

NY Times-A Cautionary Tale

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Neighbors on Cell Tower Plan: Not in Your Backyard, Either
By ALISON LEIGH COWAN

ASTON, Conn., Oct. 23 — Life in the suburbs often comes with its share of worrisome surprises, like the neighbor's barking dog, unkempt yard or odd odors.

Usually, however, those surprises do not include the neighbor's deciding to put up a cellphone tower that is about 10 stories tall.

Connecticut law has firmly established that municipalities have no real say over the placement of cellphone towers. Only the Connecticut Siting Council, in Hartford, can stop a tower, and it rarely does. As a result, some residents are facing intrusive neighbors they never imagined.

In nearby Westport, where the state law was most recently tested and upheld, Verizon bought a vacant house at 2 Sunny Lane with an eye to putting up a 130-foot tower. The town sued, and help poured in from the Connecticut Council of Municipalities and the state attorney general, to no avail. Today, Sunny Lane is a little less sunny. "How do you throw up a cellphone tower in someone's backyard?" asked Lorcan O'Connor, who bought the house next door two months before Verizon won the court case. "This is a residential area."

Here in Easton, the story is playing out again, in a most unneighborly way. Jane DeCourt, a resident, says she calls it the "nightmare on Burr Street." Two years ago, she woke up to find Sprint PCS planning to put up a 150-foot tower across the street in Ronald and Karen Kowalski's backyard.

The Kowalskis declined to comment for this article. Mr. Kowalski has asserted, in a written response to a complaint brought by his neighbors, that he is "not a party to the agreement," since he transferred ownership of his half of the house to his wife in 2000 for "financial planning purposes."

One reason the couple may not mind the unusual tenant — besides the six-figure lease payments they have indicated to neighbors they stand to make — is Mr. Kowalski's law practice. He is a partner at Cacace, Tusch & Santagata, a Stamford law firm that Sprint has often retained on tower placement issues in southwestern Connecticut. Correspondence between his law firm and Sprint shows that Mr. Kowalski volunteered his home when "Sprint was attempting to secure a site in his neighborhood" and that he "informally" represented his wife in the negotiations.

Neighbors say they might be less outraged by Mr. Kowalski's willingness to please Sprint if he were not also a public official in Easton. He is an appointed member of the planning and zoning commission and is chairman of the Democratic town committee. Neighbors have created a Web site, hired a lawyer and lodged complaints, thus far unsuccessful, against him to the town's board of ethics and the Statewide Grievance Committee, the agency that disciplines lawyers, alleging misconduct.

In defending himself before both groups, Mr. Kowalski noted that he recused himself when plans for cellphone towers went before the town, and that he could hardly be accused of

having undue influence when the planning and zoning commission on which he sits opposed his family's deal. Both groups found nothing warranting disciplinary action.

Easton has been fighting hard for years to retain its quaint New England charm. Many homes sit on three acres and bear traces of pre-Revolution stone walls. Zoning rules are strict. Neighbors who want to add to their homes or hang a sign need town approval.

When the neighbors along Burr Street first heard about Sprint's interest in the Kowalski property two years ago, they tried to mediate the dispute among themselves. The Kowalskis were invited to the DeCourts' living room in October 2001 so that they could explain the deal, over Bundt cake and coffee, to a group of 40 neighbors. When one exasperated neighbor at the meeting asked what it would take for the Kowalskis to back down, Mr. Kowalski told the group to make him an offer, several people who were present said.

As months went by and Sprint had yet to apply formally to the Connecticut Siting Council, neighbors hoped the issue would fade away.

But last February, talk of putting a cell tower on Burr Street resumed. William J. Kupinse Jr., the first selectman of Easton, invited the Kowalskis to meet with him and some of the neighbors at Town Hall to explore a solution. Three people who attended the meeting said that Mr. Kowalski used the occasion to say he was disappointed not to have heard back from his neighbors with an offer either to buy the family's home or buy the family out the contract with Sprint. The dollar value of the contract has not been disclosed.

"We were able to learn that given the right sum of money," the proposed tower might be avoided, Mr. Kupinse reported back to the neighbors in writing on Feb. 25. Neighbors said they loathed the idea of paying what they described as "greenmail," but made several attempts to present Mr. Kowalski with an offer, just shy of \$500,000, potentially awarding him 80 percent more than he paid for the house in 1994. Christian M. Nardone, a neighbor, said he eventually heard back that Mr. Kowalski was no longer amenable to breaking the deal with Sprint. At that point, he and the other neighbors referred Mr. Kowalski to the Statewide Grievance Committee on various charges, including his willingness to betray his own client.

Larry McDonnell, a spokesman for Sprint, said that the company had no quarrel with Mr. Kowalski and appreciated his efforts to help it find a suitable site after a long, "exhaustive" search that began in 1998. He also said that as people increasingly expect to use mobile phones inside their homes, "the only way to do that is start to have radio antennas close to people's homes."

In public statements, Mr. Kowalski has blamed his neighbors for much of the scrutiny of his business practices, saying they object to decisions he has made in his "personal life."

Yet, he, too, has been unable to resist turning up the heat on neighbors who he feels flout the rules. Last spring, he asked the town's zoning enforcement officer to check if his next-door neighbor, Geoff James, had the proper permits for the "structure" he was building in his yard. It was a rabbit hutch.

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See also: <http://www.emrpolicy.org/news/headlines/index.htm>

October 23, 2003 - Dutch Government Study Finds Non-Thermal Effects from Exposure to Mobile Telecommunications Antennas

In late September 2003 the Netherlands Ministries of Economic Affairs, Housing, Spatial Planning and the Environment, and Health, Welfare and Sport released the results of a study of the effects on human well being and cognition from exposure to low-intensity radiofrequency/microwave (RF/MW) radiation. The study outline characterizes the strength of the applied RF/MW fields (maximum 1V/m) as comparable to the field strength that the Netherlands Organization for Applied Scientific Research (TNO) has measured at the base of antenna towers, on rooftops, and to the maximum field strengths measured by TNO in people's homes.

See also the October 26, 2001 article from *The Ecologist*, a UK journal:

The increased demand for tower and antenna sites is driven in part by the fact that many people now choose to use their mobile phones at their homes in place of their land line phones. Families buy service contract that include several phones and give a large amount of free minutes each month and then feel obligated to use up all of those minutes instead of using their home phone. Teenagers prefer to have their own mobile phones so they can make a call whenever and wherever they choose. Public health is the last thing on anyone's mind. But this increased demand gives wireless providers the data to make the case that they have to construct antenna base stations in residential areas.

[GSM is the Global System for Mobile Phones, the digital phone technology in Europe. A mast is a tower.]

The Ecologist

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Author: David Edwards

The mobile phone invasion is an unprecedented experiment, pitting market forces against the health of the population, particularly the young. Governments, cashing in on the licencing bonanza, wave through plans for a forest of phone masts. Emissions guidelines are drawn up to minimise costs. Here, *The Ecologist* looks at the issues, beginning with a damning report which, says David Edwards, points to evidence of a cover-up. It may be good to talk, but why isn't anyone listening?

Imagine you're the government of the UK. You've recently taken £22.5 billion in licences for the new 3G network from the biggest mobile phone companies in the world and they want value for money. You've got a burgeoning market amongst technologically aware, image conscious teenagers that skyrocketed 250 per cent over the previous year (the 25 per cent of secondary school children who owned or shared a mobile at the end of 1999, became 64 per cent by the end of 2000). But then there's also an ever-growing number of scientific studies associating serious health risks with mobile phone use, especially amongst children and teenagers, whose thinner skulls make them all the more receptive to the non-thermal effects of mobile phone radiation. What do you do?

Well, according to Dr Gerard Hyland in a report submitted to the Industry, Trade, Research and Energy Committee of the European Parliament on 11 July 2001, you bury your head and take the money.

Pointing to an industry-inspired cover-up, Hyland describes how the voice of those with a view contrary to the officially perceived wisdom ‘is at worst silenced, or, at best, studiously ignored.’ The situation is worsened by reports of mobile phone industry attempts ‘to “persuade” those who discover findings that prove potentially damaging to market development to actually alter their results to make them more “market friendly”’.

Dr Hyland, of the Department of Physics at Warwick University in the UK and the International Institute of Biophysics in Germany, further argues that existing safety guidelines relating to mobile phone masts are completely inadequate, since they focus only on the thermal effects of exposure to electro-magnetic fields.

In the report he warns that a major contemporary threat to the health of society is man-made ‘electrosmog’. The nature of the pollution is such that, for people living in the vicinity of mobile phone masts, there is literally ‘nowhere to hide’. In addition, given the short time for which humans have been exposed to it, we have ‘no evolutionary immunity against any adverse effects’.

Hyland reports that existing safety guidelines which are intended to protect the public– such as those issued by the International Commission for Non-ionising Radiation Protection (ICNIRP) – ‘afford no protection’ against non-thermal influences of various kinds.

‘Quite justifiably,’ Hyland writes, the public remains sceptical of attempts by governments and industry to reassure them that all is well, particularly given ‘the unethical way in which they often operate symbiotically so as to promote their own vested interests, usually under the brokerage of the very statutory regulatory bodies whose function it supposedly is to ensure that the security of the public is not compromised by electromagnetic exposure.’

Also doubtless driven by market imperatives rather than genuine concern for public health are efforts to establish a global ‘harmonisation’ of radiation exposure standards, by attempting to persuade countries that currently operate more stringent limits – such as Russia and China – to relax them in favour of the higher levels tolerated in the West. It can be no coincidence, Hyland argues, that in Russia, where the frequency-specific sensitivity of living organisms to ultra-low intensity microwave radiation was first discovered over 30 years ago, that the exposure guidelines are approximately 100 times more stringent than those of ICNIRP!

Criticising the performance of the media, Hyland argues that there is ‘a regrettable tendency to attribute market-friendly results a greater significance, publicity and profile than ones indicative of the possibility of adverse health impacts.’ An example of this is provided by the publication of the results of a recent study in the USA, which found an increased risk amongst users of mobile phones of a rare kind of tumour (epithelial neuroma) in the periphery of the brain – ‘precisely where there is maximum penetration of radiation from the mobile phone’.

This aspect of the report, Hyland argues, ‘completely escaped the attention of the media, who focused instead exclusively on the finding that there was no overall increase in the incidence of brain tumours amongst mobile phone users.’

Hyland argues that research necessary to establish mobile phone safety has not merely been bypassed or compromised, ‘but rather – and more reprehensibly – that already available indications that the technology is potentially less than safe have been (and continue to be)

studiously ignored,' not only by the mobile phone industry, but by national and international regulatory bodies.

Hyland gives as an example the conduct of the UK National Radiological Protection Board, which was 'unable' to provide the Independent Expert Group on Mobile Phones (IEGMP) – for whom they were acting as the secretariat – with certain highly relevant published papers, on the grounds that they could not 'find' them, 'despite having been provided --with the full references by at least two individuals who gave evidence to the IEGMP, and curiously having had no difficulty in providing less significant papers from the same issue of the journal.

According to Hyland: 'If the same level of uncertainty and debate as currently surrounds the safety of human exposure to GSM radiation obtained in the case of a new drug or foodstuff they would most certainly never be licenced.'

Among the evidence of adverse health affects studied by Hyland, is the following:

- There is consistent empirical, anecdotal evidence from many countries that the health of some people is adversely affected in various ways when they are exposed to the type of radiation emitted by mobile phone masts, despite its intensity being well below existing safety limits. The anecdotal nature of many of the reported health problems – such as headache, sleep disruption, impairment of short-term memory, nosebleeds and, more seriously, an increase in the frequency of seizures in some children already suffering from epilepsy – does not constitute grounds for dismissing them out of hand. Given the lack of research on this relatively new technology, such reports are an indispensable source of information, Hyland argues.
- There is documented evidence that long-term (involuntary) exposure to microwave radiation of intensities between that realised near an active phone and that found in the vicinity of a base-station does causes serious illness, such as leukaemia and lymphoma, in certain exposed people. This is the conclusion reached by a relatively recent re-analysis of the Lilienfeld report on the Moscow US Embassy irradiation during the 'cold' war, based on information that only became fully available following the Freedom of Information Act. This reveals that the original verdict of 'no serious health effects' was, in fact, a sanitised version of Lilienfeld's findings, in which his statements of concern had been deliberately removed by the State Department.

Furthermore, children, Hyland explains, are at greatest risk for several good reasons, including:

- Absorption of microwaves of the frequency used in mobile telephony is greatest in an object about the size of a child's head – the so-called 'head resonance' – whilst, in consequence of the thinner skull of a child, the penetration of the radiation into the brain is greater than in an adult.
- The still developing nervous system and associated brain-wave activity in a child (and particularly one that is epileptic) are more vulnerable to aggression by the pulses of microwaves used in mobile phone radiation than is the case with a mature adult.
- A child's immune system, whose efficiency is, in any case, degraded by radiation of the kind used in mobile telephony, is generally less robust than is that of an adult, so that the child

less able to 'cope' with any adverse health effect provoked by (chronic) exposure to such radiation.

Asking the question again: If you were the UK government, what would you do?

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