

BRYAN D. HARDIN, Ph.D.

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September 23, 2002

Jonathan Borak, M.D.
Jonathan Borak & Company
Suite 1100
234 Church Street
New Haven, CT 06510

CONFIDENTIAL
SHARE ONLY WITH THE ACOEM BOARD OF DIRECTORS

Dear Dr. Borak:

I know you will soon be presenting the manuscript "Adverse Human Health Effects Associated with Molds in the Indoor Environment" to the ACOEM Board of Directors for consideration as a possible Position Statement by ACOEM. You may be asked by the Board what role I and my co-authors, Bruce Kelman, Ph.D., and Andy Saxon, M.D., have played in mold litigation.

I have consulted with one attorney who represented a defendant in a case that included mold among other elements, but I have never been deposed or provided expert testimony in connection with mold litigation; for approximately the past year I have been providing a 1-hour lecture on health effects as part of a periodic 3-day seminar on mold assessment and remediation.

Both Drs. Kelman and Saxon have been retained by both the defense and plaintiff bar in litigation relating to indoor mold. Whether retained by the defense or plaintiff, their advice and testimony has always been consistent with their evaluation of the science, which is reflected in our draft position statement.

Sincerely,

Bryan D. Hardin, Ph.D.
Assistant Surgeon General (Retired)

Jonathan Borak

From: Bryan D. Hardin Ph.D. [bhardin@adelphia.net]
Sent: Friday, August 16, 2002 2:36 PM
To: jborak@att.net
Cc: bkelman@globaltox.com; ASaxon@MedNet.ucla.edu
Subject: Reaction to Hadgson/Dearborn Letter

Jonathan -- We do not think it appropriate for us to revise the draft ACOEM position paper to incorporate a 'response,' 'rebuttal,' or other revision that would address overtly or implicitly the Hodgson - Dearborn letter appearing in the August issue of JOEM.

This letter is poorly focused and more personal and political than scientific in content. While Hodgson and Dearborn suggest they will "lay out" a hypothesis to explain an association between *Stachybotrys chartarum* and human disease, in fact there is no statement of a hypothesis. Instead, they indiscriminately stir a potpourri of anecdotes, unrelated and irrelevant occupational exposures, and uncritical references to in vivo and in vitro toxicity studies without consideration of dose - the first principle in toxicology. Their letter offers no new data for consideration; it raises no new issues; it marshals no arguments not already addressed in our draft.

Even if the Hodgson - Dearborn letter had scientific merit, we would object to revising our article to respond to it because there always will be another paper. Given the volume of publications in this area, it is unavoidable that meritorious research papers may pre-date the actual publication of the ACOEM position paper but not be included in it. If we were to attempt to avoid that by adding something on the latest new data, then each revision will call for another round of review during which yet another paper may appear.

We are confident that the draft as written is an accurate reflection of the current state of the science. The position we take is, of course, subject to revision if warranted by the accumulation of new evidence, but we have no new evidence here. If we cannot expect to react to every meritorious peer-reviewed research report, we surely should not attempt to react to non-peer reviewed letters to the editor that are of questionable scientific merit.

Finally, we also would object to involving Drs. Hodgson or Dearborn or others outside the normal ACOEM process for position papers. So far as we can ascertain, they have no standing in ACOEM, e.g., as members of your or another committee, the Board of Directors, the JOEM Editorial Board, the House of Delegates, etc. We have welcomed the thorough, impartial, and scientifically rigorous peer review to date, but would think it inappropriate to add ad hoc reviewers who are highly visible advocates for a point of view the draft position paper analyzes and finds lacking. We can be sure that advocates for various points of view will express their opinions in response to the position paper following its publication.

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Hilton Head Island, SC 29928

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Cell Phone 678-770-9150
E-mail BHardin@Adelphia.Net

Marianne Dreger

From: DORSETT D SMITH MD [chestdis@ix.netcom.com]
Sent: Monday, June 17, 2002 12:46 PM
To: Marianne Dreger
Subject: Re: Lung Committee Review of Position Statement on Indoor Mold



mold paper.ed.doc



ATT01725.txt

This is a poorly written paper that will need extensive revision. Please see the comments on the paper.

Sincerely,
Dorsett D Smith MD

At 03:53 PM 6/14/2002 -0500, you wrote:

Attached is a draft of the Position Statement on Indoor Mold that was prepared for ACOEM by ACOEM members Bryan Hardin and David Kelman, and by Andrew Saxon. The statement has been sent to the Council on Scientific Affairs for review, but we are also asking the committees reporting to the Council for their input.

An initial review of the document has already been conducted, and as a result, Dr. Hardin will be making two sets of changes to the attached document, but neither will be completed for several weeks because of his travel plans. Those changes will be:

1. Modification of the "tone" in the discussion of "generalized mold sensitivity" on page 3 because of the concern about possible misinterpretation of "buzz words" and phrases such as "belief system," "adherents may claim," "supposed hypersensitivity," and "alleged disorder." Please note, only the tone, not the content will be modified.
2. Revision of Conclusions and Recommendations so that the Recommendations will be more explicit and presented as free-standing statements, rather than integrated into a 4-paragraph discussion.

However, in order to accelerate the peer review, and thereby get this Position statement to the Board in time for its July meeting, we would like you to review the scientific merits of this statement, and not focus on the two sets of changes that will be made later.

We will need your review comments by June 27. You may forward your comments to Dr. Wintermeyer with a copy to me. Thanks.

<<Mold Paper.doc>>

Marianne Dreger, MA
Director of Communications
ACOEM, 1114 N. Arlington Heights Rd., Arlington Heights, IL 60004-4770
847-818-1800, 368; Fax 847-818-9266
E-mail: mdreger@acoem.org <<mailto:mdreger@acoem.org>>
<http://www.acoem.org> <<http://www.acoem.org>>

Join us for the 2002 State-of-the-Art Conference (SOTAC 2002)!
October 25-28 in Baltimore, Md.

Marianne Dreger

From: M1har@AOL.COM
Sent: Friday, November 08, 2002 10:19 AM
To: Occ-Env-Med-L@MC.DUKE.EDU
Subject: [OEM] Your Mold Position

Dear Dr. Gots,

Thanks so much for posting your analysis of the ACOEM position paper, and for your perspective on the lack of necessity for disclosure of possible conflicts of interest.

I think it is ethical for persons writing a medical policy paper to disclose any possible conflicts of interest so that readers are aware of any bias, or the success with which the authors have overcome that bias.

I am optimistic that the authors will disclose any potential conflict through ACOEM, as would be required by most other medical organizations. I do not have knowledge of such a conflict, but the tenor of your posting is such that you may. This makes such a disclosure even more important.

Thanks for your interest in this topic.

Michael R. Harbut, MD, MPH, FCCP
Chief, Center for Occupational/Environmental Medicine
118 N. Washington
Royal Oak, Michigan 48067
248.547.9100

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**Marianne Dreger**

**From:** Brownson, Paul [PJBROWNSON@dow.com]  
**Sent:** Friday, June 14, 2002 1:48 PM  
**To:** 'Marianne Dreger'; Alan Engelberg; Bernard R. Blais, MD; Bryce Breitenstein, Jr., MD; Gregg M. Stave; Harber, Philip; Jonathan Borak; Kurt Hegmann; Laura S. Welch, MD; Lawrence Starr; Mark Russi MD, MPH; Brownson, Paul; Phillips, Scott, MD; Robert McLellan; Tee Guidotti; Timothy Key, MD; Wintermeyer, Stephen E  
**Cc:** Debbie Paddack  
**Subject:** RE: Council Review of Position Statement on Indoor Mold

6-14-02 to Marianne:

The Hardin et al paper looks reasonable to me; with the noted planned edits, and with fixing the superscripts on p.6, the document should be acceptable.

Regards,  
Paul J. Brownson, M.D.  
The Dow Chemical Company  
9330 Zionsville Road, 308/LL-E1  
Indianapolis, IN 46268-1054  
317-337-3247, fax 317-337-4339  
[pjbrownson@dow.com](mailto:pjbrownson@dow.com)

-----Original Message-----

**From:** Marianne Dreger [<mailto:mdreger@ACOEM.org>]  
**Sent:** Friday, June 14, 2002 12:09 PM  
**To:** Alan Engelberg; Bernard R. Blais, MD; Bryce Breitenstein, Jr., MD; Gregg M. Stave; Harber, Philip; Jonathan Borak; Kurt Hegmann; Laura S. Welch, MD; Lawrence Starr; Mark Russi MD, MPH; Paul Brownson; Phillips, Scott, MD; Robert McLellan; Tee Guidotti; Timothy Key, MD; Wintermeyer, Stephen E  
**Cc:** Debbie Paddack  
**Subject:** Council Review of Position Statement on Indoor Mold

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However, in order to accelerate the peer review, and thereby to get this Position statement to the Board in time for its July meeting, we would like you to review the scientific merits of this statement, and not focus on the two sets of changes that will be made later.

You are also encouraged to send this document to your committee for review. If you would like to have this sent to your entire committee (or specific members), please let me know ASAP and I

**Marianne Dreger**

**From:** Barry Eisenberg  
**Sent:** Wednesday, September 11, 2002 9:55 AM  
**To:** 'jborak@att.net'  
**Subject:** RE: mold

Good point-I agree with your approach. Thanks.

-----Original Message-----

**From:** [jborak@att.net](mailto:jborak@att.net) [<mailto:jborak@att.net>]  
**Sent:** Tuesday, September 10, 2002 11:09 PM  
**To:** Barry Eisenberg  
**Subject:** RE: mold

Barry:

That would be my preference, but I don't want to subject Bryan and colleagues to public criticism that might diminish the value of their contribution. I assume that it will have currency for them in other ways and in other places.

I spoke with Paul Brandt-Rauf today. He is open to some sort of expedited publication in JOEM (subject to Journal editorial policies and peer review). On Wednesday, I will ask Bryan if that is an acceptable resolution for him. If so, we may be able to broker that solution, put something interesting into JOEM, and also keep Bryan as a friend.

If Bryan finds that acceptable, I will send to Paul all of the accumulated comments from ACOEM peer reviewers, and that might suffice for JOEM peer review.

The problem that I am wrestling with was incisively summarized by Paul when I called him. I said that I had "commissioned" a review paper on mold for ACOEM, and he immediately asked whether it was "pro" or "con". It seems that on this topic, the science is too politicized to simply be science!

Jonathan

Would it be possible to publish this, assuming the science is correct, and then accompany the publication with an invited "public health" discussion/debate?

-----Original Message-----

**From:** Jonathan Borak [<mailto:jborak@att.net>]  
**Sent:** Friday, September 06, 2002 2:45 PM  
**To:** Dean Grove (E-mail)  
**Cc:** Edward J. Bernacki MD, MPH (E-mail); Barry Eisenberg (E-mail); Tim Key MD (E-mail)  
**Subject:** mold

Dean et al:

I am having quite a challenge in finding an acceptable path for the proposed position paper on mold. Even though a great deal of work has gone in, it seems difficult to satisfy a sufficient spectrum of the College, or at least those concerned enough to voice their views.

I have received several sets of comments that find the current version, much revised, to still be a defense argument. On the other hand, Bryan Hardin and his colleagues are not willing to further dilute the paper. They have done a lot, and I am concerned that we will soon have to either endorse or let go. I do not want this to go to the BOD and then be rejected. That

**Marianne Dreger**

**From:** Jonathan Borak [jborak@att.net]  
**Sent:** Friday, September 06, 2002 2:45 PM  
**To:** Dean Grove (E-mail)  
**Cc:** Edward J. Bernacki MD, MPH (E-mail); Barry Eisenberg (E-mail); Tim Key MD (E-mail)  
**Subject:** mold



ACOEM Mold - revised  
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Dean et al:

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I have received several sets of comments that find the current version, much revised, to still be a defense argument. On the other hand, Bryan Hardin and his colleagues are not willing to further dilute the paper. They have done a lot, and I am concerned that we will soon have to either endorse or let go. I do not want this to go to the BOD and then be rejected. That would be an important violation of Bryan—I have assured him that if we do not use it he can freely make whatever other use he might want to make. If we "officially" reject it, then we turn his efforts into garbage.

As this was an effort that you, Dean, asked me to initiate I thought that you might have a good idea about what might be done.

The problem is the same as when this began. Mold is a litigation mine field. Everybody involved in the topic has a strong view and there is little middle ground. If we have a statement that deals only with science, we will be accused of ignoring the "Public Health" issues. If we embrace the Public Health, then we will be regarded as not scientific.

I have not previously been involved in an ACOEM issue that raised provoked emotions among member peer reviewers. My own feeling is that it may not be worth the disruptive effects that might result from forcing the issue. Also, I think that the authors are not willing to let this just sit for awhile. they have done a lot of work and want to see it in print.

For your interests, I have attached the latest version.

Jonathan