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December 22, 2015

Jerry Brown CA Governor & President of the University of California Board of Regents, Sacramento, CA  
Holly Mitchell CA Senator, Sacramento, CA  
Karen Smith Director CA Department of Public Health (CDPH) Sacramento CA  
Brandon Kitagawa Policy Specialist Regional Asthma Management. & Prevention (RAMP) Oakland, CA  
Leonard Powell CA Association of Code Enforcement Officers (CACEO) Sacramento, CA  
Robert Harrison President-elect, Association of Occupational and Environmental Clinics (AOEC) UCSF San Francisco, CA  
Stuart Cohen, American Academy of Pediatrics (AAP) (BOD District IX) San Diego, CA  
Sally Yates, Deputy Attorney General, U.S. Department of Justice (USDOJ), Washington, DC  
Michael Hodgson, Medical Director Occupational Safety & Health Administration (OSHA) Washington, DC

Governor Brown, Senator Mitchell, Dr. Smith, Mr. Kitagawa, Mr. Powell, Dr. Harrison, Dr. Cohen, Dr. Hodgson & Atty Yates,

Re: Implementation of California SB655<sup>1</sup> <sup>2</sup> please update the 2005 California publication "Mold in Indoor Workplaces" <sup>34</sup> to reflect current accepted science by removing its reference to "Adverse Human Health Effects Associated with Mold in the Indoor Environment" by Bryan Hardin & Bruce Kelman of Veritox, Inc. along with Andrew Saxon of UCLA.<sup>5</sup> It is commonly referred to as the "ACOEM Mold Statement" and was sunset in February 2015.<sup>6</sup>

Signed into policy by Governor-Regent Schwarzenegger in November 2005, "Mold in Indoor Workplaces" states "*Physicians can refer to the American College of Occupational and Environmental Medicine (ACOEM) statement, Adverse Human Health Effects Associated with Molds in the Indoor Environment [www.acoem.org/guidelines/article.asp?ID=52](http://www.acoem.org/guidelines/article.asp?ID=52).*" [Note that the link is broken because the paper has been sunset/retired by ACOEM as an "evidence based statement"]

In July 2012, Governor-Regent Brown signed "Mold in My Home. What do I do?" into policy. It states, "USEFUL PUBLICATIONS...CDPH Occupational Health Branch. An overview with specific resources for workers <http://www.cdph.ca.gov/programs/IAQ/Documents/moldInMyWorkPlace.pdf>" This links to Mold in Indoor Workplaces

Much unnecessary litigation, contention and devastated lives have occurred because of an unscientific risk assessment model-- the Veritox Theory<sup>8</sup> within the ACOEM Mold Statement -- being endorsed into numerous policies for now fourteen years. The science spin/flawed risk-model has been promoted as legitimate science in policies, public health advisories, physician educational materials, indoor air quality (IAQ) maintenance practices, claims handling practices and courts.

The Veritox Theory is not science based. It is a Trojan horse that was gifted in the early 2000's as purported sound science by those seeking to curtail liability for causation of illness, disability and death from exposure to biocontaminants in water damaged buildings (hereafter referred to as "Mold" as defined by CA Health & Safety Code Sec.17920(j)). By accepting the Veritox Theory as in the public's best interest, foolish guardians of public & worker safety<sup>9</sup> opened the gates for an army of dishonest "experts" to profit off the backs of the Mold-environmentally sick, disabled and dying.

"Those who are unfamiliar with history are condemned to repeat it without a sense of ironic futility." Please don't let this Trojan horse taint the various ways SB655 will be implemented by not knowing the diabolical history of the Veritox Theory. This letter, its linked references and attached one-hundred page EXHIBT are easiest to read (and videos viewed) at Katy's Exposure "California ~ Choose Wisely to Stop Science Frauds in Policy over Mold Illnesses" <http://wp.me/pYPz-44Z>

<sup>1</sup> 2015 SB655 [http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb\\_0651-0700/sb\\_655\\_bill\\_20151009\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0651-0700/sb_655_bill_20151009_chaptered.pdf)

<sup>2</sup> 17920(j) "Mold" means microscopic organisms or fungi that can grow in damp conditions in the interior of a building."

<sup>3</sup> 2005 "Mold in Indoor Workplaces" (see page 4 for reference to ACOEM Mold Statement)  
<https://www.cdph.ca.gov/programs/IAQ/Documents/moldInMyWorkPlace.pdf>

<sup>4</sup> 2012 "Mold in My Home. What do I do?" (see page 5 referring to "Mold in Indoor Workplaces")  
[https://www.cdph.ca.gov/programs/IAQ/Documents/MIMH\\_2012-07-05.pdf](https://www.cdph.ca.gov/programs/IAQ/Documents/MIMH_2012-07-05.pdf)

<sup>5</sup> 2007 Wall Street Journal Re: the ACOEM Mold Statement "*Court of Opinion. Amid Suits Over Mold Experts Wear Two Hats. Authors of Science Papers Help Defense in Litigation*"  
<https://katysexposure.files.wordpress.com/2009/09/wsionlinejan92007.pdf>

<sup>6</sup> 2015 WorkCompCentral "ACOEM Takes Down Position Paper commonly Used to Defend Against Mold Claims"  
<http://wp.me/pYPz-3Sx> (Exh pgs 89,90)

<sup>7</sup> 2002 ACOEM falsely claimed "evidence-based" Mold Statement <http://freepdfhosting.com/061d898ddc.pdf>

<sup>8</sup> "Veritox Theory" in ACOEM Mold Statement (Exh pgs 77,78) <http://freepdfhosting.com/74478c4cad.pdf>

<sup>9</sup> Exp: 2002 Dr. Elana Paige CDC NIOSH at Mold conference <http://www.atlanticlegal.org/mold.php?mold=ictm>  
Cease marketing "Adverse Human Health Effects Associated with Molds in the Indoor Environment"

## **The debunked Veritox Theory, first promoted by ACOEM in 2002**

Below is the subject linear-dose-no-threshold (LNT) risk assessment model. It is “garbage” science and a “defense argument” given false credibility by multiple U.S. “nonprofit” medical associations.<sup>10</sup> With the undue air of credibility added, it has been extensively spun by U.S. building-stakeholder “nonprofits”, “experts”, toxic tort defendants & attorneys as false proof that Mold (and none of its components) will rise to a level to harm human health. (Exh pgs. 4-5<sup>11</sup>, 16-21<sup>12</sup>, 77, 78)

“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 10<sup>6</sup> 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 10<sup>6</sup> 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<sup>78</sup> – very small infants,† school-age children,†† and adults.††† The no-effect dose in rats (3 x 10<sup>6</sup> spores/kg) corresponds to continuous 24-hour exposure to 2.1 x 10<sup>6</sup> spores/m<sup>3</sup> for infants, 6.6 x 10<sup>6</sup> spores/m<sup>3</sup> for a school-age child, or 15.3 x 10<sup>6</sup> spores/m<sup>3</sup> for an adult. If the no-effect 3 x 10<sup>6</sup> spores/kg intratracheal bolus dose in rats is regarded as a 1-minute administration (3 x 10<sup>6</sup> spores/kg/min), achieving the same dose rate in humans (using the same default assumptions as previously) would require airborne concentrations of 3.0 x 10<sup>9</sup> spores/m<sup>3</sup> for an infant, 9.5 x 10<sup>9</sup> spores/m<sup>3</sup> for a child, or 22.0 x 10<sup>9</sup> spores/m<sup>3</sup> for an adult. In a repeat-dose study, mice were given intranasal treatments twice weekly for three weeks with “highly toxic” *S. chartarum* spores at doses of 4.6 x 10<sup>6</sup> or 4.6 x 10<sup>4</sup> spores/kg (cumulative doses over three weeks of 2.8 x 10<sup>7</sup> or 2.8 x 10<sup>5</sup> spores/kg).<sup>79</sup> The higher dose caused severe inflammation with hemorrhage, while less severe inflammation, but no hemorrhage was seen at the lower dose of *S. chartarum* 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 x 10<sup>5</sup> spores/kg can be estimated as 9.4 x 10<sup>3</sup> spores/m<sup>3</sup> for infants, 29.3 x 10<sup>3</sup> spores/m<sup>3</sup> for a school-age child, and 68.0 x 10<sup>3</sup> spores/m<sup>3</sup> 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/m<sup>3</sup> (95% CI 12 to 118 CFU/m<sup>3</sup>).<sup>80</sup> 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.”

**One example of the usage of the scientific fraud: February 2005 Mr. Kelman, co-creator of the Veritox Theory, stated under oath as an “expert” defense witness that it proves children’s neurocognitive disability “could not be” from mycotoxins, inferring Mold.** (Exh pgs. 22-31<sup>13</sup>)

*“There could not be. I mean, the differences between the maximum dose that we could come up with and the level at which we see effects [in rats] for a broad range of mica toxins [mycotoxins] is just too great.”<sup>14</sup>*

<sup>10</sup> 2002 Email from ACOEM’s Chair of the Scientific Advisory Committee, Jonathan Borak MD to BOD members referring to the Veritox Theory as being “garbage” w/o ACOEM endorsement & a “defense argument” with “currency in other places” for the authors (expert defense witnesses). <http://freepdfhosting.com/bb400631a3.pdf>

<sup>11</sup> I. MISAPPLICATION OF A LINEAR-NO-THRESHOLD RISK MODEL (LNT) “THE VERITOX THEORY” (pages 4,5) <https://katysexposure.files.wordpress.com/2015/10/2a-i-misap-of-linear-model.pdf>

<sup>12</sup> VI. THE VERITOX THEORY WAS SPUN BY INDUSTRY “NONPROFIT” LOBBYISTS & VERITOX, INC. OWNERS, PURPOSED TOWARD BLATANT SCIENTIFIC FRAUD UPON THE COURTS (page 16) <https://katysexposure.files.wordpress.com/2015/10/2a-vi.pdf>

<sup>13</sup> 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 (page 22-31) <https://katysexposure.files.wordpress.com/2015/10/2a-fraud-in-slapp.pdf>

<sup>14</sup> February 18, 2005 *Haynes v Adair Homes* Testimony of Bruce J. Kelman (See page 29 of following link) <http://freepdfhosting.com/ec0fad16ee.pdf> & 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>

Cease marketing “Adverse Human Health Effects Associated with Molds in the Indoor Environment”

**In 2015, Mr. Kelman admitted the Veritox Theory is bunk by citing “National Research Council’s (NRC) Committee on Science, Technology, Law, Policy and Global Affairs’ third edition of Reference Manual on Scientific Evidence” as a reference for “Standards of Knowledge for the Professional Practice of Toxicology” (Exh pgs. 56, 57<sup>15</sup>)**

The NRC states (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. (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.”

### **How the Veritox Theory Came to Be & Why It is Important to Rid It from Policies/Physician Education**

Veritox, Inc. co-owner, Mr. Bryan Hardin, retired as a CDC NIOSH Deputy Director in 2001 and began a new career Mold-litigation-expert-defense-witnessing with Mr. Bruce Kelman, who came to the Mold issue from Big Tobacco expert-defense-witnessing. Their relationship as co-owners of Veritox, Inc. began shortly before the publication of the ACOEM Mold Statement in October of 2002. For many years the publication was widely marketed by special interests to unduly influence polices and court decisions – that Mold was not causing disabilities. In February 2015 it was finally sunset by ACOEM as a position paper with the aid of the Medical Director of OSHA. It is premised on an unscientific LNT risk model by Mr. Hardin and Mr. Kelman - the “Veritox Theory”. “Nonprofits” marketed it to physicians, policy-setters, and courts that it is proven microbial toxins in water damaged buildings (“Mold”) will never reach a harmful level. (See EXHIBIT in its entirety for the history & vast devastation caused by the proliferation, usages and cover-up of the Veritox Theory fraud)

For the sake of public health and safety, it should no longer be used in California (or anywhere else) to influence decisions if evictions/firings are lawful and non-discriminatory to tenants and/or workers claiming environmental injury/disability from Mold. (chronic fatigue, neurocognitive difficulties, multi-system/multi-symptom inflammations, newly acquired environmental intolerances, hypersensitivity pneumonitis).(Exh pg.69, teen-suicide by discrimination over Mold<sup>16</sup>)

It is no secret that the Veritox Theory is a deeply-embedded discriminatory-fraud. January 2007 Wall Street Journal re: the Veritox Theory in the ACOEM Mold Statement & in the American Academy of Allergy, Asthma, and Immunology (AAAAI) Mold Statement: “Court of Opinion, Amid Suits Over Mold Experts Wear Two Hats, Authors of Science Papers Also Help Defense in Litigation”: *“They took hypothetical exposure and hypothetical toxicity and jumped to the conclusion there is nothing there.” “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.”* (See Fn 5)

March 2015, WorkCompCentral “ACOEM Takes Down Position Paper commonly Used to Defend Against Mold Claims”: *“It was a litigation defense argument right from the get-go,” “After 2003, there were no cases that I participated in where defense did not quote ACOEM” “he expects it to continue cropping up..” “They don’t have anything else...”* (See Fn 6 Exh pgs. 89, 90) Like ACOEM in 2015, AAAAI sunset their Mold statement in 2011.

The Veritox Theory has been debunked in courts and retired over and over again. Yet it continues to rear its ugly head by shear toxic clout and conflicts of interest among gatekeepers of public health, safety and welfare. The continuing problem stems primarily from the facts that: 1) the federal government has used it extensively via dishonest paid-for-hire expert witnesses to deny their and NGO contractors’ liability for disabilities caused by Mold; and 2) **severely compromised** leading California court officers have abetted Veritox, Inc. and the continued usage of the Veritox Theory by a decade of rewarding and committing **criminal** acts from their benches in Strategic Litigation Against Public Participation (SLAPP). (Exh pgs. 42-53, <sup>17 18 19</sup> 32-37<sup>20</sup>)

<sup>15</sup> XIV. A CRIMINAL SETTING OF STANDARDS FOR U.S. TOXICOLOGISTS – WHY? pages 56 & 57  
<https://katysexposure.files.wordpress.com/2015/10/2a-xiv1.pdf>

<sup>16</sup> XOXOXO THIS LETTER IS DEDICATED TO THE MEMORY OF THE LATE JARED JOSEPH DUSSAULT (page 69)  
<https://katysexposure.files.wordpress.com/2015/10/69.pdf>

<sup>17</sup> 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 (Pages 42-44) <https://katysexposure.files.wordpress.com/2015/10/2a-x.pdf>

<sup>18</sup> XI. FEDERAL & STATE COVER-UP OF THE VERITOX THEORY FRAUD FROM SEA TO SHINING SEA (Part I) (Pages 45-48) <https://katysexposure.files.wordpress.com/2015/10/2a-xi.pdf>

<sup>19</sup> XII. FEDERAL & STATE COVER-UP OF THE VERITOX THEORY FRAUD FROM SEA TO SHINING SEA (Part II)(Pages 49-52) <https://katysexposure.files.wordpress.com/2015/10/2a-xii.pdf>

<sup>20</sup> VIII. A DANGEROUSLY JUSTIFIED SELF-PERCEPTION OF BEING ABOVE THE LAW BY FEDERAL CONTRACTORS AND SAN DIEGO JURISTS (Pages 32-37) <https://katysexposure.files.wordpress.com/2015/10/2a-viii.pdf>

Cease marketing “Adverse Human Health Effects Associated with Molds in the Indoor Environment”

As example of the continued fraud by debunked risk model that just won't die, is a recent attempt to resurrect the Veritox Theory from the dead by **astroturfing**<sup>21</sup> in the **November 2015 Huffington Post article: "Truth About 'Toxic Molds'"**<sup>22</sup>: *"As for the mycotoxins, the research is also clear: Current scientific evidence does not support the proposition that human health has been adversely affected by inhaled mycotoxins in home, school, or office environments (Hardin Kelman and Saxon, 2003)"* It links to *"Adverse Human Health Effects Associated with Molds in the Indoor Environment"*, now just an ancient publication in ACOEM's Journal of Occupational and Environmental Medicine.

I am an advocate for integrity in health marketing over Mold.<sup>23</sup> It has been an ugly fixed-fight of epic proportion to remove this one widely-marketed, misapplied, and deadly risk-model from policies and courts. (Exh pgs. 66, 67<sup>24</sup>) Regardless of horrendous retaliation under the color of law in California's courts & continued maligning to keep the fraud going (Exh pgs. 38-41<sup>25</sup>); I've scored several wins over the years on behalf of the public. I've done so primarily by educating policy-writers, nonprofits, and politicians to the unethical, unlawful and criminal history of the Veritox Theory. At great personal expense, I've saved many Mold-related-policy-writers from falling prey to the never-ending astroturfing.

SB655 is a much needed law to protect California's children, their parents and landlords when Mold grows. Yet, the law working to its best potential hinges largely upon: 1) proper education of Health Officers (HO), Code Enforcers (CE) and California physicians of how to evaluate complaints of illnesses from Mold to determine if conditions have risen *"to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants"*<sup>26</sup> and 2) education of building-stakeholders and tenants of why and how they must properly remediate a water-loss to protect tenant (worker) safety while avoiding building-stakeholder (and their insurers') liability for causing disability and death by Mold.

Toward that goal, the attached EXHIBIT was sent to the Board of Directors of the American College of Medical Toxicology (ACMT) and other interested parties shortly after Governor Brown signed SB655 into law in October of 2015.

**As of December 20, 2015 ACMT is the last medical "nonprofit" still astroturfing the Veritox Theory by position statement.**<sup>27</sup> **ACMT is a CDC ATSDR funded "nonprofit"** trade association of medical toxicologists. The letter is a request that ACMT cease marketing the debunked Veritox Theory as appropriate physician education. ACMT's Mold position statement was also co-authored by an expert defense witness and affiliate of Veritox, Inc. 2006 (Exh pgs.2 -6<sup>28</sup> 29 30 68 31) The public health threat by ACMT's still astroturfing the Veritox Theory lays in the fact that ACMT influences education of physicians affiliated with the federally funded Pediatric Environmental Health Specialty Units (PEHSU).

<sup>21</sup> Astroturfing "the use of fake grassroots efforts that primarily focus on influencing public opinion and are typically funded by corporations, and governmental entities" "an elite campaign masquerading as a movement"

<sup>22</sup> 2015 astroturfing in HuffPo to resurrect the dead Veritox Theory *"The Truth About 'Toxic Molds'"*  
[http://www.huffingtonpost.ca/blair-king/toxic-mold-truth\\_b\\_8469358.html](http://www.huffingtonpost.ca/blair-king/toxic-mold-truth_b_8469358.html) .

<sup>23</sup> 2015 From a recent mold conference: "Sharon Kramer outlined the political history of the 'Toxic Mold' issue... Kramer, who holds a degree in marketing, described in detail the political machinations that have unfolded to create the current federal policy environment regarding mold and water damaged buildings. Kramer...has been instrumental in helping to have potentially conflicted position statements retired from influence in public policy formation." <http://www.survivingmold.com/shoemaker-protocol/review-state-of-the-art-in-mold-water-damaged-buildings-and-cirs-conference-phoenix-az>

<sup>24</sup> XVIII. CALIFORNIA JUSTICE JUDITH MCCONNELL, RECALL & RESCIND THE REMITTITURS (Pages 67-68)  
<https://katysexposure.files.wordpress.com/2015/10/66-67.pdf>

<sup>25</sup> 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 (Pages 38-41)  
<https://katysexposure.files.wordpress.com/2015/10/2a-ix.pdf>

<sup>26</sup> 17920.3. Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building:

<sup>27</sup> 12.20.15 ACMT Mold Statement [http://www.acmt.net/cgi/page.cgi/zine\\_service.html?aid=12&zine=show](http://www.acmt.net/cgi/page.cgi/zine_service.html?aid=12&zine=show)

<sup>28</sup> INTRODUCTION <https://katysexposure.files.wordpress.com/2015/10/2a-intro.pdf>

<sup>29</sup> I. MISAPPLICATION OF A LINEAR-NO-THRESHOLD RISK MODEL (LNT) "THE VERITOX THEORY" (Pages 4-5)  
<https://katysexposure.files.wordpress.com/2015/10/2a-i-misap-of-linear-model.pdf>

<sup>30</sup> II. ACMT MISUSE OF REFERENCES TO PROMOTE THE VERITOX THEORY AS SOUND SCIENCE (6-7)  
<https://katysexposure.files.wordpress.com/2015/10/2a-ii-misuse-of-reference.pdf>

<sup>31</sup> XIX. CONCLUSION PLEASE CHOOSE WISELY TO CEASE PROMOTING SCIENTIFIC FRAUD AS EVIDENCE BASED MEDICINE (Page 68) <https://katysexposure.files.wordpress.com/2015/10/68.pdf>

Cease marketing *"Adverse Human Health Effects Associated with Molds in the Indoor Environment"*

The federally funded PEHSUs are located in Association of Occupational and Environmental Clinics (AOEC) at publicly-owned medical schools across the U.S., including at University of California locations.<sup>32</sup> The American Academy of Pediatrics (AAP) also plays a federally-funded role in overseeing the PEHSUs along with ACMT. By position statement and other forms of astroturfing, federally-funded PEHSU and AOEC physicians are still being misled<sup>33</sup> by the federally-funded ACMT<sup>34</sup> (that still markets the debunked and discriminatory Veritox Theory). The **intent** is to further the false concept that systemic illnesses and disabilities from Mold are proven to be merely figments of people's imaginations – a fraud-based-litigation-defense-argument. (Exh. pgs. 53-55, Fn 38]

SB655 establishes by law that landlords, property managers, employers, employees and tenants must take active measures to prevent moisture in buildings from becoming microbial hazards adversely impacting IAQ, property values, and health. Defining and evaluating “microbial hazards” would be a much simpler task were it not for the past fourteen years of federal funds being used by “nonprofits” to miseducate physicians who are purportedly environmental specialists – by use of scientific fraud.<sup>35</sup> **This is the dark heart of what drives the fear, confusion, anger and distrust that could entangle and convolute the implementation of SB655.** (Exh pgs. 8-10<sup>36</sup>)

The Mold issue is highly contentious and emotional because it tends to pit occupant/worker fears for health-well-being against building-stakeholder/insurer fears for financial well-being. There has been a substantial amount of income generated by “experts” playing upon those fears when writing bogus policies which cause litigations by which they make their handsome livings as experts in court. (Exh pgs. 12-21 <sup>37 38 39 53</sup><sup>40</sup>)

Under SB655, HO and CE are given authority to investigate for visible Mold. Complaints by tenants/workers that Mold in their living/working environments are causing symptoms of ill health will trigger CE investigations. Complaints by landlords and property managers calling for CE/Sheriff assistance with evictions of tenants who claim injury from non-visible Mold<sup>41</sup> will also occur.

Like most policy-writers and physicians; tenants, landlords, CE and HO are typically naïve to the corrupt history of the Mold issue. Yet, the first professional who complainants are likely to see will be a CE, whose words and advice will carry much weight in tenant/landlord decision making processes. Mr. Powell of CACEO tells me that the primary foundational document used to compose CE and HO educational materials is “Mold in My Home. What do I do?”

What not to do when educating CE, HO and physicians is parrot the deadly astroturfing on the medical side of this issue -- or more direly ill people will be wrongfully evicted/fired, more landlords/employers/insurers will be sued for negligence/bad faith, more liars<sup>42</sup> will make income by fraud upon courts, and more lives will be unnecessarily devastated.

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<sup>32</sup> PEHSU website: <http://www.cdc.gov/features/pehsu/> AOEC website: <http://www.aoec.org/>

<sup>33</sup> 2007 Kramer S, Perez, J. “Association of Occupational and Environmental Clinics (AOEC): Pediatric Environmental Health Specialty Units” <http://freepdfhosting.com/b16c7060b3.pdf>

<sup>34</sup> ACMT supports Western Regions of PEHSU with the American Academy of Pediatrics (AAP) <https://www.aap.org/en-us/advocacy-and-policy/aap-health-initiatives/Pages/Pediatric-Environmental-Health-Specialty-Units.aspx>

<sup>35</sup> Middleman position of ACMT between EPA/CDC agencies & environmental-occupational-pediatric “nonprofits” at U.S. medical schools/hospital clinics <http://coeh.berkeley.edu/ucpehsu/AboutUsG.html>

<sup>36</sup> III. HARM BY POSITION STATEMENTS WORDSMITHED TOWARD AGENDA PROMOTIONS (Pages 8-10) <https://katysexposure.files.wordpress.com/2015/10/2a-iii-misuse-for-veritox-theory.pdf>

<sup>37</sup> IV. ACMT REFERENCES No. 15 & No. 3 HAVE CEASED MASS-MARKETING THE VERITOX THEORY (No. 3 is ACOEM, No 15 is AAAAI (Pages 11-13) <https://katysexposure.files.wordpress.com/2015/10/2a-iv-no-mas-aaaai-acoem.pdf>

<sup>38</sup> V. 14 YEARS OF MEDICAL “NONPROFITS” PROMOTING THE VERITOX THEORY FOR EXPERT DEFENSE WITNESS PROFIT BY SCIENTIFIC FRAUD UPON U.S. COURTS <https://katysexposure.files.wordpress.com/2015/10/2a-v.pdf>

<sup>39</sup> VI. THE VERITOX THEORY WAS SPUN BY INDUSTRY “NONPROFIT” LOBBYISTS & VERITOX, INC. OWNERS, PURPOSED TOWARD BLATANT SCIENTIFIC FRAUD UPON THE COURTS (Pages 16-21) <https://katysexposure.files.wordpress.com/2015/10/2a-vi.pdf>

<sup>40</sup> XIII. FEDERALLY-FUNDED-ACMT PROLIFERATION OF SCIENTIFIC FRAUD SINCE 2006 APPEARS TO BE NO ACCIDENT (Pages 53-55) <https://katysexposure.files.wordpress.com/2015/10/2a-xiii.pdf>

<sup>41</sup> Non-visible mold: hidden in wall cavities, painted-over, and/or airborne by improper remediation.

<sup>42</sup> Dec 2015 “Justice Department’s Environment and Natural Resources Division Will Work with the Department of Labor and U.S. Attorneys for Broader Look at Environmental and Workplace Safety Crimes” <http://www.justice.gov/opa/pr/departments-justice-and-labor-announce-expansion-worker-endangerment-initiative-address>

Cease marketing “*Adverse Human Health Effects Associated with Molds in the Indoor Environment*”

Coupled together the following are dangerously misleading statements in Mold in My Home, What do I do?

*"Known health risks from mold exposure include: the development of asthma, allergies, and respiratory infections; the triggering of asthma attacks; and increased wheeze, cough, difficulty breathing, and other symptoms." & "Anyone with a health problem they believe to be due to mold should consult a medical professional."*

To my knowledge, there is no such thing as a medical professional who is being taught in U.S. medical schools or by federally funded "nonprofit" medical associations how to recognize, diagnose and treat symptoms beyond asthma and allergy from Mold. In fact, federally funded "nonprofits" (with expert-defense-witness policy-writers) are fraudulently teaching that chronic fatigue, environmental intolerances, etc., are proven not to be caused by Mold.<sup>43 44</sup> This is leaving many sick people unaware of what is causing their symptoms as they grow sicker and sicker from the continued exposures. This is leaving many building-stakeholders unaware that their negligence is disabling their tenants/employees. The number one complaint of those being disabled by Mold when they figure it out on their own is:

**Why didn't somebody just tell me? (Exh pgs. 62, 63<sup>45</sup>)**

As such, it is imperative that Code Enforcers, Health Officers, and California occupational, allergist, pediatric & toxicologist physicians be trained to perform legitimate Mold-illness questionnaires. It is imperative that building-stakeholders and tenants be questioned of what they have done/will do to mitigate dampness/contaminated materials.

It is imperative that the discriminatory false concept that has been crammed down the throats and deeply implanted in the minds of many be erased from the equation. (I.e. that Mold will not rise to the level which endangers *"life, limb, health, property, safety, or welfare of the public or the occupants"* with symptoms manifesting as chronic fatigue, neurocognitive impairment, multi-system/multi-symptom inflammations, hypersensitivity pneumonitis, and newly acquired environmental intolerances, including among the most healthy of subpopulations)

I research how concepts are marketed to become policy, primarily over the Mold issue. As result, I know many professionals who have done excellent work to stop the discrimination of the Mold-environmentally-disabled. If I may be of assistance to the UC Regents, Senator Mitchell, CDPH, RAMP, CACEO, AOEC, AAP, PEHSU, OSHA and USDOJ by making introductions, please let me know. On behalf of the public, I wish you all the best of success with SB655.

Sincerely,

*Sharon Noonan Kramer*

Enclosure (1)

Sharon Noonan Kramer

CC (sans Exhibit-Enclosure that they already have)

- 1) Deadly, coram non judge SLAPP-fixer Presiding Justice Judith McConnell, CA Fourth, Division One Court of Appeal
- 2) Criminal & federal contractor, Bruce J. Kelman, President of Veritox, Inc..
- 3) Southern District of California Federal Attorney Laura Duffy
- 4) U.S. Attorney General Loretta Lynch
- 5) ACMT Director Paul Wax,
- 6) U.S. Department of Health and Human Services Secretary Sylvia Mathews Burwell
- 7) BOD Robert Wood Johnson Foundation, funders of the Choosing Wisely campaign.

<sup>43</sup> American Academy of Allergy, Asthma & Immunology (AAAAI) in the Choosing Wisely Campaign  
<http://www.choosingwisely.org/societies/american-academy-of-allergy-asthma-immunology/>

*"Don't perform unproven diagnostic tests, such as immunoglobulin G(IgG) testing or an indiscriminate battery of immunoglobulin E(IgE) tests, in the evaluation of allergy. Appropriate diagnosis and treatment of allergies requires specific IgE testing (either skin or blood tests) based on the patient's clinical history. The use of other tests or methods to diagnose allergies is unproven and can lead to inappropriate diagnosis and treatment. Appropriate diagnosis and treatment (??) is both cost effective and essential for optimal patient care."*

<sup>44</sup> American College of Medical Toxicology (ACMT) in the Choosing Wisely Campaign  
<http://www.choosingwisely.org/societies/american-college-of-medical-toxicology-and-the-american-academy-of-clinical-toxicology/> *"Don't order tests to evaluate for or diagnose "idiopathic environmental intolerances,".. 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."*

<sup>45</sup>XVI. **CHOOSE WISELY TO USE FEDERAL FUNDS TO TEACH WDB INJURY PREVENTION – NOT TO TEACH A LITIGATION DEFENSE ARGUMENT WHILE CAUSING DISCRIMINATION & DISABILITY** (Pages 62-63)  
<https://katysexposure.files.wordpress.com/2015/10/15-10-29-final-acmt-letter.pdf>

Cease marketing *"Adverse Human Health Effects Associated with Molds in the Indoor Environment"*