

1 61. The ACOEM Statement discusses human mycotoxicosis resultant from indoor toxic
2 exposure and implies they have been able to make a direct correlation that human illness is not
3 possible. This is based on a study of rats.

4 62. Kelman certainly supports this opinion in the courtroom and even takes it a step
5 beyond to concretely state illness from mycotoxin exposure in an indoor environment is not
6 possible. This is based upon what he knows from studies he has done, literature that he has
7 discussed and his experience and training. As shown above, this caveat would then include the
8 IOM Report.

9 63. From the Haynes case, the following is Kelman’s under oath testimony, a true and
10 correct copy of which is attached as Exhibit 42, P.29: 12 through P.30:3. When asked the
11 question by the defense counsel for Adair Homes, “Based on the studies that you have done, the
12 literature that you have discussed, and your experience and training, have you formed an opinion
13 based on reasonable scientific probability or certainty as to whether or not there was enough
14 mycotoxin in the home to have caused any illness to Mrs. Haynes, Michael Haynes, or Liam
15 Haynes?” Kelman’s answer was “Yes.” The attorney went on: “And, what is that opinion,
16 doctor?” Kelman answered, “There could not be. I mean, the differences between the maximum
17 dose that we could come up with and the level at which we see effects for a broad range of
18 mycotoxins is just too great.”

19 64. The ACOEM Statements ends with the catch phrase, “Current scientific evidence does
20 not support....” This phrase could be equally applied by the Institute of Medicine regarding the
21 ACOEM Statement. The attached as Exhibit 43 is a true and correct copy of the summary page
22 of Chapter 4 of the IOM Report which states “Except for a few studies on cancer, toxicologic
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