

HEALTH CANADA ADMITS SAFETY CODE 6 GUIDELINE FOR MICROWAVE RADIATION IS BASED ONLY ON THERMAL EFFECTS!

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February 20, 2013.

I just returned from a hearing in Montreal in front of the **Superior Court of Quebec** where Health Canada scientist, **James McNamee**, admitted that the **Safety Code 6 guideline for microwave radiation (which includes radiation from most of the devices we are concerned about like mobile phones, cell phone antennas, Wi-Fi, wireless toys and baby monitors, smart meters, etc.) is based ONLY on preventing a heating effect!**

Let me state that again. **Health Canada admits that Safety Code 6 for frequencies between 100 kHz and 300 GHz are based ONLY on heating.**

Why is this so important?

For years Health Canada has stated that Safety Code 6 takes into consideration and protects the public from both thermal and non-thermal effects. They made this statement to groups concerned about Wi-Fi in schools and to those concerned about **smart meters** and cell towers coming into their neighborhoods. While they are technically correct in their statement, they mislead the public by what they failed to mention. What **Health Canada failed to mention is that the “non-thermal” effects are considered ONLY for frequencies between 3 and 100 kHz. For frequencies between 100 kHz and 300 GHz ONLY thermal effects are considered and cell towers fall within this “thermal range.”**

That is not the only thing that was novel and refreshing at this hearing.

This is the first time a provincial court (Superior Court of Quebec) has **challenged the right of municipal governments to address health concerns expressed by citizens regarding federally regulated radio frequency radiation.**

Let me explain what this hearing is about. It is a story concerning **Rogers and the City of Chateauguay.**

Rogers wanted to erect a monopole tower (**35 meters tall**) with **multiple antennas** in a residential section of the City of Chateauguay in Quebec within **15 meters** of the nearest property line. We have regulations in Canada that for towers taller than 15 meters, the wireless provider has to hold a public meeting.

The meeting was held and those who lived nearby expressed their concerns about health effects associated with the radiation from this proposed tower. The Mayor of Chateauguay, **Nathalie Simon**, took these concerns seriously and asked city planners to find an alternative site for the tower. They did and they contacted **Industry Canada**, who needs to approve the tower location as they provide the license to the operator, and Industry Canada accepted the new location. City planners also contacted **Rogers** who agreed this location would work but it was not their first choice. In order to facilitate the erection of this tower, the City of Chateauguay expropriated the land so the tower could be built.

But then things began to fall apart. Rogers decided they did not want to go ahead with this new location and the case ended up in court, in front of the Superior Court of Quebec.

I was called as an expert witness for the City of Chateauguay and the hearing was scheduled for November 2011. Just prior to the hearing, Rogers tried to get my testimony and anything to do with “health” thrown out of court because health of radio frequency radiation comes under federal jurisdiction (Health Canada & Industry Canada) and neither a municipality nor a province may question Health Canada’s jurisdiction in this matter. [More about this later.] Up until now, each court has agreed with Rogers and health could not be discussed when it came to the siting of cell phone base stations. Or, if it was discussed, it did not influence the final decision made by Industry Canada.

But **Quebec is different**. The judge, **Madam Justice Perrault**, stated that she would allow health to be discussed because it was health that the citizens were concerned about and she wanted to know if their concerns had any scientific merit.

The law firm representing Rogers Communications Inc. and their attorney, **Nikolas Blanchette**, suddenly found themselves in an awkward position. Rogers’ attorneys were so certain the court would rule in their favor that they neglected to hire an expert witness to testify on Rogers’ behalf! The hearing was moved to February 2012 and **Rogers’ Subpoenaed, James McNamee**, a Health Canada scientist to testify. Dr. McNamee, came to court with three massive binders of documents. This was unusual as Dr. McNamee was sworn in as a witness, and not as an “expert” witness.

The major difference between an “expert witness” and a “witness” is that the expert witness may provide his/her opinion on issues related to their expertise. In other words they are able to interpret the facts, while a witness can only provide facts.

Patrice Gladu (from the law firm Dunton Rainville S.E.N.C.R.L.), the lawyer representing the City of Chateauguay, objected and argued that the information in those binders should be inadmissible as Dr. McNamee was not being considered as an expert witness in front of this court. After both sides presented their arguments, Justice Perrault took a short recess to consider her decision.

She returned siding with Mr. Gladu and said that according to law, as Dr. McNamee was not sworn in as an expert witness he could testify only to those documents that were Health Canada documents and he was unable to express his opinion about the other documents except as they pertained to Health Canada’s decision regarding Safety Code 6.

Fasken Martineau, the law firm representing Rogers, objected to this ruling and asked to take their case to the **Court of Appeal**. Justice Perrault granted that appeal. Months later the ruling came out that upheld Justice Perrault’s decision and the hearing resumed.

It is now February 2013. Dr McNamee returned to present his testimony and to be cross examined. He went through every document in the 3 binders and was asked the same question each time by his lawyer.

“What is this document and what role did it play in establishing Safety Code 6?”

Each time Dr. McNamee gave a short answer.

For documents that Health Canada did NOT consider Dr. McNamee’s response was . . .

- “Does not support non-specific health symptoms, not considered in Safety Code 6 2009.”
- “Non-support for conclusions, did not review document for Safety Code 6.”
- “Levitt and Lai, was not considered in 2009. Their opinion is contrary to Health Canada’s opinion and they don’t take same approach of health agencies.”

For documents that Health Canada DID consider, Dr. McNamee stated . . .

- “Helped to reinforce our own assessment of the literature.”
- [This was a] “reference document that supports our conclusions.”
- “Document supported Health Canada’s decision.”

Dr. McNamee went further and stated that most studies dealing with non-thermal effects were poorly conducted and were rejected by Health Canada. McNamee states that a large number of studies show an adverse effect; a large number of studies don’t show effects, and that the **better** studies are the ones that show “no effect.”

I have two points to make here.

The first is that Health Canada is cherry picking the studies they include for the Safety Code 6 decisions. They **include ONLY studies that support their own conclusions.** This is NOT how science is conducted. Obviously, Dr. McNamee and his fellow scientists at Health Canada are unfamiliar with the work of Dr. Karl Popper on falsification.

Popper, who was one of the preeminent 20th century philosophers of science stated that one does not test an hypothesis by pointing out each time an observation supports it. The proper scientific method to test an hypothesis is through falsification, by trying to find a situation where it is not supported by observation.

The example Popper gives is the statement that, “all swans are white.” You may count as many white swans as you like but that does not prove that all swans are white. What you need to do is look for a black swan. Once you find a black swan you may state that, “not all swans are white” and as such you have falsified your original hypothesis. This is the proper scientific method.

What the Health Canada scientists are doing is “cherry picking” or counting white swans and as such are not conducting science properly. Click [here](#) for video on this topic.

The second point is that Dr. McNamee is demonstrating bias when he states that better studies are the ones that show “no effect.” What is that statement based on? Where is the document that identifies which studies Health

Canada considered and which ones were ignored? Where is the document identifying flaws in peer-reviewed scientific studies?

Whenever IARC or any other agency evaluates the scientific literature for the purpose of policy setting, it is customary for them to provide a monograph documenting the studies that were included and how they were weighed, and the studies not included with justification for their omission. Health Canada, to my knowledge, has NOT produced such a document for non-ionizing radiation. There is no disclosure about the processes Health Canada uses to assess scientific studies. When Dr. McNamee was asked how Health Canada conducts the “weight of evidence” he was unable to provide a clear, comprehensive answer and referred instead to references from other organizations.

In the 1999 version of Health Canada Safety Code a very important statement on page 11 of that report that was omitted from the 2009 version of SC6. That statements reads as follows:

“Certain members of the general public may be more susceptible to harm from RF and microwave exposure.”

According to Dr. McNamee, what this statement referred to is that among the public there is “a wide range of body sizes, health status, and different thermal regulation properties” and that Health Canada is acknowledging ONLY a thermal effect by the term “susceptible” and that **Health Canada does not acknowledge electrohypersensitivity.**”

What does a country do when the leading federal health authority, Health Canada, is not doing its job properly? What role do provincial and municipal governments play in this regard? Do these governments not also have the ability to protect the health of their citizens? Isn't that why we have provincial Ministries of Health and Municipal Health Authorities. Weren't municipal governments responsible for bringing bylaws forward about toxic chemicals used in lawn care despite the fact that Health Canada has federal jurisdiction over the toxic chemicals that were involved?

One very interesting statement in the Preface of Safety Code 6 (2009) is the following (page 3):

The purpose of this code is to establish safety limits for human exposure to radiofrequency (RF) electromagnetic energy in the frequency range from 3 kHz to 300 GHz. The safety limits in this code apply to all individuals working at, or

visiting, federally regulated sites. These guidelines may also be adopted by the provinces, industry or other interested parties.

If I understand this correctly, Health Canada's Safety Code 6 does NOT automatically apply to provinces, industry, or other interested parties. So the much reduced guideline proposed by the Board of Health for the City of Toronto originally in 1999 (Medical Officer of Health, Dr. Sheela Basrur) and reaffirmed in 2007 can be applied to the City of Toronto!

At that time, Toronto wanted the federal guidelines reduced to 1/100th of the current guidelines to be more in line with Russia and other countries with much more protective guidelines. In the 2007 document from Toronto Board of Health (click [here](#) for this document), the Federal guidelines were correctly identified as being based on an "acute thermal effect" with "acute" referring to short-term, high exposure.

Since the guidelines have not changed and with Dr. McNamee finally admitting that the guidelines in question regarding cell towers are based ONLY on preventing a thermal effect, it is accurate to say that **Canada does not have a guideline to protect Canadians from long-term exposure to "non-thermal" levels of microwave radiation!**

Justice Perrault has six months (end of August 2013) to complete her deliberations regarding where this tower will be erected. The outcome could be precedent setting in Quebec and in Canada.

<http://www.magdahavas.com/health-canada-admits-safety-code-6-guideline-for-microwave-radiation-is-based-only-on-thermal-effects/>