

Among the educational materials for the UCLA/UC Irvine Seminar in February of 2008, was the **ACOEM Adverse Human Health Effects of Molds in the Indoor Environment**. This was AFTER the Wall Street Journal ran a front page expose' on the matter; AFTER the IJOEH had published on the matter; AFTER the Center for Science in the Public Interest had written of the matter twice; and AFTER the AAAAI had published numerous physician letters of complaint of the deception in health marketing. Also among the educational materials was **Paul Lees- Haley's "Mold, Reliability and Baloney"**. Mr. Lees-Haley was soon to be the subject of a front page Wall Street Journal expose' for his health marketing techniques of denying causation of illness and injury.

**Superior Court of the State of California
For The Country of Los Angeles
Department 19 Hon. Warren L. Ettinger, Judge**

Reporter's Daily Transcript of Proceedings
April 22, 2005, Testimony of Marion (Joe) Fedoruk of Exponent & UC Irvine AOEC/PEHSU

Darcy Dee vs. PCS Property Management, Inc
Case No. LC059943

Pg: 166: 2-16

Q: Now you were asked earlier this afternoon about **the ACOEM paper**. Do you remember that?
Dr. Marion (Joe) Fedoruk: Yes.

Q: American College of – what was it?

A: Occupational and Environmental Medicine

Q: And you were asked and you said that you relied on that for a determination about the amount of spores that would be required to have health effects on humans; is that correct?

A: Toxic effect, yes.

Q: What does the paper say about that briefly?

A: Well, it's basically millions of spores. I think actually over a million was the estimate.

Q: Was there any evidence of millions of spores within unit 307 at the subject property while plaintiff Dee lived there?

A: No.

.....

February 23, 2005

371: 26-28; 372:1-7

Q: Which part of the study (sic ACOEM Mold Statement) did you rely on, Doctor, in coming to your opinions and conclusions in the matter?

Dr. Fedoruk: Number one, toxicity section.

Q: Okay. Which specific part of the toxicity section:

A: Well, I have read the entire part, the whole part of the toxicity section, and then also the conclusions that were reached by the ACOEM in their – with respect to toxicity.

.....
392: 9-21

"Q: Okay. Do you agree with this position of Dr. Ordog's statement as to the ACOEM study: "that the study was not performed by medical toxicologists who are experts in the medical treatment of patients with mold and mycotoxin exposure"?

Dr. Fedoruk: Was not performed by medical toxicologists. **It included medical toxicologists as part of that because I was sent a copy of it to review. I am a board -certified toxicologist.** So before it was published, I know ACOEM sent that document out to a number of people for comment, for review. "

Emails between VeriTox and ACOEM, April 2003

Jennifer Hobden, Veritox employee to VeriTox owner, Bryan Hardin, April 22, 2003

Bryan,

Do you know who was on the ACOEM Council of Scientific Affairs and ACOEM Board of Directors with the position statement was reviewed and accepted? If not, do you know where I could find this out?

Reply to Jennifer from Bryan Hardin:

...I can ask Jonathan Borak for a list of his Council on Scientific Affairs membership – why do you want to know? Something needed for a deposition, I assume?

Jennifer Hobden's response:

Hi Bryan,

We need this info for a declaration of Bruce's. I did find the Board of Directors info moments after sending that request...however the Council on Scientific Affairs membership would be very helpful.

Thanks!

Jen

April 22, 2003, Bryan Hardin To Jonathan Borak, Overseer of the ACOEM Peer Review Process

Jonathan – as you can see below, Bruce Kelman is needing to know, for purposes of a declaration in litigation, details of the peer review process for the ACOEM statement. Are you comfortable providing us the membership roster for your Council on Scientific Affairs or other committee that was the peer review body?

Borak reply to Bryan Hardin:

I do not know how many because I do not know how many reviewed the MS and agreed, but did not respond. Also, I have not maintained any of the files or emails. It was certainly **more than a dozen:** there are more than that on the Board alone.

Jonathan.

Testimony, Bruce Kelman in the Haynes Case, February 18, 2005

Page 51: 11-22

Q: All right. So, it doesn't surprise you to learn that he's (sic Dr. Eckardt Johanning) called it in a speech in Boston, "Undemocratic and not objective"?

Bruce Kelman: Well, I guess I would have trouble with the characterization of Dr. Johanning of "unobjective". **I'd say critical review by 100 critical, very critical, physicians is quite objective**, and I would also have to say that normally when one picks a learned body, you don't do it democratically. You pick the people that have the best scientific credentials and best knowledge in the area.

MOLD: State of the Medical and Environmental Science

Dates:

Tuesday - Thursday, February 26-28, 2008

Location:

UCLA - DeNeve Plaza Room

Professional Points:

The Office of Continuing Medical Education, David Geffen School of Medicine at UCLA is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians.

The Office of Continuing Medical Education, David Geffen School of Medicine at UCLA designates this educational activity for a maximum of 18.0 *AMA PRA Category 1 Credit(s)™*. Physicians should only claim credit commensurate with the extent of their participation in the activity.

ABIH— 3.0 Certification of Maintenance Points from the American Board of Industrial Hygiene have been applied for.

18.0 Contact Hours, California Board of Registered Nurses CEP#13555 (SCERC)

18 MCLE Credit Hours from the State Bar of California.

Eligible for 1.8 COC Points (BCSP) and 1.8 CEUs.

Disclosure Statement

The FDA has issued a concept paper which classifies commercial support of scientific and educational programs as promotional unless it can be affirmed that the program is **"truly independent" and free of commercial influence**. In addition to independence, the FDA requires that non-promotional, commercially supported education be objective, balanced, and scientifically rigorous. The policy further states that all potential conflicts of interest of the CME staff and faculty be fully disclosed to the program's participants. In addition, Accreditation Council for Continuing Medical Education policy now mandates that the sponsor adequately manages all identified potential conflicts of interest prior to the program. **We, at UCLA fully endorse the letter and spirit of these concepts.**

Association of Occupational and Environmental Clinics:

The chief long term goal of AOEC is to facilitate the prevention and treatment of occupational and environmental illnesses and injuries through collaborative reporting and investigation of health problems. Currently AOEC receives significant financial support through multi-year cooperative agreements with the Agency for Toxic Substances and Disease Registry [ATSDR](#) and National Institute for Occupational Safety and Health [NIOSH](#).

Under these agreements AOEC members develop curriculum materials in occupational and environmental health and provide Education Activities (EA) programs for primary care practitioners and others. Subcontracts in these areas are awarded to AOEC clinic and individual members. Complementing that effort is the establishment of a growing [lending library](#) of course outlines, handouts, slides and videotapes available to members who are preparing their own presentations. Members are encouraged to make such presentations to appropriate audiences and are reimbursed for their efforts.

AOEC is committed to expanding its presence at the national level by keeping members informed about developments within federal government and by coordinating involvement in legislative and regulatory hearings and other proceedings which are of interest and/or potential benefit to our membership. AOEC publishes a quarterly [newsletter](#) for all members which is supplemented by direct mailings when events warrant.