

1 write something, and you did, and you gave it to them.
2 Was what became the Manhattan Institute report verbatim
3 of what you gave to them, or did they make changes to it
4 after you gave it to them?

5 A They didn't make any changes. They didn't
6 change any words. Obviously the print is different.

7 Q So you -- you or people at GlobalTox -- well,
8 let me backtrack.

9 Who actually did the process of writing the
10 Manhattan Institute report?

11 A The majority was Dr. Hardin and I did, and Andy
12 Saxon did some sections.

13 Q How was it you -- well, did you witness
14 Dr. Saxon doing any portions of the Manhattan report?

15 MR. SCHEUER: See, physically see, him typing?

16 MR. BANDLOW: Uh-huh.

17 THE WITNESS: No, I didn't physically see him
18 typing.

19 BY MR. BANDLOW:

20 Q How is it you have knowledge that he wrote
21 portions of it?

22 A There were several immunology sections that we
23 sent to him as a first draft, and he answered and said
24 no, I don't think these are very good examples, or I
25 don't think you're expressing the concepts correctly.

- 1 A. No. I mean -- no, I did not. I made them
2 aware of it, and then when they publish it, I mean, they
3 published it.
- 4 Q. When the lay version of the ACOEM paper was
5 printed by the Institute For Legal Reform, the ACOEM
6 again did not have any conflict-of-interest waiver on
7 your part, did it?
- 8 A. I have no idea. I've never seen that version.
9 I'll call it the nonscientific piece that has my name on
10 it.
- 11 Q. From your view, did you make any efforts,
12 despite anyone calling you or anything else, to make
13 sure that a conflict-of-interest waiver was included
14 with the lay version put out by the Institute For Legal
15 Reform?
- 16 A. No, because I didn't even know my name was on
17 it.
- 18 Q. The ACOEM paper was also given an iteration in
19 the Manhattan Institute document. You were aware of
20 that?

21 A. I think I'm getting confused. I'm sorry. I
22 thought we were just talking about the same. What was
23 the one you were just talking about?
24 Q. The lay version was by the Institute For Legal
25 Reform, and then the Manhattan Institute reprinted it.

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1 A. I didn't know that. I thought they were the
2 same thing. I haven't seen it, but I didn't realize
3 there were two versions.
4 Q. So you're only aware of two versions?
5 A. There was a paper I was an author on, as you
6 know, in the ACOEM paper.
7 Q. Yes.
8 A. Then it was reworked for lay publication by
9 Dr. Hardin and Dr. Kelman, who asked some input from me,
10 which I gave them, and it appeared somewhere that I was
11 unaware of until some attorneys brought it to my
12 attention, and I call that not the Manhattan one, the
13 name you used for the other one.

14 Q. You called it the lay version, the law

15 institute version?

16 A. Yeah, whatever it was, not the Manhattan. The

17 Manhattan Institute I thought was the same thing.

18 Q. You don't know what that is?

19 A. No.

20 Q. All right. Now, you've published a lot,

21 Doctor. I'm certainly respectful and mindful of that.

22 In regard publishing a paper that specifically

23 deals with the issue of mold in the title, the first

24 time that you have done that was in 2002 in connection

25 with the ACOEM paper?

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1 A. I'll say yes.

2 Q. And since 2002, the next time that you had

3 been involved in a paper that was subjected to peer was

4 the February 2006 article that we've discussed?

5 A. Sure, the next one relating to mold in the

6 title.

7 Q. Correct. And there have been no others?

8 A. That have anything to do with the kind of mold

9 we're talking about today, correct.

10 Q. Thank you. I appreciate it.

11 And you've never been a member of ACOEM,

12 correct?

13 A. Correct.

14 Q. And Kelman and Hardin are not members of ACOEM

15 as far as you know?

16 A. I don't know that. We went through this

17 before.

18 Q. We did.

19 A. And my knowledge is that I thought they were

20 members of ACOEM.

21 Q. But you don't know?

22 A. I don't know.

23 Q. And they're Ph.D.s, not MD?

24 A. I know Kelman is a Ph.D. I'm not sure about

25 Hardin. I'm not sure about Hardin.

Subj: **RE: AAAAI Mold Position Statement.**
 Date: 2/17/2006 6:13:19 AM Pacific Standard Time
 From: jportnoy@cmh.edu
 To: SNK1955@aol.com

Hi Sharon.

Here is a copy of my response to the position statement listed above FYI.

I have asked to have my name removed from it.

Jay Portnoy.

 Hi Everyone:

I have received numerous E-mails from Sharon Kramer over the last year, ever since I responded to one of her E-mails. She is a pro-mold activist. I have tried to explain to her the difference between scientific evidence and anecdote, but that does not seem to have made a difference. Most of her "evidence" is in fact anecdotal. A positive judgement in a court case, for example, is not evidence in favor of mold health effects.

On the other hand, the "scientific" approach on this topic has been extremely negative. I wrote a blurb about irritant reactions, for example, and was told that it was no good and the section was rewritten to be more negative towards the effect. After that experience I stopped contributing very much because I could see where this endeavor was going. My preference, in fact, is to have my name removed from the article. Jerome- you might see to that please.

I don't recall getting paid \$70,000 for any testimony and don't understand how that would be possible. Whether I receive it or the University receives it is moot since if it goes to the University in my name, I would still benefit from it and that clearly creates a conflict of interest. Anyone with that type of conflict should never be invited to contribute to this type of article.

So I see problems on both sides. Perhaps that is the reason both sides of the debate believe that I side with the other group. I am in the middle and try to keep a truly open mind.

My recommendation is that we invite Sharon, Dr. Dearborn, or whomever else we can find to write a pro-mold paper and turn this into a pro-con article. That would be the fairest way to present this issue.

Jay M. Portnoy, MD
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-----Original Message-----

From: Jerome Schultz (AAAAI) [mailto:jschultz@aaaai.org]
 Sent: Thursday, February 16, 2006 4:50 PM
 To: abbaterrmed@attglobal.net; Portnoy, Jay MD; rwood@jhmi.edu;
 Robert.Bush@med.va.gov; ASaxon@mednet.ucla.edu
 Cc: Bruce Kruger (AAAAI); Eric Lanke (AAAAI); drsgoldstein@pol.net

Subject: Comments from Sharon Kramer about the Mold Paper

Good Afternoon,

Attached, please find a word version of an email from Sharon Kramer in reference to the Mold Paper. Attached to this email was the Kilian PDF Transcript.

This was brought to my attention by Bruce Kruger, Managing Director of Practice and Policy.

Dr. Wood has asked that I forward this to the authors to determine their comments about how to address this issue.

I am here until 5 PM CT. I will compile all responses tomorrow morning. If you prefer to discuss this in a conference call, please let me know that decision, and I will poll the committee accordingly.

Thank you for your attention to this request.

Jerome Schultz
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-----Original Message-----

From: SNK1955@aol.com [mailto:SNK1955@aol.com]
Sent: Thursday, February 09, 2006 12:57 PM
To: Portnoy, Jay MD
Subject: AAAAI Mold Position Statement.

Hi Dr. Portnoy,

Well, as I am sure you can probably already guess, I and numerous others find many shortcomings in your new paper. That document will do absolutely nothing to further the understanding of mold/mold toxin related illnesses. All it will accomplish is to still leave many without proper diagnosis and treatment. It will only serve to further the confusion and contention over the mold issue.

Set up a Google Search for the word "Mold". Look at all the misery the lack of understanding within the medical community is causing all across the US.

Would you care to know what the shortcoming of the AAAAI Position Statement are?

Sharon