

1 Q. And on the right side talks about the effects, correct?

2 A. Yes.

3 Q. And if you look down the producing molds, column number
4 two, almost all of those molds, at least in the top
5 two-thirds, are Aspergillus or Penicillium species, correct?

6 A. Yes, a number of them are Aspergillus and Penicillium.

7 Q. And then there are two types of mycotoxins that are
8 produced by Stachybotrys that are also identified as
9 immunosuppressive, correct?

10 A. The designation is immunosuppressive all the way up and
11 down and immunomodulating.

12 Q. So the answer is, according to the National Academy of
13 Science report, Stachybotrys produces immunosuppressive
14 mycotoxins, correct?

15 A. Well, actually, the answer to that is of course.

16 Q. You mentioned that after the American College of
17 Occupational and Environmental Medicine published the position
18 paper, that you were approached by the Manhattan Institute to
19 rework or reword your research, correct?

20 A. I would characterize it -- I mean, they literally asked
21 for a lay translation of that article.

22 Q. But -- Which you eventually did, correct?

23 A. Yes.

24 Q. Most of it is almost word for word the same, correct?

25 A. I -- The translation is the same as the original article?

1 Q. Well, translation is an interesting word. They're both in
2 English, correct?

3 A. Yes.

4 Q. So shall we call it the Manhattan Institute version versus
5 the ACOEM version rather than the translation? The words are
6 substantially similar, correct?

7 A. Well, the meaning certainly is.

8 Q. And the words are substantially similar, correct?

9 A. We tried to not include the technical terms in, unless we
10 absolutely had to, in the Manhattan Institute, so I wouldn't
11 characterize it as substantially the same.

12 Q. In fact, some of the language from the Manhattan Institute
13 version was the more argumentative language that was rejected
14 during the peer review process at ACOEM, correct?

15 A. No.

16 Q. Are you sure of that, sir?

17 A. Yes.

18 Q. So if we held the drafts from ACOEM up to the Manhattan
19 Institute, we wouldn't find any sentences that had been
20 removed from ACOEM that now appear in the Manhattan Institute
21 version?

22 A. There may have been some. If there were, there certainly
23 weren't very many.

24 Q. And that new version that you did for the Manhattan
25 Institute, your company, GlobalTox, got paid \$40,000, correct?

1 A. Yes. The company was paid \$40,000 for it.

2 Q. In the toxicity section of the ACOEM paper, you reviewed
3 animal studies and attempted to identify a
4 no-observable-adverse-effect level that appeared in certain
5 animal studies, correct?

6 A. Yes.

7 Q. And then you attempted to use that to model what an
8 equivalent dose of human exposure would be, correct?

9 A. Well, we modeled the doses that were used in the animal
10 study, yes. It's not exactly the same.

11 Q. Do you have a copy of the ACOEM paper in front of you?
12 Because we're going to talk about it for a little while.

13 Do you have it?

14 A. I have the web-based version from it.

15 Q. The no-effect level that you used came from a study that
16 was authored by Rao and her associates, correct?

17 A. That was one that we used, yes.

18 Q. That's the one that had the no-effect level that you were
19 using, correct?

20 A. That's the one that we modeled for the single-dose study,
21 yes.

22 Q. And I believe the amount was 3.0 times 10 to the 6th
23 spores per kilogram; is that correct?

24 A. Yes.

25 Q. And in your paper you indicate that that is the level

1 below which one would not see any respiratory toxic effects
2 from Stachybotrys molds, correct?

3 A. Well, no. What was said was that's the no-dose-effect
4 level in rats.

5 Q. Two paragraphs later you talk about the studies done in
6 Finland by Dr. Nikulin and his group, correct?

7 A. Yes.

8 Q. Dr. Nikulin saw adverse effects when Stachybotrys molds
9 were instilled in mice at an order of magnitude less than what
10 Dr. Rao found, correct?

11 A. Yes, under different dosing regime.

12 Q. What Dr. Nikulin did was to give smaller doses twice a
13 week for three weeks, correct?

14 A. Yes.

15 Q. And, therefore, under what you said, insofar as those
16 doses produced results, then we could take the smallest dose
17 on any given day and say that whatever the no-effect level is
18 in mice, it's something less than what Dr. Nikulin had, which
19 was 4.6 times 10 to the 4th, correct?

20 A. Yes. Obviously a different preparation, different
21 materials, and a different dosing regime.

22 Q. Well, you've anticipated where I'm going, sir. You don't
23 know the relative toxicity of the spores being used by Dr. Rao
24 because she didn't -- she is the only one in the world who's
25 ever tested those spores, correct?