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STATE OF MAINE
PUBLIC UTILITIES COMMISSION

April 11, 2014

ED FRIEDMAN, ET AL,
Request for Commission Investigation into
Smart Meters and Smart Meter Opt-Out

Docket No. 2011-00262

**INTERVENOR CITIZENS FOR HEALTH EXCEPTIONS TO
EXAMINERS' REPORT**

Citizens for Health (CFH), is a non-profit organization founded in 1992 which is dedicated to providing a voice and platform for informed and effective health activism. CFH consists of natural health consumers across the country including over 800 customers of Central Maine Power.

CFH urges the Commission to reconsider their Report that smart meters, banks of smart meters and smart meter related technology are safe and offers the following information in support of a reconsideration:

1) On July 16, 2002 The United States Environmental Protection Agency Office of Air and Radiation wrote:

"The FCC's current (radio frequency/microwave) exposure guidelines... are thermally based, and do not apply to chronic, nonthermal exposure situations. They are believed to protect against injury that may be caused by acute exposures that result in tissue heating or electric shock and burn."

"...The FCC's exposure guideline is considered protective of effects arising from a thermal mechanism but not from all possible mechanisms. Therefore, the generalization by many that the guidelines protect human beings from harm by any or all mechanisms is not justified". **"Federal health and safety agencies have not yet developed policies concerning possible risk from long-term, nonthermal exposures"**.

(Item 328 of Appendix A of Examiners' Report and freewebs.com/maggiezhou/wirelesssharm.htm)

2) On February 7, 2014 The United States Department of the Interior wrote:

"...The second significant issue associated with communication towers involves impacts from non-ionizing electromagnetic radiation emitted by these structures. Radiation studies at cellular communication towers were begun circa 2000 in Europe and continue today on wild nesting birds. Study results have documented nest and site abandonment, plumage deterioration, locomotion problems, reduced survivorship, and death (*e.g.*, Balmori 2005, Balmori and Hallberg 2007, and Everaert and Bauwens 2007). Nesting migratory birds and their offspring have apparently been affected by the radiation from cellular phone towers in the 900 and 1800 MHz frequency ranges-915 MHz is the standard cellular phone frequency used in the United States. However, the electromagnetic radiation standards used by the Federal Communications Commission (FCC) continue to be based on thermal heating, a criterion now nearly 30 years out of date and inapplicable today. This is primarily due to the lower levels of radiation output from microwave-powered communication devices such as cellular telephones and other sources of point-to-point communications; levels typically lower than from microwave ovens. The problem, however, appears to focus on very low levels of non-ionizing electromagnetic radiation. For example, in laboratory studies, T. Litovitz (personal communication) and DiCarlo *et al.* (2002) raised concerns about impacts of low-level, non-thermal electromagnetic radiation from the standard 915 MHz cell phone frequency on domestic chicken embryos-with some lethal results (Manville 2009, 2013a). Radiation at extremely low levels (0.0001 the level emitted by the average digital cellular telephone) caused heart attacks and the deaths of some chicken embryos subjected to hypoxic conditions in the laboratory while controls subjected to hypoxia were unaffected (DiCarlo *et al.* 2002).

(See: <http://smartgridawareness.org/2014/03/23/can-we-protect-birds-and-people/>)

3) On January 28, 2014, Dr. Karl Maret an engineer, physician, former researcher in the Canadian Armed Forces and expert in electromagnetic fields gave a detailed presentation at the San Francisco Commonwealth Club on biological and health effects from the "RF"

radiation emitted by smart meters. His discussion details with measurements and graphs how smart meters and banks of smart meters are daily introducing thousands of higher than thought millisecond bursts of “RF” radiation into homes, apartments and the environment and how this “RF” radiation is causing unhealthy biological effects on humans. <http://vimeo.com/87023780>

4) Banks of Smart Meters have been shown to emit “RF” radiation more often than thought and may be exceeding FCC guidelines in certain situations

a) <http://www.wusa9.com/video/2176584039001/1/Smart-Meters-May-Emit-Radiation-More-Frequently-than-Pepco-Admits> (Bank of 32 Smart Meters in Washington, DC)

b) “... Just days before release of the CCST document, [Cindy Sage’s] environmental consulting firm Sage Associates released [“Smart’ Meter Emissions Finds Multiple Failures to Meet Even Lax Federal ‘Guidelines.’”](#) the most rigorous and extensive, fact-based modeling study done to date on the electro-magnetic emissions of wireless so-called ‘smart’ meters. It reports many circumstances in which the devices – singly and in when aggregated in arrays and ‘mesh’ networks – fail to comply with even the flaccid Federal Communication Commission recommended ‘safety guidelines.’”

“Like Magda Havas, Cindy Sage’s invited submissions were not included or referenced in the CCST’s [final document](#). You can download a PDF of Sage’s [comment letter to the CCST here](#), complete with numbered references. One of her main points:”

“Conclusions Are Not Supported by Evidence of Compliance with FCC Safety Limits
There is no solid basis in the CCST report to conclude (or to support the contention) that FCC public safety limits are met for smart meters, in the manner installed and operated.”

(FCC Violations Ignored, Cindy Sage on CCST Report: <http://eon3emfblog.net/?p=1348>)

5) Industry Funded Science:

Central Maine Power provided expert testimony in this proceeding through the testimony of members of Exponent Inc. Citizens for Health wishes to share some of the criticisms

that industry funded science has earned and which the testimony by Exponent Inc. falls under.

a) On May 20, 2010 The New York Times reported in “Lawmakers Cast Doubt on Report That Toyota Called Independent” that:

“In February, at the height of the [Toyota](#) recall crisis, company officials told Congressional investigators that they had hired an independent engineering firm to study the instances of sudden acceleration.

Later, Toyota aggressively promoted a 56-page report by the firm, Exponent, to rebut contentions by safety advocates who said that electronic systems in the automaker’s vehicles were to blame for accidents in California and elsewhere

But several lawmakers said on Thursday that Exponent actually was hired by a Toyota law firm, not the carmaker itself, and primarily to do research that would be used to defend the company, based in Japan, in dozens of suits over cars accused of being defective. The lawmakers said there was no evidence that Exponent was originally retained to conduct a broader independent study, a conclusion shared by the government’s top safety regulator and acknowledged on Thursday by Toyota.”

“It’s troubling, because Exponent and Toyota said they were taking a comprehensive look,” Representative [Bart Stupak](#), a Democrat of Michigan, said at a hearing of a House Energy and Commerce subcommittee.”

<http://www.nytimes.com/2010/05/21/business/21toyota.html>

b) On May 20, 2010 USA Today reported in “Toyota Investigator Exponent Often Defends Automakers” that:

“For four decades, the company Toyota commissioned to investigate allegations of unintended acceleration has played a central role in many of the most heated auto safety debates, almost exclusively working for the auto industry.

The company, Exponent, is part of a thriving industry of firms that do research and scientific and engineering analysis for hire and provide expert testimony and reports for companies facing product disputes, government regulation and lawsuits. Critics claim Exponent will go to any length to get test results favoring its client.”

http://usatoday30.usatoday.com/money/autos/2010-05-20-exponent20_CV_N.htm

c) For additional information see the Book: [*Doubt is Their Product: How Industry's Assault on Science Threatens Your Health*](#), written by [David Michaels](#), Ph.D., M.P.H., Assistant Secretary of Labor for OSHA. *An excerpt:* “While some may exist, I have yet to see an Exponent study that does not support the conclusion needed by the corporation or trade association that is paying the bill.” (page 47)
http://en.wikipedia.org/wiki/Doubt_is_Their_Product

CONCLUSION

For the foregoing reasons, Citizens for Health urges the Commission to determine: 1) That Central Maine Power has failed to prove there is no credible threat of harm from smart meters, banks of smart meters and related smart meter technology; and 2) safety cannot be ensured without remedial measures, the scope of which may need to be determined in a separate proceeding.

Dated at Washington, D.C. this 11th day of April, 2014.

/s/

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