PLATAFORMA ESTATAL CONTRA LA CONTAMINACIÓN ELECTROMAGNÉTICA

PRESS RELEASE

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ELECTRO Y QUIMICO SENSIBLES POR EL DERECHO A LA SALUD

ELECTROSENSITIVITY IS RECOGNIZED AS A CAUSE OF DISABILITY TO WORK IN SPAIN BUT, AT THE SAME TIME, THE HIGH LEVELS OF WORK ELECTROPOLLUTION ARE CONSOLIDATED BY ROYAL DECREE

While the Electrohypersensitivity (EHS) is recognized in Spain as a cause of inability to work in areas "with Wi-Fi, wireless telephony and mobile phone masts", the Spanish central government in office has approved a labor legislation consolidating the high electromagnetic pollution limits without guaranteeing the technological alternatives that reduce it, in line requested by the lobbies of telecommunications

The High Court of Justice of Madrid (TSJM) has recently recognized a permanent total disability of a telecommunications engineer who worked at the multinational Ericsson in environments electromagnetic pollution[1]. This exemplary ruling [2] has evidenced the absence of "white zones" (EMF-Free zones) and highlighted the jetlagged limits of exposure what fail to take account of the bio-effects collected by the medical biography. This obviously contradicts, among others, with alerts of the European Environment Agency since 2007 [3], the resolutions of the European Parliament in 2008/2009 [4] and the Parliamentary Assembly of the Council of Europe (PACE) in 2011 [5], as well as the opinion of the TEN section of the European Economic and Social Committee in 2015 [6], and the municipal and autonomous community positions [7] to implement the Resolution 1815 of the PACE and / or the EHS recognition from 2011 until now.

This TSJM follows judicial steps already undertaken both in the State Spanish [8] as in other EU countries and non-EU [9]. It is in line with the resolution of the European Parliament in 2009 calling "on Member States to follow the example of Sweden and to recognise persons that suffer from electrohypersensitivity as being disabled so as to grant them adequate protection as well as equal opportunities" [10]. In addition, it is in line with the positions of numerous professional associations in the field of health and the **environment [11], and numerous international appeals [12].**

But only 16 days later, the Spanish Royal Decree 299/2016 of 22 July (on the protection of the health and safety of workers from the risks related to exposure to electromagnetic fields) [13], moving in the other direction, is approved. If the limits of exposure to electromagnetic pollution allowed to the general population are increasingly being questioned for being based only the thermal effects (reductionist and short-term vision), rather than all bioeffects over time. This Royal Decree allows even greater exposure limits in the workplace, allowing usual values five greater than for the general public [14]. This standard occupational health while acknowledging the existence of the bio-effects (without reporting bioeffects registered in continued exposure -within the limits to the public- [15]) does not contemplate the long-term effects nor establish the concrete indications (use guidelines / technological alternatives) to minimize exposure. If however, European health agencies and professional associations are already providing such indications [16].

These measures contrast with calls to prevention from the trade union level, especially in schools, demanding the "promotion of wired Internet connection to prevent the health problems arising from wireless connections, and to encourage integration in the school community of people with electromagnetic hypersensitivity " [17], as applied in nursery schools in France [18] and in municipal nursery schools of Hospitalet [19].

The PECCEM and Electro and Chemical Sensitive for the Right to Health (EQSDS), as promoters of **municipal motions** against the **Spanish General Law telecommunications of 2014** [20], advocates of the **recognition and comprehensive care of the EHS** [21] and **co-drivers of European Manifesto for a regulation of EMF exposure which truly protects public health** [22], continue to demand from the different

administrations the measures real protection against electromagnetic pollution in all areas of life and especially to Children and Teenagers, in line with the PACE Resolution 1815 (2011) and the opinion of the EESC TEN section (January 2015).

King regards from the PECCEM coordinating group and the EQSDS,

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1.- See *noticias jurídicas*: https://translate.google.com/translate?hl=en&sl=es&tl=en&u=http%3A%2F%2Fnoticias.juridicas.com%2Factualidad%2Fjurisprudencia%2F11248-una-sentencia-considera-por-primera-vez-la-quot%3Belectrosensibilidadquot%3B-como-causa-de-incapacidad-permanente-total%2F&sandbox=1

2.- See the judgment: http://www.peccem.org/DocumentacionDescarga/Legislacion/sentencias/Sentencia.5882016.TSJM.EHS.pdf

3.- The warnings of **the European Environmental Agency** (EEA) since 2007, in support of the BioInitiative report, among others, as the basis for an early warning on EMF:

- In 2007, the EEA advisory entitled "Radiation risk from everyday devices assessed" [http://www.eea.europa.eu/highlights/radiation-risk-from-everyday-devices-assessed].

- In 2008-2009, in the **Committee on the environment, public health and food safety of the European Parliament**.

- In 2009, in the **International Expert Conference on Cell Phones and Health: Science and Public Policy Questions**, Washington, on 15 September 2009. See "Statement on Mobile Phones" [https://ecfsapi.fcc.gov/file/7022311538.pdf, http://www.emrpolicy.org/files/15sep09_mcglade_statement.pdf].

- In 2011:

- In the **Council of Europe Hearing on EMF**, Paris, on 25th February 2011. See "Statement on Mobile Phones and the Potential Head cancer risk" [http://www.icems.eu/docs/StatementbyJMGFeb252011.pdf?f=/c/a/2009/12/15/MNHJ1B49KH.DTL].

In the Committee on the environment, agriculture and local and regional affairs of PACE. See document 12608 - section B, point 4.21 – [http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=13137&lang=en].

- In 2013: The EEA publishes 'Late Lessons from Early Warnings, volume II'. See the Chapter 21 "Mobile phone use and brain tumour risk: warnings, early actions?" [http://www.eea.europa.eu/publications/late-lessons-2/late-lessons-chapters/late-lessons-ii-chapter-21/view].

4.- European Parliament (2008 and 2009):

- Resolution of 4 September 2008 on the mid-term review of the European Environment and Health Action Plan 2004-2010 (2007/2252(INI)) [http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0410+0+DOC+XML+V0//EN]. See points 21, 22 and 23.

- Resolution of 2 April 2009 on health concerns associated with electromagnetic fields (P6_TA(2009)0216 [http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0216+0+DOC+XML+V0//EN].

5.- Resolution 1815 of the Parliamentary Assembly of the Council of Europe (PACE) on potential hazards of electromagnetic fields and their effects on the environment (27.05.2011): http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17994&. See Doc. 12608, 06 May 2011, report of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur: Mr Huss [http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=13137&lang=en].

6.- - The Section for Transport, Energy, Infrastructure and the Information Society (TEN) of the **European Economic and Social Committee** (EESC): see the **opinion on Electromagnetic hypersensitivity** (7 January 2015) requesting recognition of the EHS in the health, labor and social fields [https://webapi.eesc.europa.eu/documentsanonymous/eesc-2014-05117-00-02-as-tra-en.doc]. See "Assessment of the elaboration process of the European Economic and Social Committee (EESC) opinion on Electromagnetic Hypersensibility (EHS). An EESC failure: conflicts of interests block the rights of people with EHS-functional

impairment" [http://www.peccem.org/DocumentacionDescarga/Campanas/EHS-CESE/ASSESSMENT_ON_THE_EESC_EHS_PROCESS_EN.pdf]

7.- The Basque Parliament, the Foral Parliament of Navarre and different municipalities (as Barakaldo, Errentería, Espartinas, Hospitalet, Jerez de la Frontera, San Sebastián, Vitoria, the General Assembly of Gipuzkoa) already Requested to implement the recommendations of the PACE Resolution 1815. The Asturian Parliament and recently applied for recognition of diseases of central sensitization (such as multiple chemical sensitivity and EHS). Municipalities such as Palencia and Pinto also requested recognition of the EHS. Recently municipalities such as Tarragona (01/12/2015) have approved a rescue plan for the affected people of Central Sensitization Syndromes.

8.- See news of **the first judgment recognizing EHS as a disability in the State Spanish** (2011): https://translate.googleusercontent.com/translate_c?depth=1&hl=en&rurl=translate.google.com&sl=es&tl=en&u=http://www.elperiodico.com/es/noticias/sociedad/juez-reconoce-incapacidad-una-trabajadora-por-sindrome-hipersensibilidad-los-moviles-1076526&usg=ALkJrhjkGHX9k2JzmAjhfhc5nBuLXgP96g

9.- Judgments on the EHS also recognize permanent disability pensions or other compensation in the UK (2012), Australia (2013), Germany (2014), France (2012-2015). See note 17 of the European Manifesto for a regulation of EMF exposure which truly protects public health: http://www.peccem.org/DocumentacionDescarga/Campanas/ICE2013/ENG_EUROPEAN_MANIFESTO_IN_SUPPORT_THE_ECI.pdf

10.- See point 29 of the European Parliament resolution of 2 April 2009 on health concerns associated with electromagnetic fields (2008/2211(INI)) [http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2009-0216+0+DOC+XML+V0//EN].

11.- Associations Environmental Medicine of United States (American Academy of Environmental Medicine) and European countries like Germany, Austria, France, Macedonia, Ireland, Italy and Sweden (signatories of the EUROPEAN MANIFESTO in support of a ECI for a regulation of EMF exposure, which truly protects public health) and European level [European Academy for Environmental Medicine (EUROPAEM)]. Professional bodies as the Austrian Medical Association (ÖÄK) and the Galician Official College of Biologists (signatory to the European manifesto mentioned).

12.- As the International Electromagnetic Field Scientist Appeal on 2015, 222 signatures from 41 nations. All of these scientists have published **peer-reviewed papers on the biological or health effects of non-ionizing radiation**, part of the EMF spectrum that includes Extremely Low Frequency fields (ELF) used for electricity, or Radio Frequency radiation (RFR) used for wireless communications. See more callings in paragraph "Doctors and Scientists Appeal for Stricter Wireless Technology Regulations" of "International Policy Actions on Wireless" [http://ehtrust.org/policy/international-policy-actions-on-wireless/].

13.- The Spanish Royal Decree 299/2016 of 22 July [https://www.boe.es/diario_boe/txt.php?id=BOE-A-2016-7303] **is the transposition of Directive 2013/35/EU** of the European parliament and of the Council of 26 June 2013 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) [http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32013L0035&qid=1467355621822].

14.- The Spanish Royal Decree 1066/2001 of 28 September [https://www.boe.es/diario_boe/txt.php?id=BOE-A-2001-18256] transcribing the Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz-300 GHz) [http://ec.europa.eu/health/electromagnetic_fields/docs/emf_rec519_en.pdf].

15.- The BioinItiative Report 2007/2012 and the ICEMS Monograph, "Non-Thermal Effects and Mechanisms of Interaction Between Electromagnetic Fields and Living Matter" [http://www.icems.eu/papers.htm], **se confirman la aparición de bioefectos CEM (efectos no térmicos) confirm the development of non-thermal EMF bio-effects within the limits permitted by ICNIRP/FECC standards**. See the Summary for the Public of the BioinItiative Report 2007 / 2012 [http://www.bioinitiative.org/report/wp-content/uploads/pdfs/sec01_2007_summary_for_public.pdf, http://www.bioinitiative.org/report/wp-content/uploads/pdfs/sec01_2007_summary_for_public.pdf].

The lack of transparency and conflicts of interest among members of the bodies that set the values exposure limits **have been criticized even by the European Economic and Social Committee in paragraph 1.4 of its opinion on the European Directive transcribed in this Royal Decree** [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011AE1855]. See also Report on conflicts of interest in the ICNIRP prepared by AVAATE (Asociación Vallisoletana de Afectados por las Antenas de Telefonía Móvil / the Valladolid Association of Injured by Telecommunications Antennas) on June 2015 [http://www.iemfa.org/news/conflicts-of-interest-among-the-members-of-the-international-organization-icnirp/] and NGO complaint to the European Ombudsman [March 2015: http://www.iemfa.org/wp-content/pdf/newsletter/Pressrelease-SCENIHR-2015.pdf] y a la Complaint to the European Commission concerning *«the 2015 SCENIHR opinion on potential health effects of exposure to electromagnetic fields»* [August 2015: http://www.iemfa.org/news/scenihr-2015-opinion-complaint-to-the-european-commission/].

16.- Many European agencies such as the **Federal Office for Radiation Protection** (BfS) of Germany, the **Federal Office of Public Health** (OFSP) of the Swiss Confederation and the **Santé Publique France**, recommend strategies to minimize personal exposure in a wireless internet connection (if it is not possible a wired connection), in the use of wireless telephony DECT type (if it is not possible to connection on landline phone, giving priority to the DECT phones that have the Eco option of not issuing in standby, or advising a away 50 cm between DECT base stations without ECO mode, and the work or rest place) or in using the mobile phone. On the use of Smartphones, the **Vienna Medical Association** (December 2015) published an information poster, present in health centers and hospitals, with 10 recommendations to minimize electromagnetic exposure use. In the Spanish State, there are also health institutions (Osakidetza, Basque Health Service) or medical societies (Spanish Society for Radiological Protection) that perform some sort of tips to minimize electromagnetic exposure. **Neither Spanish Royal Decree 299/2016 of 22 July, nor Directive 2013/35/EU of the European parliament and of the Council of 26 June 2013 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields), determine priorities for election to different technologies or on their ways of use of lower risk.**

17.- Extract from the electoral program (2014-2015) of the Trade Union Confederation of Workers Education (CSTs-Inter). Today we find different activities against electromagnetic pollution in the trade union field: SUATEA, CCOO, CSI, USO, Student Union (see press release of Asturiana Platform School without Wifi), ELA-STV (see Trade Union Guide), STEE-EILAS, "Corriente Sindical d'Izquierda" (trade union signatory of the European Manifesto in support of a ECI for a regulation of EMF exposure with USO-Asturias trade union and Confederal Secretary of Occupational Health and the Environment of CCOO trade union), ... View report on pollution by electromagnetic radiation at the University of Murcia (June 2016) presented by CCOO the Committee Health and Safety at the University of Murcia. See also news on a ruling that recognizes the Multiple chemical sensitivity as an occupational disease (another environmental illness often linked to EHS) advocated by the Legal Services of CSI-F trade union in Ourense.

18.- See the French «LOI n° 2015-136 du 9 février 2015 relative à la sobriété, à la transparence, à l'information et à la concertation en matière d'exposition aux ondes électromagnétiques»:
https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030212642&dateTexte=&categorieLien=id

19.- The wireless network of municipal kindergarten was disabled in Hospitalet (second municipality of Catalonia in population) in April 2014, decreasing the levels in those centres to below the limits set by PACE resolution 1815. See letter to the Catalan Education Minister:
http://www.peccem.org/DocumentacionDescarga/Campanas/ESCUELA/ESCRITO_CONSELLERA_RETIRADA_WIFI_HOSPITALET_CAST.pdf

20.- The campaign of the PECCEM **against the new General Telecommunications Law** (2014) encouraged the presentation of **motions** in more than **47 municipalities in 15 autonomous communities** (Andalusia, Aragon, Asturias, Canary Islands, Cantabria, Castile and Leon, Catalonia, Extremadura, Galicia, Madrid, Murcia, Navarra, Basque Country, La Rioja, Valencia), **two county councils** (Valladolid and Barcelona) **and three regional parliaments** (Galicia, Navarra and Rioja) [http://www.peccem.org/LGTel.html].

21.- In June 2015, the PECCEM and EQSDS have organized a **commemorative event for the International Day against Electromagnetic Pollution which was held at the Office of the European Parliament in Madrid**: "**Towards a comprehensive recognition of the electrohypersensitivity in Europe? Is the school a source of electrosensitive people?"** With communications in the different fields (scientific, European institutional -EESC, EEA, MEPs-, EHS people, associative). See the program:
http://www.peccem.org/DocumentacionDescarga/Campanas/24JUNIO/2015/Programa_con_videos_Jornada_26Junio2015_SedeParlamentoEuropeoMadrid_EN.pdf

22.- The European Manifesto for a regulation of EMF exposure which truly protects public health, adopted by consensus among European organizations in a meeting organized by the PECCEM in Madrid in June 2013: http://www.peccem.org/DocumentacionDescarga/Campanas/ICE2013/ENG_EUROPEAN_MANIFESTO_IN_SUPPORT_THE_ECI.pdf

Amongst the signatories to this European Manifesto there are scientists, researchers and experts, as well as professional bodies and associations and representatives of civil society organizations (from health advocates, consumers, neighbours, environmentalists, ecologists, trade unions, parents of students, people with central sensitization syndromes -electro-hypersensitivity, multiple chemical sensitivity, chronic fatigue, fibromyalgia, etc.-, brain tumour patients, concerned citizens and activists associations working in the field of electromagnetic pollution) coming from 26 countries (Argentina, Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, India, Ireland, Italy, Macedonia, Netherlands, Panama, Poland, Portugal, UK, Russia, South Africa, Slovakia, Spain, Sweden, Switzerland and USA). See the signatories: http://www.peccem.org/DocumentacionDescarga/Campanas/ICE2013/SignatoriesManifestoECI_EMF_June-2016.pdf