

Filing a utility meter complaint and the HUD discrimination complaint process

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¹ AAEM recommendations:

<https://www.aaemonline.org/pdf/AAEMEMFmedicalconditions.pdf>

AAEM press release is no longer online. This letter to the Toronto City Council contains the same information: <https://www.aaemonline.org/pdf/torontoccltr.pdf>

Dr. Martha Herbert letter:

http://www.wifiinschools.com/uploads/3/4/3/4/34340185/herbert_final_to_laUSD.pdf

Filing a utility meter complaint and the HUD discrimination 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?

This document is about how to file complaints with your utility and then, if you get no relief, how to file a HUD complaint. HUD 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.

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

¹ National Institute of Building Sciences (NIBS) IEQ Final Report 7/14/05, p.4, http://web.archive.org/web/20060714175343/ieq.nibs.org/ieq_project.pdf

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

HUD 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 the US Department of Housing and Urban Development (HUD). 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.

Sometimes, HUD may refer you to your state civil rights division because your request/complaint may exceed HUD's very narrow mandate. If so, this is also a win: anything from HUD that "recommends" is a directive of HUD, which has more weight than you just applying by yourself. However, if your regional office says that your complaint is not within their jurisdiction, let them know that recently, similar complaints have been accepted, investigated, and in at least one case, conciliated in favor of the complainant. Inform them 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 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 HUD complaint. That is because HUD's resources are very burdened/prioritized with the homeless right now. If disabling EMS also makes you part of that community, HUD may give your case a higher priority.

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

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

All of these digital meters are EMF-emitting invoicing tools. This term was created by 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) – you probably have more than one meter -- 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 HUD discrimination community. The issues to not mention in your HUD 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 HUD can legally handle it. Otherwise, they 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 HUD. This also allows the complainant to freely discuss issues with their advocate that arise during the later stage of HUD conciliation, which ordinarily cannot be discussed or revealed due to HUD confidentiality requirements. In this case, the complainant’s representative wrote to the utility company on the complainant’s behalf, and when the HUD process started, the complainant notified HUD at the very outset that they required assistance from this

person, and submitted a simple signed authorization to the regional HUD office which the representative also signed. HUD accepted this. It said:

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

Name

Date

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

Name

Date

Utility Complaint Process:

1 – First, submit a request 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 HUD complaints. Your focus should be that these are affecting your access to your home. HUD 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 HUD as a rejection. So then send a follow-up letter stating that ADA identifies denying access 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.³ 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 the HUD application asks you the basis of the discrimination, you will be checking "disability – physical." You are asserting that you are being discriminated against due to your disability.

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.⁴ 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 removed under guidelines provided by the ADA and its enforcement arms HUD and the Fair Housing Council. It's very specific.

³ The path through your DOJ for discrimination relief is similar to the one discussed here.

⁴ Since the utility company is refusing your rights, you may be also able to file your complaint with your state's Department of Justice or Civil Rights Division or Civil Rights Commission, as well as with HUD. If so, you can file both complaints at the same time. You don't need to wait. To find out more, contact your state Department of Justice or Civil Rights Division.

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 HUD 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. HUD can technically only force a conciliation for your own meter. If you are able to negotiate more than the one, HUD 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 HUD, with HUD's precedent to show that the federal 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 HUD.

Explaining the HUD complaint process:

The reason you are filing a HUD housing discrimination 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;⁵ there are consequences under ADA and Fair Housing for any bad actors that you

⁵ a civil unlawful act is not the same as an illegal act

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.

HUD 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 HUD regional office 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.

HUD cannot and will not give you advice on what evidence you should provide to them or if you are missing evidence HUD 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 also include scientific and expert documents you want HUD to know about that substantiate your case.

You should include the link to the 97-page National Institute of Building Sciences (NIBS) document commissioned by the Federal Access Board (excerpted previously on p. 1) which explains that the Board recognizes our

class of EMF-disabled and has recommendations for accommodation.
http://web.archive.org/web/20060714175343/ieq.nibs.org/ieq_project.pdf
 Your HUD division may be unaware of this document.

Requesting injunctive relief from HUD

HUD's intake manual states that intake personnel are to flag any complaints that require immediate action and send them to regional counsel for possible preliminary injunctive relief. Explaining the urgency of your situation if you are requesting injunctive relief is very important.

Normally, the HUD 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 federal or 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. HUD 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 HUD are still collected by HUD 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 HUD 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 HUD Form 903 Complaint. The complaint form is online.
http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination
 Click on "Housing Discrimination Complaint."⁶

If you can't work on a computer, use the attached blank Form 903 as template, write this up by hand, and find a friend or disability organization that can input it for you. Include in your complaint this fact that you can't

⁶ The direct link is <https://portal.hud.gov/FHEO903/Form903/Form903Start.action>

work on a computer as a further example of burden to your equal access.

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

The blank form attached (4/2016 version) will allow you to compose your response ahead of time so you can cut and paste it into the online form. Check the online form and see if there are any changes to it. There are two questions which ask for a detailed response, and you are allowed up to 4000 characters for each response. The online form allows you 45 minutes to input information before it times out. If you time out, all your data will be erased and you can try again. Crafting your 4000 character sections off-line is best; then copy and paste it into HUD's site.

Make sure each line is filled out. Again, make sure that you provide enough evidence. You don't have to use all 4000 characters in questions #1 and #2, but be sure you have given sufficient evidence to establish the merit of your case, and state whether you have more evidence to provide but could not fit into the space.

For Question #1

Write what happened to you in your own words.

- For example, "In 2010, [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....")."
- Include examples of what they did to you with the date. For instance: "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..."
- 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 you can fit.

For Question #2

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...”

“They wrote me a letter that their meters aren’t wireless, but that’s not true because their own website says they are wireless...”

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

Question #3 If you have the name of the utility company representative(s) that you believe discriminated against you, include them here. If there’s more than one, include that information in your answer to #2

Question #4 Your home address

Question #5 Last act of discrimination = the date you file the HUD complaint

Question #6 Continuous or ongoing? Yes

2 -- Your complaint filed online will first go to the Washington DC HUD office. You will get an email confirmation from the HUD DC intake portal that they received your complaint. That email will contain all the information you submitted, and will also have the phone numbers for all HUD regional offices.

3 – The HUD DC portal will then send your complaint to your local regional HUD office for their response. If you don’t hear from the regional office, contact that local office every 10 days to 2 weeks until you get a response. Regional office numbers are also listed at the end of this document.

Different regional offices seem to have different intake procedures. Some offices do phone interviews if they need more information. Others send questions via email. Or you may be sent a HUD intake questionnaire, such as the one in this packet which has been used by some HUD regional offices.

Phone interviews can be good interactive exchanges, or they can be an opportunity to lose your data and get your case closed. Some offices work very well with them. Ask them to send you written questions and a written synopsis of your conversation as it relates to your complaint. If a regional office only does phone interviews rather than the intake questionnaire or emailed questions, ask them to give you time to compile the information, write it up as if you were filling out the intake questionnaire and make sure you tell them everything you have written. Also, find out how you can send your documentation, such as a doctor's letter and the correspondence to and from your utility company. If you are uncertain you have covered all the information on the phone, you can email or mail it to them certified mail.

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

If you feel you have sufficient evidence to request injunctive relief, do so again here as part of the information you give HUD at this stage.

The HUD intake questionnaire will give you a framework for the information HUD needs, even if your regional HUD office doesn't use it.

Here are suggestions on filling out the questionnaire:

After the initial name, address, contact, etc.,

#5 "I wish to complain against":

Mark "not applicable" to most of the options given. Go all the way to the last option "Other persons you wish to complain against". That's where you enter the utility company first, with the name (if you know it) and title (if you have it) of the employee and/or any customer service personnel who've refused to accommodate you.

#6 "Property Involved" is where you live.

#7 "Issue" is "Failure to accommodate disability"

#8 "Basis" is "Disability" – Physical

#9 "Please describe why...":

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."

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

#10 The current date when you're sending in the form

#11 "Please describe what happened":

This is where you tell them everything as it occurred. Give a timeline, with dates (or approximate dates) and the date-related actions

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

Put these dates and actions as separate paragraphs – ie.

January 4, 2014 Emailed utility company to ask for removal

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

You can include additional pages with information, correspondence, documents, etc., especially ones with dates corresponding to your paragraphs.

#12 "What do you think respondents will tell us...":

You can include statements the utility company has made to you or implied to you in their dealings or notifications. Then answer these hypothetical statements. 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.

#13 “Names of witnesses” is self-explanatory and can include anyone at the utility who witnessed any of the actions or a person who has witnessed you being made ill by the utility tool.

#14 “Name of other person treated poorly” is also straightforward. If you know someone who won't object, put their name.
Under “Identify this person's status”: put: Disabled by EMF.

#15 “Name of another person...who was treated better than you” You may or may not know anyone. Here is one response a person wrote: “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. I never used to be bothered by electricity before. After these meters were put in, I started to be bothered by everything.”

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

The regional office may ask for more information and details from you. That office will decide if you have a legitimate complaint that they can defend on the evidence you provide. HUD has 30-60 days to make that determination and notify you.

Keep a record of any phone number or email address for the regional HUD office. You may want to ask them how much time it will take to make a

determination, but don't ask through the complaint filing form on the HUD DC portal website; it will just slow things down for everyone. Sometimes you will just have to wait for the 60 days to expire- one successful case the authors know about got notices on the last day for each step, with no communications in between.

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

4a -- If HUD tells you that they don't have jurisdiction, tell them that HUD has already conciliated one case in favor of removing a meter to a certain distance, and seven other cases are in process and have passed the prima facie investigation stage (see below), including four which were initially denied jurisdiction and then reinstated after the complainants pushed back and added new evidence.

4b – If HUD thinks that, in your particular case, some other agency has jurisdiction, like your state Civil Rights division, they will refer you to your local Dept. of Justice, with a link. This is a 'win'- a level of legitimacy that tells you they think you may have a claim, but one that is too nuanced for them, or outside their jurisdiction somehow. Re-file, then, sending everything to that agency. Your regional HUD office 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.

5 - If HUD decides it's a legitimate complaint, then HUD will do a preliminary investigation, and see if the evidence is sufficient to go to trial. It can take a year for HUD to decide, though the target time is 60-90 days. They decide on the basis of evidence that you supplied to them in your HUD Form 903 and especially, the HUD Intake Questionnaire or interview and documentation. The standard for review in this phase of the investigation of your complaint is that you were "as likely as not" discriminated against by the utility meter being a barrier to access your home and to "enjoy" your premises free from the disabling effects of the sensitizing and irritating emissions of EMF-emitting invoicing tools.

6 -- If HUD decides "yes", then HUD will send you a formal complaint to sign. 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 HUD staff. Also; don't write on the formal complaint form itself as it is a legal document.

After you sign and return the formal complaint, HUD will then send out certified letters to the parties you have named. A HUD-driven formal and federal investigation begins reviewing whether "more likely than not" you have been discriminated against.

This is referred to as "passing the bar for prima facie evidence" phase. This moment is a big win and makes the statement that the federal government has found preliminary level of merit in your case.

The formal review and investigation process will determine whether or not you get accommodation. It is usually conducted by federal attorneys and is costly and painful for the parties who are allegedly discriminating against you. Many of those parties enter into conciliation with HUD at this point and eventually 'settle', removing the problem that is being complained against.

During this phase, the local HUD investigator may want to visit your home, interview you in person, and see the situation. If you have a device that measures the emissions and rate of pulses from your meter, this can be very educational for the investigator.

7-- A successful, normal HUD action settles in conciliation, where the parties agree - under the guidance of HUD/DOJ - to end the action successfully in the favor of "discrimination relief". Conciliation is a negotiation process between HUD, 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.⁷ The benefit to having someone as a HUD-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 HUD, 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 HUD arranges for you. The only relief for you may be the removal of your own meter, on your own house. HUD 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 federal trial. Only 2% of complaints go to trial. If this happens, the federal government will continue to absorb all costs - you will never be charged any fees for a HUD or DOJ action brought on your behalf as ‘the public’s interest’.

Most actions that go to federal 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.

General guidelines in your complaint to HUD:

- Keep your complaint specific -- to your particular case and “on topic” with disabled accommodation.
- Be reasonable. When you send your complaint to HUD, you must be seen as being reasonable and willing to negotiate. If not, HUD 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 HUD to negotiate on your behalf and for your benefit. However, this is a new ‘reach’ for HUD, and they may not be able to include this. “Removing EMF-emitting invoicing tools in

⁷ This person may be a HUD employee, or State DOJ employee, depending on your State’s ‘hostile’ or ‘friendly’ relationship with federal partnerships.

a three block radius around me” would not be seen as reasonable, and doesn’t allow HUD 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. Different regional HUD offices may have different regional interpretations of the precedent for meter replacement that has already been set at HUD. 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.

HUD 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. HUD cannot compel someone else to give up their meter. HUD only has jurisdiction over the equipment on your property and on your home. However, HUD 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.
- Most of these cases are made up of ongoing and long-term violations by the time a person files the complaint. It is best to give HUD 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.

Do 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

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

HUD regional office jurisdictions and phone numbers:

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont (800-827-5005)

Region II: New Jersey, New York, Puerto Rico, Virgin Islands (800-496-4294)

Region III: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia (888-799-2085)

Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee (800-440-8091)

Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin (800-765-9372)

Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, Texas (888-560-8913)

Region VII: Iowa, Kansas, Missouri, Nebraska (800-743-5323)

Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming (800-877-7353)

Region IX: American Samoa, Arizona, California, Guam, Hawaii, Marshall Islands, Micronesia, N. Mariana Islands, Nevada, Palau (800-347-3739)

Region X: Alaska, Idaho, Oregon, Washington (800-877-0246)

<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 HUD, [state] PUC, [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

http://portal.hud.gov/hudportal/HUD?src=/topics/housing_discrimination

<https://portal.hud.gov/FHEO903/Form903/Form903Start.action> Direct link, slow to load

HUD Form 903 Online Complaint

Note: The session timeout (the time you have to fill out and submit this form) has been set for 45 minutes. Please enter only the minimal information concerning your complaint. Additional details for your complaint will be collected by an investigator as needed in the future. If you have not submitted your complaint within the 45 minute time limit, your information will NOT be processed and you will have to re-enter your complaint. Enter your information.

Your housing discrimination complaint will be reviewed by a fair housing specialist to determine if it alleges acts that might violate the Fair Housing Act. The specialist will contact you for any additional information needed to complete this review. If your complaint involves a possible violation of the Fair Housing Act, the specialist will assist you in filing an official housing discrimination complaint.

Enter your personal information.

*First Name:

*Last Name:

Email:

*Your Address:

*City:

*State:

*Zip Code:

Daytime Phone No:

Evening Phone No:

Best Time to Call (Day/Night):

Who else can we call if we cannot reach you?

*1. Contact's First Name:

*Last Name:

Organization:

Daytime Phone No:

Evening Phone No:

Best Time to Call (Day/Night):

2. Contact's First Name:

Last Name:

Organization:

*Daytime Phone No:

Evening Phone No:

Best Time to Call (Day/Night):

Enter complaint information.

*1. What happened to you? How were you discriminated against? For example: were you refused an opportunity to rent or buy housing? Denied a loan? Told that housing was not available when in fact it was? Treated differently from others seeking housing? State briefly what happened. (4000 character limit)

2. Why do you believe you are being discriminated against? It is a violation of the law to deny you your housing rights for any of the following factors: - race - color - religion - sex - national origin - familial status (families with children under 18) - disability.

For example: were you denied housing because of your race? Were you denied a mortgage loan because of your religion? Or turned down for an apartment because you have children? Were you harassed because you assisted someone in obtaining their fair housing rights? Briefly explain why you think your housing rights were denied because of any the factors listed above. (4000 character limit)

3. Who do you believe discriminated against you? Was it a landlord, owner, bank, real estate agent, broker, company, or organization?

First Name:

Last Name:

Organization:

Address:

4. Where did the alleged act of discrimination occur? Provide the address. For example: Was it at a rental unit? Single family home? Public or Assisted Housing? A Mobile Home? did it occur at a bank or other lending institution?

Address:

City:

*State:

Zip:

*5. When did the last act of discrimination occur? Enter the date:
mm-dd-yyyy:

Is the alleged discrimination continuous or on going?

Yes No

Your housing discrimination complaint will be reviewed by a fair housing specialist to determine if it alleges acts that might violate the Fair Housing Act. The specialist will contact you for any additional information needed to complete this review. If your complaint involves a possible violation of the Fair Housing Act, the specialist will assist you in filing an official housing discrimination complaint.

U.S. Department of Housing and Urban Development 451 7th Street S.W., Washington, DC 20410 Telephone: (800) 669-9777 TTY: (800) 927-9275. HUD

INTAKE COMPLAINT QUESTIONNAIRE

Please read the entire questionnaire before attempting to fill it out. **Answer all questions.** If you do not know the answer to a question or a question does not relate to your situation, please state so. Please sign this form after filling it out and mail it to: **DHUD/FHEO-Intake Branch, 909 1st Ave, Ste. 205, MS 0AEH, Seattle, WA 98104-1000.** If you have any questions regarding this form, please call the Intake Branch at (206) 220-5170 or 1-800-877-0246 [TDD (206) 220-5181].

1. **Full name(s), include spouse if applicable (Last, First):**

2. **Your address and phone number:**

Street:_____

City:_____ State:_____

Zip Code:_____

Phone: Home:()_____ Work:()_____

Message:()_____

I prefer to be contacted at:___ work ___home.

The best time to contact me is:_____

3. **Names of children under the age of 18:**

_____ Not Applicable

Name:_____ Age:_____

Name:_____ Age:_____

Name:_____ Age:_____

Name:_____ Age:_____

4. **Contact person (someone other than yourself who can contact you at all times):**

Name: _____ Phone Number: (_____) _____

Relationship to You: _____

5. I wish to complain against:

Onsite Manager: _____ Not Applicable

Name: _____

Street: _____

City: _____ State: _____

Zip Code: _____

Phone: (_____) _____

Property Manager: _____ Not Applicable

Name: _____

Street: _____

City: _____ State: _____

Zip Code: _____

Phone: (_____) _____

Management Company/Public Housing Authority (circle one):
_____ Not Applicable

Name: _____

Street: _____

City: _____ State: _____

Zip Code: _____

Phone: (_____) _____

Company Owner/President/Executive Director (circle one):
_____ Not Applicable

Name: _____

Street: _____

City: _____ State: _____

Zip Code: _____

Phone: (_____) _____

Property Owner: _____ Not Applicable

Name: _____

Street: _____

City: _____ State: _____

Zip Code: _____

Phone: (_____) _____

*Other persons you wish to complain against (Lender, Bank,
Builder, Real Estate Agent, Homeowner Association Member)*
_____ Not Applicable

NameTitle: _____

Street: _____

City: _____ State: _____

Zip Code: _____

Phone: (_____) _____

6. Property involved:

Address of property involved:

Name of property (if applicable): _____

Street: _____

City: _____ State: _____

Zip Code: _____

Description of property:

_____ Single Family house (including condominiums and co-ops)

_____ Building containing 2 to 4 apartments

_____ Building containing 5 or more apartments

_____ Mobile Home/Mobile Home Park

_____ Other

(Specify) _____

Is the property involved considered low income housing?

_____ yes _____ no

7. Issue - How were you harmed:

_____ Denied the rental or sale of a dwelling

_____ Discriminated against (treated differently) in the terms and conditions of occupancy

_____ Eviction

_____ Failure to accommodate disability

_____ Discriminated against when borrowing money for housing related matters

_____ Mobile Home Park refuses to sell or rent to families with children

_____ Other (Specify)

- 8. Basis - I have been discriminated against (treated differently) because of: Does not apply: _____**

Race/Color: _____ Black _____ White _____ Native American
 _____ Asian/Pacific Islander _____ Other
 (Specify)_____

National Origin: _____ Hispanic _____ Other
 (Specify)_____

Religion (Specify):_____

Sex (Gender): _____ Female _____ Male

Familial Status (Children): _____ Under 18 years old
 _____ Pregnant

Disability: _____ Physical _____ Mental

- 9. Please describe why you believe you were discriminated against because of the basis you marked in question number 8**
 (For example, "I believe the manager refused to rent to me because I have children. I believe this because I saw no children in the complex."):

- 10. Please state the most recent date of occurrence in which you believe you were discriminated against.** Include the month, day and year. (COMPLAINT CANNOT BE FILED WIHTOUT THE MOST RECENT DATE OF OCCURRENCE.)

- 11. Please describe what Happened.** Describe in chronological order how the people you are complaining against harmed you. Please be sure to provide the month, day and year each incident occurred and the names & phone numbers of any

individuals who witnessed the incidents described. Use additional pages, if necessary.

[illegible]

12. What do you think the respondents (landlord, lender, owner, etc.) will tell us in response to your allegations?

13. Names of witnesses who can testify specifically as to what happened.

I have no witnesses _____

Name: _____

Street: _____

City: _____ State: _____

Zip Code: _____

Phone: (_____) _____

What did this person
witness: _____

Name: _____

Street: _____

City: _____ State: _____

Zip Code: _____

Phone: (_____) _____

What did this person
witness: _____

14. Name of another person treated poorly for the same reasons as you were. (For example, those who were also evicted because they had minor children.) For additional names, use a separate page. *I don't know any* _____

Name: _____

Street: _____

City: _____ State: _____

Zip Code: _____

Phone: (_____) _____

Describe how this person was treated: _____

Identify this person's status (i.e. depending on which basis of discrimination you are alleging, identify this person's race/color, religion, national origin, gender or state whether or not this person is disabled or has children): _____

15. **Name of another person in a similar situation and of a different status (for example, of a different race or religion, who is not disabled, or sex, etc.) who was treated better than you in regards to similar or the same circumstances of your complaint.** For additional names, use a separate page: *I do not know any* _____

Name: _____

Street: _____

City: _____ State: _____

Zip Code: _____

Phone: (_____) _____

Describe how this person was treated: _____

Identify this person's status (i.e. depending on which basis of discrimination you are alleging, identify this person's race/color, religion, national origin, gender or

state whether or not this person is disabled or has children):_____

****SEND US COPIES OF YOUR RENTAL AGREEMENT, RULES & REGULATIONS,
WRITTEN NOTICES AND ANY OTHER DOCUMENTS RELEVANT TO THE
COMPLAINT**

Signature _____

_____ Date

How were you referred to our office?

- ___ Community/Non-Profit Organization
- ___ Fair Housing Organization
- ___ Telephone Book
- ___ Friend/Word of Mouth
- ___ Advertisement
- ___ Television/Radio
- ___ Newspaper
- ___ HUD Website
- ___ Internet Search
- ___ Fair Housing Poster, please specify location
- ___ _____
- ___ HUD Fair Housing Event, please specify_____
- ___ Other (Please specify)_____

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 2016.⁸ 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.⁹

⁸ <http://www.degruyter.com/downloadpdf/j/reveh.ahead-of-print/reveh-2016-0011/reveh-2016-0011.xml>

⁹ 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]



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American Academy of Environmental Medicine Recommendations Regarding Electromagnetic and Radiofrequency Exposure

Physicians of the American Academy of Environmental Medicine recognize that patients are being adversely impacted by electromagnetic frequency (EMF) and radiofrequency (RF) fields and are becoming more electromagnetically sensitive.

The AAEM recommends that physicians consider patients' total electromagnetic exposure in their diagnosis and treatment, as well as recognition that electromagnetic and radiofrequency field exposure may be an underlying cause of a patient's disease process.

Based on double-blinded, placebo controlled research in humans,¹ medical conditions and disabilities that would more than likely benefit from avoiding electromagnetic and radiofrequency exposure include, but are not limited to:

- Neurological conditions such as paresthesias, somnolence, cephalgia, dizziness, unconsciousness, depression
- Musculoskeletal effects including pain, muscle tightness, spasm, fibrillation
- Heart disease and vascular effects including arrhythmia, tachycardia, flushing, edema
- Pulmonary conditions including chest tightness, dyspnea, decreased pulmonary function
- Gastrointestinal conditions including nausea, belching
- Ocular (burning)
- Oral (pressure in ears, tooth pain)
- Dermal (itching, burning, pain)
- Autonomic nervous system dysfunction (dysautonomia).

Based on numerous studies showing harmful biological effects from EMF and RF exposure, medical conditions and disabilities that would more than likely benefit from avoiding exposure include, but are not limited to:

- Neurodegenerative diseases (Parkinson's Disease, Alzheimer's Disease, and Amyotrophic Lateral Sclerosis).²⁻⁶
- Neurological conditions (Headaches, depression, sleep disruption, fatigue, dizziness, tremors, autonomic nervous system dysfunction, decreased memory, attention deficit disorder, anxiety, visual disruption).⁷⁻¹⁰
- Fetal abnormalities and pregnancy.^{11,12}
- Genetic defects and cancer.^{2,3,13-19}
- Liver disease and genitourinary disease.^{12,20}

Because Smart Meters produce Radiofrequency emissions, it is recommended that patients with the above conditions and disabilities be accommodated to protect their health. The AAEM recommends: that no Smart Meters be on these patients' homes, that Smart Meters be removed within a reasonable distance of patients' homes depending on the patients' perception and/or symptoms, and that no collection meters be placed near patients' homes depending on patients' perception and/or symptoms.

Submitted by: Amy L. Dean, DO and William J. Rea, MD

Approved July 12, 2012 by the Executive Committee of the American Academy of Environmental Medicine

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Smart Meter Case Series

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Founded in 1965 as a non-profit medical association, the American Academy of Environmental Medicine (AAEM) is an international organization of physician and scientists interested in the complex relationship between the environment and health.

AAEM physicians and physicians world-wide are treating patients who report adverse, debilitating health effects following the installation of smart meters, which emit electromagnetic frequencies (EMF) and radiofrequencies (RF).

The peer reviewed, scientific literature demonstrates the correlation between EMF/RF exposure and neurological, cardiac, and pulmonary disease as well as reproductive disorders, immune dysfunction, cancer and other health conditions. The evidence is irrefutable. Despite this research, claims have been made that studies correlating smart meter emissions with adverse health effects do not exist.

The AAEM has received a case series submitted by Dr. Federica Lamech, MBBS, *Self-Reporting of Symptom Development from Exposure to Wireless Smart Meters' Radiofrequency Fields in Victoria*. AAEM supports this research. It is a well documented 92 case series that is scientifically valid. It clearly demonstrates adverse health effects in the human population from smart meter emissions.

The symptoms reported in this case series closely correlate not only with the clinical findings of environmental physicians, but also with the scientific literature. Many of the symptoms reported including fatigue, headaches, heart palpitations, dizziness and other symptoms have been shown to be triggered by electromagnetic field exposure under double blind, placebo controlled conditions. Symptoms in this case series also correlate with the Austrian Medical Association's Guidelines for the Diagnosis and Treatment of EMF Related Health Problems.

It is critically important to note that the data in this case series indicates that the "vast majority of cases" were not electromagnetically hypersensitive until *after* installation of smart meters. Dr. Lamech concludes that smart meters "may have unique characteristics that lower people's threshold for symptom development".

This research is the first of its kind, clearly demonstrating the correlation between smart meters and adverse health effects.

Based on the findings of this case series, AAEM calls for:

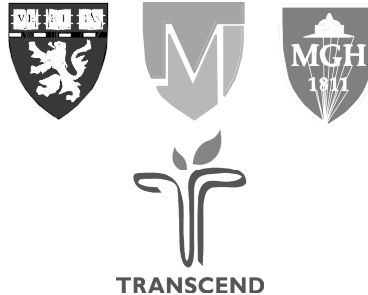
- Further research regarding smart meter health effects
- Accommodation for health considerations regarding smart meters.
- Avoidance of smart meter EMF/RF emissions based on health considerations, including the option to maintain analog meters.
- A moratorium on smart meters and implementation of safer technology
- Physicians and health care providers to consider the role of EMF and RF in the disease process, diagnosis and treatment of patients.

Passed by the Board of Directors of the American Academy of Environmental Medicine October 23, 2013

Please note: Smart Meter case series research to be released upon publication

HARVARD MEDICAL SCHOOL

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TO: Los Angeles Unified School District
FROM: Martha R Herbert, PhD, MD
RE: Wireless vs. Wired in Classrooms
DATE: February 8, 2013

I am a pediatric neurologist and neuroscientist on the faculty of Harvard Medical School and on staff at the Massachusetts General Hospital. I am Board Certified in Neurology with Special Competency in Child Neurology, and Subspecialty Certification in Neurodevelopmental Disorders.

I have an extensive history of research and clinical practice in neurodevelopmental disorders, particularly autism spectrum disorders. I have published papers in brain imaging research, in physiological abnormalities in autism spectrum disorders, and in environmental influences on neurodevelopmental disorders such as autism and on brain development and function.

I recently accepted an invitation to review literature pertinent to a potential link between Autism Spectrum Disorders and Electromagnetic Frequencies (EMF) and Radiofrequency Radiation (RFR). I set out to write a paper of modest length, but found much more literature than I had anticipated to review. I ended up producing a 60 page single spaced paper with over 550 citations. It is available at http://www.bioinitiative.org/report/wp-content/uploads/pdfs/sec20_2012_Findings_in_Autism.pdf.

In fact, there are thousands of papers that have accumulated over decades – and are now accumulating at an accelerating pace, as our ability to measure impacts become more sensitive – that document adverse health and neurological impacts of EMF/RFR. Children are more vulnerable than adults, and children with chronic illnesses and/or neurodevelopmental disabilities are even more vulnerable. Elderly or chronically ill adults are more vulnerable than healthy adults.

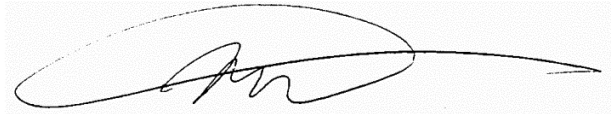
Current technologies were designed and promulgated without taking account of biological impacts other than thermal impacts. We now know that there are a large array of impacts that have nothing to do with the heating of tissue. The claim from wifi proponents that the only concern is thermal impacts is now definitively outdated scientifically.

EMF/RFR from wifi and cell towers can exert a disorganizing effect on the ability to learn and remember, and can also be destabilizing to immune and metabolic function. This will make it harder for some children to learn, particularly those who are already having problems in the first place.

Powerful industrial entities have a vested interest in leading the public to believe that EMF/RFR, which we cannot see, taste or touch, is harmless, but this is not true. Please do the right and precautionary thing for our children.

I urge you to step back from your intention to go wifi in the LAUSD, and instead opt for wired technologies, particularly for those subpopulations that are most sensitive. It will be easier for you to make a healthier decision now than to undo a misguided decision later.

Thank you.

A handwritten signature in black ink, appearing to be 'MH' with a long horizontal stroke extending to the right.

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