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By [Greg Jones](#), reporter

A group of physicians, attorneys and concerned citizens is asking the American College of Occupational and Environmental Medicine to allow the public to review and comment on proposed revisions to the college's position paper on the health effects of mold exposure.

More than 90 individuals have signed the petition, which was submitted to ACOEM and a number of governmental officials, including President Barack Obama, Health and U.S. Human Services Secretary Kathleen Sebelius, U.S. Attorney General Eric Holder and the chairpersons and ranking members of the House and Senate labor committees. The petition calls for a two-week review period before revisions are finalized.

"I feel almost certain that if public comment is not allowed, what they're going to continue to attempt to promote is that moldy workplaces are not a source of injury for workers who were not immunocompromised prior," said Sharon Kramer, a mold activist who organized the petition. "The spin in this document is going to be that prior healthy workers are not at risk from mold."

Kramer said the paper amounts to "aiding and abetting interstate insurer unfair advantage in workers' comp claim handling practices," and that it also "legitimized a litigation defense argument."

Dodd Fisher, an attorney with the Fisher Davis firm in Grosse Pointe, Mich., who handles toxic tort and mold exposure cases, said the paper is commonly cited by defense attorneys and courts tend to give it greater credit than they should.

"It makes it sound like 5,000 or 6,000 doctors are backing up this statement, at least from the appearance of a scientific consensus statement," he said. "The argument the defense makes is this is a universally accepted position document that expresses the general or universal acceptance of environmental physicians."

Kramer, Dodd and the other signatories claim that ACOEM's position paper on mold wasn't properly reviewed and isn't based on scientific evidence.

ACOEM confirmed that it is revising the 2002 position paper, but did not return calls asking for additional information about the reasons for the revisions, when the revisions will be finalized or who is involved in the revision process.

The ACOEM position paper, titled "Adverse Human Health Effects Associated with Molds in the Indoor Environment," relied in part on a test in which mice were exposed to a specific strain of mold and suffered no significant health effects. That test was extrapolated to reach the conclusion that exposure to mold will have no effects on humans.

The paper states that exposure to mold, and specifically secondary metabolites they produce called mycotoxins, does not harm human health. It urges treating physicians to evaluate other possible diagnoses when a patient claims to suffer from a health condition caused by exposure to mold.

Additionally, it says the possibility that mold exposure caused a symptom should be entertained only after all other possible causes are excluded "and when mold exposure is known to be uncommonly high."

The paper says mold exposure is a problem only for people with severely impaired immune systems, and concludes with the claim that "scientific evidence does not support the proposition that human health has been adversely affected by inhaled mycotoxins in home, school or office environments."

That conclusion is challenged by a study by the Institute of Medicine (IOM), published in 2004, reporting a link between "mold and other factors related to damp conditions in homes and buildings to asthma symptoms in some people with the chronic disorder, as well as to coughing, wheezing and upper respiratory tract symptoms in otherwise healthy people." The IOM report does caution that there is not sufficient evidence to draw conclusions about other health implications related to mold.

Kramer agreed that the research into the health effects of mold exposure is incomplete, but that doesn't mean that there are no effects.

"Absence of evidence is not the same thing as evidence of absence," she said. "While it is perfectly acceptable to say this is plausible and more research is needed -- that would be absence of evidence -- what is not science is to take math, add it to a rat study and profess to prove evidence of absence."

The U.S. Government Accountability Office (GAO) also looked into the issue in 2008 and determined that additional research was necessary, but that there was some evidence to link adverse health effects with exposure to mold.

Dodd, the Grosse Pointe attorney who also teaches a toxic torts class at the University of Detroit Mercy School of Law, said his concern is for attorneys and clients unaware of all the articles criticizing the ACOEM paper. Without knowing about the alleged deficiencies, an attorney will have a hard time overcoming the apparent weight of the mold statement, he said.

The International Journal of Occupational and Environmental Health and Wall Street Journal published articles critical of the ACOEM mold statement, which Dodd says has helped his cause.

"Since the Wall Street Journal article and since the IJOEH articles, it's not as difficult for me to deal with the issues, but if you're a litigator and you don't have the information I have to combat that position statement, you're going to have a very difficult time addressing the court," he said.

The articles questioned the use of Bruce Kelman and Bryan Hardin to author the ACOEM paper, because they were toxicologists and defense witnesses who testified that there was no health effect caused by exposure to mold. Additionally, ACOEM was criticized for not disclosing this fact.

The Wall Street Journal article, published in September 2007, notes that Ted Guidotti, president of ACOEM at the time, said there was no need to disclose that information because doing so would suggest that the paper expressed Hardin and Kelman's position rather than a consensus opinion of the organization.

Hardin and Kelman now work for Washington-based Veritox, an expert witness and toxicology consulting company. Calls to Veritox were not returned.

The company went by the name GlobalTox before it was called Veritox.

In an article in the International Journal of Occupational and Environmental Health, Dr. James Craner, a board-certified occupational and environmental medicine practitioner based in Reno, Nev., notes that the focus of GlobalTox and its expert witnesses "was on dismissing mold as a toxicological hazard." The article, titled, "A Critique of the ACOEM Statement on Mold," published in 2008, concludes with a call for a transparency policy at ACOEM and a more rigorous system of peer review at ACOEM's Journal of Occupational and Environmental Medicine, where the mold statement was first published.

Craner, who is an ACOEM member, told WorkCompCentral that the overall tone and focus of the mold statement is incorrect and it should be withdrawn and completely rewritten.

"The foundation of the writing of that paper is so corrupt that to quote-unquote rewrite it is almost an impossible task; it's almost an insult," he said. "Developing organizational guidelines and position statements needs to start with the constituent holders."

In a lawsuit against the Roswell (N.M.) Independent School District, the San Antonio-based law firm of Chunn,

Price and Harris, relied on these articles as part of a motion to exclude or limit the testimony of an expert who relied on the ACOEM paper.

David Harris, a partner with the firm, said on the morning he and Lonnie Chunn were expecting to argue the motion to exclude, the judge dismissed the case. The judge said Paige Taylor, the student claiming exposure, would graduate by the time the court could issue an order and because Taylor was not seeking monetary damages, the court would lack jurisdiction to issue an injunction in that case.

"If I ever get on the plaintiff's side again, I feel very confident that anyone who tries to rely on the ACOEM paper, they're just going to be in for a world of hurt," Harris said. "It's just nonsensical the extrapolations that were made."

Kramer said she does not expect ACOEM to respond to her petition or to calls for more transparency in the drafting of position papers. She said the occupational medicine field is conflicted because it has to balance the interest of patients while also limiting liability for employers and insurers.

"One way to do that is to make the workplace safe for the workers so there is limited injury, but another way to do that is to write papers that deny the workplace is causing injury," she said. "Occupational physicians sit on a fence and have to look at what's in the best interest of the workers and the employer. With the mold statement, they fell off the fence."

The 2002 ACOEM mold paper can be viewed here:

<http://www.acoem.org/guidelines.aspx?id>.

To read the 2008 GAO report, click here:

<http://www.workcompcentral.com/pdf/2010/misc/GAOreport.pdf>.

To read the 2004 IOM report, click here:

<http://www.workcompcentral.com/pdf/2010/misc/IOM2004Report.pdf>.

To view the letter that accompanied the petition, click here:

<http://katysexposure.wordpress.com/2010/11/29/citizens-taxpayers-and-concerned-scientists-urge-transparency-in-workers-comp-medical-association-guidelines-used-to-determine-environmentally-injured-workers-comp-insurer-benefits-request/>.

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