

Filing a utility meter request for accommodation and the state complaint process

Guidelines/Overview:

NOTE: The authors/sender of this information are not attorneys and do not intend to give legal advice. This overview is a recap of actions others have taken and then received success or mitigation. Each complaint filed is different. Please take the time to read this carefully several times. This looks complex but it is not. We tried to include answers to all kinds of questions you might have in order to make the process as clear as possible. This is compiled to allow double-sided printing.

Are utility meters -- Smart, digital, or RF-read -- making you sick? Has your utility company forced a meter on your home or forced you to pay opt-out fees to avoid one despite that it makes you sick? Is a utility meter on your place of employment blocking your ability to work?

This document is about how to file requests for accommodation with your utility and then, if you get no relief, how to file a complaint with your state civil rights/disability rights agency.

A civil rights agency is a discrimination relief agency – relief from discrimination due to race, religion, disability, etc.. The discrimination you face is due to disability as a result of EMF emissions, or by EMF emissions worsening or threatening to worsen other conditions.

You do not have to be qualified as disabled by the Social Security Administration or any other disability organization. If the meters are making you sick, you are disabled by them. The Federal Access Board calls this being disabled by electromagnetic sensitivities (EMS) in their 97-page document dedicated to EMS and MCS disabled people.¹

“The Board recognizes that multiple chemical sensitivities and electromagnetic sensitivities may be considered disabilities under the ADA if they so severely impair the neurological, respiratory or other functions of an individual that it substantially limits one or more of the individual's major life activities.

¹ National Institute of Building Sciences (NIBS) IEQ Final Report 7/14/05, p.4, <https://www.access-board.gov/research/completed-research/indoor-environmental-quality>, http://web.archive.org/web/20060714175343/ieq.nibs.org/ieq_project.pdf

IMPORTANT: The Americans with Disability Act defines disability as a physical or mental impairment that substantially limits one or more major life activities of an individual.²

This is a discrimination action - you are discriminated against by the utility's requirement that in order to receive electricity, natural gas, or water services you must be able-bodied and healthy, and not bothered by the presence of EMF emissions.

Your state civil rights/disability rights agency is an enforcement arm for investigating discrimination on the basis of disability, including for services delivered to your house. If you are disabled, you can make requests of the utility companies and then file complaints with that state entity. A list of a few state agencies is attached. Complaints can be about water, electric, and gas utility meters that include but are not limited to AMI, AMR, Smart, ERT, TWACS, PLC, electronic, and digital meters.

Inform the agency that the EMF-disabled are a relatively new class, recognized by the Federal Access Board, and enforcement has begun at EEOC, DOJ, and HUD.

If you are facing a barrier to your job due to a meter, you will file a complaints simultaneously with your state civil rights/disability rights agency and with federal EEOC. The first agency to pick up your complaint will oversee your case.

If you are also, as a result, threatened with homelessness, experiencing some level of homelessness by sleeping at friends' homes to escape emission penetration into your home, or are now homeless, be sure to include that in the beginning of your complaint. That is because state resources are very burdened and prioritized with the homeless right now. If disabling EMS also makes you part of that community, your state may give your case a higher priority.

There are very specific words and legal definitions to use in your complaint.

² Americans with Disabilities Act, amended effective 2009, Sec. 12102; ADA new rules, effective October 11, 2016. See p. 19-22 for specifics

Do not use the following terms: Smart Meters, AMI, electronic, digital, etc.. They are industry terms and can confuse the issue and confuse the facts about what is actually happening to you.

All of these digital meters are EMF-emitting invoicing tools. This term was created by U.S. Department of Housing and Urban Development (HUD) legal reviews during a precedent-setting action settled in the favor of a person disabled by utility meter emissions. Use “EMF-emitting invoicing tool” to describe the meter or meters you want removed.

There is also a very specific scope and focus to your complaint; it is about your particular meter(s) – electric, gas and/or water-- and it is about disabling EMF emissions. For best results, stay specific to ‘my meter,’ and ‘my home.’

Do not include other Smart Meter issues in your requests or complaints that are not relevant to disability. Doing that may get your case dismissed as a political issue and not a disability issue. That jeopardizes not only your case, but jeopardizes the entire EMF-disabled community. The issues to not mention in your state civil rights/disability rights agency complaint include privacy violation, fire safety, hacking risk, surveillance, targeting, Agenda 21, etc..

Attached are templates with specific language and phrases, and a narrow focus. It is very important to follow these templates for your complaint so that your state can legally handle it. Otherwise, it may be forced to reject it.

Keep all documentation you receive (including envelopes), and keep copies of what you send. Take notes of telephone conversations, and if possible, record them. Only send copies of documents if requested; do not send original documents.

At each step in the process, allow a reasonable period of time. When corresponding with the utility company, give them two weeks to respond.

If you are very ill -- appointing a representative

In one case, the complainant was so ill that they requested another person to act as their official representative to submit paperwork and respond to questions and letters from the utility company and the agency they submitted the complaint to. This also allows the complainant to freely discuss issues with their advocate that arise during the later stage of

conciliation, which ordinarily cannot be discussed or revealed due to confidentiality requirements. In this case which happened to be a HUD complaint, the complainant's representative wrote to the utility company on the complainant's behalf, and when the complaint process started, the complainant notified the agency at the very outset that they required assistance from this person, and submitted a simple signed authorization which the representative also signed. The agency accepted this. For example, the California state agency for disability discrimination complaints is the Department of Fair Employment and Housing. A letter would say:

I, _____, designate _____ to act as my representative in my complaint to the Department of Fair Employment and Housing.

Name

Date

I, _____, agree to serve as _____'s representative in his/her complaint to the Department of Fair Employment and Housing..

Name

Date

Utility Complaint Process:

1 – First, submit a request for disabled accommodation to your utility company in writing, if you have not already done so, using the attached template and wording. You can send by email or through their online customer service portal, or you can mail it certified, return receipt.

The goal is to have a dialogue resulting in the utility company agreeing to accommodate your request and remove the meter first from your own home or apartment, and secondly, equipment from around you like collector antennas and meters nearby (a HUD conciliation already in effect ordered a distance of up to 200 feet) of those neighbors who don't object. Any ask for any meter other than your own should be separated by a comma – see sample letter. The utility is required by ADA directives to open an interactive dialogue with you.

1a -- If you have multiple meters on your wall or directly across from your wall, this is a different situation and does not have a clear path or precedent yet. To create this path, our class needs multiple requests to utility companies and multiple state agency complaints. Your focus should be that these are affecting your access to your home. Your state agency

may find it reasonable that you are asking the utility company to have a bank of meters moved/relocated to the other side of the property.

2 – Your utility company may respond to your request similarly to the enclosed letters in the Appendix .

3 – Reply to the utility company similar to the enclosed examples in the Appendix.

4 – If there is no response to your initial letter by the utility company on the assertion of your disabled rights, this can be regarded by your state civil rights agency as a rejection. So then send a follow-up letter stating that ADA identifies denying access as an unlawful act, and ask, will they reconsider their refusal to reply and initiate an interactive dialogue to create a solution.

Your right to enjoy your own home without discrimination on the basis of disability is also in your state's constitution. The EMF-emitting invoicing tool is creating a barrier so that you cannot access or enjoy your home. The EMF emissions are causing disabling health effects. Note: Many people are disabled only by EMF emissions. When your state agency asks you the basis of the discrimination, you will be stating "physical disability" or "medical condition". You are asserting that you are being discriminated against due to your disability or medical condition.

It is best to have conversations in writing. Make sure you have witnesses if you are speaking with the utility company in person or by phone, or record phone conversations (tell the representative that you are recording). We have found that some of the state agencies are looking for a reason to not take our complaints. That reason can include that utility improper actions are not in writing or are poorly witnessed.

Utility companies may respond in ways that are not genuinely interactive dialogue. If they refuse to remove the barrier which blocks your complete enjoyment of your home, this is an unlawful act. The types of responses below are unlawful because their purpose is to deny your disabled rights or civil rights.

1. Feigned accommodation or response comes in many forms and it is unlawful. Examples: agreeing to a meeting but not engaging in any meaningful dialogue (a listening session); writing you a letter but it doesn't deal with your specific request while referring to irrelevant things such as signal strength or technical parameters.

2. Reframing – your request is on removing the barrier to access to your home, and, for example, they reply talking about data security, the Smart Meter program, or industry expert reports, even referencing health studies and other government agencies who agree with them. Point out their reframing, and that you did not request that information. Repeat that you are requesting accommodation and the barriers to your home's access removed under guidelines provided by the ADA and its enforcement mandated-through state-equivalent laws. It's very specific.

3. Ruses – these are diversions off the track of getting the meters removed. Their plan is to get away with not removing the meters. If they divert you off from that, it is a ruse. That discourages you from proceeding and throws you off the disability rights justice track. Do not be diverted with other activities. Don't ask for or respond to money offers or crews to fix or shield your house, for example. Ask for the meter to be removed. The only response that matters and the only question which the utility company must answer: has it been removed – yes or no? Any other response from the utility company that is not part of the interactive process for a solution can be considered a ruse.

Interactive dialogue for a solution can be, for example, placement distance for the collector meter. You must be reasonable and respond to negotiation, even if it does not fix your problem fully. This dialogue is a compromise between two parties - you and your utility. But the compromise must be meaningful to you, and not be used to bully you out of reasonable and interactive dialogue. You may have to compromise by accepting their best effort and provide for yourself your own interior shielding, for example, if your situation is living in an apartment building where it is unreasonable at least for now for them to move all the meters that are bothering you. Your state agency can technically only force a conciliation for your own meter. If you are able to negotiate more than the one, the agency can put that into your legal conciliation - but they cannot force more than your own meter.

If your own meter is the only relief you get, do not grandstand or soapbox this singular meter relief away. Even a single meter accommodation can gain for you other legal advantages outside of your state civil rights/disability rights agency, with the-agency precedent to show that your state government agrees that EMF emissions are disabling to you. You may be able to use this to encourage other people and agencies to accommodate you elsewhere.

If there is no response after your letters to the utility company, file a discrimination complaint with your state civil rights.

General guidelines in your complaint to your state civil rights/disability rights agency:

- Keep your complaint specific -- to your particular case and “on topic” with disabled accommodation.
- Be reasonable. When you send your complaint to the agency, you must be seen as being reasonable and willing to negotiate. If not, the agency may not pick up the complaint. “Removing the EMF-emitting invoicing tools on the nearest neighbors, for those who don’t object” is seen as reasonable, and it allows the agency to negotiate on your behalf and for your benefit. However, this is likely a new ‘reach’ for them, and they may not be able to include this. “Removing EMF-emitting invoicing tools in a three block radius around me” would not be seen as reasonable, and doesn’t allow them to negotiate on your behalf, especially since they don’t have jurisdiction over meters not on your house.

You can make a request for removal or replacement of those meters nearest to you, but you are making two separate requests, and they must be separate. You are requesting, in the first separate sentence or phrase, the removal of your meter. And, in a second phrase or sentence, you are requesting the removal of nearby meters “for those who don’t object”. Commas, “and”, punctuation, periods, and even bullet points are important here. You are making clear that you are accepting that your own meter may be the only one removed. Don’t invite a jurisdictional pass by asking for too much, or doing sloppy communication. If you do that, your claim will be rejected as a bulk request.

The agency cannot respond to bulk requests such as –

“remove the EMF-emitting invoicing tools in my neighborhood,” or
 “remove the EMF-emitting invoicing tools on my house and my neighbors’ houses.”

This is an example of separating those requests:

“remove the sensitizing and irritating EMF-emitting invoicing tool on my apartment, and for those who don’t object, the EMF-emitting invoicing tools on nearby apartments”

- “For those who don’t object” is very, very important language used in a HUD conciliation whose precedent we are trying to duplicate. Your state civil rights/disability rights agency cannot compel someone else to give up their meter. They only have jurisdiction over the equipment on your property and on your home. However, they can request that the conciliation includes other equipment be removed if, and only if, that request was part of your original and reasonable ‘ask’ to the utility. If you want to include that in your ask and you did not originally, write another letter to the utility company asking for a specific distance (50 feet and no more than 200 feet) for what you are calling nearby meter and utility infrastructure removal. This was granted already, and we hope to expand and harden this.
- There are statutes of limitation on these complaints. However, most complaints involve ongoing and long-term violations by the utility company by the time a person files the complaint. It is best to give the state agency all the evidence over the entire time this has occurred. That evidence shows alleged ‘intention’ and ‘pattern and practice.’
- We are not lawyers, and if you can manage it, you should talk to someone in legal aid services (though these agencies often do not yet prioritize our ‘class’ of EMF disabled), or the legal department at a local university (if you are enrolled), etc. Mostly, we - the EMF-disabled - as a new ‘class’ of disabled are on our own and must collaborate with each other to find ways to access our rights.

Use these terms:

EMF-emitting invoicing tool
 ADA accommodation
 reasonable accommodation
 barrier to the enjoyment and use of my home
 request for modification of policies and practices
 irritating and sensitizing nature of EMF
 analog electromechanical non-digital meters (no commas between the words)
 disabled by EMF emissions

The complaint process:

The reason you file a housing discrimination civil rights complaint is because the utility company, due to their meters, is denying you access

and/or interfering with your access to your home. That is unlawful;³ there are consequences under ADA and Fair Housing for any bad actors that you can show - with evidence such as refusal letters - have acted unlawfully and discriminated against you.

You want and need the utility company to modify their practices and policies so that you have access. They are not allowing access.

Your state civil rights/disability rights agency represents the ‘general’ public by pursuing your complaint in the public’s interest. They are not your legal advisors. They are neutral parties investigating your situation on behalf of the public.

Important: The state agency will want to know if you qualify as disabled and the “nexus of connection” between your health problems and the meters.

The rule is “substantially limits one or more major life activities.” Sleeping, for example, is a major life activity. Major life activities also include major bodily functions. The latest ADA definition from the new rules (effective October 11, 2016) is excerpted on p. 20-23. It explains what ADA means by “substantially limits”. It is broad and not overly restrictive.

Make a list of major life activities (including major bodily functions) which have been substantially limited. Include this list in your documentation. HUD investigators have said that “specificity is appreciated”. This list will also be helpful for your doctor. The “nexus” is not about scientific proof. The nexus is based on your doctor’s determination that the meters are likely an exacerbating factor to your disabling symptoms. Make clear whether your symptoms are new or worsened limitations since the meters were installed.

The state agency cannot and will not give you advice on what evidence you should provide to them or if you are missing evidence it needs in order to move forward with your case. You must provide sufficient evidence of probable cause for discrimination through the documents you submit. These include letters to and from the utility company, information from their own websites, notes from phone conversations, etc.. You can send them them policy documents from government agencies that recognize electromagnetic sensitivity.

³ a civil unlawful act is not the same as an illegal act

You should include the link to the 97-page National Institute of Building Sciences (NIBS) document commissioned by the Federal Access Board <https://www.access-board.gov/research/completed-research/indoor-environmental-quality> (excerpted previously on p. 1) which explains that the Board recognizes our class of EMF-disabled and has recommendations for accommodation. Your state civil rights division may be unaware of this document.

Requesting injunctive relief

If your situation is urgent, request injunctive relief, and explain the urgency of your situation.

Normally, the complaint process is not a quick one. However, it is an effective and important one that can be used by you in other situations, and it creates a footprint for the EMF-disabled community. When as many people as possible take this same step, the EMF-disabled can no longer be ignored and disappeared from our society.

This process creates a legal standard and extends the scope of disability law to include the EMF-disabled. Disability law relies explicitly on complaints being filed. Legal rights for the EMF-disabled cannot exist without our efforts to make this footprint in real time, with real filings and state civil rights actions. The more complaints filed, the stronger and more breadth/scope the law has for us. Even rejected complaints are helpful to reveal process weaknesses or weak evidence. For example, complaints have, in fact, been first rejected, then re-filed and accepted due to more accurate evidence of the utility's fabrications and false information directed at that specific customer. Complaints rejected by your state civil rights/disability rights agency are still collected by it as data and are valuable, because that data creates a footprint that the EMF-disabled are not obtaining relief from discrimination.

All information you provide to your agency must pertain to you and your complaint - not general comments or universal wrongs. Keep it personal; keep the evidence focused on your personal meter and situation.

1 – File the form requested by your state civil rights/disability rights agency. If they do not have a form, write them a letter.

If you can't work on a computer, use their form or the information that follows as a template, write this up by hand, and find a friend or disability organization that can input it or type it up for you. Include in your complaint this fact that you can't work on a computer as a further example of burden to your equal access.

Be aware that government sites face frequent internet attacks. When you download anything or browse their websites, make sure you have high alert status with your virus protection.

If filing a form, make sure each line is filled out. Make sure that you provide enough evidence. You may have a character or word limit for certain questions. You don't have to use all of the space allowed, but be sure you have given sufficient evidence to establish the merit of your case, and also state if you have more evidence that wouldn't fit into the space.

Do not include birth date, Social Security number, or other private information on the documentation you submit as these are public documents. If you submit information from your doctor and it has this information, black it out thoroughly.

In your complaint:

Provide your name, home address, contact, etc.,

Your complaint is against the utility company. Provide the name of the utility company and the name (if you know it) and title (if you have it) of the employee(s) and/or any customer service personnel who've refused to accommodate you.

Write what happened to you in your own words.

- For example, "On xx/xx/xxxx of In [year], [utility company name] created a barrier to the access to my home by installing an EMF-emitting invoicing tool on my home..."
- Then describe what happened. Include something like this "...The EMF emissions from the device on my home have caused me severe and disabling health problems..."
- Include something like this "...Despite my repeated pleas to remove the equipment on my home and to replace mine and the others nearest to me (for those who don't object) with analog

electromechanical non-digital meters and equipment, and despite my assertion of my disabled rights, [utility company] has ignored me...(or "refused to help me....")."

Provide a timeline with dates or approximate dates and the date-related actions, or if limited on space, examples of what they did to you with the dates.

-- i.e., On xx/xx/xxxx (date) such and such happened, or so and so said/did....

-- i.e. When I complained on [date], [utility company] replied on [date] but didn't do anything to help me... When I wrote back on [date] they never wrote back...

Put these dates and actions as separate paragraphs – for example:

January 4, 2014 Emailed utility company to ask for removal

January 10, 2014 Phoned utility company to find out about my request. Talked to

Include statements like: "I have more documented information to submit but there is not enough space here...", "I have the email that documents this...", etc.

Include as much information as possible or that you can fit if using an agency form.

Some examples:

"I am disabled by EMF emissions. [Utility company] is refusing to accommodate me and to install a non-EMF-emitting invoicing tool, even after I submitted a formal complaint to them. Other people have complained to their utility companies on this same issue or other issues and gotten a solution, but not me... "

"[Utility company] is discriminating against me by requiring that I not be disabled by EMF in order to receive its services. My neighbors, who are not disabled by EMF emissions, can receive services without an extra fee. That fee does not even provide an analog electromechanical non-digital meter..."

“On xx/xx/xx, [utility company rep] wrote me a letter that their meters aren’t wireless, but that’s not true because their own website says they are wireless... [link] ”.

“They refuse to let me read my own meter and submit the reading on a postcard, and other utility companies have allowed this....”

State that this discrimination is ongoing. If the agency requests a date of the last act of discrimination, use the date you file the complaint.

You can include statements the utility company has made to you or implied to you in their dealings or notifications. Then answer these. List as many as you want. For instance,

“They will say they are very sympathetic to health problems,” and you rebut this with “but I am very sick and they are not doing anything about my request to accommodate or modify their policy for me.”

“They will say that their meters only broadcast for x number of seconds a day”, but that is not relevant to your disabled condition. The only relevant issue is that the emissions are disabling to you, or your doctor has recommended that you not be exposed to them because of your previous disabled status due to EMF or from something else, such as Multiple Chemical Sensitivities, or an inner ear vertigo issue, or a disabling inflammatory condition like arthritis or cancer, etc.)

Don’t talk about the FCC in relation to the meters. It’s not relevant to your being disabled by the emissions or the emissions worsening other disabilities. It also could encourage dismissal of your complaint.

Questions that may appear on agency questionnaires:

“Property Involved” is where you live or if for a job, where you work.

The issue of your complaint is “Failure to accommodate disability”

The basis of your complaint is “Physical disability” if for EMS or “Medical condition” for another condition exacerbated by EMF-emissions

“Describe why you feel you were discriminated against:

List all these that apply to you and any other issues that are relevant:

a -- "I believe _____ (utility co.) refuses to accommodate me because I am disabled by EMF-emissions. I believe this because _____ has also refused to accommodate other people who are disabled by EMF emissions.

b -- "They are requiring me to pay a fee for accommodation.

Charge: _____ per _____."

c -- "They have special programs for other disadvantaged groups which they provide at no charge, yet for my accommodation, they ask me to pay a fee."

d -- "They refuse to allow me to retain an analog electromechanical meter."

e -- "They refuse to allow an analog electromechanical meter at my place of employment."

All of the above are discriminatory. You may have other claims; this is not an exhaustive list.

"Describe what happened":

Tell them everything as it occurred. Give a timeline, with dates and actions.

"Witnesses" -- include anyone including utility company employees who witnessed any of the actions or a person who has witnessed you being made ill by the utility tool.

"Name of other person treated poorly" if you know someone who won't object, put their name. Identify this person's status as disabled by EMF.

"Name of another person who was treated better than you" You may or may not know anyone. Here is a response from one person: "I don't know any but all my neighbors who are not disabled are treated better than me because they can receive electricity without being harmed by it. And they don't have to pay extra for it. "

Put all of this in your own words from your own experience.

You may be able to include additional pages with your form. Include correspondence, documents, etc., especially ones with dates corresponding to your paragraphs.

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2 -- If you file your complaint online, it will first go to an intake department and you will get an email or letter confirmation that they received your complaint.

3 -- Different agencies have different intake procedures. Some offices do phone interviews if they need more information. Others send questions via email.

Phone interviews can be good interactive exchanges. Ask them to send you written questions in advance. If your state agency only does phone interviews rather than an intake questionnaire or emailed questions, ask them to give you time to compile the information, write it up prior to the phone call and make sure you tell them everything you have written. Also, if you haven't yet sent it, ask how you can send your documentation, such as a doctor's letter and the correspondence to and from your utility company. At the end of interview, ask them to send you a written synopsis of the interview. If you are uncertain you have covered all the information on the phone, you can email or mail it to them certified mail.

If you feel you have sufficient evidence to request injunctive relief, do so again here as part of the information you submit.

Keep a file with a printed copy of all paperwork you send and receive from them. Only send them copies, not originals, such as correspondence with your utility company. However, if they send you something to sign, such as the complaint or any legal paperwork, send them back the signed original, and keep copies for yourself.

For a job accommodation refusal:

Read the Department of Labor's Job Accommodation Network information

"Job Accommodations for People with Electrical Sensitivity"

<https://askjan.org/publications/Disability-Downloads.cfm?pubid=226622>

"When new technologies hurt", 2012

<https://askjan.org/articles/When-New-Technologies-Hurt.cfm>

File complaints with the federal EEOC and your state civil rights/disability rights agency simultaneously. Whichever agency gets to your complaint first will be the agency to resolve it. It may be that EMF accommodations are easier to obtain in the workplace than in the home.

The intake person will decide if you have a complaint with probable cause that the agency can investigate based on the evidence you provide.

You may want to ask them how much time it will take to make a determination. Every state varies but most states will contact you in 30-60 days. If you haven't heard after 60 days, send your contact person an email and simply ask if they have an update on your case. Contact them every two weeks for an update after that.

Keep a record of any phone number or email address for the agency office.

4 – If there is not enough information, the agency will send you a letter saying there was no evidence for your claim of discrimination and will say your case is closed.

4a -- If the agency tells you that they don't have jurisdiction, they must tell you what agency has jurisdiction or forward your case to that agency. Also tell them that HUD has already refused jurisdiction and according to HUD documentation, this is a state matter.

4b. Your state civil rights/disability rights agency must give you information on what your alternatives are. Under ADA law, they are not allowed to leave you with no legal recourse while the discrimination is still occurring. If they have done this, write back and demand they give a more expansive response in accordance with ADA.

4C – If the agency rejects your case, they must give you a rational legal reason for doing so. A rational legal reason explains how the elements of your request didn't rise to a complaint under their rules or isn't under their jurisdiction. It's not sufficient for them to quote a statute or other case law. They must quote the elements of the statutes and how they do or do not apply to your case, and the elements of your case and how they do or do not apply to the statutes.

4D -- You can appeal their decision if they are in error and/or didn't provide you that information. It is a violation of the ADA to leave you with no recourse – ADA, Findings and Purposes, Section 2.A.4

5 -- If they accept your complaint, they will type up their version of your complaint and send it to you to sign. It will likely not contain all the elements of what happened. You can send any corrections and questions to your

local office before you sign, but be careful that you don't get too "picky" as it can delay the process and cause resistance from staff. Also; don't write on the formal complaint form itself as it is a legal document. If it covers the essence of what happened, proceed and sign it. This paper is a legal document and will come with instructions. If there are errors or typos, don't sign it. Call them and return it to them for correcting. They will correct the mistakes and send a corrected version to you. If it is okay, sign it, make copies for your records, and mail to them.

6. This will start the investigation stage. After you sign and return the formal complaint, the agency will send out letters to the parties you have named, letting them know they are the subject of a complaint.

This moment is a big win and makes the statement that the state government has found a preliminary level of merit in your case. If your state allows you to provide all your evidence at the beginning, do so, but if your state only allows you a summary of it and you get to this phase, then submit everything you have now, including any new evidence occurring since the process began.

This is referred to as "passing the bar for prima facie evidence" phase where it appears that – on its face – there has been discrimination. An investigation begins reviewing whether you have actually been discriminated against.

The investigation process will determine whether and how you get accommodation. The process is sometimes conducted by state attorneys and is costly and painful for the parties who are allegedly discriminating against you. Many of those parties enter into conciliation at this point and eventually 'settle', removing the problem that is being complained against.

7-- A successful, normal state-action settles in mediation/conciliation, where the parties agree - under the guidance of state agency - to end the action successfully in the favor of "discrimination relief". Conciliation is a negotiation process between the state, the parties you have named, and you to address the complaint issues. You will enter a conciliation process with a mediator. Ask your mediator to explain the process to you, what is typical to the process, and if there a pamphlet on what will occur in mediation. One conciliation case was conducted entirely over the phone and by email for an EMF-disabled person.

If you enter conciliation, everything that happens in conciliation is confidential. You will know you are in this phase because you will sign a document on confidentiality. Your conciliation details cannot be shared in public. You are only allowed to share the actions that occurred before you began conciliation and the result of conciliation. Discuss this with your conciliation mediator. The benefit to having someone as a state-recognized representative for you is that you can discuss issues with them that arise during conciliation.

When your case is “settled in your favor”, a conciliation document is written up, providing usually very brief and impersonal details, the agreement is implemented under the guidance of the state agency, and the case file is closed. The conciliation settlement document is a public document which you can share.

However, your case can be dropped during conciliation if you refuse to accept whatever ‘reasonable’ relief the agency arranges for you. The only relief for you may be the removal of your own meter, on your own house. The state may not have political or legal jurisdiction to do anything else. As stated previously, even this seemingly limited accommodation can be used by you and others to gain more accommodation and recognition.

8 – If the alleged violators of your disabled rights (the defendants) refuse to conciliate in mediation, the alleged violators have the option of facing trial. Only 2% of complaints go to trial. If this happens, the government will continue to absorb the costs - you will not be charged any fees for an action brought on your behalf as ‘the public’s interest’.

Most actions that go to trial are for huge violators with a lot of money, like when a normal citizen’s case is really bad, and being resisted by a very big company that can easily solve a problem for the complainant.

NOTE: The authors and sender of these Guidelines are not attorneys and are not giving legal advice.

Examples of state civil rights/disability rights agencies:

California

Department of Fair Employment and Housing

www.dfeh.ca.gov

Maine

Human Rights Commission

<https://www.maine.gov/mhrc/home>

Michigan

Department of Civil Rights

<https://www.michigan.gov/mdcr/>

Oregon

Department of Justice, Bureau of Labor and Industries (BOLI), Civil Rights Division

<https://www.oregon.gov/boli/crd/pages/index.aspx>

Rhode Island

Commission for Human Rights, Public Accommodation Division (utility services)

<http://www.richr.ri.gov/about/index.php>

<http://www.ada.gov/pubs/adastatute08.htm>

Americans With Disabilities Act Of 1990, As Amended 2008

Sec. 12102. Definition of disability

As used in this chapter:

- (1) Disability. The term "disability" means, with respect to an individual
 - (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (B) a record of such an impairment; or
 - (C) being regarded as having such an impairment (as described in paragraph (3)).
- (2) Major Life Activities
 - (A) In general. For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
 - (B) Major bodily functions. For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

<https://www.federalregister.gov/articles/2016/08/11/2016-17417/amendment-of-americans-with-disabilities-act-title-ii-and-title-iii-regulations-to-implement-ada>

Americans With Disabilities Act new rules, effective 10-11-16

§ 35.108 Definition of "disability."

(a)(1) Disability means, with respect to an individual:

- (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (ii) A record of such an impairment; or
- (iii) Being regarded as having such an impairment as described in paragraph (f) of this section.

(2) Rules of construction. (i) The definition of “disability” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA.

...

(b)(1) Physical or mental impairment means:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or

(ii) Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

(2) Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech, and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

...

(c)(1) Major life activities include, but are not limited to:

(i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working; and

(ii) The operation of a major bodily function, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems. The operation of a major bodily function includes the operation of an individual organ within a body system.

...

(2) Rules of construction. (i) In determining whether an impairment substantially limits a major life activity, the term major shall not be interpreted strictly to create a demanding standard.

(ii) Whether an activity is a major life activity is not determined by reference to whether it is of central importance to daily life.

(d) Substantially limits—(1) Rules of construction. The following rules of construction apply when determining whether an impairment substantially limits an individual in a major life activity.

(i) The term “substantially limits” shall be construed broadly in favor of expansive coverage, to the maximum extent permitted by the terms of the ADA. “Substantially limits” is not meant to be a demanding standard.

(ii) The primary object of attention in cases brought under title II of the ADA should be whether public entities have complied with their obligations and whether discrimination has occurred, not the extent to which an individual's impairment substantially limits a major life activity. Accordingly, the threshold issue of whether an impairment substantially limits a major life activity should not demand extensive analysis.

(iii) An impairment that substantially limits one major life activity does not need to limit other major life activities in order to be considered a substantially limiting impairment.

(iv) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(v) An impairment is a disability within the meaning of this part if it substantially limits the ability of an individual to perform a major life activity as compared to most people in the general population. An impairment does not need to prevent, or significantly or severely restrict, the individual from performing a major life activity in order to be considered substantially limiting. Nonetheless, not every impairment will constitute a disability within the meaning of this section.

(vi) The determination of whether an impairment substantially limits a major life activity requires an individualized assessment. However, in making this assessment, the term “substantially limits” shall be interpreted and applied to require a degree of functional limitation that is lower than the standard for substantially limits applied prior to the ADA Amendments Act.

(vii) The comparison of an individual's performance of a major life activity to the performance of the same major life activity by most people in the general population usually will not require scientific, medical, or statistical evidence. Nothing in this paragraph (d)(1) is intended, however, to prohibit or limit the presentation of scientific, medical, or statistical evidence in making such a comparison where appropriate.

(viii) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures. However, the ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Ordinary eyeglasses or contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

Appendix

This is written by an advocate on behalf of someone. With minor editing, it could be a letter written for oneself – me and my, instead of his/her and [name].

NOTE: The author/sender of this information is not a lawyer and does not intend to give legal advice.

From:
Date:
To: Customer service of utility company
Cc: self
Subject: ADA accommodation/modification request

Utility Company Name
Customer Service
Subject: ADA accommodation/modification request

Dear [utility company name]:

This is a request to accommodate the assertion of [person's name or my] disabled rights.

I am writing on behalf of [name], who is disabled by the [utility company name] EMF-emitting invoicing tool that is mounted on the outside of his/her home/apartment building. He/she has authorized me to write on his/her behalf.

Her/his address is

Street
City
Acct. #

On the basis of his/her disability, [name] requests that [utility company name] accommodate the assertion of his/her disabled rights by:

- ☐ Removing his/her meter and replacing it with a manual-read non-digital electromechanical meter.
- ☐ Replacing the seven closest proximity meters in the rest of his/her building, for those neighbors who don't object, using the same manual-read non-digital electromechanical meters. [this number may vary; this person's building had 8 units; also "closest proximity meters in his/her neighborhood" for houses]
- ☐ Removing and relocating the collector meter that is on or adjacent to his/her unit.[in this case, a collector meter was on the unit; however, it may also be nearby in other situations or its location may be unknown. Removing and relocating any nearby collector meter would also be an important request.]
- ☐ Removing and relocating the collector antenna that is on the street adjacent to his/her unit. [replace "unit" with "home" if for a house; in this case, the antenna was nearby]

This is especially urgent due to the fact that the EMF-emitting meters are causing his/her health to rapidly deteriorate.

[Utility company name]'s wireless and digital meter is known to emit EMF radiations that can cause the health effects that are disabling to [name of person], and these EMF emissions are substantially exacerbating his/her conditions and constitute a barrier to access to his/her enjoyment of his/her home.

Please let me know if you need authorizations or letters requesting accommodation and in what manner you intend to proceed for the resolution of this issue.

It is important that you respond by the end of the week so that a dialogue can be opened to resolve this matter as is required under the law.

Matters are very urgent for [name of person]. Since he/she is so very ill, it is important that you respond to this request to accommodate the assertion of his/her disabled rights.

Sincerely,

[name]
Volunteer advocate

NOTE: The sender of this information is not a lawyer and does not intend to give legal advice.

From : Customer Service of utility company

To :

Subject : Re: ADA accommodation/modification request [# request identification number]

Date :

Good afternoon [name],

Thank you for taking the time to email [utility company name] on behalf of [customer name] for metering accommodations. I'm sorry to hear about [customer name]'s health concerns and appreciate the opportunity to reply and provide additional information on [utility company name]'s smart meter system.

Some background information on [utility company name]'s meter system: The [state] Public Utility Commission authorized [utility company name] to upgrade the meters in our system through our smart metering program, which was subject to a lengthy proceeding and approval process [proceeding number] before the Commission. A significant portion of the benefit of upgrading to the smart metering system is the cost efficiency achieved by employing the same technology and remote meter reading capability for all of our customers.

However, after considering comments [utility company name] has received, in 2011, [utility company name] filed a change in its tariff Rule [#] that would permit residential customers to choose a non-network (non-communicating) meter under certain conditions and subject to certain charges, which the [state] PUC approved.

In accordance with [utility company name]'s tariff, for customers that choose to opt-out, there is a one-time fee of \$____ and a monthly fee of \$____. The fees are reflective of the actual costs incurred by [utility company name] to manually read the meter and bill the corresponding account. [Utility company name] is not profiting from the opt-out fees. Because the fees are assessed in accordance with [utility company name]'s tariff with the [state]PUC they cannot be discounted or waived.

Although [utility company name] is certainly empathetic to [customer name]'s health concerns, [utility company name] cannot exchange other customers' meters unless they also choose to opt-out and absorb the associated fees as noted above. Also, please note, analog meters are no longer available. Should [customer name] choose to opt-out of having a smart meter, the available option is a non-communicating digital meter. The meter looks similar to the current meter, but does not have a communicator and must be read manually. I've attached additional information on [utility company name]'s smart meter system as well as an opt-out form.

With regard to your/[customer name]'s request to relocate the radio antenna, we confirmed there is not a [utility company name] owned radio antenna in the vicinity of [customer name]'s home. The nearest [utility company name] owned antenna is over a

mile away. Even so, we apologize, but we would be unable to move the antenna for logistical reasons as well as cost.

Again, thank you for taking the time to contact us. Please don't hesitate to reply to this email or call us at 800-xxx-xxxx, Monday through Friday, from 7 a.m. to 7 p.m. with any additional questions you may have.

Sincerely,

Representative
Customer Relations

NOTE: The sender of this information is not a lawyer and does not intend to give legal advice.

Letter from utility company responding to customer request for accommodation

Dear (customer name):

Thank you for contacting us with your questions and concerns regarding smart meter technology. We know the security, reliability and safety of our system is important to all our customers, just as it is to us. As (utility company) modernizes our electrical system, we work with a variety of stakeholders, including customers and regulators, to assure the technology we use supports this goal. This includes our installation of smart meters. The security of our smart metering system, as with all of our information technology systems, is very important to (utility company). Because it is a top priority, we have a series of built-in checks and balances that protects system data. While we cannot disclose the details, we can say these checks and balances include industry recognized security controls and practices including but not limited to authentication and access control, system monitoring, and security testing and updates.

Our smart meters deliver electricity usage data for billing purposes (as dictated by (state) law) directly from (utility company's) approximately 825,000 meters to our operations center over an FCC-licensed network. It is important to note that no personally identifiable information is collected or sent through the smart meter system. Similarly, (utility company) cannot control or access specific appliances in our customers' homes. In the future, we may offer customers the option to enroll in voluntary programs that would allow certain appliances to take information from (utility company's) meter; however, this would require both the (state utility commission's) and the customer's permission, as well as additional technology upgrades in the home.

Please know (utility company's) smart meters fully meet U.S. Federal Communications Commission (FCC) guidelines concerning exposure limits to radio frequency (RF) energy and non-ionizing radiation. National research and our own measurements show the radio signal exposure created from the smart meter are far below levels emitted by common household appliances and electronics, including baby monitors, microwave ovens and cell phones.

However, unlike many of those devices, (utility company's) smart meters only communicate for one tenth of a second, approximately 6 to 12 times per 24 hour timeframe, on an FCC-licensed, wireless network. The intensity and duration of the radio frequency (RF) field from (utility company's) smart meters is designed to be both low and infrequent. This was confirmed by a study conducted for (utility company) by an independent third party testing firm.

(Utility company) monitors regulatory and scientific developments related to exposure to RF energy and smart meters, most notably from World Health Organization, Centers for Disease Control and the FCC. For more information about the studies we reference, visit www.WHO.int (World Health Organization), www.CDC.gov (Centers for Disease Control) and www.FCC.gov (U.S. Federal Communications Commission).

Smart meters are the foundation for tomorrow's smart grid, giving our customers better individual access to energy usage data so they can take an active role in their energy decisions. For more information about (utility company's) smart meters, please visit (utility company website).

If you are interested in having the smart meter exchanged for one that does not transmit data electronically or would like information on having the meter moved away from your home, both at a cost to the customer, enclosed is additional information on the available options.

If you should have any additional questions or concerns, please contact Customer Service at xxx-xxx-xxxx. Again, thank you for taking the time to contact (utility company).

Sincerely,
(name)
Customer Relations

3a: Cover letter from advocate in reply to utility's letter. It is sent in the email thread, not as a new email. If a customer were advocating for themselves, they would include elements of this letter with the 3b letter from customer.

NOTE: The author/sender of this information is not a lawyer and does not intend to give legal advice.

Dear [customer service rep name].:

I think you misunderstand the nature of our letter to you. Let me repeat: our request to [utility company name] is to accommodate the assertion of [customer name]'s disabled rights under the United States Americans with Disability Act by removing the sensitizing and irritating EMF-emitting invoicing tool on his/her apartment, and for those who don't object, the EMF-emitting invoicing tools on nearby apartments, and data collection tools on and near his/her apartment, and replacing them with analog non-digital electromechanical meters and devices.

In your/[utility company name]'s response of March 3, you failed to respond to any of our requests. In fact, you made no mention at all of [customer name]'s personal situation in your letter to him/her. Instead, your response appears to be a stock response you send to any member of the public inquiring about Smart Meters. You have created the illusion of responding to him/her by sending volumes of irrelevant information we never requested which, I believe, is called a 'feigned' response.

By your own admission, [utility company name] considered comments in 2011 to be enough reason to change in its Tariff Rule [#]. I request on the basis of this complaint and one other that I am aware of that you change your policy and practices to accommodate [customer name]. If you refuse to do so, not only are you refusing to remove the barrier to his/her access in his/her home, but you are taking a discriminatory posture on rules-changing against those who are disabled by EMF emissions. [This situation was specific, but may be happening in other states. It is very useful information to know if others were given analogs simply by asking]

Furthermore, your statement that analog meters are no longer available is a proprietary choice by [utility company name], and it is not representative of the facts on the ground. Analog meters are readily available from a wide variety of sources for which we are prepared to use non-profit funds and pay for [customer name]'s meter and any modifications necessary for the socket.

Importantly, we did not write to [utility company name] about mere health "concerns," as your email states, and our letter to you was very clear on that. This is a matter of disability and access.

Attached is [customer name]'s response.

We stressed in our March 2 letter to [utility company name] that the accommodations we requested are a matter of urgency due to the deterioration of [customer name]'s health.

In addition, let me add that we are civil persons who are assisting [customer name] and attempting to help our fellow citizens. If you persist with what is in our opinion an unlawful act, we intend to prosecute you and all those advising you to the fullest extent of the law. A public good cannot be used to dominate, injure or harm any one of its citizens, or it is a public, social, and legal ill. ADA identifies denying access as an unlawful act.

We hope you will reconsider your position and open an interactive dialogue with us to assist [customer name].

Sincerely,

Name
Volunteer advocate

Letter from customer to utility company in response to utility company's initial letter
In this case, a collector meter was on the customer's wall.

NOTE: The author/sender of this information is not a lawyer and does not intend to give legal advice.

Date

[Customer Service representative name].

Customer Service

[Utility company name]

Subject: ADA accommodation/modification request

Hello, [customer service representative name]

Thank you for responding. Despite your informative letter, I have all the information I need, and we did not ask for more information in our request to you. Our letter was nothing more than a request for interactive dialogue regarding the irritating, sensitizing EMF-emitting invoicing tool that is attached to my apartment and other EMF-emitting [utility company name] equipment.

Your frame that references the EMF-emitting data collection tools on my bedroom wall and near to my apartment is false. The EMF-emitting invoicing tool on my bedroom wall is different than all the others that I can see, and there is a collector head on the street outside my apartment wall. I am requesting that you accommodate me and modify your rules and practices so that the meter on my apartment and those nearest to me, for those who don't object, are replaced with analog mechanical non-digital meters. Your response reads like an intentionally faked conversation to ignore my request.

For example, the security of your Smart Metering system is irrelevant, and sharing of details of your "checks and balances" for your data, about your "access control, monitoring, and security testing and updates" have nothing to do with the assertion of my disabled rights. I am not concerned about my "identifiable information", and am not interested in your "certain appliances.. voluntary program" or "technology upgrades."

I did not ask to be informed about your Smart Meter's delivery of "electricity usage data for billing purposes". And more to the point, it is not "dictated by [state] law" to be delivered wirelessly, nor does [state] law absolve you from complying with ADA law.

The fact that [utility company name]'s Smart Meters "fully meet U.S. Federal Communications Commission (FCC) guidelines concerning exposure limits to radio frequency (RF) energy and non-ionizing radiation" is not relevant to my disability needs, nor does "[n]ational research and [your] own measurements " about " the radio signal exposure".

Further, your communication scheme described "per 24 hour timeframe" is not "low and infrequent" for me. It is both sensitizing and irritating, and it is making me very ill. And your "independent third party testing firm" I understand does not even agree with what you assert that the report says. It is just as likely that the meter outside my apartment may be broadcasting thousands of times per hour more than you claim. If you are

referring here to the Richard Tell report commissioned by [utility company], Richard Tell is not an expert in the disabling effects of sensitizing EMF non-ionizing radiation. So therefore, his advice to [utility company name] on the basis of "practical aspects of RF safety" cannot be used as an excuse to avoid addressing my request for removing the EMF-emitting invoicing tools that are barriers to my access. Furthermore, WHO identifies non-ionizing radiation of the exact nature that is emitted by your EMF-emitting invoice tool as a Class 2B carcinogen, and CDC.gov at August 19, 2014 indicates that non-ionizing radiation from cellular technology should be used with caution. In fact, WHO declared that this non-ionizing radiation is a Class 2B carcinogen back in 2011. So, your monitoring is obviously inadequate, your statements are false advertising, and you are forcing a possible carcinogen on me when I am already medically disadvantaged and disabled by non-ionizing EMF emissions.

[Utility company name]'s "monitor[ing of] regulatory and scientific developments" is not any kind of response to my request that you remove the barriers to my access.

Also, the exchange of my Smart Meter for "one that does not transmit data electronically...at a cost to [me]" not only financially penalizes me on the basis of my disability, but it is impossible for me pay these costs as I receive federal assistance under Section 8. These costs are not included in my stipend, and I have no way of meeting them. [this section starting with "but" would be eliminated if the customer was not on Section 8]

Further, it is not fair to force me to make declarations about an option that is not any choice for me. I am forced by circumstances and medical need to ask you for accommodation.

You are discriminating against me by requiring that I be able-bodied in order to receive your services. My neighbors who are not disabled by EMF emissions can receive services without an extra fee. Therefore, you are asking money from me conditioned on the fact that I am disabled.

It appears to me, for all these and other reasons, that you are disappearing my disabled status by not referring to it, you are feigning accommodation by some type of response that is evasive and ambiguous, and your action constitutes a rejection of the assertion of my disabled rights. This may be argued as an unlawful act, and unless you retract this posture and begin an interactive dialogue, I will take action at, [state] Consumer Affairs, State of _____ Civil Rights Commission, and more.

If you would like to stop any of the actions that I intend to proceed with, please contact me via [advocate] to initiate an interactive dialogue to facilitate the assertion of my disabled rights toward the removal of your EMF-emitting invoicing tools that are a barrier to my access and that are making me very ill.

[Advocate]'s contact is [email address].

Sincerely,
Customer name, Street, City, State, Zip Code

Doctor's letter information

Please do not post this information on websites.

The following is an information packet to give to a doctor if you are disabled by electromagnetic sensitivities and are requesting a letter regarding electromagnetic sensitivities (EMS) (the name used by the Federal Access Board and National Institute of Building Sciences). The PDF of this doctor's packet is also attached separately.

The sample doctor's letter has language doctors can use or include in a letter for you. A doctor's letter is helpful to have on hand for a variety of situations.

If you are considering asking for ADA accommodation and access, this is all the detail that's necessary in an initial letter if an entity – a utility company, school district, etc. -- requests it.

If the doctor addresses it "To Whom It May Concern" rather than a specific entity, it won't require a new letter each time you need one.

The 3rd paragraph has "[name for your local meters]". Since there is no universal name and various names used, including AMI, AMR, Smart Meters, digital, electronic, advanced, ERT, etc, etc., and there may also be different names for water, gas, and electric and non-analog "opt-out" meters, use the names your utility companies use.

Included is information from the ADA about what constitutes disability to give to your doctor. Your doctor may be unfamiliar with the federal definition of disability. It would be helpful for your doctor if you give him or her a list of major life activities including major bodily functions that have been substantially limited due to Smart Meters, etc. – see attached ADA information and explanation.

Suggested information to include to your doctor are the two letters from AAEM and the letter from Martha Herbert to LAUSD to give a doctor some background. I understand that AAEM was one of the first organizations to alert authorities to the toxicity of Agent Orange and black mold. The mainstream medical establishment accepts that now, but did not previously.

If a doctor is interested and wants more information, of course there is a lot more, including the EUROPAEM EMF Guidelines 2016.⁴ There is also the 2005 Federal Access Board NIBS report which covers accommodation/modification for those with electromagnetic sensitivities and multiple chemical sensitivities, and states that EMS and MCS can be considered disabilities if they meet the federal ADA standard.⁵

⁴ <http://www.degruyter.com/downloadpdf/j/reveh.ahead-of-print/reveh-2016-0011/reveh-2016-0011.xml>

⁵ <https://www.access-board.gov/research/completed-research/indoor-environmental-quality>, http://web.archive.org/web/20060714175343/ieq.nibs.org/ieq_project.pdf

Sample Doctor's Letter

Doctor's Letterhead...

Date

Address of Recipient

To [whom it may concern, name of respondent],

I am one of the treating physicians for [patient name]. My patient suffers from the following disabling medical condition: Electromagnetic Sensitivity (EMS). EMF radiation exposure substantially exacerbates my patient's conditions and causes her significant impairment of one or more of life's activities due to her sensitivity to EMF emissions.

In order to minimize exposure and to reduce flare-up of her symptoms, my patient requires reasonable modification so that she may use and enjoy her dwelling and surrounding area. My patient requires the following measures to reduce EMF radiation exposure:

- I recommend that the [name for your local meters] of utility companies, antennas, Bluetooth, etc. be replaced by manual and non-emitting devices including those adjacent to her.

This accommodation will reduce [patient]'s exposure to EMF radiation, and help reduce her flare-up and exacerbation of her symptoms.

I recommend that [patient's] request for these reasonable modifications and accommodations be approved to reduce EMF radiation exposure which exacerbates her medical conditions.

Sincerely,

[Doctor Name]