Park East, Suite 1004
Los Angeles, California 90067-1623
Attorney for Defendant Sharon Kramer

Clerk of the Superior Court

SEP 2 4 2008

By: M. GARLAND, Deputy

[X] BY MAIL – I caused each such envelope with postage thereon fully prepaid to be placed in the United States mail at Marina Del Rey, California. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid at Marina Del Rey, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[] BY PERSONAL SERVICE - I delivered by hand such envelopes to the offices of the addressees.

[] BY FACSIMILE—I sent such document from facsimile machine (310) 301-0035 on August 28, 2008. I certify that said transmission was completed and that all pages were received and that a report was generated by said facsimile machine that confirms the transmission and receipt. I thereafter mailed a copy to the interested party by placing a true copy thereof enclosed in a sealed envelope addressed to the party listed above.

EXECUTED on August 28, 2008 at Marina Del Rey, California.

[X] (STATE) - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Keith Scheuer



Case Header

Case Number: GIN044539

Case Title: KELMAN vs KRAMER

Case Category: Civil - Unlimited

Case Type: Defamation

Case Age: 2221 days

Next Event Type:

Filing Date: 05/16/2005 Case Status: Pending

Location: North County

Judicial Officer: Earl H. Maas, Itl

Department:

Next Event Date:

Register of Actions Notice

ROA# Entry Date

Short/Long Entry

Filed By

212 12/15/2008

Miscellaneous Minute Order Finalized.

nthe 13tSLAPP on 12/18/08

ment from the 1st SLAPP that droval document to the 2nd SLAP

213 12/19/2008

Proof of Service filed by KRAMER, SHARON. Refers to:

KRAMER, SHARON (Defendant)

214 12/22/2008

Motion for Reconsideration filed by KRAMER,

SHARON.

Refers to:

KRAMER, SHARON (Defendant)

215 12/30/2008

Motion Hearing (Civil) reassigned to William S. Dato for 03/06/2009 at 01:30:00 PM in N-31 at

North County.

216 12/30/2008

Motion Hearing (Civil) scheduled for 03/06/2009 at 01:30:00 PM at North County in N-31 William S.

Dato.

218 12/31/2008

Motion - Other (TO TAX COSTS REQUESTED) filed by KELMAN, BRUCE J; GLOBALTOX, INC ..

KELMAN, BRUCE J (Plaintiff); GLOBALTOX INC (Plaintiff)

Date Printed: June 15, 2011