

Spin Doctor Hired To Rebut Asthma Link

by CHRISTOPHER PEAK | Aug 3, 2018 1:19 pm

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An expert who once helped tobacco companies push back on indoor smoking bans and helped insurers deny reimbursement to car-crash victims has a new mission: testifying that mold at Church Street South didn't cause widespread health problems.

That toxicologist, Ronald E. Gots, argues that there's no way to conclusively trace asthma back to mold at Church Street South, the former 301-unit federally subsidized housing complex near Union Station where tenants were vacated after the government declared it uninhabitable.

Northland Investment Corp., the Massachusetts-based owner of Church Street South, is currently demolishing the destroyed complex in hopes of rebuilding a bigger mixed-use project, while defending itself against a class-action lawsuit filed by former tenants that could potentially cost the company millions of dollars. Northland has hired Gots to help make its case.

In a 36-page analysis of medical records, included in [a recent motion filed by Northland seeking to break apart the class action](#), Gots said

Ronald Gots.

RESEARCHGATE

spores of mold could not be singled out as the cause of respiratory problems and skin conditions. Especially not with pets scampering and neighbors smoking, trains pulling into an active rail yard and cars flying by on a highway nearby.

Gots has been making similar arguments on behalf of industry for decades, saying bureaucrats and lawyers overreact to the chemicals around us.

The putative expertise that allows Gots to make those claims has been called into question in several courtrooms. He served as scientific advisor for a Big Tobacco front group that fought regulations on indoor air quality, and he second-guessed accident victims to help insurance companies deny payouts.

Reached by phone on Thursday evening at his consultancy's offices in Rockville, Maryland, Gots declined to comment. "I'm sorry, I really can't talk to you," he said. "I'm in the middle of this thing. I cannot answer your questions."

"You can look at my C.V. That's all public," he said when asked about his background. "But I can't do more than that right now."

He denied ever advising tobacco companies, denied ever meeting lawyers for tobacco companies, declined to explain how his now-shuttered medical-review service worked and hung up. Gots did not challenge any of the specific facts about his work with tobacco companies sent to him in multiple follow-up emails.

In a statement, Northland said that Gots, a "highly qualified and credentialed physician and toxicologist with more than 40 years of experience," is "recognized as an expert in his field."

"We look forward to the court's consideration of Dr. Gots and his testimony," the company said.

Counting Asthmatics



COURT EXHIBIT

Mold grows behind the kitchen cabinets in a Church Street South apartment.



COURT EXHIBIT

Building 13, Unit 4A's bedroom.

Northland brought on Gots to serve as one of its most important expert witnesses.

Even if the plaintiffs can prove that Northland systematically let the buildings at Church Street South plunge into ruin, allowing water leaks to persist for months or even years without adequate repairs, Gots is the person who can question what it all amounts to. He can potentially undercut the argument that tenants developed their asthma, respiratory problems and skin conditions from Church Street South.

“The plaintiffs have proffered a seemingly straightforward theory of this case: the residents had similar exposures and they developed common medical disorders, particularly asthma, and thus represent a class of individuals,” Gots write. “That theory, while appealing on its face, is strikingly simplistic and fundamentally incorrect. The exposure attribution is wrong. The clinical disorder attribution is wrong. The causal analysis is wrong as well.”

Just Like Bridgeport

| Church Street South Residents - Summary of Questionnaire Information | | | |
|---|----------------|-------------------|----------------------|
| | All (n=268) | Adults (n= 98) | Children* (n=170) |
| Age (mean) | 20.6 | 37.7 | 10.8 |
| Women (number; %) | | 92 (94%) | |
| Household size (mean; range) | 2.9 (1-8) | | |
| Years lived in Church Street South (mean; range) | 6.3 (0.2-46) | 8.5 (0.8-46) | 5.1 (0.2-16) |
| Medical Conditions** (number; %) | | | |
| Allergies | 75 (28%) | 32 (33%) | 43 (25%) |
| Asthma - physician diagnosis | 117 (44%) | 36 (37%) | 81 (48%) |
| Other Respiratory Problems | 127 (47%) | 57 (58%) | 70 (41%) |
| Asthma and/or other Respiratory Problems | 170 (63%) | 66 (67%) | 104 (61%) |
| Sinus Problems | 89 (33%) | 44 (45%) | 45 (26%) |
| Headaches | 104 (39%) | 56 (57%) | 48 (28%) |
| Skin Problems | 115 (43%) | 35 (36%) | 80 (47%) |
| Anxiety | 128 (48%) | 69 (70%) | 59 (35%) |
| Depression | 121 (45%) | 72 (73%) | 49 (29%) |
| Emotional Distress | 159 (59%) | 83 (85%) | 76 (45%) |
| Those with Asthma and/or Respiratory Problems*** | n=170 | n=66 | n=104 |
| Onset / Worse while at Church Street South | 168 (99%) | 66 (100%) | 102 (98%) |
| Improvement away from Church Street South | 118 (69%) | 49 (74%) | 69 (66%) |
| *Children are < 21 years of age on 1/1/2018 | | | |
| **Self-reported | | | |
| ***Change in respiratory symptoms reported in those with asthma and/or other respiratory problems | | | |

Survey results from Redlich.

The plaintiffs, meanwhile, have hired Carrie Redlich, a professor at Yale School of Medicine who researches the effects of surroundings on lung problems like asthma, to survey 268 former tenants at Church Street South. She concluded that the [prevalence of asthma was “very high,”](#) even when accounting for the race and class of those interviewed.

Of 170 children, 48 percent reported physician-diagnosed asthma, 41 percent had respiratory problems, and 45 percent had emotional distress. Two-thirds of the kids said they got better after leaving Church Street South.

And of the 98 adults, 37 percent reported physician-diagnosed asthma, 58 percent had respiratory problems, and 85 percent had emotional distress. Three-quarters of the adults said they too got better after moving out.

Gots, who holds a doctorate in pharmacology, said that those rates actually weren't far off from those in other cities in Connecticut. He cited Amistad Academy, a charter school network in New Haven and Bridgeport, which reported asthma among 44 percent of its students — “comparable,” he said, with what Redlich found.

The defendants then slammed Redlich's analysis as inaccurate. Marc Kurzman, Northland's lawyer, said she shouldn't have taken tenants at their word. Her “complete failure” to look over physicians' evaluations as corroboration ruined her analysis, he argued. Gots added that her numbers were “inflated,” based on “self-

reported data and flawed methodology.”

| ALTERNATE CAUSES OF ASTHMA IDENTIFIED IN MEDICAL RECORDS OF DEFINITE ASTHMATICS | |
|--|--------|
| ALTERNATE CAUSE | NUMBER |
| Respiratory syncytial virus (RSV) | 4 |
| Bronchiolitis | 12 |
| Pneumonia | 6 |
| Croup | 2 |
| Other respiratory infections | 11 |
| Exercise | 3 |
| Second hand smoke | 2 |
| Smoking | 4 |
| Drugs | 1 |
| Other allergies | 6 |

Alternate explanations from Gots.

After looking through doctors’ notes, Gots claimed that only 26 percent of the 268 former tenants had a “definitive medical diagnosis.” (Another 13 percent possibly had asthma.) Of those, only about one-third were diagnosed while they actually lived at Church Street South.

By his count, that brought the number down to just 24 residents who developed asthma at the complex. From there, he said he found “alternative causes” for 18 tenants, mostly pointing to respiratory infections like bronchitis and pneumonia. Only six had no other explanation.

“The inescapable conclusion,” Gots wrote, “is that at least 98 percent of the Church Street South residents (of those I reviewed) do not have asthma with any apparent connection to the residence.”

Researchers often rely on self-reports of doctor-diagnosed asthma, according to a [2011 meta-analysis of mold and dampness studies](#). Because children are often self-reporting their symptoms (or having their parents do it for them) to non-specialists and because tests have poor predictive value, [accurately diagnosing asthma](#) can be fuzzy. [Several studies](#), including among [sick kids](#), have also shown that less severe asthma actually tends to go unreported.

Gots’s testimony pointed out, to the contrary, that people generally over-report exposure to hazards like a [toxic waste site](#) or [tainted water supply](#).

Identifying The Culprit



COURT EXHIBIT

Water bubbles in Building 17, Unit 1B's ceiling.

Gots then delved into the controversial science around whether mold can actually cause asthma to develop (outside a small portion of people with a mold allergy) or whether it just exacerbates it.

Traditionally, scientists believed that asthma can develop in people predisposed to have an allergic reaction to mold. Those antibodies, Gots said, are still the “best-known and best elucidated mechanism” for identifying mold as the culprit. More recent research, however, suggests that chronic irritation in a water-logged space can cause asthma to develop, though the proof is strongest for children.

Unlike more conclusive allergy tests, though, those studies have major limitations. Surveys come with reporting bias, where interviewees talk up the suspected cause of their illness, though some researchers have successfully backed up the claims with inspection reports. Data analyses, likewise, come with limitations on what entered a person’s lungs, exactly what type of organism grew on what type of surface and was breathed in for how long.

Gots called that emerging body of research “far from settled.” Without citing any studies, he also argued that growing up in a damp environment filled with microbiological agents might actually protect a kid from asthma. He referred to it as the “[hygiene hypothesis](#).”

That goes against evidence that fungal spores in damp houses, just like cockroach saliva and feces or dust mites, are more likely to trigger respiratory problems than assuage them.

A [2007 study in Finland](#), for instance, sent trained engineers to 240 homes where kids, ages 2 to 7, had just been diagnosed with asthma. The researchers found that higher levels of moisture damage and visible mold in the living room correlated with higher risk of asthma. Similarly, a [2007 study in Britain](#) found that kids were more likely to stop wheezing within six months after fungicide was sprayed in their house than a control group left in moldy homes.



A bathroom in Building 22, Unit 10C.

Still, discounting that, Gots said allergy tests were the only way to prove that mold caused asthma. Just a handful of Church Street South tenants went to get those tests. Of 14 tenants tested, nine of whom were asthmatics, four responded to mold.

That's higher than what Gots had predicted. Since 1998, as he wrote in his book *Toxic Risk* and reiterated in his court filing, Gots has said that 6 to 8 percent of the population has antibodies for mold. Yet Church Street South's rates topped 26 percent.

Gots said all those individuals had gotten tested after moving out, making a "temporally eligible connection" impossible.

In what might be his strongest argument to the court, Gots also pointed out that there's no way to go back and test the condition of the apartments at the time the tenants claim to have developed symptoms. Whatever the science might suggest, the tenants' lawyers need to prove mold was a culprit by a preponderance of the evidence.

Despite all of that, if the mold at Church Street South did somehow tighten their throats and inflame their skin, Gots limited the potential damages.

He said few tenants had reported any distress about it. Based on a review of "tens of thousands of pages of psychiatric records," he said only three individuals told their mental-health provider about their substandard housing.

The rest talked with their psychiatrists about depression and anxiety, past sexual abuse, opiate addiction and mental illnesses like schizophrenia and bipolar disorder. "All of these produce emotional distress," Gots wrote, "but none is related to mold concerns."

Standing Up For Industry



A wall in Building 5, Unit 4A.

Gots has been making similar arguments on behalf of corporations for at least three decades.

Throughout his career, Gots criticized strict regulation of [pesticides](#) and [asbestos](#). He questioned why coal miners were being compensated for pneumoconiosis, better known as [black lung disease](#), and he said he doubted [Agent Orange](#) had an effect on soldiers in Vietnam.

Studies indeed often cannot link cancers, already rare in the population, to decades-old chemical exposures.

But where most scientists use epidemiological studies and animal tests to understand carcinogens around us, Gots often demands harder proof, like seeing bodies scorched from a plane crash or a chemical explosion — the two examples he gave to contrast with Church Street South's mold.

Gots used conspiratorial language to describe the growing number of companies being dragged to court over contaminants in the workplace, telling a gathering of insurers in a [1982 speech](#) that all of society seemed to be lining up against them.

"The leadership by environmentalists and plaintiff attorneys is formidable. It has the full backing of the print and electronic media. Government agencies and the Congress are supportive. Certain vocal spokesmen from the scientific community lend their imprimaturs. The labor movement stands strong behind it. It is financially well-endowed, and it has garnered broad acceptance and support among the American public," he said. "Unless serious scientists and physicians enter this national legal battle immediately and help direct these actions towards the truth, we will be overrun by false claims which erode billions of very real dollars."

Early on, Gots often blamed smoking as the true culprit in batting down claims of occupational exposure to other chemicals. Then he switched sides. He joined with the cigarette-makers in pushing back on regulation of secondhand smoke.

This week, Gots denied that he ever worked with tobacco companies or their lawyers. "I have never advised a tobacco company in my life. That's utter nonsense," he told the Independent in the brief phone call.

“While I respect freedom of the press, I want to make sure that you are aware that neither I nor any of the consulting companies I have run, including the Center for Toxicology and Medicine, have ever been engaged by or performed services for the tobacco companies,” he wrote in a follow-up email, copying his lawyer. “With that in mind, I would ask you to refrain from stating or suggesting anything to the contrary and appreciate the harm that would be caused to me by inaccurately reporting anything to the contrary.”

But starting in 1985, an employee at the company Gots ran said his boss personally wanted to meet R.J. Reynolds Tobacco executives “for a further introduction to our people and services,” as [the employee wrote in a letter](#). “We look forward to working with you.”

In 1989, Gots met with [lawyers for Phillip Morris](#) to discuss pesticides used in growing tobacco, and in 1992, he had another sit-down with [lawyers for Brown & Williamson Tobacco Corporation](#) to discuss a government report about secondhand smoke, according to billings kept by those firms. Gots denied that these meetings took place.

That same year, Gots signed on as chairman of the scientific advisory board for the [Total Indoor Environmental Quality Coalition](#), an industry front group assembled by R.J. Reynolds that brought together other businesses like AT&T, BF Goodrich Tires and Dupont Fibers, to oppose “[costly, premature and perhaps ineffective](#)” federal legislation.

In a [magazine article](#) around that time, which R.J. Reynolds would later use in its [marketing materials](#) and in [Congressional testimony](#), Gots said that most people’s concerns over indoor air quality were either a “non-problem” or a “nonidentifiable problem.”

While flirting with the tobacco industry, Gots never did become one of its outspoken defenders.

He joined his Maryland-based consultancy, the International Center of Toxicology and Medicine, with three businessmen and let them carry out most of the tobacco-related work from the same offices under a different company name, as one of the partners testified in a [taped 2000 deposition](#).

Later, Gots went back to working with insurers. He founded Medical Claims Review Service (MCRS), a company to which insurers sent medical files and accident reports for a second opinion. Known informally as a “paper review,” these supposedly-independent assessments were often used to deny claims.



In a [Peabody Award-winning investigation](#) about the practice, Dateline NBC reported that it caught Gots in a lie about his company's practices.

At first, Gots said, "A doctor [at MCRS] looked at every one" of the medical reports. But when the journalist John Larson confronted Gots with contrary statements from a former MCRS doctor, Gots cleared his throat, drank some water and backtracked. He soon admitted that a doctor never looked at the reports in "some small percent of our cases," about a tenth of the caseload, he estimated, meaning hundreds of reports.

Dateline NBC obtained 79 MCRS reports done for State Farm, every single one of which favored the insurer.

In a subsequent fraud case that ended with a [\\$9.6 million verdict against State Farm](#), a judge said there'd been "overwhelming evidence" that MCRS was a "completely bogus operation" that prepared "slanted," "cookie cutter reports."

Gots told Dateline they were actually "above standards in the industry by far." MCRS went out of business in 1995.

Since then, Gots has served as an expert witness in trials in 30 states, focused primarily on mold. In his resume, he said he's met with over a hundred patients in assisted living facilities; residents in apartments, hotels and housing projects; and students and teachers in schools.

"I have seen the breadth of complaints," Gots said, "some minority of which may have been mold-related, most of which were not, but were perceived to be so" by all the individuals involved.

Previous coverage of Church Street South:

- [Northland: Disaster Not Our Fault](#)