

*“The past will not be erased or forgotten. Lies will not continue for the Racket.”* Sharon N. Kramer

C. The Racket is Easy to Track. So are Key Flat Earthers.

1. It is important to note that not everyone ensnared in the Racket is evil, a moron, or has committed crime. Some who enable and/or conceal that others’ acts are criminal and/or material to the Racket, do not seem to realize that they are indoctrinated Flat Earthers on this subject.<sup>107</sup> (not all subjects)

2. Others, because it is not an easy choice to speak out about the Racket. Retaliation is maliciously fierce for exposing it and those who embarrassingly and complicitly enable it to thrive and grow with no accountability. Some become silent consenters because they feel they have no other choice.

3. The Racket is easy to track. All one must track are four things:

a. everywhere the HHS employee co-created Veritox Theory is marketed as false proof that mycotoxins in WDB can never harm; and

b. everywhere that CDC’s precept and chant is marketed that it *“has not been proven”* that mycotoxins in WDB can harm; and

c. everywhere that fraud upon the court is used to frame my accurate sentence as a maliciously libelous lie and thus me, a malicious liar; and

d. everywhere that a Flat Earther goes who thinks it funny and harmless that the San Diego jurists get away with framing me for libel, because he has not yet honored his filmed pledge for an earnest criminal investigation of them and the Veritox Theory creators.

When any or all those four HHS-employee co-created precepts are present, so is the Racket.

5. It is just a ruthlessly guarded, highly lucrative, gigantic multi-level marketing scam based on the two false precepts about mycotoxins in WDB with the HHS imprimatur attached. Add fraudulent court documents used to frame me as libeling HHS employee Hardin and his corporate partners for my exposing how the Racket works, and there is a not even close to funny or harmless massive public corruption<sup>108</sup> occurring. Throw in non-prosecuting prosecutors and the mix is deadly.

6. Another truth is that the Racket is mass marketed via the falsely reassuring mantra of a *“practical application”* of science and medicine about the health effects of mold and Toxic Mold in WDB.

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<sup>107</sup> Flat Earther -- one who makes thoughtless comments and decisions while causing the ridiculous notion to thrive in policies, physician education, insurer practices, and courts that it is allegedly scientifically proven via Hardin’s and Kelman’s Fake EBM Veritox Theory that Toxic Mold can never reach a level in WDB to harm humans. Influential Flat Earthers can and do cause folie à plusieurs while causing the Racket to thrive.

<sup>108</sup> Public corruption – AI definition: *“involves a breach of public trust and/or abuse of position by government officials and their private sector accomplices. It includes corruption of the political process, government agencies, and processes of allocating public funds.”*

## **V. 2002 HHS White Coats, Tobacco Scientists Birth the Veritox Theory & Supporting Misinformation Together**

A. Another Recently Erased Truth is About a Corrupt 2002 Conference in Washington, D.C.

1. On May 13 and 14, 2002 there was a conference hosted by notorious defensor Ronald Gots M.D. at George Washington University. Defensors were presenters along with CDC employees.

2. The Gots conference was disingenuously titled “*Mold Medicine & Mold Science; Its Practical Application for Patient Care, Remediation and Claims*”. I find no trace of it on the Internet. I still have the evidence that it happened and its list of presenters/presentation in my Racket files.<sup>109</sup>

3. To my knowledge, none of the scientists or physicians who knew that Drs Etzel and Dearborn, and Ms. Ballard were telling the truth about HHS’s willful failure to warn of the known potential health effects of Toxic Mold endangering public health while misleading physicians, were invited to be Gots conference presenters. There were many who knew by 2002. I knew many by 2005.<sup>110</sup>

4. To my knowledge, the Gots conference was the first *public* display of HHS employees systematically working with Mold/Toxic Mold defensors to influence policies, physician education, insurer practices, and outcomes of mold litigations favorably for WDB stakeholders and their property casualty/workcomp insurers, while being averse to public health and safety.

5. The now erased 2002 Gots conference was the beginning of descent for nearly everyone who has become ensnared to commit criminal acts and/or to conceal criminal acts of others in the Racket.

6. I could easily write of a thousand true stories about a million tears caused by the tangled web of fraud, waste, and abuse spawned from the 2002 Gots conference. Instead, I am touching on low lights of those with whom HHS employees chose to affiliate after HHS decided to not hear the Ballard verdict-message. There were more presentations at the conference than described below.

May 2002, CDC Employees and Dishonest Defensors Joint Conference Presentations:

CDC NIOSH and HHS Public Health Services Commission Corps (USPHS) employees whose work was associated with defensors and Tobacco scientists at the Gots’ May 2002 Conference:

1. Elana Page, M.D.<sup>111</sup> and Douglas Trout, M.D. Division of Surveillance, Hazard Evaluation, and Field Studies, CDC NIOSH. Presentation “*The Role of Mycotoxins in Building-Related Illness*”.

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<sup>109</sup> 5/13-14/2002 HHS Employees & Defensor at the Gots Mold Conference in D.C. (or had their work presented) <https://katysexposure.com/wp-content/uploads/2021/03/2002.03-gots-mold-conference.pdf>

<sup>110</sup> 1/12/2006 I moderated a U.S. Senate Staff Briefing about the “*Health Effects of Molds & Mycotoxins*” There were many physicians and scientists who knew HHS had conflict of interest (COI) problems regarding illnesses from WDB exposures (and there still are). It was sponsored by the late Senator Edward Kennedy, Ranking Member of Senate Health Education Labor and Pension (HELP) and the late Senator James Jeffords of Environment and Public Works (EPW). Bios of my chosen panelists are in the below link showing ENTs, Microbiologists, Immunologists & Toxic Mold treating physicians knew of the COI of what HHS employees and defensors were selling together. The late Dr. Ken Hundell was a neurotoxicologist. His employer, EPA, would not allow him to present the real science to Senate Staffers with Dr. David Sherris, Dr. Chin Yang, Dr. Ritchie Shoemaker, the late Dr. Vincent Marinkovich and me. The two replacement employees that EPA offered, Drs. Mary Jane Selgrade and Laura Kolb, were pulled last minute. No scientists or physicians from government were there to help us tell the Senate Staffers the truth. See staffer invites: <https://katysexposure.com/wp-content/uploads/2021/03/1.12.2006-senate-staff-briefing.pdf>

<sup>111</sup> Ask me about NIOSH moldy workplace/worker illness investigator Page, M.D. She retired as a USPHS Captain 2017 and promotes herself to courts as the ultimate authority about the use of mycotoxin urinalysis on behalf of the defense as of at least 8/17/2021. She has been a Fellow of ACOEM since 2000. Relevant, but TMI for this report.

52. Report to HHS Secretary Becerra & Commander in Chief wannabe Harris Re: the Racket at HHS I Know You Can Protect U.S. Troops & Families from Domestic Toxic Fraudsters & Their Fake EBM. What say ye?

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2. Kenneth Martinez, Kenneth Wallingford, Division of Surveillance, Hazard Evaluations and Field Studies, CDC, NIOSH; Raymond Biagini, Division of Applied Research and Technology, NIOSH, CDC; and J. Donald Millar, M.D. D.T.P.H (Lond.), President DON MILLAR & Associates, Inc. (NIOSH Director 1981-1993) [I know nothing about Biagini or Millar]

3. Kimberly Kirkland of PathCon Laboratories. Presentation “*Health Hazards from Exposure to Mycotoxic Fungi in Indoor Environments*”

a. PathCon is owned by Brian Shelton, MPH, of Norcross, Georgia. According to HHS Bryan Hardin’s December 20, 2006, deposition testimony in the *Scotia Prince* matter <sup>112</sup>, Hardin worked for a private sector company prior to working with GlobalTox. If I remember correctly, it was PathCon. It was directly after he retired from HHS. Mr. Shelton is (was?) influential at the American Industrial Hygiene Association (AIHA).

b. According to Hardin’s 2006 deposition, as of July 2001, he had zero experience researching molds or mycotoxins when employed at HHS. Not a physician, he was teaching himself about the health effects while advising others via, I think, PathCon. Hardin said in the *Scotia Prince* matter:

Q: *What was your involvement in the field of mold and mycotoxins prior to June of 2001?*

A: *None.....As a freelance consultant, it was -- it was apparent that there was a lot of consulting work to be done in the field, so I began to study it.*

c. By October 2002, Hardin was catapulted and nationally portrayed as the voice of authority from HHS about mycotoxins in WDB and health. This was via the ACOEM Mold Statement. (See Sec. V. C. below) By July 2003, he was portrayed as HHS national expert on the subject via the U.S. Chamber of Commerce and Manhattan Institute “legal reformers”. (See Sec. VI.)

#### Defensors from the Big Tobacco RICO as Conference Presenters

1. Below are the names of defensors at the conference and/or defensors whose work was presented in conjunction with HHS employees’ work. The following people have generated substantial income as medico-legal expert defense witnesses in mold litigations for over a score of years.

2. In addition to Kelman, the following may be found in the UCSF Big Tobacco Legacy Library for involvement in that RICO, *prior to* the Gots conference. The experienced doubt-selling Tobacco scientists, who were lodged in key positions in the mold issue now over twenty-two years ago with HHS employees are: Bruce Kelman, Ph.D.; Paul Lees-Haley, Ph.D.; Harriet Burge, Ph.D.; and Ronald Gots, M.D.<sup>113</sup>

3. There are a couple of more Tobacco scientists whose influence has adversely impacted public health and safety in the Mold/Toxic Mold issue. I am not aware that they were presenters or attendees at this conference.

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<sup>112</sup> 12/20/2006 Hardin deposition in *Scotia Prince* matter. He had no experience re: mycotoxins and health prior to becoming the instant national HHS expert via 2002 ACOEM & 2003 US Chamber Mold Statements.

<https://katysexposure.com/wp-content/uploads/2021/03/2006-hardin-deposition-in-scotia-prince-matter.pdf>

<sup>113</sup> A sample of the work of those who honed their team player defensor skills from the Big Tobacco playbook and have influenced policies, practices, and litigation outcomes in the Toxic Mold/WDB issue. Kelman, Burge, Lees-Haley & Gots. [https://katysexposure.com/wp-content/uploads/2021/03/ilovepdf\\_merged-3.pdf](https://katysexposure.com/wp-content/uploads/2021/03/ilovepdf_merged-3.pdf)

53. Report to HHS Secretary Becerra & Commander in Chief wannabe Harris Re: the Racket at HHS I Know You Can Protect U.S. Troops & Families from Domestic Toxic Fraudsters & Their Fake EBM. What say ye?

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Defensor Presenters at the Conference (or/or whose work was presented):

1. Correen Robbins, Ph.D., Lonie Swenson, Ph.D. Bruce Kelman, Ph.D. Ronald Gots, M.D. and Mark Neally, Ph.D. Presentation: *“Health Effects of Mycotoxins in Indoor Air: A Critical Review”*

a. Neally worked for Gots. I do not know him to be a defensor. But Robbins, Swenson and Kelman were (still are) co-owners of GlobalTox (now JS Held). So, they were and still are sharing proceeds from the defensoring and the aiding and abetting SLAPP fixing.

b. At this point in time, HHS Hardin had joined GlobalTox, first as an employee and by 2004 as a co-owner. Hardin and Kelman were already co-authoring the ACOEM Mold Statement together along with Andrew Saxon, M.D. of UCLA. (See Fn. 6 and Sec. V. C below)

2. Emil Bardana, Jr., M.D.<sup>114</sup>. Professor of Medicine, Division of Allergy & Clinical Immunology, Oregon Health & Science University. *“Sick Building Syndrome – a wolf in sheep’s clothing.”*

a. Bardana has an earned reputation as a wolf in sheep’s clothing. He is one of the allergy physicians who profited greatly and was instrumental in setting false precepts regarding CIRS and WDB. He made (makes?) income via falsely promoting that people who experience symptoms of CIRS after Toxic Mold in WDB exposures, are malingers and fakers.

b. One of the sub-rackets in the Racket is for doctors to be paid to do so-called *“independent”* medical exams for workman’s compensation insurers and others. Bardana was doing what is commonly known as *“defense medical exams”* (DME).

c. The way DME work is: cause denial of insurer coverage via an insurer’s attorney ordered examination of an injured person. Get paid to write a report falsely claiming that the examination proves that the insurer is not responsible for the injury. Then generate more income as a defensor, if and when, the injured person sues to receive restitution for causation of injury.

d. Watch the 2005 KATU News report linked in the Fn. about Bardana. One can see what he did to teacher, Theresa Westmorland, and two others with corrupt DME.

e. It is disturbing that Bardana was setting national public health policies on any topic with HHS employees. Equally disturbing, he was President of the American College of Allergy, Asthma, and Immunology (ACAAI) in 2000-01. In late 2005, he was publishing widely marketed bad advice, nationally, *after* he had been outed by KATU as a wolf in sheep’s clothing.<sup>115</sup>

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<sup>114</sup> 2/2005 Victims of Bardana’s defense medical exams (DME) on behalf of the State Accident Insurer Fund in Oregon use to call him *“Evil Banana”*. He earned the name via being so bad that KATU aired an investigation titled *“Dealing with SAIF and feeling like a criminal”* in 2005. It was about how he mistreated school-mold injured teacher, Theresa Westmorland, and two additional teachers, claiming that his DME established they were malingering. He was cutting and pasting his exam reports while falsely deeming the award-winning teachers as “fakers” for their CIRS type symptoms. He was character assassinating their treating physicians, too. That is what experienced bad defensores do, to unduly make themselves appear credible. One may watch the KATU newscast here: <https://www.youtube.com/watch?v=X3moGtPsJIA>

<sup>115</sup> 9/30/2005 CBS News *“Sick of Mold? Maybe Not.”* Defensor Bardana is quoted as the source of authority. *“Researchers reported that in every case, other medical causes could be identified to explain the illnesses believed to be caused by the condition that has come to be known as ‘toxic mold syndrome.’ They concluded that no credible medical evidence has emerged to link mold exposure to the wide range of serious medical conditions associated with toxic mold syndrome. We know that mold can make people sick if they end up in the foods they eat,”* Oregon Health & Science University professor of medicine Emil J. Bardana Jr., MD, tells WebMD. *“But there is little evidence that inhaled environmental mold exposure can cause the serious illnesses that have been attributed to it,”* <https://www.cbsnews.com/news/sick-of-mold-maybe-not/>

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3. Ed Light, C.I.H. President Building Dynamics, LLC, Reston, VA. Presentation: *“Mold Remediation: How Complex Should It Be?”*

a. Answer: More complex than Ed used to say in order to protect occupants from acquiring or worsening CIRS from exposure to biocontaminants before and after remediation. Ed is (was?) an avid CIRS-WDB denier.

b. The way that I remember becoming aware of Light was that shortly after the KATU newscast aired about Bardana’s sub-racket in 2005, I was speaking to Theresa Westmorland. She was holding back tears as she spoke.

c. Westmorland told me about an upcoming webinar that was being sponsored by AIHA. I looked it up. Presenters were Light, Robert Denhem, and three GlobalTox affiliated defensors – Hardin, Robbins, and Daniel Sudakin, M.D.

d. They were charging \$50 per person to miseducate with the Fake EBM Veritox Theory. Below are quotes from the promotion for the February 16, 2005, AIHA webinar<sup>116</sup>:

*“This intermediate level TeleWeb will address how toxicity from mold in indoor environments has been an issue in the industrial hygiene arena and media limelight for several years. Presenters will explore and discuss:*

*~ Recent developments and publications concerning the toxicity of molds and IH's approach ~ The history of the issue and why many IH's have come to treat mold as a hazardous material~ Important points, implications, and practical suggestions regarding addressing toxicity and health effects (as discussed by the American College of Occupational and Environmental Medicine and the Institute of Medicine) ~ Settings where human exposure and toxicity may occur ~ Recent research about biomarkers for mycotoxin exposures~ The legal approach to claims of mold toxicity ~ The future of the "toxic mold" issue The American Industrial Hygiene Association  
2700 Prosperity Ave, Suite 250, Fairfax, VA 22031 <http://www.aiha.org>”*

e. They were creating an army of CIHs affiliated with AIHA to believe that people sickened like Westmorland, were malingerers and liars about the symptoms they experience being caused WDB and/or improperly and cheaply done insurer paid remediations.

f. The ACOEM Mold Statement was noted as a referenced authority regarding Toxic Mold for the AIHA webinar. Again, they made it falsely appear that the 2004 NASEM IOM Report supported what they were teaching and that it supported the Fake EBM Veritox Theory.

g. Listening to Westmorland describe her plight was heartbreaking. I was so mad to learn of another marketing angle for the highly lucrative discrimination of the disabled and dying via use of the Fake EMB Veritox Theory, that I lost my Irish temper. I composed a message and sent it to the AIHA contact button. Some of what I wrote was:

*“May your children rot in Hell for condemning so many children to Hell here on earth. Why are you associating with the ilks of GlobalTox?”*

h. It was not my finest writing, and I would never wish anyone physical harm. Yet, from time to time, I wonder if some sort of eternal damnation would be appropriate for some people.

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<sup>116</sup> 2/16/2005 AIHA TeleWeb *“Toxicological and Occupational Medicine Perspective on Molds and Mycotoxins: Update and Implications for Industrial Hygiene.”* <https://katysexposure.com/wp-content/uploads/2021/03/2005-aiha-teleweb-globaltox-1.pdf>

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i. It happens when I *still* listen to people cry from being deemed malingers for their CIRS symptoms caused by negligently maintained WDB; while others use Fake EBM Veritox Theory to profit off their misery and swindle them out of restitution for causing their injury. (See Sec XXII for Liberty Military Housing’s defense counsels’ successful uses of the Veritox Theory in San Diego a 2023)

j. In 2007 (or was it 2006?) I briefly sat on an ASTM International committee with Light. I was there because honest AIHA indoor air quality (IAQ) professionals who influence policies, asked me to do it. They were taking control of AIHA standards, away from the dishonest defensors.<sup>117</sup>

k. My assigned task was to keep the ACOEM Mold Statement from being used as a disingenuous reference for the standard being written for ASTM. I completed my task that they asked me to do via influencing the committee’s decision on the subject. Then I quit.

l. There was an odd duck defensor on the committee with Light, others, and me who bills himself as a forensic industrial hygienist. He made it clear that he did not want me there. I had bantered with him on ToxLaw.com. But being in the same room while knowing he did not want me there was too close for comfort. I do not know if the rumor about him beating up a woman is true. Nevertheless, he is an odd and aggressive man who dislikes me very much.

m. Plus, there were other areas that were better use of my time when exposing that the Fake EBM Veritox Theory was (still is) the heart of the Racket. I had done what I came to do. As far as I know it was kept out of the ASTM International standard that the committee was writing.

n. I do not speak to some who I used to put my faith in at AIHA anymore. They, and a couple of AAAAI physicians with whom they work, frustrate me. They will not out AAAAI for mass marketing the Veritox Theory via citing ACOEM as their toxicity source of authority. They will not out anyone for the AAAAI Mold Statement (2006) citing false authorship.<sup>118</sup> When I went to jail in 2012 for refusing to lie, they ran and told others to stay out of it. Instead of helping, they have made it harder to get it into policies and out to the public, physicians and courts that Toxic Mold in WDB causes symptoms indicative of CIRS. They are knowledgeable international-policy-influencers. Like several who advance the understanding of respiratory afflictions from mold in WDB, they stay quiet about the toxic fraud in the issue. Some erroneously think they are willful defensor-supporters. They are not by design. But might as well be. They serve as example of one of the twisted paths that enables the Racket, Cover Up, and Racketeers to flourish to harm our military (and me) et.al. with no accountability.

4. Harriet Burge, Ph.D., Associate Professor of Environmental Microbiology, Harvard School of Public Health. Article: *“What Everyone Should Know About Fungi”*.

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<sup>117</sup> 5/2008 AIHA Green Book *“Recognition, Evaluation, and Control of Indoor Mold”* by Chief Editor Bradley Prezant, MSPH, CIH, CPE, (I do know Prezant) with Donald Weekes, CIH, CSP, and J. David Miller, Ph.D. etc. <https://www.abebooks.com/9781931504911/Recognition-Evaluation-Control-Indoor-Mold-1931504911/plp>

<sup>118</sup> 2/17/2006 Emails to me from AAAAI’s Dr. Jay Portnoy & his emails to AAAAI. He did not co-author the AAAAI Mold Statement. The defensors put his name on it without his knowledge. He did not know until I told him. Yet, to this day, he is listed as co-author of the AAAAI Mold Statement. His respected Children’s Mercy Hospital, Kansas City imprimatur is misused to promote the Veritox Theory -- that the Federal judge cited as her source of authority on February 8, 2024, in the Liberty Military Housing Toxic Mold litigation. *“The Medical Effects of Mold Exposure”* 2006 emails: <https://katysexposure.com/wp-content/uploads/2021/03/portnoy-wants-name-removed.pdf>

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- a. What everyone should know about Harriet Burge is that she is a mycologist with a Ph.D. and with affiliation of doubt selling for Big Tobacco via their front group, Center for Indoor Air Research CIAR<sup>119</sup>. She is not a physician.
  - b. In November 2005,<sup>120</sup> she pulled the precept out of thin air that it is safe to leave dried mold (non-viable) in school classroom walls. It became justification for negligent causation via hiding mold by painting over it in all kinds of buildings. Ask Dr. Burge. She said it’s okay.
  - c. In March of 2008, she made a power point presentation for an IAQ conference. She had my name on the slide that she used to exhibit why you should not trust what you read on the Internet.
  - d. I got emails from conference attendees informing me of the Burge smear in front of a room filled with people trying to be professional advisors while learning more about mold issue.
  - e. I contacted her employer at EMLabs, Dave Gallup. He made her remove my name from her slide. She emailed an apology. I thanked her.<sup>121</sup>
  - f. I should have insisted that she apologize publicly. There are several with ongoing financial, embarrassment, and freedom-from-jail interests in furthering multiple defensors’ and Racketeers’ unfounded smear that I do not fact check. Thus far, two key Flat Earthers are enabling them.
  - g. I fact check extensively, and I ask many questions.
1. Contrary to what the EMLab webpage<sup>122</sup> seems to infer, Burge was not Chair of the 2004 National Academy of Sciences [NASEM] Committee.
  2. Burge was slated to be chair via appointment by CDC. But she gave an interview to the Boston Globe four months after the Gots conference showing extreme bias against those sickened by WDB. People complained and she was gone. (I think it was the late Mary Mulvey Jacobson, who was chief of staff for a Boston city councilor, and Dr. Johanning who complained to the late Congressman John Conyers. Not certain that is correct.)

September 29, 2002, Boston Globe *“Mold, It’s drawing attention as a potential hazard, but some health experts remain skeptical about the risks”*<sup>123</sup>

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<sup>119</sup> CIAR “was a tobacco industry front group established by three American tobacco companies—Philip Morris, R.J. Reynolds, and Lorillard—in Linthicum, Maryland, in 1988.[2] The organization funded research on indoor air pollution, some of which pertained to passive smoking and some of which did not. It also funded research pertaining to causes of lung cancer other than passive smoking, such as diet. The organization disbanded in 1998 as a result of the Tobacco Master Settlement Agreement”. [https://en.wikipedia.org/wiki/Center\\_for\\_Indoor\\_Air\\_Research](https://en.wikipedia.org/wiki/Center_for_Indoor_Air_Research)

<sup>120</sup> 11/2005 Environmental Reporter “Can Mold Be Safely Left Inside Walls?” by defensor Harriet Burge <https://katysexposure.com/wp-content/uploads/2021/03/burge-mold-in-walls.pdf>

<sup>121</sup> 3/27/2008 Burge apology for her power point smear & my accepting the apology. <https://katysexposure.com/wp-content/uploads/2021/03/burge-power-point.pdf>

<sup>122</sup> EMLabs webpage says Burge “is chairing” for a “NAS Damp Buildings and Health committee” 2/3 down the page. <https://www.emlab.com/app/services/Quality.poNVLAP> Converted to pdf in case it is erased. <https://katysexposure.com/wp-content/uploads/2021/03/burge-bio-on-emlab-website.pdf>

<sup>123</sup> 9/29/2002 Boston Globe *“Mold It’s drawing attention as a potential hazard, but some health experts remain skeptical about the risks”* <https://www.remmedyspot.com/content/topic/102498-this-is-why-burge-should-not-be-chairing-committee-on-mold/>

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*“Harriet Burge, an associate professor of Environmental Microbiology at Harvard School of Public Health, says she doubts that the O’Neils’ illnesses were mold-related. ‘There are lots of unknown symptoms people suffer from and it’s more comfortable to blame them on something,’ Burge said. ‘I would be surprised if mold had anything to do with their ailments. Unless they were living in the attic where the mold was found, they were probably not exposed to high levels of mold.’*

*The Centers for Disease Control has asked Burge to chair a committee that will conduct an independent review of mold research. After the results are released next summer, the CDC plans to use the data to set the agency’s guidelines on mold. ‘We’re trying to calm down this mold frenzy,’ said Burge. ‘I’ve been in this business for 40 years and molds have always been there, and none of this hysteria was going on.’*

3. Dr. Noreen Clark of the University of Michigan was Chair of the NASEM IOM Committee. Dr. Harriet Ammann, (Ammann not Burge, *emphasis added*) who is a retired Senior Toxicologist from the State of Washington, wrote the toxicity section. (**See Fn. 67**)
4. The 2004 NASEM IOM Report came to be by Dr. Stephen Redd of CDC and others going to a Congressional Financial Services Committee on July 18, 2002, to fund it.<sup>124</sup>
5. Apparently, CDC wanted it funded and also stacked with those from Big Tobacco who preach the “*practical approach*” of failure to warn by use of precepts pulled out of thin air.
6. Harriet Burge’s name is not listed as co-author, reviewer, or even presenter to the NASEM IOM Damp Indoor Spaces committee.<sup>125126</sup> But she is right. You should not believe everything you read on the Internet. AI erroneously says that she was an IOM contributor:

*“Copilot: The book ‘Damp Indoor Spaces and Health’ by the Institute of Medicine [IOM], which Harriet Burge contributed to, provides a comprehensive examination of the health effects associated with damp indoor environments. It discusses how dampness can lead to the growth of molds and bacteria, which in turn can cause various health issues such as respiratory problems, asthma, and allergies”.*

- h. To understand why Burge is extremely relevant to the creation and marketing of the Racket and its impact today, first see Fn. 1.
1. The Fn shows two Burge journal articles written with Carol Rao of CDC in 2000. The articles are about stachybotrys blasted into the trachea of rats.
2. HHS Hardin and Kelman used Burge’s and Rao’s data to apply their extrapolations when creating the Fake-EMB Veritox Theory in 2002. Burge says much about mold and mycotoxins in WDB (and people) in many places. Yet, I have never once heard of her voicing concern of the creation of scientific fraud with misuse of her work.
3. It is highly unlikely that she was a noteworthy contributor to NASEM IOM “*Damp Indoor Spaces and Health*” committee after she was un-chaired. This is because, by unanimous consent, in 2004, the NASEM IOM committee discredited the 2002 Veritox Theory which uses Burge’s and CDC Rao’s 2000 work for foundation.

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<sup>124</sup>7/18/2002 Congress funding IOM [https://katysexposure.com/wp-content/uploads/2021/03/cdc\\_142218\\_ds1-1.pdf](https://katysexposure.com/wp-content/uploads/2021/03/cdc_142218_ds1-1.pdf)

<sup>125</sup> 2004 NASEM IOM Presenters. No mention of Burge <https://nap.nationalacademies.org/read/11011/chapter/10>

<sup>126</sup> 2004 NASEM IOM Committee. No mention of Burge <https://nap.nationalacademies.org/read/11011/chapter/11>



**i. Emphasis Added, the Fake EBM Veritox Theory is Discredited by the NASEM IOM**

1. Below are Harriet Burge’s and CDC Carol Rao’s articles from 2000:

Rao CY, Brain JD, Burge HA. “*Reduction of pulmonary toxicity of Stachybotrys chartarum spores by methanol extraction of mycotoxins.*” Appl Environ Microbiol. 2000;66:2817-21. (Reference #76 for ACOEM)

Rao CY, Burge HA, Brain JD. “*The time course of responses to intratracheally instilled toxic Stachybotrys chartarum spores in rats*”. Mycopathologia. 2000;149:27-34 (Reference #77)

2. Below is the Veritox Theory by Hardin and Kelman via use of Burge’s and Rao’s work:

*“In single-dose in vivo studies, S. chartarum spores have been administered intranasally to mice or intratracheally to rats. [76, 77] High doses ( $30 \times 10^6$  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  $3 \times 10^6$  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 ( $3 \times 10^6$  spores/kg) corresponds to continuous 24-hour exposure to  $2.1 \times 10^6$  spores/m<sup>3</sup> for infants,  $6.6 \times 10^6$  spores/m<sup>3</sup> for a school-age child, or  $15.3 \times 10^6$  spores/m<sup>3</sup> for an adult. If the no-effect  $3 \times 10^6$  spores/kg intratracheal bolus dose in rats is regarded as a 1-minute administration ( $3 \times 10^6$  spores/kg/min), achieving the same dose rate in humans (using the same default assumptions as previously) would require airborne concentrations of  $3.0 \times 10^9$  spores/m<sup>3</sup> for an infant,  $9.5 \times 10^9$  spores/m<sup>3</sup> for a child, or  $22.0 \times 10^9$  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. 72 S. chartarum spores at doses of  $4.6 \times 10^6$  or  $4.6 \times 10^4$  spores/kg (cumulative doses over three weeks of  $2.8 \times 10^7$  or  $2.8 \times 10^5$  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. 72 spores. Using the same assumptions as previously (and again ignoring dose-rate implications), airborne S. chartarum spore concentrations that would deliver the non-hemorrhagic cumulative three-week dose of  $2.8 \times 10^5$  spores/kg can be estimated as  $9.4 \times 10^3$  spores/m<sup>3</sup> for infants,  $29.3 \times 10^3$  spores/m<sup>3</sup> for a school-age child, and  $68.0 \times 10^3$  spores/m<sup>3</sup> for adults (assuming exposure for 24 hours per day, 7 days per week, and 100% retention of spores).*

3. Below is the Fake EBM conclusions of the Veritox Theory based on the above Kelman and CDC Hardin calculations added to the Burge and CDC Rao two articles about the rat studies, as first publicly promoted by ACOEM on October 27, 2002 (See V. E below):

*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. Current scientific evidence does not support the proposition that human health has been adversely affected by inhaled mycotoxins in home, school, or office environments.*

*“The past will not be erased or forgotten. Lies will not continue for the Racket.”* Sharon N. Kramer

4. It is heartless folly to promote that what is scientifically established as “*current scientific evidence*” about human health from mycotoxins in WDB could be concluded via HHS Hardin and Kelman applying extrapolations in 2002 to rat study data created by Burge and HHS Rao in 2000.

5. Below is the truth about science via NASEM IOM published in 2004:

*“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 exposure more closely have not been done except for a small number of cancer studies.”* p.125

*“Toxicologic studies, which examine such responses using animal or cellular models, cannot be used by themselves to draw conclusion about human health effects.”* p.7

- j. Why Burge continues to concern me:

1. I am not aware of a current “*NAS Damp Buildings and Health*” committee or of Burge as a chair. If she is still influencing public health policies, it is imperative that Burge clarify that she knows her work and the Veritox Theory cannot be scientifically or ethically used together as claimed proof that mycotoxins in WDB can never reach a level to harm humans.
2. This is an important point because policy deforming defensors and officers of the courts, will and have lied in key policy papers and in courts while promoting that the NASEM IOM Report supports the Veritox Theory. When in fact, the exact opposite is true. NASEM discredits the Veritox Theory anywhere and everywhere that it is used.
3. This issue does not need another erred power point from Harriet Burge.
4. It would also be averse to public interest if she was chairing a new NASEM “*Damp Buildings and Health*” committee without clarification that she knows that the Veritox Theory does *not* prove mycotoxins in WDB can never reach a level to harm humans. And it would be unwise for Burge to sit on any new stealth CDC Mold Work Group while deterring public health warnings or physician education about PPH, CIRS, and Toxic Mold in WDB.
5. Below is more information from the newly erased CDC webpages, based on the findings of the outside panel of experts and CDC Mold Work Group members from 1999 to 2004.

*“A link between other adverse health effects, such as acute idiopathic pulmonary hemorrhage among infants...has not been proven. Further studies are needed to find out what causes acute idiopathic hemorrhage and other adverse health effects.”*
6. I have tracked this Racket for twenty years. The way those two webpages began to be used together days before Christmas in 2019, with idiopathic pulmonary hemorrhaging (PPH) and memory loss (CIRS) melded together in a single sentence with the “*has not been proven*” precept from stachybotrys (Toxic Mold); along with recent quiet erasures without a trace; followed by the creation of a half-truth redirect, is suspect as to where HHS and associates are taking “*further research*” of health effects of Toxic Mold in WDB.
7. The public does not need a mycologist who also serves as a defensor blocking any future understanding that it is wise to warn the public and train physicians that it is plausible that mycotoxins and Toxic Mold in WDB can cause and/or contribute to PPH and CIRS.

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8. For good cause, the name “*Dr. Harriet Burge*” and the words “*further studies are needed*”, “*damp buildings and health*”, “*is chairing*”, “*NAS*”, “*CDC*”, and “*defensor*” in the same breath concerns me.
9. It will, until Burge acknowledges that she knows that the Veritox Theory coupled with her articles about moldy rats, are used to commit mass discrimination and mass insurer fraud.<sup>127</sup>
4. Paul Lees-Haley, Ph.D.,<sup>128</sup> Neuropsychology Consultant, Health Education Services from Huntsville, Alabama. Article presented “*Mold Neurotoxicity: Validity, Reliability and Baloney*”

a. According to Source Watch and billing documents, Lees-Haley was a recruiter of white coat team players on behalf of the Big Tobacco front group, Washington Technical Information Group, Inc.<sup>129</sup>

b. Below are two excerpts from the 2008 Wall Street Journal article linked in the Fn. about Lees-Haley and what he charges as a defensor for his work for insurers when aiding denial of liability for brain injury-causation. He does it with baloney that he calls the “Fake Bad Scale”.

*“Virtually everyone is a malingering according to this scale’, saying leading critic James Butcher a retired psychologist from the University of Minnesota, who has published research faulting the Fake Bad Scale. ‘This is great for the insurance companies, but not great for people’*

*...Working for litigants is Dr. Lees-Haley’s main source of income. He has said in court cases that 95% is for the defense. He charges \$3500 to evaluate a claimant and \$600 per hour for depositions and court appearance, his fee schedule says.”*

Please read the links in the Fn about Lees-Haley. His work remains extremely relevant to the instilled physician and court discrimination of those with brain injuries from Toxic Mold in WDB.

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<sup>127</sup> Drs. Clive Brown and Stephen Redd, Chief, Air Pollution and Respiratory Health Branch National Center for Environmental Health, wrote the CDC Mold Work Group reports. The report synopsis of the 1999 external committee states “*Most panelists believed that this hypothesis had some plausibility and merited further investigation should opportunities to do so present themselves; there was, however, divergence in this assessment, and some panel members (notably including the panel’s mycologist) excluded plausibility altogether.*”  
[https://web.archive.org/web/20221128013643/https://www.cdc.gov/mold/pdfs/aiphi\\_report.pdf](https://web.archive.org/web/20221128013643/https://www.cdc.gov/mold/pdfs/aiphi_report.pdf)

<sup>128</sup> Paul Lees-Haley: Prior to becoming an instant expert about Toxic Mold, brain injuries, and “*baloney*”; in 1991 Lees-Haley invented the Fake Bad Scale. It became part of the Minnesota Multiphasic Personality Inventory (MMPI) test in 2007. It is (was?) used extensively via defense-ordered neuropsych exams of plaintiffs, including but not limited to in mold litigations. It was known to be so slanted for the defense that WSJ published an article of how nearly every plaintiff with brain injuries in litigation was deemed a malinger via its use. 3/5/2008 WSJ “*Malingering Test Roils Personal-Injury Law ‘Fake Bad Scale’ Bars Real Victims, Its Critics Contend*”  
<https://katysexposure.com/wp-content/uploads/2021/03/2008-wsj-lees-haley-fake-bad-scale.pdf>

There is key article that melds Hardin’s and Kelman’s Veritox Theory, Lees-Haley’s Fake Bad Scale, Bardana’s, Page’s and Trout’s articles about the alleged non-health effects of mycotoxins in WDB, and how to use them for DME. Six Toxic Mold injured workers were subjected to DME at UC Irvine in 2004-05 (Not sure *all* were at UCI) In 2005, Clinical Neuropsychologist then published a hatefully discriminatory article when selling doubt of WDB causation of brain injury. “*Has the rolling uterus finally gathered moss? Somatization and malingering of cognitive deficit in six cases of ‘toxic mold’ exposure*” by psychologizers David Stone, Kyle Boone & Ira Lesser of UCLA Harbor & Carla Back-Madruga USC. <https://katysexposure.com/wp-content/uploads/2021/03/has-the-rolling-uterus.pdf>

In 2007 and 2008, NIOSH was partially funding conferences at UCI where the “*Rolling Uterus*” concept was being taught by defensors affiliated with UCI and UCLA (and also with ACOEM and AOEC). Dr. Phillip Harber, who was a peer reviewer when ACOEM created its Mold Statement in 2002, was involved. In 2007 and 2008, they were doing mock mold trials and giving CLE credits while training an army of medico-legal expert defense witnesses via the use of State of California owned University of California, the baloney from the Gots conference, and the Veritox Theory.

<sup>129</sup> Source Watch history of Weinberg Group. [https://www.sourcewatch.org/index.php?title=Weinberg\\_Group](https://www.sourcewatch.org/index.php?title=Weinberg_Group)

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c. Why was Tobacco scientist Lees-Haley presenting at a conference with HHS employees, who were setting new policies in the mold issue in 2002? Why was the theme of the conference that trial successful mold plaintiff Ballard was lying about her husband’s disabling brain injury from WDB? How much money has he generated by the Fake Bad Scale being part of the MMPI since 2007? How much money has he generated as a defensor? How many defensors have generated income from the “*Rolling Uterus*” rendition of the Gots conference presenters? How many defense attorneys have generated how much money when ordering the Fake Bad Scale to be used in DME of brain injured plaintiffs? How many insurers have saved how much money via skirting paying for causation of insured brain injuries with Lees-Haley’s baloney? Why is there still the need for attorneys who specialize in discrediting the Fake Bad Scale?<sup>130</sup>

d. How many more true stories of how many more tears will be shed because HHS fell off the fence regarding Toxic Mold in WDB at the turn of the century and has still not yet climbed back up – under your watch of HHS, Secretary Becerra?

e. Only a Flat Earther would allow the false concept based on the Veritox Theory coupled with Lees-Haley’s baloney to remain influential in public health policies via remaining in the MMPI, etc., and able to be used as false proof of lack of brain injury from Toxic Mold in WDB.

f. When people are unable to receive restitution from parties responsible for brain injuries, and unable to find viable treatment for their injuries to recover, they often end up on the doles of social services to meagerly survive.

g. The below jpeg is from the documents that Secretary Becerra received on February 3, 2017 and was charged to personally read, understand, and consider before we met in person on February 9, 2017 at the COJA hearing of Dato’s appellate appointment. “TMD” stands for Toxic Mold Disabled -- and Secretary Becerra has yet to ask me a single question.

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<sup>4</sup> The Veritox Theory is a linear dose no threshold (LNT) risk model concocted by Bruce KELMAN & Bryan HARDIN of VERITOX, Inc. in 2001. It’s a nonsequitur of science that proves nothing about TMD. In 2003, KELMAN & HARDIN accepted no less than \$25,000 to fraudulently profess that it scientifically proves: “*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.*” in paper titled “*A Scientific View of the Health Effects of Mold*” by HARDIN & KELMAN for U.S. Chamber of Commerce July 17, 2003. They are toxicologists with PhDs who rely on the scientifically void Veritox Theory as Toxic Mold expert defense witnesses for the DOJ, insurers and others. It is a cost shifting scheme funded by the DHHS & EPA to be included in US physician educational materials to aid the avoidance of financial responsibility for causation of disability and death from “Toxic Mold”. In 2005, Sharon Kramer published a writing of how they were marketing the fraud and who was involved. The San Diego Superior & Appellate Courts have been framing her for libel for the writing with KELMAN and VERITOX, ever since – to keep the scam going.

5. Ronald Gots, M.D.<sup>131</sup> Ph.D. Conference Host & Principal, International Center for Toxicology & Medicine (ICTM). Presentations included: *Mold Hype vs. Mold Science; Correcting Mold Misinformation, Investigating Health Complaints, Mold Claims, Mold and Mold Toxins; The Newest Toxic Tort, Indoor Health Problems: A Sound Process for Resolution, Mold & Health Tips*

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<sup>130</sup> 10/21/2021 Dr. Aaron Deshaw, Esq. PC “*His pioneering work in exposing this misleading defense to brain injury cases is published by leading litigation publisher Trial Guides under the title ‘Discrediting the Fake Bad Scale.’*” <https://www.deshawlaw.com/blog/the-fake-bad-scale-does-it-really-detect-malingering#:~:text=The%20Fake%20Bad%20Scale,%20includes%2043>

<sup>131</sup> Prior to becoming an “expert” on mold and toxicity, who somehow gained close access to HHS with other Big Tobacco scientists & professional insurer liability deniers; Gots almost always caused claims to be denied with dishonest paper reviews. See episode 3 & 4 of Dateline expose: [https://www.youtube.com/watch?v=S\\_J7gpWu0Zw](https://www.youtube.com/watch?v=S_J7gpWu0Zw)

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a. Via Gots being the host of this conference with HHS employees, it is not hard to see that HHS took a nosedive on the wrong side of science and justice to the benefit of WDB stakeholders and their insurers. The Ballard verdict sent the message in 2001 of need to warn the public and teach physicians about plausible injuries caused by Toxic Mold in WDB. Why did HHS take a nosedive to falsely promote Ms. Ballard was lying? Who authorized this?

b. According to Source Watch *“The National Environmental Development Association [the TIEQ] was created in 1992. It is generally known as NEDA/TIEQ. RJ Reynolds Tobacco is an original corporate founder and member; and E. Bruce Harrison, a public relations firm who represents RJ Reynolds, created it with funding from Reynolds.”*<sup>132</sup> Tobacco legacy documents show that Gots was a key member of NEDA/TIEQ performing services and making plans for the RJRenolds Tobacco Company via the funded E. Bruce Harrison Company.

c. Below is the synopsis of the Dateline *“The Paper Chase”* explaining why it won a Peabody Award in 2000 for exposing that Gots has a shady past when helping insurers deny liability for insured injuries. Who decided he would host a conference with CDC employees two years later?

d. One may watch the Dateline *“Paper Chase”* expose’ via the above link in the Fn. about Gots. After the expose’ publicly aired and won a Peabody in 2000; two years later, Gots was able to serve as host for influential environmental policy setters from HHS and other defenders? Why?

e. Synopsis about the 2000 Dateline Peabody Award:

*“In 1993, one woman filed for medical accident coverage resulting from an auto accident claim. Her auto insurance company, State Farm, substantially reduced her medical claims after subjecting them to a “paper review,” the practice of sending only medical files and accident reports, not claimants themselves, to an independent firm for a second opinion. Her situation let to a 15-month investigation of this process by executive producer Neal Shapiro, senior producer Allan Maraynes, producer Lynne Dale, correspondent John Larson, reporter Andy Lehren, and associate producer Mable Chan. They examined medical claims from accidents sent to the nation’s largest insurance company, State Farm, and two of the paper review firms the company employed at the time.*

f. According to Dateline, Gots’s company was Medical Claims Review Services (MCRS). It was one of the two paper reviewers they investigated. Dateline reported of how Gots’s company cut insured care, in the 3<sup>rd</sup> video of the series. In the 4<sup>th</sup> video they reported of a MCRS victim, Cindy Robinson, winning \$10M from State Farm. They quoted the judge as writing in his findings that Gots’ MCRS was a *“completely bogus operation”* *“writing cookie cutter reports”*. MCRS went out of business in 1995, one year after Robinson filed suit, according to Dateline.

*In their analysis, the producers and reporters inspected more than seventy thousand pages of documents, searched computer court files in more than one hundred courthouses in a dozen states, and examined the two companies, which were supposed to provided independent, objective medical review for State Farm. Their investigation found strong evidence alleging some medical reports were slanted toward denial or reduction of claims, while others were allegedly written by people with no medical training and reportedly used to deny or cut back medical claims. Since this report aired, Dateline NBC reported that State Farm has reviewed the credentials of all of its paper review companies inspected almost 4,900 files subject earlier to review, and paid nearly 500 of them in full. This thorough,*

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<sup>132</sup> Source Watch [https://www.sourcewatch.org/index.php?title=Total\\_Indoor\\_Environmental\\_Quality](https://www.sourcewatch.org/index.php?title=Total_Indoor_Environmental_Quality)

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*illuminating 15-month investigation examining denied medical accident claims led to changes in policy and vividly brought the paper review process to viewers’ attention, and, for so doing, a Peabody Award goes to Dateline NBC for The Paper Chase.”<sup>133</sup>*

g. Did someone from HHS review Gots past work of profiting via helping insurers and others cheat to avoid liability for causation of injury, before HHS employees began setting policies via giving presentations at a conference hosted by him?

h. Many years ago, I heard from a reputable source that the pairing of less than honest professional defenders for insurers and professional doubt-sellers from Big Tobacco, with HHS policy writers after the \$32M Ballard verdict, was directed from the White House Office of Science and Technology Policy (OSTP) and Office of Management and Budget (OMB) under the Bush Jr. Administration.

i. The pieces fit into logical order for that and would help to explain why the Racket is so hard to cause to end. But I cannot prove that. So, it is just hearsay until Secretary Becerra and Vice President Harris begin Becerra’s pledged investigation of the Racket, the Cover up and the Racketeers in earnest.

j. Since former Vice President Dick Chaney is now a Harris endorser, perhaps he can help. This mass marketing scam began to be concocted shortly after 911, and began to be implemented with lobbyists, etc. at the same time we went to war based on the false precept that Iraq had weapons of mass destruction. That lie has killed and crippled many military personnel, too. I have often said that the Fake EBM Veritox Theory is the other lie that serves as the weapon of mass destruction for many military lives.

B. July 18, 2002, Congressman Gary Miller (R-CA) first publicly showing of his true colors.

1. Miller was a Congressman from the San Bernadino/Orange County area from 1999 to 2015. He was a housing developer. Secretary Becerra surely knows far more about Miller than I do. Becerra was a Democrat Congressman from California, 1993 to 2017.

2. On July 18, 2002, Miller sat on the US Congressional Financial Services Committee. So did the late Congressman John Conyers. The committee was deciding to fund the NASEM IOM “*Damp Indoor Spaces & Health*” Report.

3. It was a joint hearing before the subcommittee on oversight & investigations and the subcommittee of community opportunity. Those who spoke before the committees on the subject were: 1.) Ballard, Melinda, President, Policyholders of America; 2.) Howard, Gerald M., Executive Vice President/CEO on behalf of the National Association of Home Builders; 3.) Redd, Stephen C., M.D., Chief, Air Pollution and Respiratory Health Branch, National Center for Environmental Health Centers for Disease Control and Prevention, U.S. Department of Health and Human Services; 4.) Sandler, Howard M., M.D., Sandler Occupational Medicine Associates, Inc.; and 5.) Stewart, Gordon, President, Insurance Information Institute New York, New York; and 6.) Tighe, Thomas C., Executive Assistant of the International Union of Operating Engineers and Director of Stationary Affair.

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<sup>133</sup> Video of the 2000 Peabody Awards for Dateline exposing that HHS associates’ soon to be 2002 conference host, Gots, has a shady past. <https://peabodyawards.com/award-profile/dateline-nbc-the-paper-chase/>

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4. One may read the transcript of the hearing.<sup>134</sup> Miller was condescending to Ballard. He basically made fun of her for talking about coughing up blood from exposure to her moldy mansion, etc. He blamed her instead of her insurer, who left her unaware of the growing hazard they were living in as she ran from responsibility to pay for insured remediation.

5. After the hearing, Ballard was reported as saying<sup>135</sup>:

*“At least one US House Member has only the interest of the insurance industry in mind and wouldn’t know fraud if it bit him”, said Melinda Ballard, President, Policyholders of America, after she testified before a House Subcommittee whose charge is to investigate the growing mold problem plaguing homeowners today. Ballard has received emails and phone calls from legislators and their aides who apologized for Rep. Miller’s behavior. She urges homeowners not to blame all other committee members for the actions of one bad apple.”*

6. Miller had a Congressional Mold Work Group. I do not know who was in it. But I know that he was the keynote speaker on July 17, 2003 when the U.S. Chamber “legal reformers” paid for the promotion of the Fake EBM Veritox Theory, so it could be used to bias judges.

7. He was a bad apple in the Racket. By 2002 many knew that what was occurring at HHS, regarding Toxic Mold in WDB with its “outside panel of experts” was for WDB stakeholders and property casualty/workcomp insurer-fraud to deny liability for causation of disabilities and deaths.

8. Given that it is now 2024, I have been making trips to DC since 2004 and have been harassed and framed for libel in the California courts since 2005 -- we can most certainly blame more than just one bad apple in Congress for the ongoing Racket. (See Sec XI “A Score of Zero Oversight of HHS and the Veritox Theory Racket”) It’s about many in Congress enabling the fraud from HHS, et.al. to continue.

C. October 27, 2002, The Birth of Hardin’s & Kelman’s Fake EBM Veritox Theory as the Gospel of Science

1. The public release of the American College of Occupational and Environmental Medicine (ACOEM) so called Evidence Based Statement “Adverse Human Health Effects Associated with Molds in the Indoor Environment” occurred on October 27, 2002.<sup>136</sup>

2. With the publication of ACOEM Mold Statement, HHS began its public display of criminal servitude for those who are hell-bent to prove a lucrative false negative by hook or by crook: i.e. mycotoxins in WDB cannot harm anyone.

3. Hardin had not worked at HHS for nearly two years when this was published and according to his own words in the *Scotia Prince* matter, he had zero experience researching mold, mycotoxins, and health effects as an HHS toxicologist with a mere Ph.D. – not even an M.D.

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<sup>134</sup> 7/18/2002 Congressional Financial Services Committee Hearing when the IOM Report was funded. <https://www.congress.gov/107/chr/CHRG-107hhr82476/CHRG-107hhr82476.pdf>

<sup>135</sup> 7/19/2002 *Legislator Blames Victim After Testimony Before House Committee On Financial Services* <https://www.mold-help.org/legislator-blames-victim-after-testimony-before-house-committee-on-financial-services/>

<sup>136</sup> 10/27/2002 ACOEM Mold Statement & Pg 1 of its 5/2003 version. [https://katysexposure.com/wp-content/uploads/2021/03/acoem\\_2002\\_pdf\\_merged-1.pdf](https://katysexposure.com/wp-content/uploads/2021/03/acoem_2002_pdf_merged-1.pdf) See Pdf Pg 5 para 5 to Pg 6 for Hardin & Kelman’s Veritox Theory calculations. Pg 7 for falsely stated claim of what it is scientifically capable of proving.

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4. Yet his HHS title and HHS imprimatur were used to sell the Racket as legitimate science via ACOEM beginning in 2002. The State of California owned UCLA brand name was also used to sell it. Defensor Andrew Saxon, MD. of UCLA was the ACOEM co-author of defensors Hardin and Kelman.

5. Saxon is a defensor with a personal seven-figure sub-racket with misuse of government assets. (See Sec. XVI for why he had to stop lucratively using UCLA stationery in 2019, to write his bogus litigation defense reports upon. The UC made him to stop after he libeled me in a 2017 litigation report in a matter that I had nothing to do with; and I complained in 2019)

6. The ACOEM Mold Statement arrived on the public scene with the below stated authorship and influential looking endorsements:

*“This ACOEM statement was prepared by Bryan D. Hardin, PhD, Bruce J. Kelman, PhD, DABT, and Andrew Saxon, MD, under the auspices of the ACOEM Council on Scientific Affairs. It was peer-reviewed by the Council and its committees, and was approved by the ACOEM Board of Directors on October 27, 2002. Dr. Hardin is the former Deputy Director of NIOSH, Assistant Surgeon General (Retired), and Senior Consultant to Global Tox, Inc, where Dr. Kelman is a Principal. Dr. Saxon is Professor of Medicine at the School of Medicine, University of California at Los Angeles.”*

7. Another Truth That Has Been Erased from Public Sight

Via ACOEM, their never duplicated Veritox Theory began to be mass marketed in 2002 as EBM. Applying extrapolations to literature review of mold blasted into rats’ trachea, they audaciously claimed they had proven:

*“Current scientific evidence does not support the proposition that human health has been adversely affected by inhaled mycotoxins in home, school, or office environments.”*

8. One cannot see the Veritox Theory calculations anymore without buying the 2003 version from ACOEM’s Journal of Occupational and Environmental Medicine (JOEM). It is behind a pay wall. The 2003 version still gets used in litigations by Liberty Military Housing defense counsel, et.al.

9. In 2015, The ACOEM Mold Statement was quietly erased from the ACOEM website. Old links go nowhere. ACOEM has yet to make a public statement about the erasure and that the Veritox Theory is no longer the position statement of ACOEM. It has not been for nine years.

10. In 2015, I made the public announcement of its key sunseting as position statement because ACOEM would not. I am not the only one who knew it was newsworthy. It was and still is, in the public’s, best interest for the sunseting to be known by the public and physicians. (CDC has some public explaining to do about the disingenuous “Basic Facts...” webpage erasure, for same reason – so the misstatements in it are no longer marketed anywhere).

*“ACOEM Takes Down Position Paper Commonly Used to Defend Against Mold Claims by Ben Miller (Reporter) 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*

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*“The past will not be erased or forgotten. Lies will not continue for the Racket.” Sharon N. Kramer 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 sunseting 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 <sup>137</sup>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”*

11. Thirteen years prior to the above WorkCompCentral article; on November 14, 2002, the Insurance Journal delivered the message that HHS was going to stay on the wrong side of science and justice to the benefit of WDB stakeholders and insurers, via also ensnaring ACOEM in the Racket.

12. November 14, 2002, Insurance Journal *“NAII Says Physicians Group Statement Takes Practical View of Mold”*<sup>138</sup>

*“According to the National Association of Independent Insurers (NAII), The American College of Occupational and Environmental Medicine (ACOEM)’s recent position statement on mold holds that “current scientific evidence does not support the proposition that human health has been adversely affected by inhaled mycotoxins in home, school, or office environments” – a position consistent with the mold policy position recently developed by the NAII. ‘Almost point for point, the ACOEM statement is in full agreement with the NAII policy position on this issue,’ David Golden, director of commercial lines for NAII, said. ‘We’re gratified that such a prestigious organization recognizes that much of the controversy surrounding mold is little more than hype generated by the trial bar and the mold remediation industry.’”*

13. The ensnaring of ACOEM came via the majority of ACOEM BOD members uttering one word, “Aye” on October 27, 2002. This was after a disgustingly dishonest peer review process by its Scientific Advisory Board.

14. ACOEM member, Dr. James Craner, published an article in 2008 about how corrupted the whole thing was and how they bastardize the trusted phrase “Evidence Based Medicine” to make the Veritox Theory appear to be legitimate science .<sup>139</sup>

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<sup>137</sup> 3/09/15 WorkCompCentral *“ACOEM Takes Down Position Paper Commonly Used to Defend Against Mold Claims”* <https://www.wondermakers.com/Portals/0/ACOEM%20Abandons%20Mold%20Position%20Paper.pdf>

<sup>138</sup> 11/14/2002 *“NAII Says Physicians Group Statement Takes Practical View of Mold”* <https://www.insurancejournal.com/news/national/2002/11/14/24362.htm>

<sup>139</sup> 10/2008 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 Oct-Dec;14(4):283-98.

67. Report to HHS Secretary Becerra & Commander in Chief wannabe Harris Re: the Racket at HHS I Know You Can Protect U.S. Troops & Families from Domestic Toxic Fraudsters & Their Fake EBM. What say ye?

*“The past will not be erased or forgotten. Lies will not continue for the Racket.” Sharon N. Kramer*

15. In 2008, Dr. Craner used ACOEM’s conflict of interest laden peer review emails for the documentation trail of exactly how they did it in 2002. I also have them. There are roughly one hundred. They were subpoenaed by Michael Duffy, Esq. and I think Karen Kahn, Esq. in 2003.

16. Below are just a few key quotes from Dr. Craner’s *“A critique of the ACOEM statement on mold: undisclosed conflicts of interest in the creation of an ‘evidence-based’ statement”* that are relevant to Secretary Becerra’s pledged investigation of SLAPP plaintiffs, Hardin and Kelman, and their Fake EBM Veritox Theory, etc.

*“In contrast, a vastly different, ad hoc route was followed in selecting and directing the authors of the Mold Position Paper (also referred to as the “Position Statement”). With the approbation of President Grove, Dr. Borak approached Bryan Hardin, PhD, a (nonphysician) toxicologist, who reportedly was retiring from his position as a NIOSH deputy director, to be the lead author. Dr. Hardin’s task was “specifically the preparation of a scientific position paper on the subject of mold, indoor air quality and health, [which] . . . would be prepared by you and your GlobalTox colleagues” [emphasis added].<sup>37</sup> GlobalTox was the private consulting firm Dr. Hardin had planned to join after his retirement from NIOSH. The basis for Dr. Borak’s autonomous selection of Dr. Hardin, without consideration or exploration of other potential candidates, is unclear and absent from ACOEM’s copious email documentation of its Mold Position Paper’s genesis and development.<sup>4</sup> As a readily accessible Medline search would have confirmed, Dr. Hardin had no peer-reviewed publications in the area of IAQ, SBS, or mold, nor had he published on any occupational or environmental medicine topic in the preceding decade. In addition to this dearth of expertise in the subject matter, Dr. Hardin was not an ACOEM member.<sup>38</sup>”*

*Dr. Hardin’s colleague, Bruce Kelman, PhD, a toxicologist and the founder of GlobalTox, was selected to serve as his co-author, in line with Dr. Borak’s directive.<sup>37</sup> Dr. Kelman (who was an ACOEM member) and other GlobalTox consultants had been serving for several years as consultants and expert witnesses primarily on behalf of defendants—builders, developers, realtors, home and property insurers, employers, landlords—in construction defect and insurance lawsuits involving mold-related health and exposure claims. GlobalTox’s defense experts’ focus was on dismissing mold as a toxicological hazard, in particular by depicting the mycotoxin theory as scientifically untenable and implausible.”*

*Dr. Kelman admitted that he had been actively involved as a defense litigation expert and consultant prior to and at the time he was invited to co-author the ACOEM Mold Position Paper.<sup>41</sup> He divulged his pre-existing opinions upon being asked by Dr. Hardin in 2001 to participate in writing the ACOEM Position Paper: ‘Actually, at the time I was asked to do this, I didn’t have a particular interest in doing it. I was convinced to do it. The idea that mold spores can contain enough mycotoxin in a normal indoor environment to produce a mycotoxicosis is laughable and not of much interest to a toxicologist. I was asked by Dr. Hardin to participate because the subject area was so broad, and I agreed.’<sup>4</sup>*

17. I was told long ago by a reputable source that the ACOEM Mold Statement became the so called “evidence based” position statement of the organization via one more “Aye” vote than the “Nay” votes by the BOD. I do not know if that is true.

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<http://www.drcraner.com/wp-content/uploads/2018/01/A-Critique-of-the-ACOEM-Statement-on-Mold-Craner-IJOEH-2008.pdf>

68. Report to HHS Secretary Becerra & Commander in Chief wannabe Harris Re: the Racket at HHS I Know You Can Protect U.S. Troops & Families from Domestic Toxic Fraudsters & Their Fake EBM. What say ye?

17. But I know for a fact that one short sighted “Aye” vote by one person can ensnare many people in the Racket and make it hard for everyone who is affiliated with the aye-voter get out.

18. A short-sighted “Aye” vote can cause deaths of military children, et.al. and cause scary, never-ending retaliation for those who tell the truth about it. (You really should take this opportunity for a Do-Over, Secretary Becerra and Vice President Harris)

D. I Have Known Since 2005 that Kelman Knows the Veritox Theory is Fake EMB that is Exposed as Fraud by the NASEM IOM Report.

1. In court as a defensor, Kelman has claimed that his Fake EBM Veritox Theory establishes that disabilities “*Could not be.*” caused by mycotoxins in WDB.

2. On February 18, 2005, Kelman was testifying for the defense in the trial of *Haynes v. Adair Homes* in Oregon.<sup>140</sup> The two little Haynes boys were having neurocognitive difficulties and other symptoms from their moldy new construction home. Kelman was asked by the defense counsel, Mr. Keckle:

*“Based on the studies that you have done, the literature you have reviewed, the peer reviewed literature that you have discussed, your experience and training, have you formed an opinion to a reasonable probability or certainty as to whether or not there was enough mica toxins [mycotoxins] to have caused any illness to Mrs. Haynes, Michael Haynes, or Liam Haynes?...And what is that opinion, doctor?”*

Kelman replied:

*“**There could not be.** I mean the difference between the maximum dose that we could come up with and the level at which we see effects for a broad range of mica toxins [mycotoxins] is just too great.”* [Fn 97, transcript pages 29:12 to 30:3]

3. The Veritox Theory morphed from “*highly unlikely at best*” for the so called ACOEM EBM to proof of “*It could not be.*” in court. There was no caveat of “*inhaled*” mycotoxins in the attorney’s question. Now the claim was that the Veritox Theory proved no causation from mycotoxins via all exposure routes in WDB.

4. Kelman also spun the truth while falsely promoting that the Veritox Theory is supported by the NASEM IOM Report. He portrayed that Dr. Ammann, author of the toxicity chapter, is the scientific outlier – not him. [Fn. 97, transcript pages 32: line 11 to 38 line 21]. Kelman stated the following while under oath on the witness stand:

*“However, I personally know Harriet Deman [Ammann] who is one of the members and she has a strong belief that there’s at least a possibility that there’s some kind of relationship beyond what I was talking about. She’s expressed that in private. As a group when she came to a consensus opinion, meaning she had the right to a minority opinion, she agreed with these conclusions.”*

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<sup>140</sup> 2/18/2005 Court transcript, *Haynes v. Adair Homes*, Kelman falsely claimed the Veritox Theory proves neurocognitive problems in children “*Could not be*” caused by mycotoxins in WDB & Amman, not him, is the scientific outlier. <https://katysexposure.com/wp-content/uploads/2021/03/0001-02-haynes-trns.pdf>

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5. All members of the 2004 NASEM IOM committee agreed with Dr. Ammann that the 2002 created Veritox Theory *does not prove* human illness from mycotoxins in WDB “*Could not be*”. There were no dissenting opinions. See Fn. 1.

6. The dishonest defenders who you are currently shielding from prosecutions (via shielding the SLAPP fixing California jurists and attorneys) are the scientific outliers – *not* Dr. Harriet Ammann.

7. It is in her biography as an author for the 2004 NASEM IOM Report that she recognizes the plausibility of mycotoxins in WDB causing illness. She has published and given presentations of the subject. That is not expressing her opinion in private. Nor does it support the Fake EBM Veritox Theory or Kelman’s under oath statements that he has proven “*Could not be*”.

Harriet M. Ammann, PhD, DABT, is senior toxicologist for the Washington (state) Department of Ecology Air Quality Program. She is also adjunct associate professor in the Department of Environmental Health of the University of Washington’s School of Occupational Health and Community Medicine. In her work for the state of Washington, Dr. Ammann provides support to a variety of environmental-health programs, including ambient- and indoor-air programs. She has participated in evaluations of schools and

public buildings with air-quality problems, and has presented on toxic effects of air contaminants (indoor and outdoor), effects on sensitive populations, and other health issues throughout the state. Through her work, she has developed an interest in the toxicology of mold as an indoor air contaminant and has published and presented on mold toxicity related to human health. Dr. Ammann is involved in several professional organizations, serving on the American Lung Association’s National Technical Committee for the Building Indoor Air Quality Program. She previously served as vice-chair of the Bioaerosols Committee of the American Conference of Governmental Industrial Hygienists.

8. In *Haynes*, Kelman claimed that he had he read the NASEM IOM Report. Like Dr. Burge, his name is not affiliated with writing it. (Fn 97 Pg 32 Line 4-20) Kelman stated:

*“There’s not data that shows, with an epidemiological study, cuz we wouldn’t do this in a clinical setting, that exposure to mica toxins [mycotoxins] in inhaled mica toxins [mycotoxins] in an indoor setting causes memory loss. I could not – I searched the world’s literature and the only literature that appears to exist is the non-peer reviewed literature, where its’ the opinion of a single individuals. And that’s completely consistent with the conclusions of what we call learned bodies, of which the Institute of Medicine is considered a very high level of learned body. The Institute of Medicine is a branch of the National Academy of Sciences. I participated in that process. The committees are very, carefully chosen to represent a broad range of views. And the academy itself is commissioned by the congress to conduct its studies.”*

E. CDC Buried Liability for Brain Injuries from WDB Via Misuse of Hurricane Katrina & There Was a 2006 CIRS Research Clinic in Bernard Parish that Almost Did Not Come to Be.

Part I about the CDC in 2005-06

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