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1. An important new resource provides high-level rulings on decision making in science and health. That is the World Trade Organisation appeal ruling on matters arising from the EU-USA dispute on hormones in meat. In turn it draws on WHO agreements. Some striking examples passed on by David Gee of the European Environment Agency are at APPENDIX A below. The full WTO report is at http://www.wto.org/english/tratop_e/dispu_e/320abr_e.doc

2. More news from France where Angers District Court has on 5 March made a first rejection of a proposed new Orange telecoms antenna on precautionary health grounds, noting it was close to a school. Other French courts had recently required existing masts to be removed (news267.2, 268.6). The protesters had suggested an alternative site which would need a pylon, whereas the Orange proposal was to be cheaper in a church tower. Clearly it's a health issue rather than a visual one. See <http://www.next-up.org/France/Maine-et-Loire.php>

3. An article on the growing crisis in France arising from court rulings against telecoms masts or antennas on precautionary health grounds can be seen at http://www.next-up.org/France/Bouygues_Telecom.php#1

4. The long-running petition PE812 (see news257.2) to the Scottish Parliament on health and powerlines has entered another phase. The petition was brought by Caroline Paterson on behalf of Stirling Before Pylons, who report "There was tremendous support on 3 March 2009 from Public Petitions Committee members for the concerns raised". The Committee has written to the Scottish Government to put several points with a response deadline of 3 April. See APENDIX B below and the Stirling Before Pylons website.

<http://www.revolt.co.uk/new/pdfnews/Comment-PE812.pdf>
<http://www.scottishparliament.uk/business/petitions/docs/PE812.htm>
<http://www.stirlingbeforepylons.org/>

5. I heard a wonderful BBC Radio4 Book of the Week episode [6 March]. It was "Episode 5: Exploring the Certainty Trap". Spot on for discussions about false certainty. The book itself is Jonah Lehrer: The Decisive Moment. You can hear the 15-minute episode on BBC listen-again:

http://www.bbc.co.uk/iplayer/radio/bbc_radio_four

False certainty apparently makes us feel good. It may also illuminate how scientists champion hypotheses.

6. Analysis of false certainty may also say something about the need for a pluralistic approach, which I recommended to the EMF-health advisory group SAGE. I suspect that unless SAGE can move towards a more pluralistic approach, as distinct from an HPA monopoly and its "deficit model" of public engagement (i.e. scientists sell the official line to the ignorant public), then it will risk doing more harm than good.

7. BBC news headlines 12-3-09 "EU needs 'brutal' science advice: The UK government's chief scientist says Europe's lawmakers need independent and sometimes uncomfortable scientific advice."

<http://news.bbc.co.uk/go/em/-/1/hi/sci/tech/7935663.stm>

UK Chief Scientist Prof John Beddington says "We need scientists to come in and challenge policy at lots of levels ". The article may smack a little of we-know-best criticism of the EU. But calling for stronger independent advice is good and it applies to the UK too. Removing statutory monopolies of advice might help. Such monopolies by their very relationship with government are not wholly independent. It would be better openly to consider plural independent sources of advice.

APPENDIX A Points from WTO Appellate Body Report DS320/AB/R of Oct 2008

The WHO SPS Agreement Art 5.7 clearly "permits the precautionary taking of Health measures when a government considers that **sufficient scientific evidence** does not exist to permit a final decision on the safety of a product or process". And "the SPS Agreement explicitly permits governments to impose **more stringent requirements than the international standards**" as long as they are justified by "**pertinent scientific information**" (*WTO Web site- "Understanding the SPS Agreement."*)

"The "insufficiency" requirement in Article 5.7 does not imply that new scientific evidence must entirely displace the scientific evidence upon which an international standard relies. It suffices that new scientific developments call into question whether the body of scientific evidence still permits of a sufficiently objective assessment risk". *Source: p302, para 725, World Trade Organization, WT/DS320/AB/R, "United States-Continued Suspension of Obligations in the EC-Hormones Dispute", (16 October 2008)*

"The European Communities recalls that, according to the Appellate Body's interpretation of Article 5.1, **Members are entitled to rely on "divergent opinion [s] coming from qualified and respected sources"** in their risk assessments when adopting SPS measures...

particularly in situations where available science is providing **alternative and competing explanations**".

Source: pp31-32, para 75 World Trade Organization, WT/DS320/AB/R, "United States-Continued Suspension of Obligations in the EC-Hormones Dispute", (16 October 2008)

"The Panel imposed its choices on the European Communities between the different "scientifically plausible alternatives", either by basing itself on the views expressed by **a majority of the experts**, or by selecting the "**most specific**" or "**best supported**"

views. As a result, the Panel failed to take into account diverging views reflecting a **"genuine and legitimate scientific controversy"**

Source: p 32, para 76, World Trade Organization, WT/DS320/AB/R, "United States-Continued Suspension of Obligations in the EC-Hormones Dispute", (16 October 2008)

In addition, the experts acknowledged that **quantification of risk is not necessary for substances that have genotoxic potential**, such as oestradiol-17 β ."

Source: pp30-31, para 73, World Trade Organization, WT/DS320/AB/R, "United States-Continued Suspension of Obligations in the EC-Hormones Dispute", (16 October 2008)

APPENDIX B Scottish Parliament Petition PE812

Points put to the Scottish Government by the Public Petitions Committee with a response deadline of 3 April:

"The purpose of this letter is to seek a written response to the specific points below and those raised during the discussion on the petition—

- **what bearing does its response to the SAGE report have on the petition?**
- **whether it will comment on the decreased costs of underground cabling as highlighted by the petitioner and whether it will take this into account when adopting a precautionary approach towards reducing exposure to ELF magnetic fields**
- **whether it is 100% assured that there are no public health hazards associated with long-term exposure to electromagnetic fields from high voltage transmission lines and that all relevant scientific data has been assessed and factored in? And to also respond to the particular points made by Nigel Don MSP about the Government's consideration of the wider views put forward by the scientific community.**
- **How does it ensure that all relevant scientific research**
- **whether it is confidence that there is no long terms risk to public health from EMFs e.g. possible increase in Alzheimer's disease?**
- **which other European nations take a different view to its and why?"**

(The above is copied directly from an electronic version of the Committee's letter of 4 March, though one hopes some of the later points will have been freed from typographical error.)

Points put to the HPA:

"The purpose of this letter is to seek a written response on the—

- specific issues raised in this petition
- written submissions received since the Committee last considered the petition

- specific issues raised during the discussion on the petition for eg
- **What contact has it had with those European and other countries (eg America) who are adopting greater precautions in relation to High Voltage Overhead Transmission Line Electric and Magnetic Fields?**
- **Has it examined the reasons for adopting these additional precautionary measures and what action has it taken or intends to take as a result?**
- **has it reviewed all of the scientific evidence relating to the health effects of ELF EMFs referred to by the petitioner? If so, what action will it take?**
- **What is its view on the EU's Scientific Committee on Emerging and Newly Identified Health Risks's (SCENHIR) updated opinion on powerline EMFs and public health? Will it commission research as a result e.g. possible increase in Alzheimer's disease arising from exposure to ELF?**
- relevant action your organisation is taking to address these (the Committee is interested in specifics e.g. what is the action, how is it relevant, why is it being taken, when)."
