

80 Groups, 57 Doctors, 19 Scientists Join CHD in Urging Pennsylvania to Reject ‘Smart Meters’ Mandate

By [Children’s Health Defense](#)

Global Research, September 22, 2021

[Children's Health Defense](#) 21 September 2021

Region: [USA](#)

Theme: [Law and Justice](#), [Science and Medicine](#)

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Children’s Health Defense on Sept. 15 filed an amicus brief in the Supreme Court of Pennsylvania in support of a lawsuit challenging the Pennsylvania Public Utility Commission’s interpretation of the state’s 2008 law mandating smart meters.

Eighty safe-technology and environmental organizations on Sept. 15 joined the [amicus brief](#) in the court case challenging the Pennsylvania Public Utility Commission’s (PAPUC) interpretation of [Pennsylvania’s Act 129](#), a 2008 law to mandate smart meters and deny disability accommodation to people adversely affected by pulsed radio frequency (RF) radiation emitted by wireless devices, including smart meters.

[Children’s Health Defense](#) (CHD) filed the amicus brief in the Supreme Court of Pennsylvania.

An amicus brief is filed by non-parties to a litigation to provide information that has a bearing on the issues and assist the court in reaching the correct decision. It comes from the latin words amici curiae, which means “friend of the court.”

“Smart” wireless utility meters have been deployed in the U.S. for a decade, replacing the analog mechanical meters that for decades were used reliably and safely, and were read monthly by “meter readers.”

They were promoted as part of the 2008 stimulus program, as an investment in energy conservation.

[Smart meters](#) contain transmitting antennas that continuously communicate electric usage to the utility company in real time. They allow companies to “punish” users for using electricity during high demand periods and reward them for using it at less busy times.

Smart meters now leading cause of sickness, especially in children

A decade after they were introduced, there is [little to no evidence](#) smart meters saved any energy. Instead, ample evidence shows that [consumers had to carry](#) a rate hike to fund the ever-increasing costs of these meters.

[False readings](#) by the meters have resulted in much higher bills for consumers. The meters have caused fires and [violated privacy](#) rights by selling consumers' usage data.

But by far the worst consequence of widespread use of smart meters is that they have become a leading [cause of sickness in adults and children](#).

To support the claims of adverse effects from exposure to smart meters, the amicus brief filed by CHD included a [statement by scientists](#) with expert knowledge of the impact of electromagnetic fields (EMF) and RF on human health.

Cumulatively, these scientists have published hundreds of studies on RF/EMF effects and reviewed thousands of others. They explain how smart meters cause widespread sickness because of how they operate.

According to Erik Anderson, the [expert engineer](#) whose report was included with the amicus, smart meters contain transmitting antennas that wirelessly transmit the data to the utility companies. They pulse intense levels of RF radiation up to 190,000 times a day, some exceeding even Federal Communications Commission's (FCC) allowed levels.

The report explains how RF emissions from the antennas, and the spikes of RF frequencies created by the meter's Switch Mode Power Supply's alternating-current-to-direct-current conversion process enter the house's electric wiring, transforming the entire house into an antenna.

Signers of the amicus brief argued these meters must not be forced on those who are affected from RF exposure, and these people should be provided instead with analog meters.

What's at stake

The original case was filed in Pennsylvania by four consumers who are suffering adverse reactions from exposure to wireless radiation.

They asked to be accommodated and were refused by PECO, the local utility company, and later by the PAPUC.

The plaintiffs appealed to Pennsylvania's Commonwealth Court, which had [ruled](#) in October 2010 that the law does not mandate smart meters. All parties appealed to the Supreme Court of Pennsylvania, which [agreed](#) to hear the appeals.

"The risk posed by this case to everyone is imminent," said [Dafna Tachover](#) of [We Are The Evidence](#). "The court's decision will affect not only Pennsylvania residents, but will have far-reaching implications nationwide. If the position of consumers and safe-tech organizations is rejected, there is little doubt that industry will mandate smart meters across the country."

In fact, the [push by utility companies](#) to mandate smart meters has been growing, as these meters are part of “Smart Grid” and the “[Internet-of-Things](#)” network.

‘Tremendous health improvements’ after smart meters removed

The nationwide rollout of smart meters is based on the assumption they are safe because they comply with the FCC guidelines.

However, the amicus brief refers to the [recent decision](#) by the U.S. Court of Appeals for the District of Columbia in CHD’s case challenging the FCC’s 2019 decision that the commission’s 1996 guidelines adequately protect the public from non-cancer harms from 5G and wireless-based technologies.

On Aug. 13, the [court ruled against](#) the FCC, stating the commission’s decision was capricious, arbitrary and not evidence-based.

Signers of the amicus brief argue that as a result of Aug. 13 ruling, although the FCC guidelines are still in effect, they cannot be considered an assurance of safety, and therefore the meters cannot be regarded as safe.

CHD also revealed in the brief that the FCC [admitted](#) to adverse neurological responses from RF frequencies, including frequencies in the range emitted by the smart meter SMPS (2-50 KHz).

The symptoms referenced by the FCC are similar to the symptoms reported by people who claim to suffer adverse effects from the smart meters. Symptoms include tingling, a feeling of electric shocks, sleep and cognitive problems.

The amicus brief also includes a [statement](#) signed by 57 physicians who jointly treat more than 3,000 patients adversely affected by exposure to wireless devices and infrastructure.

Most of these patients suffer from electrosensitivity (also known as radiation/microwave sickness), a condition in which people develop various symptoms, mainly neurological, as a result of exposure to this radiation. The physicians explain the effects of smart meters on their patients.

The leading signer of the amicus brief (besides CHD) is the [Building Biology Institute](#), which certifies experts in mitigating EMFs. The organization works with doctors and patients to remediate exposures in patients’ homes.

[Building Biology Institute President Larry Gust](#) explained that the organization’s experts have witnessed both the widespread sickness created by smart meters and the tremendous health improvements after these meters are removed.

Regarding the interpretation of Pennsylvania’s 2008 Act 129, CHD argued the PAPUC’s interpretation of the law is false, claiming the statute (which is an opt-in statute) cannot be read to contain a universal mandate, and that it clearly envisions customer consent.

The brief states “regardless of the legislature’s word choice,” the state cannot lawfully force a customer to accept a smart or digital meter when mandatory installation results in disability discrimination, exacerbates existing impairments or forces people to abandon their home. It also argues there must be effective accommodation.

CHD contends neither the PAPUC nor the utility company can or should second-guess a treating physician's finding of impairment and the need for RF exposure avoidance, and that to do so is prohibited by disability laws.

The amicus brief states:

"The impaired cannot be required to endure interminable and expensive proceedings that require them to meet an irrelevant and almost impossible evidentiary burden when the accommodation itself costs less than \$100."

The amicus brief effort was led by attorneys Dafna Tachover, CHD Chairman and Chief Legal Counsel, Robert F. Kennedy, Jr., Scott McCollough and Pennsylvania local counsel, Andrea Shaw.

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