

## **8/16/21** Historic Win Against FCC on 5G & Wireless Health Guidelines

*The U.S. Court of Appeals for the D.C. Circuit court ruled the Federal Communications Commission must provide a reasoned explanation for its determination that its current guidelines adequately protect against harmful effects of exposure to radio frequency radiation.*

### **Transcript of the Press Conference video following that Historic Win Against FCC on 5G & Wireless Health Guidelines**

*The conference included some people who have worked or are working here in Oregon. Dafna Tachover, and Dr. Paul Dart, MD, who years ago started to help patients sickened by wireless radiation. The repercussions of that decision are spelled out by the different guests at that conference. Please read and learn more about that unbelievable, irresponsible, perhaps criminal 25-year-old fraud of the “so-called wireless radiation FCC safety guidelines”. Summary:*

– Well, hi everyone. My name is Dafna Tachover and I’m the director of the Children’s Health Defense 5G and Wireless Harms Project. And thank you for joining us today on this very, very happy occasion as we celebrate the historic win of the Children’s Health Defense and the Environmental Health Trust case against the FCC, a case that challenged the adequacy of the FCC health and safety guidelines regarding wireless technology including 5G...

We’re going to have a few panelists. We’re going to have the Children’s Health Defense Chairman, Robert F. Kennedy Jr.; we have Scott McCullough, who is the Children’s Health Defense lead attorney on this case; Professor David Carpenter, who is a world-renowned public expert and one of our petitioners; and we have Mary Holland, who is the Children’s Health Defense president and general legal counsel. We also have other members of this lawsuit, other petitioners who filed with us and for whom we are grateful for their help in succeeding in this case. On Friday, August 13, and it was a good Friday, August 13, the US Court of Appeals for the DC Circuit court...ruled that the FCC failed to provide a reasoned explanation for its determination that its 1996 radiofrequency emission guidelines, which are the guidelines regarding the safety of 5G and wireless technology, adequately protect the public from non-cancer harmful effects from exposure to this radiation. Therefore, the court ruled that the FCC

decision is capricious, arbitrary, not evidence-based, and in violation of the Administrative Procedures Act... This is a huge decision. The court's decision has changed the current status quo and has major legal implications. Essentially, what this decision means is that until the FCC provides a review of the evidence regarding non-cancer wireless harms in a way that complies with the requirements of the law, the FCC guidelines can no longer be presented as an assurance of safety for harms, except for cancer harms. The situation that's created by this decision is unprecedented, and essentially it is equivalent to having no health guidelines at all in regard to non-cancer health effects... The Children's Health Defense believes that emissions from wireless-based technology, including cell phones, Wi-Fi, cell towers and now 5G, are a major contributing factor in the epidemic of sickness we see now among adults and children. Many thousands of studies and, unfortunately, ample human evidence leave no doubt regarding the harms. Nevertheless, the harms have been denied including by the FCC and the government. What are the FCC guidelines? So even though the FCC is not a health agency, in 1996 Congress entrusted the FCC with regulating the health effects of wireless technology. The FCC 1996 guidelines are based on the hypothesis, on a hypothesis not a scientific proof, that since radio frequencies which we use for wireless technology are non-ionizing frequencies, they are not harmful unless they are being transmitted with such intensity that the radiation emitted from them causes change in temperature in tissue. And the FCC guidelines, therefore, protect only from heat effects and do not recognize or protect from non-thermal harm, which is the central issue of this case... Since 1996, which is 25 years ago, the FCC didn't conduct a review of its guidelines despite a thousand more studies and more coming every year showing clear evidence of harm, and despite major changes of technology and evidence of widespread sickness... in March of 2013, the FCC published what is called a notice of inquiry, asking for comments from the public... Over a thousand comments were filed to the FCC docket by organizations, scientists, medical organizations. Thousands of studies were filed to the docket showing evidence of harm from this technology. Hundreds of individuals filed comments reporting that they or their children have become sick from this technology. Some even died. Finally, six years later, on December 4, 2019, the FCC closed the inquiry and published an order stating that there's no need to review the 1996 guidelines. The FCC dismissed the evidence with a few short sentences essentially saying that the evidence in the record does not

support change...60 days later, we filed a lawsuit under the Administrative Procedures Act claiming that the FCC decision was arbitrary, capricious and not evidence-based. I want to add that we filed with the FCC 11,000 pages of evidence, which was submitted to the docket. And this is just literally the tip of the iceberg in terms of the evidence that exists of wireless harms, but the FCC just dismissed it with a few sentences. As a result, on August 13, in a two-to-one decision the panel of judges ruled in our favor on most of the issues that we raised...This case, as I mentioned, is a really important case. The FCC guidelines are the basis for the "5G and wireless are safe" lie, which enables the uncontrolled proliferation of this extremely harmful technology that is responsible for widespread sickness, death and environmental harms. And using sophisticated legal tactics and legislation, Congress and the FCC under the influence of telecom blocked any legal recourse for the injured. And as long as the radiation emitted is within the FCC guidelines, no-one can bring any legal action. Therefore, this case was the only way for us to expose the fraud underlying these guidelines...I want to ask now Robert Kennedy Jr., the Children's Health Defense chairman and an attorney on this case, to say a few words. And I want to use this opportunity to thank him from the bottom of my heart for his relentless effort to protect our children and the public, and not only from wireless harms, but also from all the other environmental toxins that destroying our environment and destroying our children and destroying our world. And in these times when the work of the Children's Health Defense and his work are being viciously attacked, really, I feel grateful for everything and anything you do. And this case, I think, indicates where the truth lies and it's not with the government. Thank you, Robert.

– Thank you very much, Dafna. I have to start by reciprocating that extraordinary compliment. I have been an environmental advocate for 40 years. I have run grassroots advocacy in 46 countries and built groups. I do not know of a more effective advocate that I've met during that time than Dafna Tachover. She is relentless. Her knowledge is encyclopedic. She's one of the most hardworking human beings that I've ever met. All of humanity is lucky that Dafna Tachover a decade ago got sickness from Wi-Fi, because her work on this issue I think is going to mean, because of this case, that hundreds of thousands of children who would grow up ill and afflicted, the animals that are affected by this, the birds, the plants, all of the impacts that have been ignored by these corrupt agencies are now going to get some attention and people's lives are

going to change. I also want to thank one other person: Scott McCollough, an extraordinary lawyer and a perfect bookend for Dafna, because Dafna is very, very hard-edged and very aggressive and uncompromising. And if you are on the wrong side of her, she can be very, very difficult. And Scott who is equal in advocacy, but he is a very good balance for Dafna, because he's soft-spoken, he's understated; but he has all the attributes that Teddy Roosevelt talked about when he advised us to speak softly and carry a big stick, because he knows what he's doing...And I'll just say one thing about the implications of this decision. The implications are that the telecom industry by subverting democracy, by corrupting public officials, by compromising the science has built an industry on fraud. And that does not mean that we can't have a telecom industry that gives us very, very good cell phone service. We can have that and we can have safety, and we can have healthy children, too. It's just that they can make more money by taking shortcuts, by doing it cheaply, by ignoring the science, by corrupting public officials and subverting our democracy. And they succeeded in turning two federal agencies, the FDA and the FCC into models for agency capture...And they've sold out the people of our country, they've sold out humanity, because everybody around the world looks to FDA and FCC as the trusted regulators for science...The 10,000 studies plus studies that show that what they're doing is horrendously dangerous, it's doing terrible harms to human beings, to our brains, to our wildlife, to our health, they've taken all that and they've buried it. And what the court said to them today is, you cannot do that. You need to actually read the science. You need to do your job and protect public health. And thank God for these judges. Thank God for Dafna and for Scott. We are all at Children's Health Defense, but people all over the world are applauding you and are so grateful for the work that you did on this. So thank you.

– Thank you so much, Robert...Scott, you know now what's on the way to you. Anyway, thank you. I do want to explain a little bit...the court did not say that wireless is harmful or not. The court said there is massive evidence that was submitted, the FCC ignored it, and the FCC needs to address it... capricious and arbitrary, not evidence-based...the FCC failed to provide reasoned explanations for determination that the 1996 guidelines adequately protect the public from non-cancer harms and non-thermal harms...

...And really interesting, the court put a lot of the emphasis of the FCC failure to address evidence of environmental harms...And there is massive evidence in regard to the effect of this radiation on the environment, including plants, animals and the weather.

I couldn't have done it without Scott. And this is... Scott McCollough is the telecommunication and administrative law attorney. And he has been our lead attorney on this case, and also in other cases that we have on the issue of 5G and wireless harms. And for years, Scott represented the other side; however, I decided to hire him, because I knew that in order to fight the FCC we need an attorney who knows the FCC...Congratulations on this win. I want you to say a few words about your take from this case, but I can tell you that we already have a lot of questions from the media...

– Let me try to be brief so that we can keep the focus on the real folks who are important here, and that's those who have been injured by this technology. That's who this case is really for, and that's who this win is for...really important here are those who have been forced to suffer from the government's failure to actually do its job. I've known for years that the FCC is captured by the industry. Most agencies are. The FDA, its failures are obvious too... The other folks who are important here are those who form these advocacy organizations like Children's Health Defense, and those like Environmental Health Trust who we litigated this case with. Our cases were combined. And you know without RFK, without Bobby, this wouldn't have happened. Equally important, the ones who make all this happen are those who empty their pockets to fund this activity. And I want to give a hats off to those who have donated to this cause, because truly without them this would not have happened.

Now, the procedure. The commission has 45 days to decide whether to seek rehearing either before the panel or what we call en banc, the full DC Circuit...So, if the commission does want to take it up, it would likely be an en banc rehearing. And they have 45 days, or by September 27th...what I think the next steps are going to be just in terms of this fight with the FCC is we all get to go back to the commission...

The thing that I think this would be most immediately impactful for really comes in two areas. The first, this very significantly undercuts the argument for smart meters...It's these smart

meters that are used for electrical utility service, some of which do transmit wirelessly. Others are just digital, but still lead to various kinds of harm and injuries, including radiation sickness. There's a substantial argument now I think that, like the court says, the underlying premise that these things are safe has not been proven. And so, those who are doing the smart meter fight now, I think you've got a good leg up...

...Those who are pointing to the FCC standards and saying you can't touch this, I don't think they have such force anymore. We look forward to going back to the commission. We look forward to finally convincing them to establish biologically-based standards that actually do protect human health and the environment...

– Thank you. Scott, there's more questions coming on the legal implications of this... But I do, again, want to emphasize that as of now nobody can tell you anymore that the guidelines are that basically if something is FCC approved, your cell phone, your Wi-Fi, that does not mean any more that these devices are safe. And in fact, we don't have effective guidelines right now as a result of this decision. Scott, the industry is already trying to do a spin through this decision. But we know the truth. We know that this decision is devastating to industry. Can you elaborate on it a little bit?

– Well, having worked in the industry, the first thing that you always have to consider from an executive standpoint is, what's the regulatory risk? What's the business risk?...What's my cost of insurance? And this is going to very much increase their business risk. It is likely going to increase their cost of capital...So, the wireless industry right now is scratching its head, trying to figure out how to deal with this substantial challenge. What I expect them to do is to frankly tell the commission to get this case back at the commission...I would think that the wireless industry would actually prefer, perhaps, that the commission not challenge this and just get it back under its own control. That way they can better control the record...the timing. That's their home base: they own the FCC. So that's where they're going to want this matter to be. Now, on the other hand, I would want it there too. And I'm more than willing to fight it out, because I think we're on the right side of the science and we're on the right side of policy.

... So while the industry is trying to put a happy face out there right now, and focus on the fact that the court said that the FCC sufficiently explained the cancer evidence, they try to present it as if the court says there's no cancer risk, which is not what the court said. Essentially, the industry is very worried...I want to talk a little bit about the science...I do want to talk about it a little bit with Professor David Carpenter. David Carpenter is a worldwide renowned public expert on environmental toxins. He has been doing work on the wireless harms for the past two decades. And he co-edited the most important document on the harms of wireless, which is the Bio Initiative Report, which is the most extensive review of the science of wireless harms. It's a review by the 30 leading scientists in the world. And they concluded that basically there are biological effects, there are adverse effects, and they can actually occur within minutes of exposure to this radiation. This was a major source for us in this case. And the courts did quote this document, and said that the FCC did not properly respond to the evidence provided by the Bio Initiative Report. David, thank you...David, just to clarify how clear is the evidence on cancer and radiation?

– The evidence on cancer is extremely strong. I think it's indisputable that excessive exposure to radiofrequency radiation causes cancer. We know primarily about brain cancer, but there are a whole variety of other cancers depending on what part of your body is exposed that are also vulnerable.

– And as a result of the NTP study... I mean, the IARC, which is the World Health Organization agency that classify carcinogen, in 2012 classified it as a 2B possible carcinogen. But as a result of the NTP study, which is a government study that show clear evidence that it's causing cancer, and the Ramazzini study, now IARC announced in 2019 that it's going to review the classification, because there's so much new evidence both on cancer and also the mechanistic...The mechanism behind the harm which is the oxidative stress...Unfortunately, that evidence was not before the court, and so we could not present it to the court. But this is a good rebuttal to anyone who thinks that this decision says that the FCC determination is acceptable. It's not. David, what does it mean to you to see finally after two decades of work, to see a court actually telling the FCC that, guys, there is massive amounts of evidence there and you need to address it?

– Well, Dafna, remember that I worked for the US Department of the Defense for a number of years at a time that they were studying the adverse effects of radar. Remember that back in the '60s in the Cold War the Soviets irradiated the US embassy in Moscow, and about 40% of the people got sick. They couldn't sleep at night. They had headaches. In retrospect, this was electro-hypersensitivity. Now go forward. We have the Havana syndrome where people working for the US embassy in Havana had sudden sounds and they became ill. The US National Academy of Sciences has recently come out with the review saying this is microwave radiation, basically saying these people have electro-hypersensitivity. So even in 1996 when FCC set these standards, they were obsolete already then. Go forward. Our first issue of the Bio Initiative Report was published in 2007. It was an encyclopedic review reporting both negative studies and positive studies, but done by the best scientists in this field, in the world not just the US, concluding that exposure to radiofrequency fields at orders of magnitude below the FCC standard caused disease. That report was updated in 2012 with many more additional references. Now that's almost 10 years ago. There's been a huge amount of new research since that time, all consistent, or almost all consistent, with the conclusion that the harm is getting worse. Now, it's not just the scientific evidence, it's the evidence of increased exposure. 5G wasn't around 10 years ago. There were no smart meters 10 years ago. We have wireless everything...So, we really need to have the FCC set standards. As Robert said, we're not advocating going back to the pre-wireless age. We're advocating using modern technology in a way that is productive for society, but does not make people sick. And this ruling is at least a start. I'm disappointed they didn't focus more on cancer, but this whole issue of electro-hypersensitivity and sickness from exposure to these fields is so important. And it's particularly important for children, because children are being exposed in schools. We have these wireless classrooms. Not everybody gets sick, but what about the people that do get sick? So, this is a wonderful first win. We have many other wins to go. Thank you...

–... Thank you, David. As David mentioned, as Scott mentioned, this case is really not about hypothetical science. This is not about whether or not... Whether or not the science proved that this radiation is harmful. The science has proven that this radiation's a problem. The best evidence is the human evidence. People are sick and there is an epidemic of sickness happening as a result of this exposure. The court specifically said that the FCC failed to respond



to the evidence of radiation sickness and electro-sensitivity, both to the science as well as over 200 comments that were filed by people who got sick from this radiation, and/or their children got sick from this radiation. And in this case, we had nine additional petitioners. In addition to CHD, in addition to David Carpenter, we had two medical doctors who see the sickness in their clinics every day both in children and adults... Dr. Paul Dart is a physician in Oregon, and he learned the science on this issue. And he learned the science, because he saw more and more patients coming into a clinic, and he tried to do something to protect his patients. He actually filed with the FCC an 87-page report analyzing the science, him together with six other medical doctors. The FCC did not bother to respond to their document. Dr. Dart? Can we bring Dr. Dart to the screen?

– Well, Dafna, I started hearing about this problem about 10 years before I dared to look into it. I was I think just too daunted by the scope of it all, but by 2010 I was seeing more and more patients coming in who were having problems with microwave sickness. Some of them were completely disabled. Some of them couldn't handle being in the classroom anymore as Wi-Fi came in. I had one patient who committed suicide, because she could not escape from these exposures. When a local electric utility started looking at installing smart meters, I felt like I had to get involved to protect my patients and other people in the community who would be harmed by the growing technology. So, I tried to digest the information from sources like the BioInitiative Report and come up with something in the middle that kind of reviewed the most cogent literature. When I was doing that, it became obvious to me that non-thermal effects were very well documented. And countries have looked at that; have exposure limits a hundred to a thousand times lower than ours. So, I'm very gratified at this decision. Our society needs to confront this issue, and I feel this is a step in that direction.

– Do you agree that there's an epidemic of sickness from this radiation?

– Oh, yes... Over the last 10 years, it's been getting worse in terms of what I see with boots on the ground, in my office.

– Thank you. Thank you very much, Paul. Another petitioner in the case is Dr. Toril Jelter who is a pediatrician from California. And she also tried to alert the FCC and warn the FCC about what

she sees in her clinic, especially the effect of this technology on children with neurodevelopmental problems...

– Hi, Dafna. Yes, I have seen children in my practice that can't walk because of exposure to wireless radiation, and when you decrease the exposure then they're able to walk again. I had a boy with non-verbal autism that was 10 years old. He had never said a word in his life. And we decreased wireless radiation as a first-line attempt at helping him. He also had extremely aggressive behavior, and his aggressive behavior subsided, and within three days he said a full sentence. I have children that have learning difficulties, and by changing the wireless radiation in their home they have improved two grade levels in two months. There are children with ADHD who dramatically improve by modifying their exposure to wireless radiation. And fortunately, there's a group now working to get more and more schools hardwired, so that children are able to be healthy and to learn more easily...

– And so, when you saw the decision, I know you wrote me an email.

– Yes, I'm extremely relieved. It's like sometimes David does win over Goliath. You know?

– Thank you for all your work. I know you get-

– Oh, thank you, Dafna.

– too many people approaching you and you cannot accommodate them all. So, thank you for your work. It's not an easy work. As Dr. Jelter mentioned, as Dr. Paul Dart mentioned, a lot of children are affected. And three of our petitioners in this case are parents of children who have become sick from this radiation. One of them is Petra Brokken who is an attorney. And her daughter is a teenager, and she also has become sick from this technology. Petra, your thoughts?

– Oh, I am so, so thankful as well to all of you, Dafna, everybody who's been involved with this, from the bottom of my heart as well. There's a certain despair that I think a lot of us have probably felt, and it makes me want to just cry. The despair that you feel yourself. I am an attorney. And I was sick at work and at home even so far as to pass out on the ground, to lose

my short-term memory in court so that it was difficult to remember to object. I have watched my daughter struggle with this. The fact that this is not understood in the schools, not understood by people that it's so, so disparaged and thought to be just some kind of conspiracy theory is just heartbreaking. To see it proliferate the way it is, and the worry about the future for my child and other children. My child is someone who started to bleed from her hands in multiple places when she was in a setting with Wi-Fi. I know now two other children, personally, who are just within 10 miles of us who have the same issue. When they go to school, or are around Wi-Fi or cell towers, they bleed from their hands. How this situation has been allowed to go forward in this way, and the corruption in those areas of our government is just heartbreaking...

– Well, I think until then, at least now we can wherever our condition is denied and the harm completely denied, we just have to show this court decision and say, guys, the FCC guidelines are not evidence-based as the court said, and the court did order the FCC to respond to the evidence on this harm...Get this decision in the hand of anyone who is a decision-maker, send it to anyone and everyone you can, and take it with you everywhere. So, now when your rights are being denied, when someone tells you that this is a conspiracy theory, you have the US Court of Appeals for the DC Circuit, which is one of the leading courts in the United States, saying, guys, there is a problem here and the guidelines are not based on evidence...

We have also a teenager who got sick at the school. The government agency, the FCC, the FDA is supposed to protect our children... Unfortunately, the children are getting sick in the schools, and one such child is Ysobel Gallo. Ysobel?

– Hi. Thank you, Dafna.

– So, you got sick from the Wi-Fi in the school and that had tremendous, devastating effects on your life?

– It did. Within a year, I went from a normal high school student to couch-hopping in friends' rooms, withdrawing from school. I had no prospect for college or jobs. And I was suffering from many symptoms, such as heart pain and an inability to speak.

– Yeah, I also suffer. When I'm sitting near a Wi-Fi router, I just cannot speak. And as you can see, it's pretty difficult to stop me from speaking. And this really, I mean, it's affecting your ability to work, and I know that all your family now have to move away from some Chicago.

– Yes, we've all had to move, and two of my siblings have become sick as well, and my mother as well.

– Oh, wow. And in the beginning your parents actually did not believe you?

– No, they didn't. No. Well, both me and my parents and the school, we trusted the FCC as a regulatory body to keep us safe, so we assumed that they were doing their job. And because of that, I was injured much more severely than I would have been.

– So, they used the FCC guidelines to deny that you're sick and to suggest that you have a psychological problem rather than actually look at the evidence?

– That is correct, so this is huge for me. I have no words about this. I'm just so overjoyed. I cried when I heard about it. And it's just the first step to creating a world I can safely inhabit again.

– Thank you so much, Ysobel, for all your work on this and your help in educating children and teenagers on this issue. And we hope to work together in the future on this. Thank you, Ysobel. One of the first people I've met who are electrosensitive is Michele Hertz. And she is a very close friend of mine. She got sick from this technology, and she became the lead activist in New York in regard to smart meter deployment, because what she learned about this technology and harm... Michele, are you there?

– I'm here, I'm here. First of all, thank you, Children's Health Defense, and Dafna and Scott and David Carpenter for your tenacious and brilliant work. I applaud you all. I've been working on this issue for 11 years. I've been trying to help other people. We've had doors slammed in our faces, just putting us in darkness. And I mean, just as an image, the sign on the door has always been, the FCC says it's safe. Everybody that we've gone to local, state, federal officials say, oh, go to the FCC. They say it's safe. And this is such a tremendous lie and we're all

suffering...So thank you. I still, I really want to help others and you're helping others. And I just want to thank you all.

– So, now that's kind of like a huge tool for you as an advocate that you could use, too?

– [Michele] Absolutely.

– Thank you, Michele. Thank you for all your support in so many ways. I love.

– I love you, too.

– This failure that we exposed in this case it's not a singular failure. Our government agencies do not do their job... Now, the Children's Health Defense working on protecting the people from its government. And for the Children's Health Defense, the person who lead all of this work is Mary Holland. Mary Holland is the Children's Health Defense president and general legal counsel. And I just don't know how she's able to do all that she does and lead so many lawsuits, and lead this really uphill battle to save the public from its government. Mary, are you there?

– I am. Dafna, thank you. And I have to say that this is such a happy day. It's not every day that we celebrate legal victories at Children's Health Defense. And it's been so heartwarming to hear what this has meant to you, Ysobel and Michele, and Petra and Toril. And as others have said, we're so grateful for the extraordinary work of Dafna and Scott, and all of you working with them, with the co-plaintiffs, Environmental Health Trust... And as Dafna points out, this is really about uncovering the truth, and then getting public recognition, and then action. We know this is just a first step, but it's such an important first step...So, we're just so happy that today's the start of a new era for Children's Health Defense...So, thank you all.

– And thank you for making it possible, and thank you for all your help. And we know you helped a lot, and thank you...But it is a huge change. I mean, the Children's Health Defense now have additional two cases that we work on. One is the OTARD case which basically enabled the installation of base station antennas on home...This is actually a huge help for our case on the OTARD. And another case...an amicus brief for a Pennsylvania Supreme Court case on the issue of smart meters mandate. And on this case, too, this is going to be a huge help...

... And I think that this decision gives hope to a lot of people. And this is really what we were hoping to accomplish. And I hope that anyone and everyone take this decision and use it, send it, inform others about it just to maximize the impact of this decision. And please don't lose hope. It's tough not losing hope when we see everything that happens around us, but we cannot lose hope. This is about our lives. This is about our children. And just one step in front of the other. Thank you, everyone. And thank you, CHD. Good luck to us all.