



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

A. Yes.

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

A. Well, the meaning certainly is.

Q. And the words are substantially similar, correct?

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

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

A. No.

Q. Are you sure of that, sir?

A. Yes.

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

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

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

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

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

A. Yes.

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

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

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

Do you have it?

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

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

A. That was one that we used, yes.

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

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

Released July 17, 2003,  
Hazard of Mold Litigation

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

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The paper written for the US Chamber:  
A SCIENTIFIC VIEW OF THE HEALTH EFFECTS OF MOLD

Ending sentence: "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."

Q. When the lay version of the ACOEM paper was printed by the Institute For Legal Reform, the ACOEM again did not have any conflict-of-interest waiver. On your part, did it?

A. I have no idea. I've never seen that version. I'll call it the nonscientific piece that has my name on it.

Q. From your view, did you make any efforts, despite anyone calling you or anything else, to make sure that a conflict-of-interest waiver was included with the lay version put out by the Institute For Legal Reform?

A. No, because I didn't even know my name was on it.

1           IN THE COURT OF THE STATE OF OREGON  
2  
3  
4   In the Matter of  
5   HAYNES VERSUS ADAIR HOMES  
6   CASE NO. CCV0211573  
7   \_\_\_\_\_

HEARING  
FEBRUARY 18, 2005  
CD TRANSCRIPTION  
CD 1

BE IT KNOWN THAT, the above-referenced Transcript of Proceedings was transcribed from compact disc on March 15, 2005.

1           DEFENSE: Defense calls Dr. Bruce  
2   Kelman.  
3           JUDGE VANDYK: All right.  
4           COUNTY CLERK: Under penalty of  
5   perjury, do you swear or affirm that the testimony  
6   you're about to give in the matter is the truth, the  
7   whole truth, and nothing but the truth?  
8           BRUCE KELMAN: I do.

9 BRUCE J. KELMAN: "And, that new  
:0 version that you did for the Manhattan Institute, your  
:1 company, GlobalTox got paid \$40,000. Correct. Yes,  
:2 the company was paid \$40,000 for it."

:3 MR. VANCE: Thank you. So, you  
:4 participated in writing the study, your company was  
:5 paid very handsomely for it, and then you go out and

you testify around a country legitimizing the study  
that you wrote. Isn't that a conflict of interest,  
sir?

BRUCE J. KELMAN: Sir, that is a  
complete lie.

MR. VANCE: Well, your vouching for  
your own self [inaudible]. You write a study and you  
say, "And, it's an accurate study."

BRUCE J. KELMAN: We were not paid  
for that. In fact, the sequence was in February of  
2002, Dr. Brian Harden, and [inaudible] surgeon  
general that works with me, was asked by American  
College of Occupational and Environmental Medicine to  
draft a position statement for consideration by the  
college. He contacted Dr. Andrew Saxton, who is the  
head of immunology at UC -- clinical immunology at  
UCLA and myself, because he felt he couldn't do that  
by himself. The position statement was published on  
the web in October of 2002. In April of 2003 I was  
contacted by the Manhattan Institute and asked to  
write a lay version of what we had said in the ACOEM  
paper -- I'm sorry, the American College of  
Occupational and Environmental Medicine position  
statement. When I was initially contacted I said,  
"No." For the amount of effort it takes to write a  
paper I can do another scientific publication. They  
then came back a few weeks later and said, "If we  
compensate you for your time, will you write the  
paper?" And, at that point, I said, "Yes, as a  
group." The published version, not the web version,  
but the published version of the ACOEM paper came out  
in the Journal of Environmental and Occupational  
Medicine in May. And, then sometime after that, I  
think it was in July, this lay translation came out.

They're two different papers, two different activities. The -- we would have never been contacted to do a translation of a document that had already been prepared, if it hadn't already been prepared.

MR. VANCE: Well, your testimony just a second ago that you read into the records, you stated in that other case, you said, "Yes. GlobalTox was paid \$40,000 by the Manhattan Institute to write a new version of the ACOEM paper." Isn't that true, sir.

BRUCE J. KELMAN: I just said, we were asked to do a lay translation, cuz the ACOEM paper is meant for physicians, and it was not accessible to the general public.

MR. VANCE: I have no further questions for him.