

Health and mobile masts - what does the law say? "To speak with one tongue"

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Non-ionizing radiation is classified as an environmentally dangerous activity if related land area, buildings or constructions are used in a way that can cause discomfort for surroundings. Environmental law (Miljöbalken, **MB**) **9:th chapter, 1 §, clause 3.**

According to chapter **32 §3 pt 8** damages caused by non-ionizing radiation may give ground for compensation claim if a predominant probability for a causation is present. Damage responsible are the property owner and the part performing the activity (the operator) **6 §.**

The land lord that underlets his land to a mobile phone operator must consider the risk that he by the time will be held responsible for environmentally dangerous activity. If the activity continues despite prohibition by an authority anyone is entitled to claim for compensation (**§12**).

According to MB chapter **33 §1** an environmental damage insurance is required if the activity according to MB needs approval or notification. According to MB chapter **12, §6** a notification is required only for masts built in nature reservation areas while other approvals are applied for and given according to the plan- and construction law (PBL). Thus, an insurance against environmental damages is today only required for masts put up in nature reservation areas.

As long as the activity explicitly was allowed according to directions by law or other regulations or by an authority's decision, or *was not considered to cause damages according to the scientific and technical knowledge available at the time, there is no responsibility to demand for damages caused by the activity (Law 2007:660).*

Thus, according to MB it is of importance for the [mobile phone industry](#) that information given by WHO-ICNIRP, EU-SCENIHR, SSI and FAS unanimously certify that radiation from mobile phone base station masts is harmless to both humans, animals and e.g. broadleaf trees.

Scientific advisory committee	Chairman
ICNIRP Epidemiology (International advisory org.)	Anders Ahlbom
SCENIHR (EU advisory organization)	Anders Ahlbom
SSI (Rad. Protection Authority's scientific advisory)	Anders Ahlbom
SOS (Board of Health and Welfare's expert group EMF)	Anders Ahlbom
FAS (Sw council for working life and social research, advisory group for EMF)	Anders Ahlbom



According to Handbook for administrating authorities Chapter **10** on recusation, **§11** administration law, Anders Ahlbom may be challenging his role as chairman in the advisory boards for SSI and FAS since he is also charring similar boards in the international organizations ICNIRP and SCENIHR, thereby bound to international decisions even if new facts should motivate new decisions to be taken in the national organizations.

In a confidential memo leaked to the Financial Times (Oct 11 1996), Willis Corroon, a leading U.K. insurance brokerage stated: "A priority of the electricity industry must be to prevent a legal precedent being established. This will require the strenuous defense of any claims, and the associated defense costs are likely to be high The uncertainty surrounding this topic has created unease in the insurance market and has resulted in coverage being restricted". See also a report from the Swiss reassuring company Swiss Res on risks from EMF:

http://www.swissre.com/resources/flf59300455c7ccfb718bf80a45d76a0-electrosmog_eng.Paras.0003.File.pdf

So, it is important to be clear about this risk and *to speak with one tongue only*. We will see who becomes chairman of the next advisory group for SSI, expected to issue a report on whether mobile phone masts have anything to do with our vanishing bees and birds or not.

Note.

1. EMF = Electromagnetic fields.

2. Mobile phones and children according to Russian experts.

<http://hudcancer.nu/Children.pdf> and <http://hudcancer.nu/Children2.pdf>