

The Environmental Information Association

Asbestos · Lead · Mold · Indoor Air Quality **THE MOST CONCENTRATED
GATHERING OF BUYING POWER IN THE INDUSTRY**

The 27th Annual EIA 2010 Conference & Exposition



About

The Environmental Information Association, with its beginnings as the National Asbestos Council, has spent 25 years at the forefront in providing the environmental industry with the information needed to remain knowledgeable, responsible, and competitive in the environmental health and safety industry.

Mission Statement

The Association's multi-disciplinary membership will collect, generate and disseminate information concerning environmental health hazards to occupants of buildings, industrial sites and other facility operations.

The 27th Annual Conference & Exposition of the Environmental Information Association March 27-31, 2010

EIA GENERAL SESSIONS AND KEYNOTE SPEAKER

The Environmental Information Association will open the 27th Annual Conference with the EIA General Session and Annual Meeting, with presentations by EIA Managing Director Brent Kynoch, and EIA Pres Michael Breu (Fiberquant Analytical Services, Phoenix, AZ)

We are pleased to welcome Ronald E. Gots Chief Executive Officer of the International Center for Toxicology and Medicine, and the Chief Scientist of Building Health Sciences, a Division of The NMAS Group, In Rockville, MD, as our Keynote Presenter. Dr. Gots has authored six books and dozens of articles on biochemistry, toxicology, mold and mold toxins in insurance and legal literature. Dr. Gots has focused on the scientific methods for assessing causation of diseases allegedly associated with chemical and biological agents. He has assisted hundreds of clients in analysis, strategy and testimony



mold injury claims, regulatory matters, mass tort claims, environmental and workplace exposure issues, and risk communication. He has provided medical oversight for chemically-exposed and mold-exposed individuals and has overseen numerous mold remediation projects. We thank Dr. Gots for his participation in the EIA 2010 National Conference.

Ron Gots M.D., Ph.D.

Message from a friend, March 27, 2010:

Hi Sharon,

"I just attended the EIA conference keynote address by Ron Gots. I thought you might be interested to know that, in the process of spending an hour essentially saying that mold illness is actually mental illness, Ron Gots also took some time to discredit you. Saying over and over that you "badgered" (his words) Bruce Kelman, and he used a disdainful tone when talking about you. He also stated vehemently that you were required to pay him in the end (but failed to go into the details with true light given to both sides or the monetary amount). I thought it showed lack of class on his part. And really, he probably should have gotten permission from you to use your name in a speaking forum.

IN RE: Hake v Coleman Homes

DEPOSITION OF: Ronald Gots, M.D.

ASSOCIATED REPORTERS OF NEVADA - 702/382-8778
2300 West Sahara Avenue, Suite 770, Las Vegas, NV 89102
LAS VEGAS, NV, 28th day of November, 2006,

Q: In terms of your work in this particular case, did you collaborate directly with Dr. Saxon in any way, or have you guys operated in separate and distinct spheres in terms of your work from your mind's eye?

Ron Gots: I think it was primarily separate and distinct. I believe we had one phone conference with counsel. I don't recall exactly when that was, but it was at least six or eight months ago when Dr. Saxon and I were both on the phone. I think that's the only time I've spoken to Dr. Saxon about this matter.

Q. In terms of **Dr. Saxon**, what was your knowledge of Dr. Saxon prior to the Hake case?

A. Well, I've certainly read a lot of Dr. Saxon's writings. I've met him once. **We correspond periodically, send e-mails to each other.**

Q. Okay.

A. And that's really how I know him.

Q. Which sort of leads to this. Rather than, you know, squirreling around here, let me get right to it. **Do you ever make any referrals to each other;** you know, for a case, refer her name to counsel, that type of thing?

A. **I think that's probably happened a few times.** There's no formal arrangement for that, but I think **we've referred matters to each other.**

.....
Q. And it is your position to this day that you had nothing to do with the generation of the original ACOEM paper in 2002, correct?

A. I had nothing whatsoever to do with it.

Q. Okay. However, you endorsed the conclusions and remarks in the 2002 ACOEM paper, correct?

A. **Yes. I still do.**

Q. And you also endorse the remarks in the 2006 article in the journal, correct?

A. **Correct.**

.....
Q. Okay. And in terms of the calendar year 1980, is it still a correct statement, Doctor, that **the last time that you had hands-on clinical treatment of a patient was in the calendar year 1980?**

A. Approximately, **yes.**

Q. Okay. And when you have the publications called DRI -- and there are, I think, about six in total here -- are you aware that DRI is the acronym for **The Defense Research Institute?**

A. Certainly.

Q. And that is an organization of civil trial defense lawyers, correct?

A. That's correct. We have hourly rates that differ for different activities. I don't have them all in my head. My review activities are billed at 385 an hour, my testimony at 450.

Q. And have you ever had any formal training in the evaluation and treatment of occupational diseases?

A. Not in a residency training program, not that kind of formal training, no.

Q. Have you ever had any formal training in the evaluation and treatment of environmental disease?

A. Not formal training, no.

Q. Have you ever had any formal training in the evaluation and treatment of toxicological exposures?

A. Well, yes. I mean, certainly I've had that, and let me back up a second. I mean, I've certainly had some formal training in the prior two in medical school but no formal training residency programs thereafter --

Q. Okay.

A. -- in toxicology, also in medical school but also in my Ph.D. program in pharmacology.

Q. How about in regard to a residency experience for formal training in the evaluation and treatment of toxicological exposure?

A. Not in a residency program, in my Ph.D. program.

Q. How about in regard to residency, formal training in the evaluation and treatment of biological exposure?

A. Residency training in that?

Q. Yes.

A. No.

Q. Okay. Doctor, have you ever completed a 25 residency or fellowship in occupational and environmental medicine?

A. No.

Q. Have you ever completed a residency or fellowship in internal medicine?

A. No.

Q. Have you ever completed a residency or fellowship in allergy?

A. No.

Q. Have you ever completed a residency or fellowship in immunology?

A. No.

Q. Have you ever completed a residency or fellowship in pulmonary medicine?

A. No.

Q. Same question in regard to medical toxicology?

A. In -- a residency in medical toxicology, no.

Q. Have you ever been affiliated with or employed in a medical practice or clinic that treats - clinically treats injured workers?

A. Yes.

Q. How long ago?

A. Oh, 25, 30 -- 25 to 30 years ago.

Q. Have you ever been employed or affiliated with a medical practice or clinic that treats individuals with occupational and environmental diseases?

A. Yes.

Q. How long ago?

A. Again, 25 or 30 years.

Q. Do you have a master's or doctorate degree in public health?

A. No.

Q. Do you have any coursework completion at an accredited institution in epidemiology?

A. I don't know whether I actually had a course -- a formal course in epidemiology in my Ph.D. program, but I don't believe so.

Q. Have you ever had any coursework from an accredited institution in any area of environmental risk assessment?

A. In courses given at various conferences where we have two- or three-day courses I have, yes.

Q. Okay. And how about in industrial hygiene?

A. No formal courses in industrial hygiene.

Q. In regard to your Ph.D. in pharmacology, what percentage of your coursework, Doctor, focused on occupational disease?

A. I would say that probably none of it directly focused on occupational disease.

Q. In regard to your Ph.D. in pharmacology, what part of it focused on environmental disease?

A. Probably none directly.

Q. In regard to your Ph.D. in pharmacology, what portion of it focused on toxicological exposure outside of ingested medication or ingested poison?

A. I can't answer that, how much may have dealt with other toxicological agents besides those that were ingested. I'm just not sure.

Q. In regard to your Ph.D. in pharmacology, Doctor, what percentage of your coursework involved biological exposure?

A. Probably none.

Q. In regard to your Ph.D. in pharmacology, Doctor, what portion of your coursework involved industrial hygiene?

A. None.

Q. In regard to your Ph.D. in pharmacology, Doctor, what portion of your coursework dealt with interpretation of environmental laboratory testing?

A. None.

Q. Would it be fair to say, Doctor, that your coursework in Ph.D. pharmacology did not involve any training on how to conduct a site visit of a workplace or residence for chemical or biological contamination?

A. That's correct.

Q. You advise in your vitae, Doctor, that you have taught a course at Georgetown on environmental toxicology. Do I have that correct?

A. Yes.

Q. What department are you affiliated with in connection with that course?

A. The department of pharmacology and toxicology.

Q. And is that an ongoing appointment, or is it a one time? Give me a little bit of a sense of that.

A. I still have an appointment, but it's an episodic seminar program.

Q. And in terms of the curriculum, is that something that you could provide if asked?

A. I believe so.

Q. Okay. And is Georgetown aware of your work where your time is compensated on the defense side in mold-related litigation?

A. I don't think Georgetown cares one way or the other.

Q. Back to my question. Have you disclosed to Georgetown about your compensation for your time on the defense side of mold cases?

A. No.

Q. They have no idea about that?

A. No.

Q. In 2002, your corporation affiliated with Georgetown Medical School in cosponsoring a major mold symposium. Do you remember that?

A. Right.

Q. In connection with that symposium, did you ever disclose to the individuals – appropriate individuals at Georgetown that you are compensated for your time as a defense expert witness in mold matters?

A. Yes, well, the chairman of the department of pharmacology who is officially my boss at Georgetown or was knew very well what our professional activities were, yes.

Q. And who was that?

A. Oh, I don't recall his name. I can't for the moment. It will come back to me.

Q. That's all right. In terms of your episodic teaching of this environmental toxicology course at Georgetown University School of Medicine, **do you deal with students on symptomatology secondary to mold exposure?**

A. **One of our sections dealt with mold and various things that mold does and doesn't do, yes.**

Q. **Did you disclose at any time that you have taught this course to the students that you are teaching at Georgetown University School of Medicine, environmental toxicology, that you are an individual who receives compensation for your time in testifying on the defense side of mold cases?**

A. **Of course not.**

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Activities Report

For Subject Distribution

December 10, 1992

R.J. Reynolds Tobacco Company

November 1992 Activities

The following is a summary of the services performed by E. Bruce Harrison Company on behalf of the R.J. Reynolds Tobacco Company during the month of November 1992:

- o Prepared document presenting an overview of TIEQ's 1993 activities;
- o Prepared comments on the California Air Resources Board's report on the effects of energy efficiency standards on indoor air quality;
- o **Co-sponsored and attended the symposium on multiple chemical sensitivity conducted by the International Society of Toxicology and Pharmacology;**
- o Developed government relations plan for 1993;
- o Met with Betsy Annese, Seth Moskowitz, and Sam Simmons to discuss scientific assessment issues related to **environmental tobacco smoke;**
- o Met with Doug Greenwood of the American Institute for Architects to discuss AIA's work on indoor air issues;
- o Organized a TIEQ executive committee meeting for 12/3;
- o Met with Trudy Bryan of DuPont to discuss increasing TIEQ membership contribution;
- o Prepared memo detailing TIEQ's strategy for a Massachusetts symposium;
- o Monitored activities resulting from Senate carpet emissions hearings;
- o Worked to recruit new companies to join the TIEQ coalition;
- o **Met with Ron Gots to discuss contractual issues, plans for 1993?**

**There are approximately 101 Documents within the UCSF Tobacco Legacy Library
Pertaining to Ron Gots**

ron gots in Entire Record

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| <input checked="" type="checkbox"/> Brown & Williamson | <input checked="" type="checkbox"/> Mangini ("Joe Camel") | <input checked="" type="checkbox"/> Tobacco Institute |
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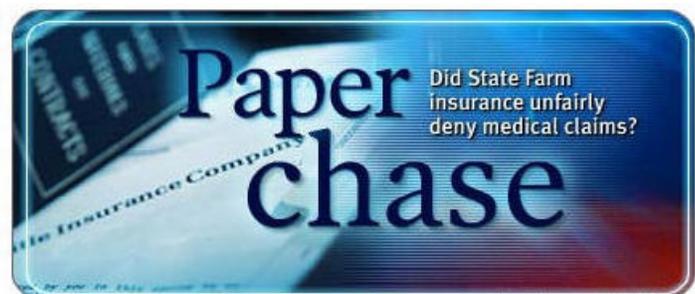
But this time State Farm used a different paper review company. It sent Cindy's file from Boise, Idaho, to Bethesda, Maryland, to a company called Medical Claims Review Services or MCRS. **So we tracked down the company's founder and former medical director, Dr. Ronald Gots.**

John Larson

"Dateline NBC" Correspondent

In 2001, "The Paper Chase," Larson's investigation of the most honored broadcasts in broadcast journalism, won the prestigious Alfred I. du Pont-Columbia Silver Award. Larson is also the author of *George Polk, the IRE for Investigative Reporting*, the Edward R. Murrow Award and several others.

This article may be read in its entirety at: <http://www.attorneykennugent.com/new/statefarm.html>
Excerpts from "The Paper Chase"



July 25, 2001 — "Dateline NBC" had people talking from coast to coast last month —

about car insurance. Maybe you thought your insurance would cover your medical bills if you were hurt in an accident — until our story about “paper reviews.” State Farm Insurance company — and others — can use those reviews to deny medical claims — leaving you uncovered when you need help most. We heard from more than 1,000 people, most of whom praised our report....

IN THE NATION'S capitol, reaction to Dateline NBC's investigation of insurance practices was swift and strong. The chairman of the House Commerce Committee promised “full investigative powers” to examine the issue.

“But you can bet there will be hearings.” Within a week of our broadcast, Sen. John McCain, who chairs the Senate Commerce Committee, fired off a letter to the nation's insurance commissioners, expressing concern over “possible collusion” among insurance companies and paper review companies....

If you're like a lot of people, you buy insurance trusting it will pay off when you need it. And most of the time, that's exactly what happens. But what happens when it doesn't?..

But this time State Farm used a different paper review company. It sent Cindy's file from Boise, Idaho, to Bethesda, Maryland, to a company called Medical Claims Review Services or MCRS. So we tracked down the company's founder and former medical director, Dr. Ronald Gots. Right away, we learned that just like at CMR, doctors didn't write many of the reports it sent to State Farm and other insurance companies. In fact, they often didn't even sign them. Other people in the office did that for them.

Dr. Gots: “It was our report, but someone else did the calligraphy.” But Dr. Gots assured us, just like the president of CMR had, that doctors always, always read and checked them all.

Gots: “A doctor looked at every one.”

Larson: “You read all the reports?”

Gots: “That's right”.

But listen to what happened next when we told him a former MCRS doctor had told us just the opposite.

Larson: “He said it was standard practice at MCRS for reports to go out without a doctor ever looking at them.”

Gots: “It was not standard practice.”

Larson: “You're actually saying it never happened.”

Gots: “It was certainly not standard practice. It may, I can't say that it, excuse me, never happened. But it was certainly not standard practice.” We kept asking and Dr. Gots eventually admitted that 10 to 15 percent of MCRS's reports, hundreds, were never looked at by doctors at all.

Gots: “I mean, there are, there is, there were some small percent of cases that probably went out.”

Larson: “10-15 percent?”

Gots: “That would be my best guess. And it's a guess at this point, that went out under our medical director's signature, that had been reviewed by the nurse.”

Larson: “If that's the case, why didn't the nurses just sign them?”

Larson: “Doctor, with all due respect, how do you know it represented your view if you

never even looked at it?"

"Dateline" obtained copies of 79 MCRS reports done for State Farm. Although too small a number to draw any definitive conclusions, we were surprised to find every single medical review — 79 out of 79 — favored State Farm, recommended cutting back or denying care to accident victims. Dr. Gots told us that's because State Farm only sent him problematic cases. But we asked State Farm's Jack North.

John Larson: "What does that suggest to you when this independent medical review company sends back 79 cases and all 79 recommend cutting medical reimbursement? Doesn't that seem strange?"...

Jim Mathis: "It is a company-wide program, and it is decisively and deliberately orchestrated." Jim Mathis is a former State Farm superintendent who had one of the bigger jobs at State Farm in Washington state. He told us State Farm management not only knew there was pattern of negative opinions, but wanted it that way.

Mathis: "There's only one motivation for using a paper review. And that's to increase profits by reducing costs."

Take a look at this — a page from a State Farm manual — sent to hundreds of employees. It says if adjusters want to deny a claim, they should hire a paper review company "who will support your position."

As for Cindy Robinson, she began an uphill battle against the resources of the insurance giant. State Farm said they didn't think Cindy's injuries were caused by the accident. It had the MCRS reports, and the opinions of two neurologists who examined her and said her injuries were "not compatible with her accident."

All Cindy had were the opinions of her own doctors and the feeling that all this wasn't fair. So she sued State Farm for bad faith....

So Cindy pursued her lawsuit, two years ago, she finally had her day in court. The jury awarded Cindy nearly \$10 million in damages. State Farm asked for a new trial, but the judge said "no" and issued this scathing opinion. He called the paper review company, MCRS, a "completely bogus operation," which prepared "cookie cutter reports."

MCRS went out of business in 1995, one year after Cindy filed her lawsuit. But Dr. Gots insists MCRS was unfairly portrayed at the trial and that its medical reports were good.

Dr. Gots: "In fact, we were above standards in the industry by far."

John Larson: "So you're saying other medical review companies probably looked at even less?"

Gots: "Oh, yeah. They don't even have doctors. They have all nurses or clerical people who do reviews."

...And since our broadcast, we've learned more about what State Farm knew about its paper reviews and how high that knowledge went. Remember, State Farm claims it never knew there was a pattern of negative reviews from paper review companies — in this case, MCRS.

Jack North: "Looking back, if we had been able to look broader at the time we may have seen that trend earlier. And it is not a trend I'm happy about or supportive of." But we found a letter from as far back as 11 years ago sent by MCRS to State Farm's own point person for paper reviews nationwide — William Wallace, who worked right at State Farm headquarters. **The MCRS letter brags they were saving State Farm almost \$2,000 per claim, making its case that it was profitable for State Farm to do business with MCRS.**