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## The Toxic Mold Rush: California Mom Helps Fuel an Obsession

### Ed McMahon is among those caught in paranoia over fungus' supposed perils

By Daniel Heimpel

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**The old trailer where she** forced her daughter to sleep in the bad days takes up most of the driveway. Her home sits at the end of the cul-de-sac of upper-middle-class homes in San Diego's North County. Odors from two overweight dogs have permeated the house, sinking into the dark-brown rug, and rising from tracks of dirt along the floor. It's a scene of disorder: The living room couches are much too large, the cabinets are crammed with bric-a-brac and papers brought from the old house after the leak. After the world changed.

(Click to enlarge)

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The Ballard home in Texas

(Click to enlarge)

Sharon Kramer in a recent photo.

It is here, in a small room behind drawn wooden shutters, that Sharon Kramer maintains her national, sometimes global crusade against mold. She sits at a desk piled with articles she is working on, journals on indoor air quality and scientific reports. And there is dust everywhere, as if nobody has been in the room in a very long time. "I just don't understand why this guy is being such a hard-ass," the 56-year-old says over the phone to a local bureaucrat, her thick fingers nervously tracing on the notepad in front of her.

The skin on her face is loose from age and fluctuations in weight. But she blames it all on the mold. Her lips are pursed in measured anger. "My husband will pay the fine, but he shouldn't have a misdemeanor. This is a small town and I don't think this new attorney understands how things work."

This morning's battle is with the Escondido City Attorney's Office. Kramer's husband, Mike, has illegally parked the maintenance trucks for his parking-lot-cleaning business. He is saddled with a \$500 fine and a misdemeanor. "As you can see," she says, hanging up, "I don't do well with bullies."

As a 9-year-old in Ohio, she confronted a schoolyard tough guy. The boy, Danny, was taunting two of her friends. She told him that if he kept it up, he'd never be allowed to eat Apple Jacks, because "Apple Jacks aren't for bullies." He beat her up, so she spread rumors about him. "I remember Danny caught all kinds of hell from the boys at school the next week for beating up a girl. Back in the mid-'60s, that was a real social no-no, to fight with a girl, even if you were a bully."

But Kramer has taken on a much bigger foe than Danny or a small-town assistant city attorney. Her battle is with enigmatic, omnipresent mold. Huge corporations and major law firms know Kramer's name because of it.

In the late 1990s, the term "toxic mold" found its way into media coverage and a handful of courtrooms. A few victims reported a frightening array of symptoms, from severe memory loss to infections and bleeding gums.

In a country where fear is second only to sex as a hot sales tactic, household mold, which has always been in the environment, soon became, in Kramer's words, "toxic, dangerous, a killer." While mold can be dangerous to the infirm, an opportunistic group of plaintiff's attorneys convinced juries of an exaggerated threat — to the healthy. Awards by juries in Texas, California,



The Ballard home in Texas



Sharon Kramer in a recent photo.



Before and after: Sharon Kramer, who looked like a model, says her aging is due to mold.



Past it: Erin Kramer doesn't like to relive what happened.



Healthier times: Mike Kramer, recently vacationing with the Kramer girls.



Oregon and several other states exploded into massive figures, topped by \$32.1 million the Ballard family of Texas was awarded in 2001 when their home was inundated with mold.

Builders and insurance agents feared that they would have “another asbestos” on their hands, an area of litigation that grew so huge, so vague —and so lucrative for lawyers —that some now refer to it as the “Asbestos Blob.” Construction companies, home insurers, health insurers and contractors decided to fight back against claims of health problems and property damage caused by mold, arguing that there is very little scientific or medical proof that household molds make people seriously ill.

But their side didn't have Sharon Kramer. With Kramer as its Erin Brockovich and her daughter as a starring victim, a mold war exploded, with California at its center. By 2001, water-damage claims in California —driven by the discovery of mold —skyrocketed by a third, to \$430 million of all homeowner-insurance claims paid, according to the Insurance Information Network of California. The average claim surged 80 percent from 1998 to 2001, to \$4,730, to remove what, mere years earlier, had often been scrubbed away with a little Dutch Cleanser. The Mold Blob had arrived, and by 2002, insurers reported \$3 billion in annual losses nationwide —paid as settlements for personal-injury claims and property damage caused by mold.

One of those demanding justice was Kramer, whose sickly teenage daughter was nearly killed by a household fungus that is innocuous to the healthy. A Realtor in exclusive Rancho Santa Fe, Kramer became an outraged gadfly and self-appointed mold researcher. She grew enraged by papers written by mold experts who sided with insurers and contractors in saying household mold isn't particularly dangerous.

Like those who would later join the cause, including Johnny Carson sidekick Ed McMahon, she saw a conspiracy funded by businesses out to end mold claims while risking the public's health. She believed that the well-being of thousands depended on her exposing that deceit. Like the fight waged by McMahon over the death of his dog purportedly from mold, Kramer's belief has consumed her. It has wiped out her comfortable suburban life and financial security and caused her to lose touch with many friends.\*

But the great mold scare never rose to the level of accepted epidemic among serious researchers. Despite public hysteria that continues even now, science today finds no direct link between mold and serious illness in people with normal immune systems.

The Centers for Disease Control now says: “There are very few reports that toxigenic molds found inside homes can cause unique or rare health conditions such as pulmonary hemorrhage or memory loss” —the kinds of illnesses claimed in successful lawsuits at the height of the mold rush. “These case reports,” the CDC warns on its Web site, “are rare, and a causal link between the presence of toxigenic mold and these conditions has not been proven.”

Today, hotly disputed claims of brain lesions, seizures, memory loss, dementia, bleeding gums and lungs, vertigo and deathly ill pets rarely make it before a Los Angeles, Dallas or Portland jury —just a few of the hot spots where victims got rich from the verdicts of juries eager to believe in a movieland-like killer spawn.

(Click to enlarge)

Before and after: Sharon Kramer, who looked like a model, says her aging is due to mold.

(Click to enlarge)

Past it: Erin Kramer doesn't like to relive what happened.

(Click to enlarge)

Healthier times: Mike Kramer, recently vacationing with the Kramer girls.

Now, scientists are trying to change public perception about an epidemic that probably never was. And, illustrating how central Sharon Kramer is to driving public perception, she is being sued for defamation by the key Washington state researcher who stuck out his neck to publicize basic facts that went against the grain: First, that household molds don't cause serious illnesses in nonallergic, healthy people. And second, that a lot of people pointlessly live in fear of mold, spending small fortunes to rid their homes or offices of it — for nothing.

Today, that scientist, toxicologist and expert witness, Bruce Kelman, is fighting to fully restore his reputation as an unbiased researcher. Of Kramer's role as the queen of mold, he says, “It is amazing to see the impact of someone who knows how to manipulate the public information system. The impact can be huge — and with no factual information.”

A lot of people are pulling for Kelman — to the great shock of Kramer, long accustomed to being the Brockovichesque heroine. Ted Frank, a lawyer and contributor at [overlawyered.com](http://overlawyered.com), a Web site that tracks suspect litigation, commenting on the broader battle rather than the Kramer case, says, “Entrepreneurial lawyers saw an opportunity to use junk science. ... We saw it with power

Texas fold 'em: The Ballards' home, demolished with the furniture inside, became a sensation when a jury awarded \$32 million.



The Kramer family once lived in this posh Lake Hodges home where Sharon says mold sickened them.

lines, we saw it with Bendectin” — a discontinued drug used to lessen morning sickness in pregnant women. “Every once in a while, trial lawyers completely fool the legal system and make billions with one of these theories, as they did with silicone breast implants. ‘Toxic mold’ was just another stab at the litigation lottery.” \*

Just type into Google the words “Los Angeles,” “mold” and “remediators,” and 93,000 links appear. Or ask a real estate agent if mold is a worry for home buyers, school officials and dozens of other subgroups that needlessly live in stark fear of it.

It’s a huge industry. Mold-detection kits promise to find floating mold spores in your house — before they get you. Mold-sniffing dogs, trained in Florida, are offered by Mold Dog and Mold Trackers for \$500 or more. The fumigation of a cash-strapped Lodi public school soared to more than \$13 million — yet none of the minor coughs or aches was ever proven to be caused by mold — an unlikely source. Last year, cleanup of an Oxnard hospital — the busiest in Ventura County — shut it down for 10 days and cost \$24 million. No illnesses were ever shown to be caused by mold.

The victims aren’t uneducated people. In a 2003 settlement in Tulare County, a frightened judge sued the county, claiming that mold in his courtroom caused his vertigo and dizziness. He got \$40,000. In 2006, a Stevenson Ranch family demanded \$20 million from Shea Homes, claiming a litany of injuries and illnesses. But by 2006, the tide had turned in the courtrooms. The family

got nothing in that case.

From the beginning, victims — the L.A. poster child being Ed McMahon — displayed such a wide range of unrelated symptoms that health officials were suspicious that any one source could be to blame. Now, many studies later, some public-health officials note that the emotional certainty of purported victims and juries was never based on accepted science.

Says Jed Waldman, chief of indoor air quality for the California Department of Public Health, “The scientific literature is inconclusive about links between mold and the health effects you list [cancer, brain lesions, bleeding lungs].” But that didn’t prevent a belief system that ruined lives and cost millions, its epicenter in California.

**Few Angelenos who fear** “toxic mold” realize that the origins of the scare lay in an obscure tragedy 2,000 miles away. In 1994, four babies in a poor Cleveland neighborhood started coughing up dark, thick blood. The Centers for Disease Control flew a group of researchers in from Atlanta, causing fear to ripple through the neighborhood.

In the damp basements of the babies’ homes, researchers found black ooze, *Stachybotrys chartarum*, a mold with spores full of poisonous mycotoxins.

The doctor who alerted the CDC to unusual bleeding in the infants’ lungs told *The New York Times* in 1997 of one of his patients: “She just drowned in her own blood.”

The story was an instant sensation. The imagery of poor black babies trapped in an environmental wasteland in middle America captured the imagination of an outraged national press, and sent scientists scurrying for answers. Nearly three years later, a CDC report found a connection between the mold and the bleeding lungs of the children.

But because it was not conclusive, the federal scientists kept digging. In 1999, toxicologists announced that their review of the initial CDC findings showed no link between the black mold and the babies’ blood-filled lungs. The CDC, in an unusual about-turn, released a far more detailed report refuting its original work, which critics noted had been conducted under extremely intense media and political pressure to side with the victims.

The rational crowd at the CDC was too late. The blood was in the water, so to speak, and the litigation feeding frenzy began. In 1999, Melinda Ballard, owner of a 22-room Texas mansion, sued over mold that had infested her home. Nationwide at the time, just 227 such claims were believed to exist — a number that has since exploded to tens of thousands. A Texas jury agreed that the Ballards had been made sick by mold, and in 2001 awarded the wealthy family \$32.1 million.

The Ballards’ attorney was renowned Texas litigator Fred Hagans, and he told a dramatic tale of clouds of airborne “toxins” in the Ballard mansion. Hagans changed the way normal indoor mold — it’s been around for eons — is viewed. “To this day, I get death threats, and a few people still think I caused their insurance rates to skyrocket,” Ballard told *L.A. Weekly*.

While the mold rush grew in courtrooms, Sharon Kramer was enduring her own, very real mold drama — she just didn’t know it yet.

(Click to enlarge)

Texas fold 'em: The Ballards' home, demolished with the furniture inside, became a sensation when a jury awarded \$32 million.

(Click to enlarge)

The Kramer family once lived in this posh Lake Hodges home where Sharon says mold sickened them.

In 1998, Kramer’s daughter Erin, who has suffered from cystic fibrosis since early childhood, was a freshman in high school. Because of the cystic fibrosis, her immune system was weak. Her lungs were coated with thick mucus, in which one genus of mold, *Aspergillus*, thrives.

Erin, then 14, is among a very small population believed to be susceptible to mold allergies and other mold-related health problems. During a remodeling at her high school, she fell ill. She was admitted to Thornton Hospital in La Jolla, where her breathing difficulty went from bad to worse.

One night, mother and daughter were trying to get some sleep in the unnaturally cold hospital room where Erin had asked nurses to turn up the air conditioning. She was so ill, and her lungs so weakened, that her body had begun overheating from the exertion of breathing.

Suddenly, at dawn, Erin felt as if she were drowning, and the tubes in her nose were providing too little oxygen. She shot up in bed. “I can’t breathe!” she recalls croaking, as her lungs burned like fire. “I can’t breathe!” Kramer bolted out into the hall, shouting for help. The intercom announced, “Code blue, code blue!” Nurses poured in and shoved tubes down Erin’s throat. After a horrible several minutes, the attack passed.

She slouched over, clutching a white stuffed rabbit to her abdomen. Kramer held her. Today, Erin describes how caring her mother was after what they both still call The Code Blue. For hours, Kramer propped her weakened daughter upright in her bed, only telling Erin later how much pain she was in as she physically supported her. After the episode, Erin was diagnosed with allergic bronchopulmonary aspergillosis — a clear-cut finding that mold had made her sick.

Sharon Kramer’s memories of that harrowing week in the hospital overshadowed all of her actions three years later, when the family’s refrigerator sprang a leak — and the Southern California wife and mother began her ascent among the ranks of a geographically dispersed but ideologically cohesive group of mold warriors.

The water line to the icemaker had leaked, and a small pool of water had incubated a modest patch of household mold. Kramer discovered it and was immediately worried, thinking back to the Code Blue. She alerted her home insurer, Mercury, which sent a remediation company to clean the black spot. Kramer remembers having heard that mold could be dangerous. Not wanting to take any chances, she moved her family out while cleaners did their work, sampled the air — and deemed her home perfectly safe.

But once back home, her youngest daughter, Meaghan, and husband, Mike, developed what seemed to be minor stuffy noses. Kramer swore the house was contaminated and ordered Erin to sleep in the family trailer in the driveway every night. “It wasn’t fun,” Erin, now 24, says. “But I understood why she was doing it.”

Kramer herself began to feel ill. “I felt like hell,” she says of her wide-ranging and often odd symptoms — an indication to many scientists and medical professionals that the culprit was not mold spores or toxins, which would produce clear, identifiable illnesses in those allergic to them. But Kramer insists, “One day, my ears would be ringing, the next day, my vision would be blurred. I couldn’t remember anything and I dropped 30 pounds in a matter of about a month.”

Like many people who suffer from mold exposure, Kramer bounced from skeptical doctor to skeptical doctor. Mike Kramer, who did not feel ill, remembers being skeptical too.

“It was frustrating, and I had my doubts,” he tells the *Weekly*. “You look at it as an outsider, not being sick [yourself], and you think maybe there is some mental condition making her do this.”

In 2003, another raft of huge mold news stories broke nationwide, and Kramer paid close attention. The most famous, and strangest, was that of Johnny Carson’s sidekick Ed McMahon, who took a \$7.2 million settlement after suing for \$20 million in his claim that mold made him and his wife sick — and killed his sheepdog, Muffin. He wasn’t the only prominent Californian to join the movement: Erin Brockovich also claimed her Conejo home grew mold.

Not everyone bought into the idea that household mold was a great new environmental danger. Hollywood began poking fun at its supposed victims. Fox’s *King of the Hill*, in the late-2003 episode “After the Mold Rush,” offered a taunting storyline in which the Hills’ home was overgrown with mold. Peggy Hill declares, “Hey, Erin Brockovich has got mold. And Ed McMahon. Oh, it killed his dog Muffin. Maybe we’ll meet them at a survivors’ group.”

In the McMahon case, some see the tragic unraveling of a popular public figure egged on by an attorney, Allan Browne. No hard, scientific evidence was ever made public proving that McMahon or his dog suffered the specific mold allergies and immune-system problems that, in rare cases, can be set off by household mold.

Since then, McMahon has become a sad figure, with a series of new troubles, including his default this year on his palatial 7,000-square-foot home on Mulholland Drive, involving a \$4.8 million loan from the infamous lender Countrywide. And he just sued again, bizarrely accusing investment tycoon Robert Day of having in his mansion a poorly lit staircase on which McMahon says he fell during a party last year. McMahon is belatedly alleging he broke his neck but that doctors missed it.

The longtime TV pitchman spent years convincing the courts and the general public that his home contained rampant, poisonous, deadly mold strong enough to fell a large dog. McMahon talked it up for so long that he now faces the daunting task of selling a home he can no longer afford, that people believe is riddled with toxins.

“Mold has not been a problem,” insists McMahon’s frustrated real estate agent Alex Davis — instead citing the real problem as the mansion’s proximity to an annoying paparazzi infestation at the nearby Britney Spears estate. Sounding almost plaintive, Davis adds, “There is probably less of a chance of mold [at the McMahon mansion] than any other house in town because the house basically has been rebuilt. There is just the story behind it — and nothing else.”

McMahon, through his publicist, Howard Bragman, declined to comment. But Anthony Marguleas, a real estate agent in Pacific Palisades, says that mold phobia is still a huge hurdle in home sales, regardless of reality. “Fifty percent of buyers won’t even look at a house if it was ‘infested’ with mold,” he claims. Less emotional, more sophisticated buyers understand that “there is mold in everybody’s house.”

While McMahon was fighting his demons, Kramer carved out her own niche: to blow the whistle on what she perceived as lies about the adverse effects of mold on thousands of people. She still believes that a ring of scientists, paid off by the insurance and construction industry, spun the scientific research to discredit the claims made by mold’s purported victims.

She gave up her Realtor job, and in 2004 devoted her working hours to blogging about, researching and writing papers on mold. She assembled scientists and doctors, often paid experts working for alleged victims in mold lawsuits, to help get the attention of Congress —and especially the public.

“It’s not that I am obsessed,” she insists. “I am tenacious and diligent in my efforts once I set my mind to change something. Too many lives are on the table for me to walk away until the deceit is taken out of this issue, when I know I can make things change.”

Kramer walks toward her front door —to smoke a cigarette. Her watery eyes scan her own home’s filthy carpet, the bare walls and the cobwebs that cling to a ceiling fan high above. “Sorry it’s so messy,” she says. “I don’t have any time to clean, and I can’t pay for the cleaning lady anymore.”

Her backers know her mostly from her voluminous postings. “She is a hero,” says Nancy Seats, an advocate on mold’s perils and president of the Kansas City–based Homeowners Against Deficient Dwellings, who has never actually met Kramer. They communicate via discussion boards and Web sites like Mold MD and ToxLaw. But Seats has a mental picture of her. “I envision her as an outgoing, dynamic, intelligent woman who has done everything in her power to help people hurt by mold. I’d love to meet her.”

Carl Grimes, president of Healthy Habitats, a mold consultancy company that makes money telling people how to get rid of “dangerous” mold, is also a Kramer fan. “She is doing something more people should be doing,” says Grimes, who claims he couldn’t work for years because of mold spores and bacteria in his home. “She’s speaking out against what she knows isn’t right.”

But her husband, Mike Kramer, says their relationship has suffered because of “her crusade.” The Kramers’ standard of living dropped dramatically after they moved a mile away from their house with a view over Lake Hodges, an exclusive community near San Diego County’s posh Rancho Santa Fe. Kramer says she sold \$1 million in stocks to sustain her new blogging and gadfly career, spent \$30,000 on advocacy trips to Washington, D.C., and lost potential Realtor earnings of \$600,000.

“Looking back at how a leak from a fridge complicated the last six years of our lives is unbelievable,” her husband says. “It doesn’t make sense.”

Nor will it, anytime soon. The family has spent \$100,000 on Kramer’s legal fees to fight a defamation suit by scientist Kelman, which she may not be able to win.

**There’s no doubt that the mold** incubating in Erin’s lungs 10 years ago was real, as was her severe allergic reaction. What is in doubt — severe doubt —is the “toxic clouds” and poisonous spores blamed throughout California and the nation for maladies from hemorrhoids to bleeding scalp, memory loss, athlete’s foot and even rotten teeth.

Oh, there’s mold there. Mold accounts for a quarter of the world’s biomass. It is living rot, and, to many, a sign of death. Mold can sicken people in three ways, according to the National Academy of Sciences and the CDC. Very large quantities can irritate a person’s nose or eyes. It can cause an allergic response. In the very frail, it can cause infection.

Mold grows in moisture and warmth, emitting spores and cell fragments. But there’s no evidence that it can take away a 480-pound man’s ability to run, as one very fat victim claimed, or cause a person’s teeth to itch, as another insisted.

As insurance companies and builders stiffened their defense in response to the “mold rush,” scientist Bruce Kelman entered the picture —as a skeptical, serious scientific type calling out the mold movement.

Kelman, who speaks with a clinical tone, is balding and wears glasses, grew up in the Midwest just like Kramer. Since childhood, he had an interest in science, and later in toxicology. “I got very interested in animal models,” he says. While much research for human benefit is done on rats and even smaller species, Kelman has used primates in his work. With his sterile and unapologetic tone, he says, “We don’t just do it for fun. But I’d rather experiment on animals than people.”

He was among a fraternity of expert witnesses, earning roughly \$425 an hour, who began to utilize a quiver of scientific papers, including Kelman’s own, to argue that mold is not the danger victims have claimed.

One was a 2002 report by the American College of Occupational and Environmental Medicine (ACOEM) that nullified the arguments of many victims, and decimated several court cases that might have won big bucks. The paper asserted that severe and debilitating health effects from indoor mold were “highly unlikely at best, even for the most vulnerable of subpopulations.”

Authors Bryan Hardin, Andrew Saxon and Kelman found that, despite a deep, persisting public belief in toxic mold, there is simply not enough airborne mycotoxin produced by mold to cause a nonallergic, non-immuno-compromised person —in other words, somebody in normal health —to fall ill.

No clouds of toxins were out there, as many victims claimed.

“You can get a serious allergic reaction,” Kelman says. “But if you are immunocompetent and not allergic, you don’t get infections from mold in dwellings.”

For the ACOEM paper, Kelman and his company, Veritox, didn’t do any new testing. Instead, the three scientists synthesized scores of existing research papers, producing a hefty technical tome.

The Washington-based Manhattan Institute then paid Kelman to write a simpler, lay version of the ACOEM report for the public in 2003. A clearly elated U.S. Chamber of Commerce, which represents many businesses and industries sued during the Mold Rush, released a very abbreviated version. It stated: “The notion that toxic mold is an insidious killer, as so many media reports and trial lawyers would claim, is junk science.”

Phoenix-based toxicologist Paul Wax, president of the American College of Medical Toxicology, backs up Kelman and Veritox. “Their opinions are grounded in good science. They are not going out on a ledge saying something without support.”

Some say Kelman is wrong. “The toxins produced by fungi are among the most potent toxins known to humans,” says Ken Hudnell, a researcher with 23 years’ experience at the EPA. “If you have colonization of mold inside you, you are in danger of rapid death.”

Hudnell says Kelman’s study did not look into long durations of acute exposure in healthy people. But that acute situation — the alleged Ed McMahon scenario — is exceedingly rare. Top scientific groups like the National Academy of Sciences see no evidence that mold can hurt healthy people. The academy’s study, seen as one of the most comprehensive by both sides of the mold divide, was unable to prove a direct link between mold and severe ailments in healthy people. Its mild language found “sufficient evidence of an association between exposure to damp indoor environments [which incubate mold] and some respiratory health outcomes” of a modest variety — shortness of breath, wheezing and coughing.

But, Hudnell says, the National Academy has only a piece of the puzzle, arguing that airborne combinations of antigens, bacteria and toxins can potentially cause multisystem problems: for example, a loss of memory and motor skills along with rheumatologic problems and fatigue.

Such lingering disputes help to explain why government agencies approach the controversy with caution. Jed Waldman, of the California Department of Public Health, says that his agency’s position is “that indoor mold contamination is unhealthy and should be abated, whether or not those links become better understood.”

At what cost? The state of California doesn’t pay the bill, which can easily amount to thousands of dollars by a middle-class family on “mold abatement” in a home with normal, nonthreatening molds. “There’s a lot of emotion,” Wax says. “There are some people who are extremely passionate about it, and it totally consumes them.”

**In 2002, Kramer was wrangling** with her insurer, Mercury, over Erin’s and her own health — and taking the dramatic step of abandoning her comfortable former home, with its view of Lake Hodges. Mercury, dealing with her allegations, consulted an expert witness about the toxicity of mold. That witness was scientist Bruce Kelman.

“I don’t remember him at all,” Kramer says of those first few years. But by 2005, Kramer was well aware of him. She had begun spending five hours a day online, using Web sites and blogs to post her views. Her accusations had grown brazen. In the response section to a 2005 *New York Times* article about the New York–based Toxic Mold Task Force, Kramer wrote: “Quite a few of our premier medical associations have allowed those who generate substantial income from expert witness testimony denying the severity of mold-induced illnesses to write the national protocol.”

In other words, Kramer was saying, medical associations were selling the notion that mold was not dangerous, influenced by expert witnesses paid by her foes. The particular medical association she appeared to be targeting in her online comment was ACOEM, the American College of Occupational and Environmental Medicine, which had produced the key mold-debunking study.

Kramer still claims that Kelman and his two co-authors based their conclusion on mathematical extrapolations from a single rat study. In fact, they based their findings on numerous studies of rats and mice performed by other scientists. Kramer contends that the original paper was concocted by Kelman and Hardin to bolster their credibility — and purses — as defense-side witnesses.

In an interview with the *Weekly*, she says Kelman’s later, layman’s version of the report is nothing short of “racketeering” designed to manipulate the American people. “Kelman is selling a false concept” that mold isn’t toxic.

In January 2005, Kramer wrote a particularly testy e-mail to the American Industrial Hygiene Association, an organization that certifies mold-cleanup companies — a group often targeted by people alleging that the “poisons” and “toxins” were not fully removed from their homes and businesses.

Kramer’s beef was that the hygiene association had invited Kelman to blog during a Web seminar on mold toxicity. After Kelman participated in the blog exchange of ideas, Kramer wrote to the association: “Is it the goal of the AIHA to promote the safety of mankind, as your code of ethics states? Or is the goal of the AIHA to limit the financial liability of those who support your organization? ... May your children rot in hell, along with all the other innocent children you are hurting.”

Kramer admits this wasn’t “my finest writing,” but says the statement was aimed at the AIHA, not at Kelman.

Kelman saw it differently — much differently. His gut reaction to her prayer that “children rot in hell” — coming from a woman who often got worked up to the point of explosive intensity — was that she actually might show up at his lab in Washington state to somehow hurt his children or those of his colleagues. Kelman recalls that the lab’s scientists “ended up talking to the police about what we could do.”

Not much. Then, in March, Kramer escalated things, disseminating a press release through a public-relations Web site, PRWeb, in which she alleged that Kelman had “altered his under-oath statements” during cross-examination in an Oregon mold case.

An attorney in the Oregon case had suggested in court that the Manhattan Institute had paid \$40,000 for Kelman’s original co-authored mold study for ACOEM. The charge was untrue. Kelman and his partners had written that key study for free. So, Kelman replied in the Oregon courtroom, “That is one of the most ridiculous statements I have ever heard.”

Things got confusing because, in an earlier case, in Arizona, Kelman had indeed testified that he was paid by the Manhattan Institute — but, again, not for the big study. The institute paid him to write the simpler, layman’s translation of the research Kelman and his partners had produced for free.

But in a sly move in the Oregon courtroom, attorney Kelley Vance asked Kelman to read aloud his testimony from Arizona. Kelman read aloud: “And that new version that you did for the Manhattan Institute, your company got paid \$40,000, correct?” And Kelman answered, “Yes, the company was paid \$40,000 for it.” The exchange was about the later, layman’s translation.

Kramer picked up on “the company was paid \$40,000 for it” to make her clearly untrue claim, in her PRWeb press release, that Kelman had changed his testimony under oath when he called the idea that he had been paid “ridiculous.”

Within months, Kelman brought forth a libel claim against Kramer.

Kelman’s lawyer, Keith Sheuer, alleged that because of Kramer’s press release, his client had “suffered loss to his reputation, shame and mortification.” Kramer tried to halt the lawsuit, but both San Diego Superior Court and the California Courts of Appeal disagreed with Kramer’s allegation that scientist Kelman was suing her in order to prevent her from airing important public matters.

In 2005, Courts of Appeal Judge P.J. McConnell awarded Kelman attorney’s fees and allowed his libel case to go forward, asserting that Kramer intended malice when writing the press release. “... A simple investigation of Kelman’s testimony” would have revealed that he did not change his story under oath, Judge McConnell wrote.

Of Kramer, the judge said, “These declarations reflect a person who, motivated by personally suffering from mold problems, is crusading against toxic mold and against those individuals and organizations who, in her opinion, unjustifiably minimize the dangers of indoor mold.”

Today, Kramer says, “I feel like I am in a high-stakes poker game and I have gone all in.” Scientist Kelman is at a loss as to why she continues. “This is the U.S. and she has a right to say whatever she wants,” he says. “But she has to pay the consequences. I don’t like things spread all over the Internet that aren’t true and obviously hurt my reputation — which is everything to me.”

About a year ago, Kelman, through his attorney, Sheuer, offered Kramer a way out. Sheuer sent a letter of apology to Kramer’s attorney, Lincoln Bandlow, which, if Kramer agreed to sign it, would end Kelman’s lawsuit. They asked Kramer to agree to admit, “I was wrong and my accusations were unfounded,” and then sign it. “I sincerely regret any harm or damage that my statements may have caused.”

Kramer wouldn’t sign it. She isn’t taking any deal.

**Early this year, Kramer sat** for a deposition in Kelman’s attorney’s Marina del Rey office. Her attorney, Bandlow, a snappy-dressing law professor at USC, was at her side. Kramer wore a bright-yellow sweater and her trademark red lipstick.

“Is it true that you like attention and being queen of the chat boards?” Sheuer, 50-ish with short gray hair, asked.

“No, that’s absolutely not true, I’ve not enjoyed having to go out front on this issue,” she shot back.

Her lobbying in 2006 helped guide Massachusetts Senator Ted Kennedy’s office in requesting a Government Accountability Office investigation of the mold issue — expected to be released later this year. Kennedy tells the *Weekly* in a written statement: “Household mold has been increasingly implicated in several respiratory conditions, so I asked GAO to report to Congress on the possible links between mold and serious illnesses.”

Although this is a small triumph for the indefatigable Kramer, her youngest daughter, Meaghan, says that she doesn’t tell friends at college what her mom does. Erin, who missed most of high school because of her severe mold-induced lung infection, doesn’t like to relive it either. Mike Kramer just looks forward to the day it will all be over.

“If I never hear about mold again, I’d be happy,” he says. “When this lawsuit is over, she will get some closure. But I don’t think she will ever move on.”

His comment seems prescient. One afternoon not long after Mike Kramer mused about his wife’s tenacity, she was driving on the road to Lake Hodges, to visit the family’s old abandoned house. “I never thought it would take so long,” she says. “But once I get a congressional hearing, this will be all over.”

Later, at Kramer’s much more modest current home, the phone rings. Surrounded by dust and her piles of paperwork, she answers. It’s the City Attorney’s Office. Mike will have to pay the \$500 parking fine but won’t have a misdemeanor on his record. For now, the mold queen has a victory.

*\* For the record, July 29, 2008: As originally published, this story erred in stating that activist Sharon Kramer lost all but her truest friends during her battles against mold. In fact, she told the Weekly she had merely lost touch with many friends. In addition, an editing error while trimming for length made a quote from Ted Frank at overlawyered.com appear as if he was commenting on Sharon Kramer’s legal battle with scientist Bruce Kelman. Frank, however, was criticizing people and attorneys who seek monetary damages for mold in general, not the Kramer legal battle. Finally, two photo captions in the story’s print layout were grouped together, making it appear that the photos might have occurred around the same time. In fact, the photo of the Kramer family on vacation was taken long after they moved out of their Lake Hodges house.*

Also, [click here to read Sharon Kramer’s letter to LA Weekly](#), published August 1.