

# THE POLICYHOLDER ADVOCATE

An uppity bimonthly publication from Policyholders of America

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Filing a claim?

Get accustomed to this view —

The south-facing end of a  
north-bound horse.

[Find out why...](#)

AIN'T NO CURE FOR  
THE BAILOUT BLUES:  
INSURERS SCURRY TO  
TAP INTO BAIL OUT  
FUNDS.  
POA IS AN OBSTACLE  
IN THEIR PATH.

FRIENDS DON'T LET  
FRIENDS GET  
INSURANCE FROM  
THESE CARRIERS: :  
TOP 10  
WORST INSURER  
LIST INSIDE



# GITTY UP! THE RESEARCH THAT FOOLED AMERICA.

WHEN THE GOING GETS TOUGH...THE TOUGH LOOK LIKE A, WELL, YOU KNOW

BY MELINDA BALLARD, POA

“Garbage in; garbage out” is an expression that holds true in every aspect of life.

When it happens in medical research, its result can be deadly. Take Vioxx, for example. The FDA, funded by pharmaceutical companies and shielded by an administration hell bent on limiting jury awards, allowed the sale of a drug that research showed could kill.

Vioxx is not an isolated case. Physicians all across the country have dismissed real injuries sustained by people because they relied on bogus, tainted “research”, funded and prepared by guys who make the big bucks telling jurors that injuries sustained by the plaintiff couldn’t possibly be caused by a particular product or by the manner in which a claim was handled.

In 2002, insurers stopped settling mold related personal injuries. They had been handed the silver bullet – a position statement from an allegedly credible medical organization that was their key to freedom of liability.

Armed with a research paper that on the surface looks very legit because it has the seal of approval from a big environmental medical organization describing itself as the “pre-eminent organization of physicians who champion the health and safety of workers, workplaces and environments”, the position had some credibility and was held up as “gospel”, leaving thousands of injured, misdiagnosed and untreated victims in its wake.

Enter the seedy world of mold, insurers, builders, realtors, landlords and employers, their medical experts, and their lawyers – a group who will stop at nothing to avoid writing a check to right a wrong.

Nature has a way of attempting to balance evil with good. What was once a handful of medical doctors who had the gumption to treat patients has become a pack of doctors who are not only standing their ground but taking their time and one of those is Dr. James Craner, a Harvard trained medical doctor who has diagnosed and treated environmental related illness since long before I met him in 2001, when we shared a podium together at University of Nevada—Las Vegas.

The most recent issue of the *International Journal of Occupational and Environmental Health* published an article, authored by Dr. Craner, that blew the lid off of the tainted research produced by the American College of Occupational and Environmental Medicine (ACOEM) in 2002 and used by defendants to help mislead jurors. Worse, the paper has



The south end of a north-bound horse is the nicest way POA’s president can describe the cast of characters involved with the ACOEM Mold Statement scheme.

actually hurt patients because physicians rely on the ACOEM to diagnose and treat patients.

Quite by accident though, Dr. Craner’s paper also exposed the view policyholders get when they file a claim – that is, south-most part of a north-bound horse.

Here are some of the highlights of Dr. Craner’s paper entitled, ***A Critique of the ACOEM Statement on Mold: Undisclosed Conflicts of Interests in an “Evidence-Based” Statement.*** (I have editorialized some of Dr. Craner’s article.)

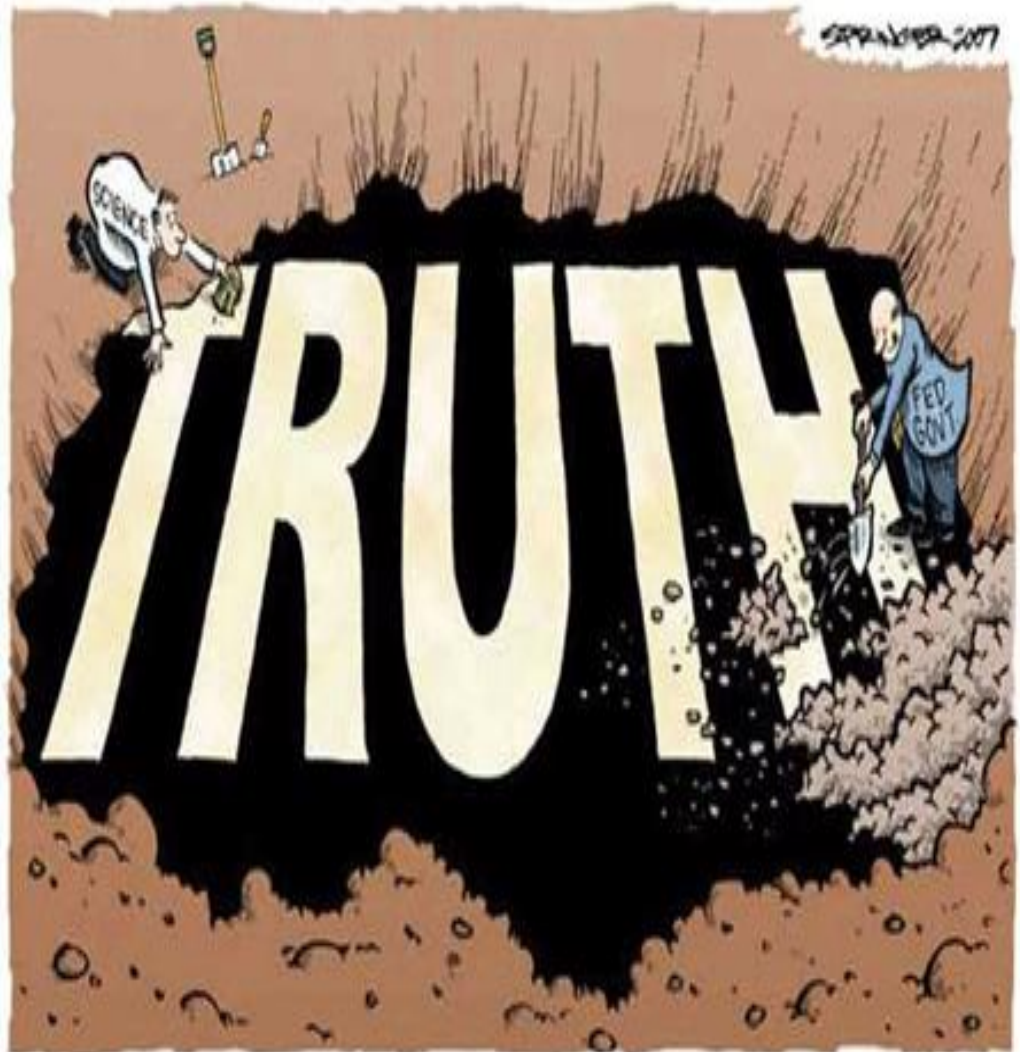
1. Input from various stakeholders was not welcome. The only input came from the defense perspective.
2. A systematic review of all literature was not conducted. Only studies supporting the ACOEM position were used.
3. Full and truthful disclosures of credentials and conflicts of interests of all individuals involved with the development, writing and funding were not made.
4. The ACOEM had to solicit authors from outside its membership ranks even though there were plenty of ACOEM members who had actually conducted and published peer reviewed medical research on mold-related disease. In fact, the ACOEM picked a guy who was neither a medical doctor nor had he published on mold or indoor air quality to lead the charge. He involved an infamous defense consulting company to assist. Since that consulting company regularly and publicly poo-pooed the idea mold could cause health problems, one might put two and two together and figure their bias in favor of the defense was a prerequisite. The

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icing on the cake was the involvement of yet another “courtroom regular” appearing for the defense. This one too had neither conducted original research on nor authored peer reviewed articles about either mold or indoor air quality.

5. When word about the three authors got out to occupational and environmental physicians who were actually members of the ACOEM, concern spread and the physicians contacted the ACOEM and offered their help. Their offers to help were denied.
6. The point person from the ACOEM commissioning the statement from the three authors publicly made pronouncements that 100 ACOEM members “peer reviewed” the statement prior to publication. In reality, internal ACOEM documents show that only 20 carefully selected members participated in the peer review process. And, of the 20 members actually reviewing the statement, only two had published anything on mold. Other reviewers did question the tone of the statement citing it read “like a defense report for litigation.” Another reviewer pointed out many epidemiological studies that support respiratory problems arise in patients living in damp buildings.
7. Then, the ACOEM had the statement published in the *Journal of Environmental Medicine* and made hay out of its publication with the press. And, of course, the media fell for it hook, line and sinker. Articles came out in papers across the country stating the whole mold thing was overblown and it can't cause harm.
8. For years, the three authors have basked in the notoriety which, in turn, produced huge demand for their testimony and even bigger expert witness fees.
9. Additional writing “gigs” were made available from defense-associated groups like the US



10. Chamber of Commerce. Even the *Journal of Allergy and Clinical Immunology* hired one of the three stooges to produce a report that mirrored the findings of the ACOEM statement.
11. The authors and their accomplices have done irreparable damage to patients and to those who the ACOEM alleges to protect. Countless research dollars that could have been directed to mold were directed elsewhere. The scheme also lulled homeowners and others into a false sense of security that mold cannot be harmful and does not need to be dealt with in an expeditious manner. Prevention of water leaks has also taken a huge hit. Many doctors who were advocates for their patients and believed mold caused or contributed to symptoms observed in their patients were discredited and in some cases, run out of the profession by state medical boards who embraced the ACOEM statement.
11. The benefactors of the scheme were the real estate, construction and insurance industries — the very ones who hired the three authors in the first place.
12. When a reporter from the *Wall Street Journal* busted the scheme, the ACEOM circled the wagons and has yet to admit any wrongdoing or retract the statement and its publication in the *Journal of Occupational and Environmental Medicine*.

Dr. Craner's article can be found by [clicking here](#)