

Issue for comment: Remaking the Human Exposure Standard & Electromagnetic Radiation Labelling Notice

For the casual observer of the current debate on the Human Exposure Standard to EMR the similarities to the extensive and ultimately futile debate on cigarette smoking and the tobacco industry attempts to protect its interests appear eerily similar.

Worldwide an increasing dissatisfaction from the public towards the Standards Organisations and Regulators approach to Public Health, amidst the vastly increasing amount of life-time exposure to electromagnetic non-ionising radiation (EMR).

The opacity of the origin and on-going influence that ICNIRP has over many countries Standards of Exposure raises a multitude of questions and in consideration of the recent open letter to Bioelectromagnetics Magazine by Wiedemann PM, Boerner FU, Repacholi MH¹ is the clear attempt to discredit the work of IARC's invited experts who, as members of the Working Group, classified in May 2011 cell phone radiation as a possible human carcinogen.

Such open attacks by ICNIRP on a Working Group harms the relationship between ARPANSA, ICNIRP and the public. The public are entitled to ask what additional activities in private or by lobby, ICNIRP may engage in to discredit, rebuke or trivialise the work of IARC or any other agency established to investigate the biological effects of EMR exposure.

As the public is made increasingly aware of the debate over the possible biological harm it is obvious that a fractious debate is occurring on the subject of EMR Exposure, on one side of the debate are those individuals, industry members and institutions that will defend the dogma[^] of the Thermal Paradigm and those that question it.

It has been noted that approximately 80% of industry funded studies support the Thermal Paradigm that biological harm from EMR is primarily caused by thermal means and only 20% of non-industry funded studies support this view. Industry funded research often show bias confirming the perspective of the funding source.

A casual observer notes that all organisations involved in standards and regulation of EMR in Australia currently support the Thermal Paradigm of EMR exposure. The general public are not generally in a position to make an informed determination of

The *precautionary principle* or precautionary approach states that if an action or policy has a suspected risk of causing harm to the [public](#) or to the [environment](#), in the absence of [scientific consensus](#) that the action or policy is harmful, the [burden of proof](#) that it is *not* harmful falls on those taking an action.

The principle is used by policy makers to justify discretionary decisions in situations where there is the possibility of harm from taking a particular course or making a certain decision when extensive scientific knowledge on the matter is lacking. The principle implies that there is a [social responsibility](#) to protect the public from exposure to harm, when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result. - *Wikipedia*

¹Wiedemann PM, Boerner FU, Repacholi MH. Do people understand IARC's 2B categorization of RF fields from cell phones? Bioelectromagnetics. 2014 Apr 15. doi: 10.1002/bem.21851

²<https://www.youtube.com/watch?v=HCAyPMVujHY>

³<http://www.arpansa.gov.au/pubs/technicalreports/tr164.pdf>

[^] dogma <http://dictionary.reference.com/browse/dogma>

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the veracity or not of the Thermal Paradigm – the debate and the science continues.

What must not continue is the rejection of an effective and meaningful implementation of the Precautionary Principle. The burden of proof that it is *not* harmful falls on those industries deploying RF transmitters and according to ARPANSA “The Standard incorporates a “precautionary approach” which **requires owners of RF sources to minimise unnecessary exposure of the public to RF fields.** Australian regulators and codes of practice will decide how this statement is applied”. By of example of how the regulator may ‘minimise unnecessary exposure of the public’ might include prohibiting Ericsson NBN Co from installing Fixed Wireless Base Stations in the middle of communities – and ignoring community submissions on the issue. ARPANSA itself makes the reason for proper regulation clear ‘The health implications of biological effects below limits specified in the RF Standard are not known’.

Recommended Amendments to the Instrument

The Remaking the Human Exposure Standard & Electromagnetic Radiation Labelling Notice by ACMA offers an opportunity to make necessary changes to the instrument to accommodate the effective implementation of:

- the Precautionary Principle,
- comments and notices from ARPANSA such as fact sheet or advisory notices (reproduced above)
- minimum distance from residents homes of Telecommunications Towers and
- the addition of labelling electromagnetic radiation emitting devices such as baby monitors, mobile phones and wifi routers with a public advisory notice beyond compliance with ‘the standard of RF emissions’.

No objection to the Remaking the Human Exposure Standard & Electromagnetic Radiation Labelling Notice

The North Coast NBN Tower Action Group has no objection to the Remaking of the Legal Instrument and makes the following observations:

1. ACMA should respond with jurisdictional issues with implementing Recommended Amendments to the Instrument
2. It is understood that changes to the Exposure Standard are incorporated automatically into the Instrument as amendments are made to the Exposure Standard, by ARPANSA
3. It is understood that amendments may be made to the Instrument at any time as deemed fit by Government Instruction or by Public Comment or at ACMA discretion.

We therefore request Titles of **Recommended Amendments to the Instrument** be included prior to the Remaking, as amendments.

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The Exposure Standard

The Exposure Standard, whilst it is primarily designed on the principles of the Thermal Paradigm we are pleased that ARPANSA recently has made some small but significant statements in the latest Technical Report “ARPANSA Radiofrequency Expert Panel” 164.³

The Report confirms:

1. *“The Standard provides the basis for the regulation by the Australian Communications and Media Authority of RF exposure to members of the public from licensed radio transmitters.”*
2. *“Overall harmonisation with ICNIRP was considered important and the exposure limits in RPS3 differ only in small detail from those in the ICNIRP guidelines.”*
3. *“...research underpinning the existing exposure limits, the issue of whether or not they are adequate to provide complete protection from harmful effects of exposure to RF fields remains a subject of research and of active debate within the scientific and wider community. At the time the Standard was prepared, it was recognised that new scientific research may indicate that changes may need to be made to the limits or the implementation of the Standard.”*
4. *“under some circumstances the margin of safety between these limits and the threshold for harmful effects may be less than originally intended.”*

We applaud ARPANSA’s willingness to adjust its stance to protect Australians and take the necessary steps (under consideration, is noted) and as Dr Stephen Solomon concludes the cover letter to the report notes **“ARPANSA will give consideration to whether the *precautionary elements of the standard should be clarified and extended to occupational exposure.*”**

Although health authorities around the world remain of the view that any harmful effects from wireless base stations are unproven and unlikely, concern expressed by the public, is in itself an important issue. On this basis, ARPANSA continues to gather information on actual exposure levels and provides this to the public together with facts about the underlying science.

- Dr Stephen Solomon 12 August 2013, A/g Chief Scientist Radiation Health Services

In 9 months, the ARPANSA perspective has changed from ‘...any harmful effects from wireless base stations are unproven and unlikely...’ to the situation presently of ‘*precautionary elements of the standard should be clarified and extended to occupational exposure.*’

We are uncertain as to why *“Overall harmonisation with ICNIRP was considered important...”* albeit, other countries have stricter exposure standards than Australia does (Russia, China Saltzberg etc...), it seems that harmonisation with ICNIRP is not that important after all when protection of the public

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health is the primary consideration. It may transpire in the long term, that it would have been more important to follow Russian & Chinese authorities in reducing their public's exposure to EMR, than ICNIRP.

Overall, the public may consider that the exposure standard(s) that harmonises with the 'ICNIRP guidelines' protects the Wireless Industry activities more so than the public. Recently in the United States, cities and jurisdictions have had various Legislative instruments overturned that would have seen EMR devices labelled in such a way as to direct the purchaser/user to the safe use instructions as provided by the manufacturer.

To date all jurisdictions have had EMR Emitting Device warnings legislation quashed: San Francisco, Maine & Hawaii.

Hawaii & San Francisco

Testimony of Gerard Keegan CTIA – THE WIRELESS ASSOCIATION® In Opposition to Hawaii Senate Bill 2571 February 3, 2014:

The following Testimony is essential reading to the case as evidence for operation and influence of the industry.

http://www.capitol.hawaii.gov/Session2014/Testimony/SB2571_TESTIMONY_HTH-TEC_02-03-14.PDF

Maine

<http://www.takebackyourpower.net/news/2014/03/28/lobbying-madness-cell-phone-radiation-label-bill-passes-maine-legislature-before-dying/>

Australia

It is our opinion that ARPANSA failed to act in timely fashion and response to the IARC categorisation of Electromagnetic Radiation as a 2b carcinogen. ARPANSA, due to its 'harmonisation with the ICNIRP guidelines' it finds it difficult to implement the Precautionary Principle in a meaningful manner that errs on the side of caution in the public's favour and instead, maintains a Standard ostensibly based on a Thermal Paradigm that empowers manufacturers, telecommunications participants, service providers to seek safe haven behind the 'Standard' –all of whom ultimately claim they operate 'within the Standard', as a wholesale justification for their activities.

This almost inevitable corporate response to the public may be traced back to ARPANSA itself while providing a wholesale response to the public and to Government there is no imperative for staff, employees or officials to have a comprehensive understanding of what the 'Standard' actually does, its limitations or its implications or the various disclaimers, Fact Sheets or reference to 'minimising the public to RF exposure'. Deployments of EMR Transmitting Radio Towers are done so without the slightest comprehension of the science, with zero concern for the public concern and without any comprehension that the devices that are selling or installing *may, in time be evidenced as harmful to biological systems beyond the Thermal Paradigm and that basic public concern must be accommodated and general public use of devices must have adequate warning labels (ie. Proper use of wifi baby monitors & mobile phones used with minimum brain exposure) and cellular transmitters*

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be located a standardised distance from residents homes & schools of at least 500 meters

Ericsson NBN Co must not take advantage of poor State Planning laws that allow Ericsson NBN Co to even contemplate installing towers closer than 500 meters to resident's homes.

We provide three pieces of information that support a proposition that 'there is no harm at all to implementing the Precautionary Principle within the regulatory instruments available to ACMA, but if the proponents of the Thermal Paradigm are NOT correct and that other biological harm may be occurring at levels below the Standard (as ARPANSA admits might be the case), then the Public Health issue will at least have been dealt with early and cautiously by the regulator'.

Overview of ARPANSA and Wireless in Australia

http://www.youtube.com/watch?feature=player_embedded&v=kmcAXZ-o1K4

Dr. Martin Pall², Professor Emeritus of Biochemistry [Note: ICNIRP Chairman is also a Prof. Emeritus and it is pertinent that they hold opposed views, one however exerts tremendous authority over the political and governmental aspects of EMR Exposure, the other, does not]

<http://www.ncbi.nlm.nih.gov/pubmed/24095003> Autism and EMF? Plausibility of a pathophysiological link - Part I & II

We are adequately familiar with the regular objections to such material, we are well aware of correlation vs causation and we make no claims regarding the biological effects of EMR beyond that expressed by qualified scientific community members. The principle we insist must take precedence is that the Wireless Industry must provide absolute proof of safety of their products, rather than the industry seeking absolute proof of harm as they current do. In the interim, caution must be exercised by the Australian Regulators.

How do you know if you subscribe to the Thermal Paradigm? If you want to use logical fallacies against the Bio Initiative Report and another published research into the possible long term effects of EMR exposure, instead of enquiring further of the cited research and studies, you may well have a confirmation bias. Cognitive Dissonance is not the worst affliction of mankind, corruption is.

We acknowledge the tremendous work of Dr Neil Cherry
(29 September 1946 – 24 May 2003)

North Coast NBN Tower Action Group

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