

May 15, 2010

Arnold Schwarzenegger
President of Regents, UC
300 S. Spring St. Suite 167
Los Angeles, CA 90013

Russell Gould
Chairman of Regents, UC
1111 Franklin Street, 12th Fl
Oakland, CA 94607

Mark G. Yudof
President, UC
1111 Franklin Street, 12th Fl
Oakland, CA 94607

RE: The University of California's name is included in implied endorsement of a 2003 U.S. Chamber of Commerce publication currently referenced in a 2010 legal proceeding.

Honorable Governor Schwarzenegger, Chairman Gould and President Yudof,

The University of California is world renowned for its role in promoting and protecting public health by its outstanding physician education and the integrity of its medical teaching facilities.

The Action Committee on the Health Effects of Mold, Microbes and Indoor Contaminants (ACHEMMIC) is comprised of volunteer physicians, scientists, researchers, indoor air quality experts, industrial hygienists, building engineers, teachers, advocates and others who work cohesively to promote integrity in U.S. public health policy with regard to the adverse health effects of mold, microbes and indoor contaminants that are frequently found in water-damaged buildings.¹

ACHEMMIC has the following concerns:

1. The University of California name is apparently being used as an implied signatory of the 2003 U.S. Chamber of Commerce publication.²
2. It appears that the name of the University of California is being used as an implied scientific endorsement of the contents of said U.S. Chamber publication.³
3. It is our understanding that it is a violation of the California Constitution, Article IX, Section 9 (f) for the University of California name to be used to promote a document of political and sectarian influence.
4. The contents of the document are contrary to recent scientific findings by national and international experts, including some within the State of California.

The people who have been harmed by contaminants in water-damaged buildings and erroneous public health policy over the mold issue come from all walks of life. They are white collar workers, blue collar workers, retirees, veterans, teachers, business owners, homeowners, tenants, children, parents and grandparents. They work or are schooled in newly constructed and older buildings. They reside in all parts of the United States and around the globe. They live

¹ (2010) Membership Roster for ACHEMMIC

² (2003) Listed authors and conclusion of "A Scientific View of the Health Effects of Mold" U.S. Chamber ILR in relevant part

³ (2009) Amicus Curiae Brief, National Apartment Association, citing "A Scientific View," in relevant part

in owned, mortgaged, or rented houses and apartments- large and small, new and old, grand and humble. Some live in military housing, trailers or on reservations. Those affected by this issue are affluent, poor and middle class. They are able-bodied taxpayers and disabled citizens. They are the insured and uninsured by health, workers compensation and property casualty insurance companies. They represent the melting pot of citizens that make up this great country of ours--the United States of America. They depend on integrity in medical science within U.S. medical teaching universities and within the courts to protect their health and safety and the health and safety of their families.

We appreciate the University of California Regents' prompt attention to this matter with broad implications impacting mold toxic torts and public health policy as a whole if left unaddressed by the Regents.

For your convenience, we have attached our membership roster and documents of specific concern. Should ACHEMMIC be of further assistance to the Regents of the U.C. over this matter, please do not hesitate to ask.

Respectfully yours,

Mary Mulvey Jacobson
ACHEMMIC Public Relations
Email: MLMJ75@AOL.COM

cc: Cheryl Vacca Vice President Ethics & Compliance, Regents of the U.C.
Charles Robinson Vice President General Counsel, Regents of the U.C.
U.S. Congressman Henry Waxman, California 30th District and encompassing UCLA

Enclosures: 3

EXHIBIT

1

**(2010) Membership roster for ACHEMMIC
Please see <http://achemmic.com>**

ACHEMMIC Members

Cheryl Albert Public Health Advocate	Mayleen Laguna Public Health Advocate
Frank Albert Public Health Advocate	Jennifer Lake Public Health Advocate
Scott Armour, M.S. Armour Applied Science	Holly LeGros Public Health Advocate
Jennifer Armstrong, M.D. Treating Physician CEO, Ottawa Environmental Health Clinic	Haley Mack Public Health Advocate
Jodi Ashcraft Public Health Advocate	Valerie Madeska, BS Healthcare Management Public Health Advocate
Jennifer Aspelund Public Health Advocate Participant in Washington State School Rule Revision Process School Environmental Health and Safety Revisions	Kathleen Manganaro Public Health Advocate
Clark Baker, Director Office of Medical & Scientific Justice, Inc.	Laura Mark, M.D. Psychiatrist/Educator
Wane A. Baker, P.E., CIH Division Manager, Senior Consultant Michaels Engineering	John McBride Public Health Policy Activist/Consultant New Jersey Legislative Initiative Against Toxic Mold
Melinda Ballard President, Policyholders of America	Theresa McCormick Public Health Advocate
Sue Bell Public Health Advocate	Marcie D. McGovern Injured Worker Activist and Public Health Advocate
Darlene Berube Public Health Advocate	Lisa Nagy, M.D. Treating Physician President, Preventive and Environmental Health Alliance
Valerie Bonds Boston Public School Teacher Public Health Advocate	Liza Naylor Public Health Advocate
Kevin Carstens Owner, Yahoo Sickbuildings Group	Dina Padilla Injured Worker Advocate Candidate for California Insurance Commissioner
Vina Colley President of Portsmouth/Piketon Residents for Environmental Safety and Security (PRESS) Co-founder of National Nuclear Workers for Justice (NNWJ)	Marilyn Parney Public Health Advocate, Canada
Byrl Robert Crago, Ph.D. Psychologist Neurobehavioral Health Services	Russell Paterson, Ph.D. Director MycoTec Lda (International Development) Centre of Biological Engineering, Portugal
Jim Davis President, Veterans-for-Change	Diane Perlman, PhD Visiting Scholar, Institute of Conflict Analysis and Resolution George Mason University

ACHEMMIC Members

Lee Daniels Public Health Advocate	William J. Rea, M.D., F.A.C.S., F.A.A.E.M. Treating Physician Environmental Health Center – Dallas Member AAEM
Jo Robin Davis Attorney	Chuck Reaney Environmental Consultant/Industrial Hygienist Certified Indoor Environmental Consultant (CIEC) Certified Indoor Air Quality Professional (CIAQP)
Deborah Davitt Public Health Advocate	Andrea Rogoff Teacher and Public Health Advocate
Angel DeFazio, BSAT Public Health Advocate President, National Toxic Encephalopathy Foundation	Monona Rossol, M.S., M.F.A. Chemist/Industrial Hygienist
Linda Delp Health Advocate for ACHEMMIC	Joseph Salowitz Public Health Advocate
Paul De Paul Public Health Advocate	Gail Shephard Public Health Advocate
Andrea Fabry Public Health Advocate	Ritchie Shoemaker, M.D. Researcher and Treating Physician
Joanne White Ferdinando Public Health Advocate	Raymond Singer, Ph.D. Neuropsychologist and Neurotoxicologist
Dodd Fisher Attorney and Professor	Alex Stadtner Building Biology Environmental Consultant Healthy Building Inspections
Victoria Frohna Public Health Advocate	Crystal M. Stuckey Public Health Advocate
Joseph Glickman Public Health Advocate	Nancy Swan, BA Member - Strategic Planning and Management Board, National Board Member - National Forum On Judicial Accountability (NFOJA) Advisory Board, POPULAR, Inc.
Judith Goldstein Teacher and Public Health Advocate Jerusalem, Israel	Paul Taylor, III
Michael Gray, M.D. Treating Physician	Steve Temes Industrial Hygienist Certified Microbial Consultant AirWays Environmental Services
Carl Grimes President, Healthy Habitats LLC	Jack Thrasher, Ph.D. Toxicologist/Immunotoxicologist
Doug Haney, BA Psychology Bio-Health Research Psychologist Educator, InterCoast Colleges, California	Kristina Townsend Public Health Advocate

ACHEMMIC Members

<p>HW Holder Mold Assessment Consultant SWK LLC</p>	<p>Sandra Trend Injured Worker Advocate</p>
<p>Janette Hope, M.D. Treating Physician</p>	<p>Alan R. Vinitzky, M.D. Treating Physician Board-certified in Internal Medicine and Pediatrics Member AAEM</p>
<p>H. Kenneth Hudnell, Ph.D. Adjunct Research Assistant Professor, Institute for the Environment, UNC-Chapel Hill</p>	<p>Lori Ward Public Health Advocate</p>
<p>Professor Matthew Hudson</p>	<p>Greg Weatherman Owner, Certified Microbial Consultant Aerobiological Solutions, Inc.</p>
<p>Mary Mulvey Jacobson Public Health Advocate Retired Chief of Staff, Boston City Council</p>	<p>Barbara B. Weisman Public Health Advocate</p>
<p>Erik Johnson Public Health Advocate 1985 Incline Village Survivor and Prototype for CFS</p>	<p>Jim H. White Retired Building Scientist System Science Consulting, Canada</p>
<p>Sharon Kramer, BBA Marketing Integrity in Health Marketing Advocate Key Proponent of GAO Report on Indoor Mold</p>	<p>Michael Roland Williams Executive Producer Looking Glass Entertainment Company</p>
<p>Cassidy Kuchenbecker, MS Microbiology/Immunology Indoor Environmental and Water Damage Consultant</p>	<p>Cheryl Wisecup Public Health Advocate</p>

EXHIBIT

2

**(2003) U.S. Chamber ILR "A Scientific View of the Health Effects of Mold"
in relevant part.**

***Please see**

http://www.uschamber.com/publications/reports/030717_ilr_mold.htm

The Growing Hazard of Mold Litigation



Papers commissioned by the U.S. Chamber Institute for Legal Reform and the Center for Legal Policy at The Manhattan Institute

Released July 17, 2003




U.S. Chamber Institute for Legal Reform

The U.S. Chamber Institute for Legal Reform was founded in 1998 as a 501(c)(6) tax-exempt, separately incorporated affiliate of the U.S. Chamber of Commerce. The mission of ILR is simple: to make America's legal system simpler, fairer and faster for everyone. ILR's multi-faceted program seeks to promote civil justice reform through legislative, political, judicial and educational activities at the national, state and local levels.

Center for Legal Policy at the Manhattan Institute

The Center for Legal Policy at the Manhattan Institute is a leading voice for reform of America's civil justice system. The Center's mission is to communicate thoughtful ideas on civil justice reform to real decision-makers through books, publications, conferences and public or media appearances. Founded in 1986, hundreds of news reports have cited the Center's work, with The Washington Post going so far as to call Senior Fellows Peter Huber and Walter Olson the "intellectual gurus of tort reform."



A Scientific View Of The Health Effects Of Mold

By Bryan D. Hardin, Ph.D., Andrew Saxon, M.D.,
Coreen Robbins, Ph.D., CIH, and Bruce J. Kelman, Ph.D., DABT



About The Authors

Dr. Bryan D Hardin GLOBALTOX

Bryan D. Hardin, Ph.D., holds positions as a senior consultant with GlobalTox and Adjunct Assistant Professor at the Rollins School of Public Health, Emory University. He was commissioned into the US Public Health Service and began his public health career with the National Institute for Occupational Safety and Health (NIOSH) in 1972, where he served in research, policy, and management roles, culminating as Deputy Director of NIOSH and Assistant Surgeon General in the Public Health Service.

Dr. Hardin holds a Ph.D. in Environment Health Sciences from the University of Cincinnati. Dr. Hardin is a full member of the American Association for the Advancement of Science, the American Industrial Hygiene Association, the American Public Health Association, and the Teratology Society. He has served on working groups of the World Health Organization, the International Labor Office, and the International Agency for Research on Cancer.

Coreen A. Robbins, Ph.D., C.I.H. GLOBALTOX

Coreen A. Robbins, M.H.S., Ph.D., CIH, holds a position with GlobalTox, Inc. as a consulting Industrial Hygienist for projects in field investigations and in litigation support activity. She has approximately 13 years of experience in industrial hygiene and has served as a consultant in many investigations throughout the U.S.

Dr. Robbins holds a master's degree in Occupational Safety and Health (1989), and a Ph.D. (1995) in Environmental Science from the Johns Hopkins University. Dr. Robbins is also a Certified Industrial Hygienist (CIH). Dr. Robbins has extensive practical experience in conducting industrial hygiene surveys in areas including indoor air quality, mold, asbestos and man-made mineral fibers, chemical exposure assessment and industrial noise exposure. Dr. Robbins is a full member of the American Academy of Industrial Hygiene and the American Industrial Hygiene Association (AIHA), and an affiliate member of the American Conference of Governmental Industrial Hygienists. She is currently serving on the AIHA's Task Force on Microbial Growth as the representative for the AIHA Toxicology Committee.

Andrew Saxon

Chief, Division of Clinical Immunology and Allergy
UCLA School of Medicine

Andrew Saxon, MD, is a professor and Chief of the Division of Clinical Immunology and Allergy at the UCLA School of Medicine. Dr. Saxon has over 25 years of experience in immunology, he has published approximately 165 peer-reviewed research articles, and he has three patents in the immunology field. Since 1999, Dr. Saxon has served as editor-in-chief of the journal *Clinical Immunology*.

Dr. Saxon received his MD from Harvard Medical School. He is board-certified in Internal Medicine, Allergy and Immunology, and Diagnostic Laboratory Immunology. He is a member of the American Academy of Allergy and Immunology, where he serves on the Research Awards Committee, the Nominating Committee, the Primary Immunodeficiency Disease Committee and the Clinical and Diagnostic Immunology Committee; and where has served in the past as Chairman of the Basic and Clinical Immunology Section.

Dr. Bruce J. Kelman

GLOBALTOX

Bruce J. Kelman, Ph.D., D.A.B.T., holds positions as Principal and President of GlobalTox, Inc. Dr. Kelman has approximately 25 years experience in toxicology and has served as a consultant and expert in numerous investigations across North America. He has evaluated numerous claims of personal injury and health impacts from many chemicals and drugs, and has presented a variety of health risk concepts to policy makers, government regulators, citizen groups, and individuals involved in all aspects of the legal process.

Dr. Kelman holds a Ph.D. from the University of Illinois (1975) and is certified in toxicology by the American Board of Toxicology (original certification in 1980 with recertifications in 1985, 1990, 1995 and 2000). Dr. Kelman is a member of the Society of Toxicology, American College of Occupational and Environmental Medicine, American College of Toxicology, American Society for Experimental Pharmacology and Therapeutics, Society for Experimental Biology and Medicine, and Teratology Society.

A SCIENTIFIC VIEW OF THE HEALTH EFFECTS OF MOLD

Nevertheless, except for persons with severely impaired immune systems, indoor mold is not a source of fungal infections, and current scientific evidence does not support the idea that human health has been adversely affected by inhaled mold toxins in home, school, or office environments. Thus, the notion that “toxic mold” is an insidious, secret “killer,” as so many media reports and trial lawyers would claim, is “junk science” unsupported by actual scientific study.

EXHIBIT

3

(2009) NAA Amicus Brief citing U.S. Chamber ILR "A Scientific View" with co-author Andrew Saxon, UCLA; in relevant part.

Please see

<http://katysexposure.files.wordpress.com/2009/10/naa1.pdf>

COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE

TRICIA MASON, et al.,
Plaintiffs-Appellants,

v.

WASATCH PROP. MGMT., INC., et
al.

Defendants-Appellees

2 CA-CV No. 2008-0162
2 CA-CV No. 2008-0165

KAITLYN MORRIS, et al.,
Plaintiffs-Appellants,

v.

WASATCH PROP. MGMT., INC., et
al.

Defendants-Appellees

Cause Nos. C20035581
consolidated with
C20041766;
C20024299 consolidated
with
C20024542

APRIL ABAD, et al., ALICIA
STEWART, et al.

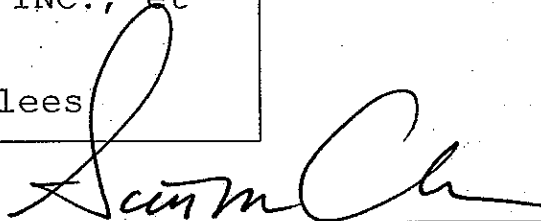
Plaintiffs-Appellants,

v.

WASATCH PROP. MGMT., INC., et
al.

Defendants-Appellees

BRIEF OF AMICUS CURIAE
NATIONAL APARTMENT
ASSOCIATION



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¹ Plaintiffs-Appellants alleged injuries include: a disabled, developmentally delayed child; permanent neurological deficiencies; headaches; memory loss; long term asthma; long term respiratory problems; gastrointestinal problems; a variety of other short term respiratory problems, and death of two infants.

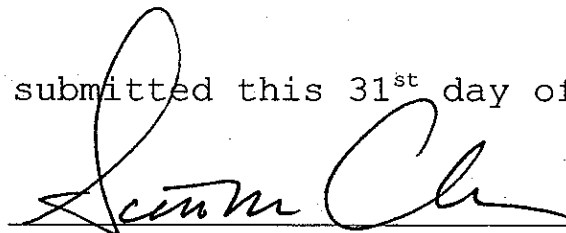
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In a report entitled, *A Scientific View of the Health Effects of Mold*, a panel of scientists, including toxicologists and industrial hygienists stated that years of intense study have failed to produce any causal connection between exposure to indoor mold and adverse health effects. U.S. Chamber of Commerce, *A Scientific View of the Health Effects of Mold* (2003) at p. 64 and p. 65. The report also concludes that in other than individuals with severely impaired immune systems, indoor mold is not a cause of infections, and "current scientific evidence does not support the idea that human health has been adversely affected by inhaled mold toxins in home, school, or office environments." *Id.* at p. 65. In fact, when speaking of their report, the authors note that "science has confirmed common sense" since mold is not some rare, exotic material but is everywhere, making up twenty-five (25) percent of the earth's biomass. The

able to identify and retain witnesses with training in science to support their claims does not automatically result in the admissibility of that testimony. The trial court appropriately focused upon whether their theories had gained acceptance within the scientific, and not the legal communities. *State of Arizona v. Court of Appeals*, 197 Ariz. 79, 3 P.3d 999 (1999). In this case, they have not.

We urge the Court to affirm the trial court ruling below.

Respectfully submitted this 31st day of August 2009.



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