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## Aarhus Convention.

Three important ideas emerge from the Convention, which is now law in the UK.

[Excerpt from Defra website] ([www.defra.gov.uk](http://www.defra.gov.uk))

'The Aarhus Convention is a new kind of environmental agreement. It links environmental rights and human rights. It acknowledges that we owe an obligation to future generations. It establishes that sustainable development can be achieved only through the involvement of all stakeholders. It links government accountability and environmental protection. It focuses on interactions between the public and public authorities in a democratic context and it is forging a new process for public participation in the negotiation and implementation of international agreements.

The subject of the Aarhus Convention goes to the heart of the relationship between people and governments. The Convention is not only an environmental agreement, it is also a Convention about government accountability, transparency and responsiveness.



The Aarhus Convention grants the public rights and imposes on Parties and public authorities obligations regarding access to information and public participation and access to justice.



[italics added]

### 1. Environmental Information should be widely available to the public.

New regulations (The 'Environment Information Regulations' have been in force since January 2005) allow any person to apply to a public authority for information about anything concerning the environment. There are exceptions which may be applicable, but fewer than apply to requests for information under the Freedom of Information Act. Requests must be responded to within 20 days, sooner if possible. If the request is very complicated, then further time may be necessary. The material supplied may contain blanked out (redacted) sections where data protection issues are involved.

This is a useful tool for obtaining information that has not been available previously.

### 2. Public participation is encouraged in environmental decision making.

In different parts of environmental law in the UK, changes are being made to take account of the articles in the Convention, which



'inter alia seeks to guarantee rights of public participation in decision-making in environmental matters in order to contribute to the protection of the right to live in an environment which is adequate for personal health and wellbeing; Art.6 of the Convention provides for public participation in decisions on the specified activities and on other activities which may have a significant effect on the environment; Art.7 provides for public participation concerning plans and programmes relating to the environment; and Art.9(2) and (4) provide for access to judicial or other procedures for challenging the substantive or procedural legality of decisions, acts or omissions subject to the public participation provisions of Art.6.'



[excerpt from Directive 2003/35/EC]

### 3. Access to environmental justice should be available to all, at reasonable cost.

This part of the directive has yet to be implemented. The government is aware that costs are a major disincentive to potential litigants who may not be rich, but who are engaged in an environmental dispute which can only be solved by a judge. There are many difficulties presented by this part of the Convention, which are far from solved, although matters are urgent.

For those wishing to stay abreast of the development of the law in this area, information can be found on the DEFRA web-site.

children. In fact, they have no research at all on any sort of safety level for children or infants – because there isn't one.

May I respectfully suggest that you read what was a particularly excellent research paper into this whole issue by Dr Magda Havas of the University of Trent – Environmental Studies – Peterborough, Ontario, Canada K9J7B8 dated 31<sup>st</sup> May 2007

[http://www.powerwatch.org.uk/pdfs/20061232\\_havas.pdf](http://www.powerwatch.org.uk/pdfs/20061232_havas.pdf) - Page 7/51 analyses of the WHO guidelines (Section 4) and Page 20/51 produce a very poignant conclusion for policy-makers.

In my letter to Mr Levesley I wrote that PPG8 was “guidance” not law. You replied with a quote from PPG8 – “It is the Governments firm **view** that the planning system is not the place for determining health....if....meets the ICNIRP guidelines...should not be necessary...to consider further health aspects...”

I come back to my argument – A **view** is not **law**. It may be a forceable request, but that is all. As I stated in my original letter, I hope you are not confusing the **upper** ICNIRP level with the **lower** level, which requires local research before making any decision.

The Appeal Decision by Mr C Jarvis (11<sup>th</sup> May 2004 Ref APP/U1105/A/04/1127356) Mr Jarvis was not satisfied by the ICNIRP certification and concluded (para 6) “...proposed mast should not be granted... without more and better information...assessment of **the likely effects of the project on the health of local people...**”

The Court of Appeal 17<sup>th</sup> May 2002 R v Brent London Borough and Oxford County Council stated that “guidance does not fetter the decision-makers’ discretion” - and that: **guidance circulars issued by a Secretary of State need to be kept in mind, but it was not direction and did not lay down rules to be strictly adhered to.**

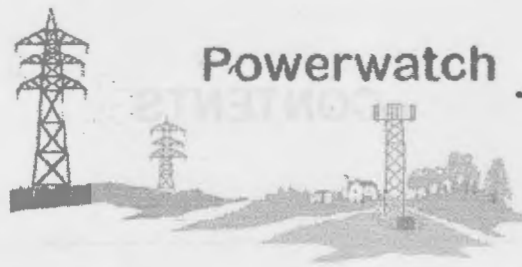
In the Court of Appeal 13<sup>th</sup> November 2003 (Bottomley v Todmorden Cricket Club), the Court spelled out the duty of care resting on the Landowner/Occupier in respect of activities encouraged on his land (emissions). This leads into **the level of insurance needed (to cover devaluation of property/illness/etc).**

Government Legal Adviser/Consultant Solicitor, Mr Alan Meyer, advised on 16<sup>th</sup> October 2006 – at an HPA meeting with Sir William Stewart – concerning the phrase “should not be necessary...to consider health further...”. I quote:

***“The Department of Health should be advising the Department of Communities and Local Government that it is no longer possible in planning matters to instruct Local Planning Authorities that ‘health effects and concerns’ should not be taken into account when considering planning applications - as currently stated in paras 29 and 30 of PPG8. This guidance no longer conforms with:***

✱ ***• Articles 6 and 8 of the European Convention on Human Rights and the Court of Appeal 1997 Judgement in Newport v Secretary of State for Wales...***

✱ ***• Requirements of the United Nations UN22 Standard Rules on the equalisation of opportunities for persons with disabilities – i.e. electrosensitivity.” NB Dr Havas’ research shows WHO documentation recognising ES. (P7)***



# Further legal considerations<sup>1</sup> in relation to EMFs, powerlines<sup>2</sup> and a precautionary approach, following the SAGE report<sup>3</sup> published April 2007<sup>4</sup>

This contributing paper considers in further detail whether existing legislation could be applied to any potential pollution from EMFs. It also considers other legislation in relation to powerlines / EMFs and a how a precautionary approach could be adopted.

By

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<sup>1</sup> I.E. The paper refers to the law in England, Scotland may be covered in the law relating to Wales and Northern Ireland.

<sup>2</sup> It includes electricity and power lines and "electricity lines" (Electricity Act 1989).

<sup>3</sup> Science and Technology Group on EMF (SAGE) is a programme of research by the EMF Working Group (EMF Working Group) which was set up by the Department for Environment, Food and Rural Affairs (Defra) in 2002. The group was chaired by Professor Sir John H. Martin, a leading expert in the field of EMF. The group's final report was published in April 2007.

<sup>4</sup> The SAGE report is a summary of the findings of the group's research. It is a summary of the findings of the group's research. It is a summary of the findings of the group's research.

<sup>5</sup> Brenda Short is a barrister and solicitor. She is a member of the Law Society and the Law Society of Scotland. She is a member of the Law Society and the Law Society of Scotland.

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2007 Gov Planning

# Communication Installations, Apparatus and Equipment (Planning, Operation and Control) Bill

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# Communication Installations, Apparatus and Equipment (Planning, Operation and Control) Bill

A

## BILL

TO

Amend the law relating to planning in connection with communication installations and associated apparatus; to amend the electronic communications code in connection with communication installations and associated apparatus and make further provision about that code; to introduce provision for the provision of health notices on apparatus equipment; and for connected purposes.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Planning*

#### 1. Amendment of the Town and Country Planning Act 1990

- (1) The Town and Country Planning Act 1990 (c. 8) is amended as follows.
- (2) After section 71A insert—

\* [ "71B Communication installations: precautionary principle

- (1) Every application for planning permission for communication installations and associated apparatus shall be approved only after consideration of the precautionary principle as it relates to communication installations and associated apparatus.
  - (2) The local planning authority, an inspector or the Secretary of State shall have due regard to all representations made in relation to the precautionary principle in all determinations for development consent, revocation or discontinuance of use for communication installations and associated apparatus.
  - (3) 'precautionary principle' has the meaning set out within Schedule 1 of the Communication Installations (Planning, Operation and Control) Act 2007;  
'communication installations and associated apparatus' has the same meaning as the term 'electronic communications apparatus' in the electronic communications code."
- \*

#### 2. Amendment of the Town and Country Planning (General Permitted Development) Order 1995, etc.

- (1) The Town and Country Planning (General Permitted Development) Order 1995 (S.I.

(9) 2 of 2 Planning 90V

Amendment of the Town and Country Planning Act 1990

(1) The Town and Country Planning Act 1990 (c. 8) is amended as follows.

(2) After section 71A insert—

“71B Statement of the Precautionary Approach to the Health of the Human Population, Domestic Animals and Wildlife:

(1) Every application for development consent for a class of development set out in (2) below shall be accompanied by a statement setting out the effects (if any) on the health of the human population and that of domestic animals and wildlife (“the health statement”) that may be affected directly or indirectly by the proposed development.

(2) The following land and development types shall require a health statement for the purposes of (1) above:-

- i. Any development proposal where land or premises are to be used as a generating station, an electrical plant, high voltage electric line or any associated infrastructure;
- ii. Any development to land or premises that incorporates into its design or construction plant, equipment, or infrastructure that will lead to, or have the potential to cause emissions from electro-magnetic fields from any internal or external power source, or from any internal wiring;
- iii. Any development proposal where land or premises are to be used for the siting of electronic communication installations and associated apparatus;
- iv. Any new residential, medical or educational development proposal, or any application for the change of use of any land or premises to such a purpose the border of which once completed would be located within 200 metres of any land or premises coming within class (i) above;
- v. Any new residential, medical or educational development proposal, or any application for the change of use of any land or premises to such a purpose the border of which once completed would be located within 500 metres of any land or premises coming within class (iii) above;
- vi. Such other development types that the local planning authority may reasonably believe will impact on the health of humans, domestic animals or wildlife.

(3) On receipt of an application of a Class set out in (2) above the relevant planning authority shall:-

- (a) serve on every statutory body a copy of that health statement and every associated document and plan; and
- (b) advertise the health statement in the same manner and place as required for the development type that the health statement relates to; and
- (c) make sufficient copies of the health statement available for inspection at every principle office of the relevant planning authority for the area where the development is to take place, and at such other locations which in the view of the relevant planning authority it would be convenient for members of the public to view the health statement.

# CORPORATE MANSLAUGHTER ACT – The Hands On Benefit

Legal

**The forthcoming Corporate Manslaughter Act has caused a great amount of panic with some interpreting the Act to mean that you have to publicize any health and safety breach, potentially on national television. Here Stuart Turnbull of Sperian Protection writes about the forthcoming Corporate Manslaughter legislation and how its focus on the boardroom may, in the fullness of time, be seen to be of much greater importance than any perceived new legal sanctions that it contains.**

**THE SUBJECT OF** great debate over many years and passed into law during 2007, the Corporate Manslaughter and Corporate Homicide Act 2007 finally comes into effect in April 2008. Under its provisions, companies and organisations can, for the first time, be found guilty of corporate manslaughter as a result of serious management failures resulting in a gross breach of duty of care. The Act is separate from existing health and safety legislation, which it will operate alongside.

While the new Act obviously has yet to be tested in the courts, there can be little doubt that the penalties that it imposes – which will usually be in the form of fines – will be high profile and in all probability severe. However, because the Act is raising awareness of health and safety issues at board level, with company directors and senior executives now charging their health and safety professionals to bring them up to speed on the new advice, the legislation's greatest impact might not be prosecutions but in fact a good deal more subtle.

Much of the advice, which is in the public domain, about how businesses should prepare for the Act recommends that health and safety becomes a boardroom issue with a senior director, if not the chief executive themselves, becoming responsible for health and safety and indeed some organisations are recommending that they become professionally accredited. Not only this, there is also a large school of thought that these directors get more 'hands on' and monitor adherence at the sharp end themselves in their particular industry.

Any such shop floor interaction will, in a great many cases for the first time, bring these newly responsible directors in contact with Personal Protection Equipment (PPE) with its issues of accurate specification and usage. There can be little doubt that one of the failures that might be interpreted as a gross breach under the new Act is the failure to provide employees with adequate and suitable PPE, in those cases where such a failure leads to death. However, it is more likely that the director will need to be familiar with the current PPE Regulations and PPE in Work Regulations so that PPE is implemented correctly.

The type of PPE most likely to be involved in any major incident is that designated as Category 3, which covers products and environments where the user can be exposed to mortal danger, or to dangers that



may seriously and irreversibly harm health. Depending on the circumstances and type of risk this category can, for example, include fall protection equipment, respiratory protection products, gloves and protective clothing.

Whatever the type of equipment, the first step to providing appropriate protection is to carry out a risk assessment. The results of this can then be used as the basis for selecting products that will properly protect employees and reduce the risk of prosecution under the new Act. Care needs to be exercised, however, in the choice of PPE products.

It's important, for example, to be sure that they genuinely do comply with relevant standards. Cheap imported items may not and, as a result, they may not be suitable for the purpose for which they were purchased. Also, it's essential that the equipment is appropriate to the task and, where relevant, that it fits correctly. Geoff Hooke, Secretary General of the British Safety Industry Federation says on this subject "All PPE should be CE marked with the Standard to which it has been tested, which might additionally state a class or type reference. From this it is apparent that the performance characteristics set out within the product standard need to be known, and understood, and this is where the distributor or manufacturer will also be able to assist."

None of these requirements are particularly difficult to satisfy, but neglecting them could have serious consequences. By far the best and most dependable approach is to use

the services of an established PPE supplier, such as Sperian Protection, that can provide a comprehensive range of fully tested products, backed by the expertise to ensure that they are selected and used correctly. Take this simple step, and the Corporate Manslaughter and Corporate Homicide Act need create no concerns.

The new Act works in conjunction with existing health and safety legislation but has some high profile 'teeth' such as the requirement to publicise a conviction, perhaps even on television, which is why it is causing a flurry of activity. By bringing to the attention of executives the need to get more involved in health and safety, and in the case of PPE at least having a rudimentary understanding of existing legislation, then I believe it is a welcome addition. There may be a certain amount of chicken and egg attached to the introduction of the new Act but better that than the continuing lack of knowledge that has health and safety regarded as a business inhibitor when it is anything but. Sperian Protection for one welcomes it and will, as always, help any company struggling to meet its requirements in this area.

**Come and have a chat with Sperian at Safety & Health Expo from May 13 - 15 on stand D20 or for more information visit [www.sperianprotection.com](http://www.sperianprotection.com) or call 01256 693200.**



**Duty of care - READ BEFORE USING**

(Supplementary, not referred to in GB letter - to be used only if considered appropriate)

Also to have under your belt, a bit of info from a professional friend of mine (not to be waved too threateningly, but worth knowing in case you feel it appropriate to raise it gently - needs care, some people can respond very negatively if they think you're trying to tell them their job). Note that this applies to safe operation of a site IN PERPETUITY, not just during construction. Note also that it applies to Planning Authorities making decisions on such matters, and that if a death ensues this could lead to criminal manslaughter charges, for which no indemnity or immunity can apply. Whilst such an outcome (criminal manslaughter charge) looks unlikely at present, who knows what may happen if someone's looking for a scapegoat in the future? - and those who are aware of that caution in the Stewart Report and the NRPB Report that "there may be biological effects occurring at exposures below [ICNIRP] guidelines" could hardly claim they were sure there was no risk (This is of course a separate issue to the Rylands v Fletcher issue):

There is an Implied Duty of Care obligation on the part of all Professional People in the Execution of their Duties. This duty applies also to Construction Professionals (Those qualified by Examination and registered as Members of appropriate Professional Bodies). Consequently they are obliged not to specify solutions to Construction problems that are known to have or be likely to have hazards to Health and Safety. This goes beyond the safety of Construction Workers during the Construction Phase of the site and goes into the future SAFE OPERATION of the site. This future obligation does not seem to have any time cut off point defined within the UK 1980 Statute of Limitations.

The Construction Design Management Regulations 1996 impose strict duties upon all Designers, Planning Supervisors Professional Constructors and Planning Authorities of applications and particularly so in regard to the Safe Operation of a Building Site.

To cause Death by a Design or Specification Negligence is likely to give rise to a Criminal Manslaughter charge in turn leading to Fines or even Imprisonment. Neither position can be lawfully covered by Employers Indemnity nor Crown Immunity as may be given to Local Government Staff and Civil Servants.



## Judicial Review to oppose National Grid line supported by Hague

AN application to apply for leave to pursue a High Court Judicial Review contesting the Government's go-ahead for National Grid's proposed 50 miles of giant pylons from Teeside to York was launched by two councils in early May and is being supported by the Leader of the Opposition, William Hague, MP.

At an angry meeting of over 250 protestors at Thirsk Town Hall on May 8th, called by REVOLT (Rural England Versus Overhead Line Transmission) formed to fight the proposed 180-foot high pylons, North Yorkshire County Council and Hambleton District Council announced their decision to pursue a joint action.

Phil Lawson, head of environmental policy at North Yorkshire county, said:

'It seems perverse for the Secretary of State, Margaret Beckett, to come out with this decision at a time when national energy policy is under review by her own department. Her action has to be challenged.'

At a meeting with REVOLT Chairman Professor Mike O'Carroll, William Hague welcomed the developments from the meeting. He confirmed his continuing support and added his express support to the policy adopted at

the meeting of non-co-operation within the law.

Landowners and farmers have refused 93 wayleaves, in spite of NGC's financial offers. Now special wildlife sites are envisaged where the 229 giant pylons are intended. Many other initiatives were discussed and will be taken further.

REVOLT has argued for years that the grid line is not needed. They point to the fact that the Enron Teeside Power Station (TPL), for which the need was claimed, came on stream in April 1993 and is already more than a third the way through its contractual life, with no problem is the absence of the line.

The line would promote more surplus power stations in the far north, with bulk dislocation from the net demand in the south, wasting energy and money to the tune of £530m per year every year, with consequent environmental damage and global warming.

If the councils are granted leave to pursue the Judicial Review, it could be many months until the final outcome.

REVOLT can be contacted by ringing Mike Barr (01845 537247) or by writing to REVOLT Secretary Geoff Sharp, Oaklands, Welbury, Northallerton DL6 2SG.

## American Ad Hoc Association appeal challenges FCC RF radiation rules

ON May 22 the Ad Hoc Association (AHA), a public interest organisation representing concerned citizens, and the Communications Workers of America (CWA), a national labour union, filed a joint brief in the US Circuit Court of Appeals, 2nd Circuit, in New York City.

The brief challenges as arbitrary and unconstitutional the Federal Communications Commission (FCC) rules claiming to protect the public against the potential dangers of radio frequency radiation. The Cellular Telephone Task Force (CTTF), representing electro-sensitive persons reporting RF injury, and other parties, filed a brief at the same time.

These petitions have been consolidated by the Court to facilitate its re-

view of orders of the FCC. Oral arguments are scheduled for July and judicial decision is expected in the autumn.

The Federal Communications Commission is the formal respondent. Filing as intervenors are the Cellular Telecommunications Industry Association (CTIA), the National Association of Broadcasters (NAB), The Association for Maximum Service Television, Inc (MAST), Electromagnetic Energy Association (EEA) and AT&T Wireless Services, Inc.

AHA and CWA petitioners charges that the FCC and the federal health and safety agencies should be held accountable for failure to issue federal rules for wireless phone carriers which fully protect public health, safety and welfare.

## Lloyds underwriters assess EMF threat

AN audience of top underwriters at Lloyds of London heard further evidence of the potentially damaging effects of EMR from a leading US researcher at a meeting in mid-May.

Dr Theodore Litivitz, Professor Emeritus of Physics at the Catholic University of America, said he was convinced that electromagnetic fields cause biological effects, according to *Insurance Day* (May 28). Bio-effects he has discovered were consistent with results from others which suggested that EMFs played a role in promoting tumours and could lead to more cases of cancer.

Experiments on chick embryos suggested that, whereas tiny doses might have a protective effect, larger doses suppressed stress hormones and made it more difficult to survive a simulated heart attack. Dr Litivitz was concerned that people are exposed to such fields for longer and in closer contact from devices such as mobile phones than from other electrical equipment.

Ray Hunter, from ACE London, said 'I was very interested in what he had to say about office equipment. People have to be mindful of the sort of liability that may occur.'

John Fenn, of Sterling Underwriters commented: 'I've been concerned about this for some time and a few years ago I began writing exclusion clauses. I'm convinced there is a problem.'

### PROPERTY ADVICE AND CLAIMS NEGOTIATION SERVICE

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(8)  
IN SPAIN

EXCLUSION CLAUSES IN INSURANCE POLICY: ROYAL & SUNALLIANCE, S.A. MADRID  
COME TO LIGHT TO ASSERT AGAIN THAT THE ACTIVITIES OF TELEPHONE COMPANIES CONSTITUTE A  
BAD HEALTH RISK

Clause (19) of the insurance policy subscribed by Airtel ( known also as VODAFONE ) excludes any legal responsibilities with regard to "personal damages, illness, disability of any type, death, mental illness, anguish , mental or physical pain, mental deterioration or mental or physical disorder or any mental or physical disability or symptoms caused or said to have been caused by or attributed to the continuous use of mobile telephones".

In this clause it is clearly recognised by the insurance companies that the radiation emitted by the mobile telephone is a BAD RISK FACTOR and are not prepared to cover in their policy .This is totally unacceptable

Politicians and law makers should remember that this situation can eventually cause our social security system to collapse as hospitals will not be able to cope with the demands for treatment of the various sorts of diseases which are now beginning to crop up due to the activities of these telephone companies.

#### EXCLUSIÓN USO TELÉFONOS MÓVILES.

La cláusula (19) del seguro de responsabilidad suscrito por Airtel, excluye de su cobertura "*las responsabilidades legales con respecto a daños personales, enfermedad, incapacidad de cualquier tipo, muerte, enfermedad mental, angustia mental, dolor mental o físico, transtorno o deterioro o desorden mental o físico o cualquier síntoma mental o físico causado o supuestamente causado o contribuido por el uso continuado de teléfonos móviles*".

[http://weeksmid.com/articles/cancer/PLEASE\\_READ\\_THIS\\_IF\\_YOU\\_STILL\\_THINK\\_CELL PHONES ARE SAFE.htm](http://weeksmid.com/articles/cancer/PLEASE_READ_THIS_IF_YOU_STILL_THINK_CELL_PHONES_ARE_SAFE.htm) (ENGLISH )

<http://www.grn.es/electropolucio/omega27.htm> (ENGLISH )

<http://www.grn.es/electropolucio/ncas16902.htm>

<http://www.grn.es/electropolucio/muntane80.htm>

<http://club.euronet.be/claude.herion/exclusion.htm> (FRENCH )

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#### IN THE UK

##### \* Insurers Balk at Mobile Risk

An April edition of the Observer reported a leading Lloyds underwriter as having refused to offer product liability cover to mobile manufacturers for damage to user's health. The firm cited the striking resemblance between the development of the asbestos and tobacco health issues and the current mobile phone problem, both of which will end up costing insurers a fortune.



## Powerwatch News

Powerwatch News is written by Alasdair Philips. Powerwatch provides professional environmental consultancy (£35/hour) and hires out EMF measuring equipment (fax: 01353 777646; email: aphilips@gn.apc.org; website: <http://www.powerwatch.org.uk>)

Call the Powerwatch premium rate **Helpline 0897 100800\*** for personal advice and further information on specific EMF issues, surveys, reports, presentations and training. (\*charged at £1.50/min)

### New NCI report finds strong childhood leukemia link to electric home appliances

THREE-fold increase in acute lymphoblastic leukaemia in children who use electrically heated blankets or mattress pads! Significant increases in children who use TV-connected video games and/or a hair-drier.

This doesn't surprise the Powerwatch team who have long believed that power-frequency electric fields produce more significant bio-effects than do magnetic fields. Electric blankets, video games and hair dryers usually all give high levels of electric fields because they are two-wire appliances without an 'earth' connection.

The NCI team who produced the 'Linnet' study last year which was so badly mis-represented in the media (see *EMH & T*, Vol 8(2):2), has now published 'Part two' of their study ('Association between childhood acute lymphoblastic leukemia and use of electrical appliances during pregnancy and childhood.' E Hatch, M Linet, et al, *Epidemiology* 1998;9:234-45).

The authorities and media incorrectly reported their original study as showing no connection between power-frequency magnetic fields and childhood leukaemia. In fact, it showed the same sort of positive association as most of the previous, well-conducted studies (see *EMH & T*, Vol 8, no 1).

In their studies the NCI team have only evaluated magnetic fields and ignored the electric component. This is a great shame as other recent studies have implicated the electric field as a key factor in EMF bio-effects.

In this latest report the team evaluated the use of appliances by 640 patients with acute lymphoblastic leukaemia, 0-14 years of age, diagnosed between 1989 and 1993, and 640 matched control children. Mothers were interviewed regarding use of electrical appliances during their pregnancy with the subject and the child's

postnatal use.

They found that the risk of acute lymphoblastic leukaemia was increased with children's use of electric blankets or mattress pads (OR = 2.75; 95% CI = 1.52-4.98) and three other electrical appliances (hair dryers, video machines in arcades, and video games connected to a television).

They also found that the risk of acute lymphoblastic leukaemia was elevated in children whose mothers reported use of an electric blanket or mattress pad during pregnancy (OR = 1.59; 95% CI = 1.11-2.29) but was reduced for use of sewing machines during pregnancy (OR = 0.76; 95% CI = 0.59-0.98). Extensive use of industrial sewing machines has previously been associated with Alzheimer's Disease.

### When microwaves are... not microwaves!

WHEN are microwaves not microwaves? When it suits the firms quoting the information! In order to create confusion in people's minds both Cellnet and Vodafone have recently started stating in their literature: "Our phones use radio-frequencies, not microwaves".

Unfortunately 'microwaves' are not defined as such by the International Telecommunications Union (ITU). The strict definitions are Very High Frequency, VHF (30-300 MHz); Ultra High, UHF (300-3000 MHz); Super High, SHF (3-30 GHz); and Extra High, EHF (30-300 GHz).

However, the International Commission on Non-Ionising Radiation Protection have just issued new Guidelines (see page 9) which *do* define 'microwaves' as being between 300 MHz and 300 GHz and so let us hope the 900 MHz cellular operators will now stop telling people that 900 MHz band signals are not 'microwave'. They are!

### Two EMF conferences - in Bristol and Maderra

A TWO-day conference entitled 'Mechanisms and Consequences of Power Frequency Electromagnetic Field Exposures' is to be held at Bristol University on the 24-25th September, sponsored by the Institute of Physicists and Engineers in Medicine and the Institution of Electrical Engineers.

The first day will concentrate on mechanisms and has some leading-edge researchers including Professors Ted Litovitz, Ross Adey, Richard Luben and Eugene Sobel from the USA, and in the UK Professors Denis Henshaw, Ray Cartwright and Dr Zenon Sienkiewicz.

The second day will concentrate on epidemiology, the public view of risk, and legal implications. Further details will appear in the next issue; also at <http://www.phy.bris.uk/research>.

'The First World Congress on the Bio-effects of Electricity and Magnetism on the Natural World' being organised by Coghill Research Labs from 1-7th October in Madeira. Many top researchers will be attending. Tel: (01495) 763389. Details: email: [cogreslab@aol.com](mailto:cogreslab@aol.com); <http://www.cogreslab.demon.co.uk>

### Beware rotating car tyres!

POWERWATCH has long known about ELF fields from rotating vehicle wheels. These are worst in the front of a vehicle and worst in 'forward control' vehicles such as caravanettes where the front seat are very close to the wheels.

A letter in the latest *Microwave News* (March/April, 1998) from Dr Sam Milham (et al) points out that his team has discovered that it isn't the wheel that is magnetised, but the steel radial re-inforcing wires in the rubber tyre. These can apparently be demagnetised using a 'bulk recording tape demagnetiser'. The tyres produce ELF magnetic fields between a few Hz and about 20Hz, depending on the vehicle's speed.

**WE QUOTE THE RELEVANT ARTICLES OF THE CHARTER OF  
FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION**

**DIGNITY**

✕

- ✧ **ARTICLE 1: Human Dignity** Human dignity is inviolable.  
It must be respected and protected.

**HUMAN DIGNITY:** (definition. Dignity – elevation of mind or character)

**THE MIND** is denied elevation by being pulsed with radiation disabling it from obtaining clear & dignified thought & expression.

**THE CHARACTER** is denied dignity when having to flee often in a desperate hurry from mobile phones and other technologies when in public places & on public transport due to pain, disablement & increase of symptoms.

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- ✧ **ARTICLE 3: (1) EVERYONE HAS THE RIGHT TO RESPECT FOR  
PHYSICAL AND MENTAL INTEGRITY**

**RIGHT TO INTEGRITY:** ( definition. Integrity - Unimpaired state)

Brain functioning is significantly impaired through the penetration of mobile phone and other pulsed microwave radiation signals causing temporary memory/concentration loss, mental confusion and other negative mental states such as apathy, depression etc. A natural state of the brain is denied and the well-being of the individual is compromised.

**RESPECT FOR MENTAL INTEGRITY** is denied by GPs, Police and Emergency Services, Authority figures, Public service workers because they are denied information, training and education of how these technologies affect the human mind and body. Electro-sensitive people are referred to psychologists or psychiatrists and those suffering the ill-effects of pulsed microwave radiation can be misdiagnosed.

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- ✧ **ARTICLE 4: NO ONE SHALL BE SUBJECTED TO TORTURE OR  
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

**ELECTRO-SENSITIVE PEOPLE (EHS)** suffer pain and disablement of the body & brain function via interference from pulsed microwave radiation emitting technologies. Pulsed technology causes Cortex excitability (increase of electrical/magnetic energy). This undoubtedly elevates adrenalin levels causing provocation and Stress to the brain.

It is torture to deny sleep to any person. Sleep is interrupted or denied with enforced frequencies interfering with brain. This type of technology interferes with melatonin levels essential for normal sleep function and free radical control which is essential to the bodies' ability to heal and repair itself.

**EHS AND NON-SENSITIVE PEOPLE** are deprived of their well-being when these technologies provoke conditions which cause ill-health and unpleasant symptoms

*Zegal*

Subj: **Fwd: Italian Court Ruling about cancer link to mobile phone use**  
 Date: 09/08/2010 10:27:24 GMT Standard Time  
 From: [00amibad@aol.com](mailto:00amibad@aol.com)  
 To: [sylviawright36@aol.com](mailto:sylviawright36@aol.com)

For Barrie. Another case won in court

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

Date: Sun, 8 Aug 2010 23:05:46 +0100  
 Subject: Italian Court Ruling about cancer link to mobile phone use  
 From: Sarah dacre <sarah.dacre@gmail.com>  
 To: sarah.dacre@gmail.com

----- Forwarded message -----

From: **ANDREW GOLDSWORTHY** <[andrew.goldsworthy@bouniinternet.com](mailto:andrew.goldsworthy@bouniinternet.com)>  
 Date: Sun, Aug 8, 2010 at 1:12 PM

Dear xxxx

Further to my email on August 6th, can I remind you that the French Authorities have already removed WiFi from their public libraries because of symptoms of electromagnetic hypersensitivity (EHS) among the staff. Also, there has been a recent judgement by a High Court in Italy that an employer who forced his staff to use mobile and cordless phones (which have a similar technology to WiFi), has been held legally responsible for a brain tumour and instructed to pay compensation to the person concerned, plus legal costs. I am pasting in a translation of the news item below.



**DECT telephones and mobile phones cause cancer.**



The Highest Regional Court in Brescia (North Italy) has now issued a final valid judgement confirming a causal connection.

The brain tumour of an employee of the INAIL (Istituto Nazionale by l' Assicurazione contro gli Infortuni sul Lavoro) the National Public Insurance Institute, has been caused by hours of use of a cordless (DECT) and/or mobile phone

The judgement is a breakthrough because this time the Judge excluded industry financed appraisals and relied on industry independent data.

This judgement makes it now possible for employees in Italy to insist on the supply of a corded phone and to advise their employer that they are legally liable for future damages should they insist on the use of a cordless phone.

The Consumer Centre in South Tirol advises everyone to insist on a written declaration regarding the use of telecommunication equipment which expressly states that the employer takes all responsibility for any future medium or long term consequences

The plaintiff has now been awarded an 80% disability pension and the employer INAIL is to pay all court costs.

(4)

**Sue Webster**

**From:** "Lisa Oldham" <lisa.oldham@mastsanity.org>  
**To:** <mastsanity@topica.com>  
**Cc:** "Grahame Blackwell" <grahame@starweave.com>; <xlee@lineone.net>  
**Sent:** 20 June 2003 15:54  
**Subject:** highly significant - Decision of Austrian High Court

this came from the citizens initiative list  
cheers LisaO  
Decision of Austrian High Court  
-----

.....From EMF-L.....  
I think this is highly significant.....guru.....(Thanks  
Leopoldine!!)

----- Original Message -----  
Subject: Decision of Austrian High Court  
Date: Tue, 10 Jul 2001 20:58:11 +0200  
From: Leopoldine Gaig  
To: Roy Beavers

IGEF Internationale Gesellschaft für Elektromog-Forschung  
(International company for electrosmog-research)

IGEF-expert won case against mobile communications company as per  
verdict of the High Court of Justice (Federal Court) of Austria.

Mr. Wulf Dietrich Rose, expert in mobile communications, of Kitzbühl,  
Austria, internationally known for his research works in this field, won  
his court case for the third Max Mobil as per the verdict  
of the High Austrian Court of Justice (Federal Court) (Az 6 Ob 69/01t;  
verdict of 26 April 2001).

He proved through his studies and researches that mobile radiation  
represents serious health risks to the nearby living population like  
cancer, brain tumours, genetic problems, and disformity of newly borns.

In Germany, Austria and Switzerland, Mr. Rose, IGEF has affected several  
measurements and specific radiation studies and due to his expertise  
obtained that already constructed mobile stations in residential areas  
were dismantled or constructions were simply postponed. Example: Max  
Mobil (a daughter company of German Telekom) could not increase the  
construction program of their intended network system.

The Austrian company Max Mobil filed a demand to the court requesting  
that Mr. Rose is not only charged to pay an indemnity fine for injurious  
malpractice but also prohibits him to publish his critical allegations  
in connection with the harmful damages on health provoked by mobile

Court Judgement  
Cancer from living  
near mobile

decision  
of Court  
==



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(9)

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pp 8/9

[www.next-up.org](http://www.next-up.org)  
Translation HC

Original ER



# EUROPEAN PARLIAMENT

2004



2009

*Commission on the Environment, Public Health and Food Safety*

**2008/2211(INI)**

19.12.2008

## PRELIMINARY REPORT

on preoccupations concerning the effects on human health  
of electromagnetic fields  
(2008/2211(INI))

Commission on the Environment, Public Health and Food Safety

Editor: Frédérique Ries

In the Grand Duchy of Luxemburg, which the present writer knows well, the government has since the end of 2000 tended towards the application of the principle of precaution with a statutory maximum for an electromagnetic field of 3 volts/metre for a source of emission near a place where people may be living. The population of Luxemburg is almost 14 times better protected with regard to electromagnetic fields than other citizens of the EU.

This absence of coordination of national policies on the subject within the EU is not good news. And the writer considers that it is the duty of the Commission to put in place a clear policy in the domain of electromagnetic radiation (covering the topics of competitiveness, innovation, health and consumer information), which could not be reduced to the present sprinkling of a few projects financed by the Department of Research.

In the opinion of the writer, from the present situation there is one way forward: the truth surely lies in a political solution where the statutory limits would be regularly adapted (in the light of new technologies put on the market, the results of new epidemiological studies) and would guarantee a high level of protection for consumers, and for children in particular, without however preventing the mobile phone networks from functioning.

This is the approach chosen by the European Agency of Copenhagen which in September 2007 courageously advised the public authorities of the 27 member States to take measures to provide better protection for the public, *"measures that are appropriate and in proportion in order to avoid serious dangers in the future."* This represents a significant move forward on this issue, a call for action that contrasts with the status quo favoured by the WHO.

In fact the WHO seems to want to play for time, offering us an appointment in 2015 for a full estimate of the impact of electromagnetic radiation on human beings!

~~trial~~ = trial

(children started 2009)

Votes on 10 March 1999 and 4 September 2004: the European Parliament gives its verdict

It is already 10 years since the Parliament delivered a message of prudence with regard to the statutory limits fixed by Europe in order to protect its citizens from microwaves. This was a scarcely veiled criticism addressed to the European Commission and the Council, since the reporter Gianni Tamino recommended neither more nor less than the application of the principle of precaution and that called 'alara', by virtue of which exposure to radiation should be 'as low as reasonably achievable'.

This was a clear pointer in the right direction, which the European Parliament as a whole endorsed on the sensitive subject of statutory limits of exposure by its vote on 4 September last on the evaluation at mid-term of the European Plan of Action for the Environment and Health 2004-2010.

The vote was passed by the members almost unanimously (522 for, 16 against). In it the Council was asked *"to modify its recommendation 1999/519/CE to take account of better national practice and to set more rigorous exposure limits for the whole range of devices that emit electromagnetic radiation in the frequencies between 0.1 MHz and 300 GHz."*

The writer is aware that the question of thresholds is a matter for the States and regions to decide for themselves, and prefers here to insist on the temporary solutions that are available to the industry to avoid any health risks: for example following the Austrian authorities, who have had relay antennas made higher in order to transmit the broadcast frequency more efficiently.

And how can we not recognise that during this last ten years the daily surroundings of European citizens has changed considerably, since the time when the use of wireless technologies became the norm (cordless phones, mobile phones, emissions from UMTS, wi-fi, wi-max, Bluetooth, baby intercoms, etc.)! To acknowledge the contribution of these new technologies as well as their pervasive presence in the workplace and in the library as in the home, is also to admit that these devices should be subjected to an evaluation before being put on the market, and that in general thresholds should be set for the level of microwave radiation in the home. Without this, there would be a risk of non-assistance to consumers in danger!

It is this climate of trust that is currently lacking and that it would be good to restore in the coming years among consumers and among people living near major sources of emission. But also in the midst of the scientific community itself - for if the writer has deliberately chosen not to cite any study or document already published except those issued by the European Parliament, it is because on the subject of electromagnetic radiation and its potential health risks the scientific community is obviously guilty of persistent disagreement.

### The Interphone study: a classic example

The writer knows well that the fact that there are controversies on the subject is a part of normal life in the world of science; the polemic on climate change and its causes that has divided opinion for years is there to remind us of it!

However it is difficult to accept that scientific studies should be put on ice just because the experts are unable to come to an agreement on their conclusion, especially when the money of the European public is at stake.

The Interphone study is for this reason a classic example. Initiated in 1998, launched in 2000, and trumpeted as the most comprehensive research project ever because it involved no less than 12 States on the world stage with an exemplary protocol intended to maximise the capacity for revealing the risks of certain types of cancer, its conclusions are still awaited, and have been so since 2006. In fact one might wonder whether it will ever produce a clear answer.

It is indeed because the writer is aware of the intense pressure brought to bear on scientists that she would like to support them, in the present context of heightened competition where a discovery is not worth anything unless it leads to innovation and is published in the most prestigious scientific journals. She considers it important to reform the working methods of the scientific committees associated with the Commission.

To do this there are two simple ideas: the first is to ensure that the committee includes a fair representation of all the parties concerned, including therefore those from NGOs and consumer groups. The second is to propose, in the interests of transparency and effective checking procedures, an addition to the mandate of the European Group for Ethics in Science and New Technologies (EGE): the task of evaluating scientific integrity. Procedures of this kind, which are already in place in national scientific institutions, would be a great help to the Commission in forestalling possible situations of risk, conflicts of interest or even the frauds that tend to arise in this sector of research.

In conclusion the writer wishes to draw attention to the numerous documents which she has been able to consult and which indicate that insurance companies generally refuse to cover risks linked with electromagnetic fields in their policies of public liability. Knowing the expertise of insurers in assessing all types of risk and in making bets on the future, we have the right to ask ourselves what reasons they have for applying the principle of precaution in this particular way.

GOL

Subj: 559 EU MEP's approve EMF resolution  
 Date: 09/04/2009 16:56:06 GMT Standard Time  
 From: [silben@radiationresearch.org](mailto:silben@radiationresearch.org)  
 To: [SylviaWright36@aol.com](mailto:SylviaWright36@aol.com)

The European Parliament approved the EMF resolution, prepared by MEP Frédérique Ries, on April 2, 2009.

\* The votes by the MEPs were: 559 for, 22 against and 8 abstentions.

Text to the adopted document available here:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0216+0+DOC+XML+V0//EN>

See News story on the Reis Report, dated March 31, 2009 Man-made electromagnetic fields: are we at risk?

Public health - 31-03-2009 - 12:25

[http://www.europarl.europa.eu/news/public/story\\_page/066-52826-089-03-14-911-20090326STO52724-2009-30-03-2009/default\\_en.htm](http://www.europarl.europa.eu/news/public/story_page/066-52826-089-03-14-911-20090326STO52724-2009-30-03-2009/default_en.htm)

The Reis Report contains some excellent recommendations and we congratulate the 559 MEP's for voting in support of this resolution and taking this ethical approach to public health.

Unfortunately, the alternative motion was not adopted which excluded the call for the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) to carry out a scientific review and report back to MEPs. Many members of SCENIHR consist of people who have a background in the ICNIRP committee and have been involved in establishing limits. SCENIHR also require absolute and extensive proof. David Gee gave an excellent presentation at the European Commission workshop on the problems with regards to waiting for absolute proof; his presentation is available on the following EU Commission website:

[http://ec.europa.eu/health/ph\\_risk/ev\\_20090211\\_en.htm?c](http://ec.europa.eu/health/ph_risk/ev_20090211_en.htm?c)

SCENIHR's conflict of interest has been raised by Danish EU-MEP Christel Schaldemose in the following questions submitted to the EU Commission. Below are two links to the Danish EU-MEP Christel Schaldemose's questions to the EU Commission on children's use of mobile phones and the conflict of interest of SCENIHR. One of our colleagues has kindly provided an English translation, see below the website links.

<http://www.christels.dk/38842.1/Om%20b%C3%B8rns%20risiko%20for%20at%20udvikle%20tumorer%20pga.%20mobilstr%C3%A5ling>

<http://www.christels.dk/39012.1/Om%20uafh%C3%A6ngighed%20blandt%20eksperter%20i%20SCENIHR>

Written questions for the EU Commission by Danish EU-MEP Christel Schaldemose

Concerning the risk of children developing tumours due to mobile radiation

Children are using mobile phones more and more. At the same time are the preliminary results from research with youngsters who started using mobile phones before 20, showing that the increased risk of developing brain tumours is similar to adults.

It is both unethical and contrary to the precautionary principle, which the EU is delaying implementing, until it is established for certain that children are exposed to a high risk of developing brain tumours as a result of electromagnetic radiation. In France a court judgement was recently made which determined that a mobile provider should place their mobile mast at a distance.

Is the Commission intending to follow independent experts' advice (Khurana 2008, Herberman 2008) and demand that children under 12 years should only use mobile phones for emergency calls and should reduce their mobile phone use to a minimum?

# NATIONAL INSTITUTES OF HEALTH

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## Regulations and Ethical Guidelines

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### Directives for Human Experimentation

#### NUREMBERG CODE

1. The voluntary consent of the human subject is absolutely essential. This means that the person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision. This latter element requires that before the acceptance of an affirmative decision by the experimental subject there should be made known to him the nature, duration, and purpose of the experiment; the method and means by which it is to be conducted; all inconveniences and hazards reasonable to be expected; and the effects upon his health or person which may possibly come from his participation in the experiment.

The duty and responsibility for ascertaining the quality of the consent rests upon each individual who initiates, directs or engages in the experiment. It is a personal duty and

## RCRWireless

WIRELESS ON THE FIRST WIRELESS

GOL

New cellphone health litigation surfaces in California court \*  
Jeffrey Silva

Story posted: August 5, 2008 - 1:50 pm EDT

A new health lawsuit has surfaced in California against T-Mobile USA Inc., Motorola Inc. and Samsung Telecommunications America Inc., the complaint coming after a relative lull in litigation against the wireless industry and amid a resurgence of concern over whether mobile phones pose a hazard to throngs of consumers here and abroad.

The lawsuit, filed by Michael R. Bennett and transferred from state court to federal court last week, states that a Samsung handset serviced by T-Mobile USA was used on a daily basis between August 2003 and December 2005 for work and personal use by Bennett. The Motorola phone, according to the complaint, was operated in similar fashion by Bennett between December 2005 and April 2006.

"On April 28, 2006, plaintiff suffered a sudden hearing loss in his right ear, vertigo, loss of equilibrium, and other personal injuries related thereto, and has continued to suffer the same injuries from said date through and including the present date," stated the lawsuit. "Upon plaintiff's information and belief, plaintiff's injuries were caused by electromagnetic radiation emanating from the Samsung cellphone and from the Motorola cellphone during plaintiff's use thereof, resulting from improper and unsafe design, manufacturing and production of the Samsung cellphone by defendant Samsung and of the Motorola cellphone by defendant Motorola, and by said defendants' respective failure to adequately warn of such dangers."

"Motorola takes the safety of its products and its customers very seriously. Motorola regularly reviews all aspects of product design, operation and performance to ensure that its products are safe. We do not know the specifics of the allegations in this complaint, and obviously have not yet had an opportunity to review and investigate them. Therefore, Motorola cannot comment further about the complaint at this time," Motorola said in a statement. "More generally, we can say that expert scientific panels and health agencies around the world have consistently confirmed the safety of the RF technology used in mobile phones."

T-Mobile USA and Samsung did not immediately respond to e-mails requesting comment.

Only a handful of health-related lawsuits filed against the wireless providers, manufacturers and others over the past decade are still active, with industry prevailing in one case after another. Health litigation to date has been as much — if not more in some instances — about jurisdiction as about the science itself.

Health officials here and overseas say research to date indicates mobile phones do not pose a health threat to users, which number more than 3 billion worldwide, but they support further scientific investigation in light of studies that have shown adverse biological effects from low-level radiation. Some European officials have recommended limiting cellphone use by children as a precautionary measure. Most wireless health research is being conducted overseas, with results of the 13-nation Interphone study possibly due out before year's end.

The Federal Communications Commission's human exposure guidelines for radio-frequency radiation emitted by mobile phones and transmitters have withstood legal challenges in recent