

To All

Here's a sample Letter to the Editor that we hope everyone will use or modify and get into the newspapers in your area. Pay special attention to the New York Federal District Court of Appeals case that supports the Town of Clarkstown's "prudent avoidance" to keep RF emissions away from residential areas, schools, etc. The URL for the case is included.

Letter of Janet Newton, Executive Officer, EMR Network, 22 February 2001

Dear Editor:

Despite the language in the Telecommunications Act of 1996 which preempts local governments' authority to base siting decisions for Personal Wireless Services Facilities (PWSF), i.e., cellular phone transmitters, on the effects of radio frequency (RF) emissions, PWSF siting is a health and public safety issue, not an aesthetic one. While the industry is pushing to hide cellular base stations in church steeples, historic buildings and schools, there is an international effort to protect the public from ambient, low-level, non-ionizing radiation.

"Prudent avoidance," i.e., making siting decisions that minimize perceived health effects of RF, was upheld in a recent decision from the New York Federal Court of Appeals, Southern District, available on the internet at:

<http://www.nysd.uscourts.gov/courtweb/>

[Select "Southern District of New York." On next screen, select Judge Colleen McMahon. In "Description" type "Town of Clarkstown." Click "Full Text Search." On the next screen, at the top left, in "Search Request" type "Town of Clarkstown." Click "Search." On next screen, top left, Click on 00-05876.PDF. This will give you the full text of the decision.

New York SMSA Limited Partnership v. The Town of Clarkstown, Case No. 03029, decided by Judge Colleen McMahon on May 26, 2000. Judge McMahon states:

This Court finds nothing in the statute (TCA) that prohibits a municipality from seeking to minimize perceived health effects when deciding among competing applicants. . . As long as no one who met the FCC's emissions standards was denied consideration, it seems to this Court that the municipality ought to be able to address the concerns of its citizens, and limit political fallout, by deciding to maximize the distance between the monopole and other municipal uses. Frankly, any other reading of the TCA in this case would virtually compel the municipality to award the permit to whatever applicant's site was closest to homes and schools, so as to avoid any implication that the decision was based on perceived health effects. That cannot be what Congress intended.

In December, 2000, the United Kingdom Department of Health issued leaflets -- one covering base stations and one on mobile phones -- that advises a "precautionary approach." Parents are urged to limit mobile phone use by children age 16 and younger, and adults are advised to keep calls short and to purchase phones with relatively low specific absorption rate values. Dr. Gerald Hyland of the University of Warwick and International Institute of Biophysics states: "Children are particularly vulnerable because of the increased rate at which their cells divide (which makes them more susceptible to genetic damage) and their still developing nervous system -- the size of their heads and the thinness of their skulls causing them to absorb more radiation than do adults."

In Italy, residents can monitor radiation levels from cell phone towers via the Internet. Italian officials have banned schoolchildren from sports fields near towers and have students rotate classrooms to lessen exposures. Scottish officials proposed regulations to ban wireless transmitters from schools, hospitals and most public buildings. Recommendations from scientific conferences in Vienna and Salzburg include limiting exposure to radio frequency-microwave radiation and establishing uniform European exposure standards.

The U.S. standard of 580-1,000 microwatts of radiation per square centimeter for cellular phone frequencies compares to: Australia's 200, Poland's 10, Russia's 10, Italy's 10, China's 10, Toronto, Canada's 10,

Salzburg, Austria's 0.1, and New Zealand's proposed 0.02. Ironically, there are two U.S. military research bases with a standard of 100 -- 10 times more protective than for the general public.

These protective standards are based on scientific research conducted throughout the world over the past 30 years. Results have shown DNA damage -- a precursor to cancer, brain tumors from mobile phones, changes in calcium efflux, decreases in reproductive functions, learning disabilities, immune system suppression, sleep disturbance, depression, cardiovascular abnormalities, memory impairment, refractive eye problems, headaches, dizziness, skin rashes and more.

Congress passed the 1996 Telecommunications Act with a section prohibiting state and local governments from regulating cellular base stations based on health concerns. Also in 1996, all research funding on electromagnetic radiation was cut from the Environmental Protection Agency. Not surprisingly, in 1996 the industry spent \$39 million lobbying Congress.

There have been two telecommunications cases before the U.S. Supreme Court: One, an argument that state and local governments have the jurisdiction to regulate radio frequency interference to business, institutional and medical equipment, and two, a challenge of the U.S. health standard and states' rights to regulate based on health concerns. Briefs from U.S. Sens. Patrick Leahy and James Jeffords and U.S. Rep. Bernie Sanders, along with state and federal legislators, planners and citizens from across the country were filed in support. Both cases raised the point that federal pre-emption of state and local regulations is a violation of the 10th Amendment of the Constitution -- states rights. The court has denied hearing both cases.

Our society has come to rely on wireless technology without fully understanding its impact on public health and the environment. Unfortunately, unsightly towers on our hilltops are safer to communities than those hidden in church steeples. Ideally, the most prudent step would be to encourage the use of satellite technology.

Janet Newton is a founder and executive officer of the EMR Network, a national, nonprofit organization of citizens and professionals working for the responsible use of Electromagnetic Radiation.

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