

STATES OF JERSEY



REVIEW INTO THE PERCEIVED HEALTH EFFECTS OF MOBILE PHONE MASTS (S.R.8/2007) – RESPONSE OF THE MINISTER FOR ECONOMIC DEVELOPMENT

**Presented to the States on 30th May 2007
by the Minister for Economic Development**

STATES GREFFE

**Response from the Minister for Economic Development to the Mobile Telephone Mast Review Report
published by the Health, Social Security and Housing Scrutiny Sub-Panel in April 2007**

The Sub-Panel's Terms of Reference were to consider the concerns of the public relating to perceived health implications, as a result of the increase in applications for mobile phone mast installations, following the recent expansion of the mobile telephony market. In so doing, the Sub-Panel was to have regard to the professional advice of the Health Protection Department, international standards and best practice and health concerns raised by the public.

Bearing in mind these Terms of Reference, the Sub-Panel's conclusions are realistic insofar as they have had the difficult job of balancing professional advice and scientifically validated data against the sincere, but unsubstantiated concerns of a minority. The Sub-Panel was correct not to dismiss these concerns lightly and has obviously taken great pains to produce an objective and unbiased report together with accompanying recommendations.

In making this response I fully accept the validity of those members of the public who hold genuine concerns and I accept that it has not been proven beyond all doubt that emissions from mobile masts could not in some way be damaging to health. However, it is equally clear that there is no scientific evidence to show that an actual risk exists. With this in mind, a balanced view needs to be taken between the ultra-cautious 'precautionary approach' advocated by the Sub-Panel and the undoubted economic benefits derived from these technologies. To put it simplistically, if the precautionary approach was taken to its logical conclusion, then Jersey would be one of the last jurisdictions ever to embrace technological innovation; an approach which would have a severe adverse impact on our economy.

In reviewing the Sub-Panel's report it is hard to escape the conclusion that the current arrangements in Jersey are far better than might otherwise be imagined. According to the evidence offered by the former Chief Executive of Cable and Wireless (p.76), the current emissions of such masts are only at 1% of the currently accepted safe operating levels and thus are already far below the accepted international standards and guidelines. If this is indeed the case, then Jersey already has the 'increased precautionary approach' advocated in the Sub-Panel's Finding 24. This is further borne out by evidence in paragraph 7.16.11 (p.78) where it is stated that 'the levels involved in Jersey are thousands of times less than (*sic*) the level of emissions recommended as safe by Lord Stewart's Independent Expert Group'.

That having been said, there is no place for complacency and the Sub-Panel's recommendations deserve to be considered in a measured way. Taking the Health and Social Services Health Protection Department Report recommendations first, I would make the following observations –

1. *All base stations are to be subject to the scrutiny of the planning applications process to ensure compliance with internationally agreed standards.*

Agreed.

2. *There should be improved consultation by the network operators with the community prior to the selection of a site for a base station.*

Agreed.

3. *Emissions from base stations must as a minimum meet the ICNIRP guidelines for public exposure, as expressed in the EU Council Recommendation. However the States should seek to ensure that Network operators voluntarily agree to comply with levels lower than international guidelines (namely ICNIRP and NRPB).*

Agreed. This could presumably be achieved very easily as the evidence would suggest that such is already the case. If the States were minded, however, to make compliance mandatory then negotiations should take

place with the operators to determine a commercially agreeable level prior to asking the JCRA to amend their licensing conditions. Such negotiations should include the JCRA.

4. *Measurement of the actual levels of radiation from base stations must be undertaken following commissioning to show compliance and be a condition of the planning permit.*

Agreed. I have determined to issue a direction to the JCRA in this regard and as such, it need not be a planning condition as it will have to occur as part of the telecommunications licensing conditions.

5. *Mobile Phone network operators co-operate to deliver with the States of Jersey a database of information available to the public on radio base stations.*

Agreed.

6. *There is cross industry agreement on the sharing of sites and masts for radio base stations wherever possible.*

Agreed.

Turning to the Sub-Panel's own additional recommendations, I make the following comment –

2. The Sub-Panel recommends that the Ministers for Health and Social Services, Economic Development and Planning and Environment be invited to agree to the following –
 - 2.1 In addition to the first recommendation from the April 2006 Health Protection Report, to ensure that all base stations are subject to a planning application. *(It is noted that the Minister for Planning and Environment has already complied with that recommendation).*

It is noted that the Minister for Planning has already complied with this recommendation and I fully endorse the Minister's approach.

- 2.2 That the necessary measures should be identified to introduce the establishment of agreed emission levels with the operators on individual mobile masts of any description on a case by case basis. *(The Sub-Panel considers that the more stringent precautionary approach is justified on the basis of the growing level of expert opinion expressing concern over the effect of EMFs. A model for the site by site approach has been developed in South Tyrol and should be emulated in Jersey.)*

It is not clear whether the Sub-Panel is endorsing the Health Protection recommendation for a voluntary agreement or suggesting that it should be made mandatory. Either way, it is certainly possible to engage with the mobile operators and the JCRA on this issue and I am happy to do so. It is unclear, however, whether any tangible benefit will stem from this. The evidence offered by the operators would suggest that they use the minimum amount of power necessary to ensure the integrity of the signal and if, as it seems to be stated, there is a correlation between the strength of the emissions and the degree of power utilised then the outcome will be either the level of emission remains the same because the power usage is optimal, or no signal is received. Clearly this latter possibility is not acceptable, but the Sub-Panel is also correct to suggest that emission levels should be monitored and that the operator's claims should be independently validated.

3. The Sub-Panel recommends that the Minister for Economic Development be requested to provide the JCRA with guidance on social grounds to ensure the following –
 - 3.1 The Sub-Panel is of the opinion that the JCRA should be given guidance suggesting that it ensures that States-approved consultation time scales are adhered to during a consultation process. The terms of consultation on issues which could potentially impact on public health should be clearly outlined and agreed and follow best practice on consultation.

The JCRA has in place States approved processes for issuing licences, including consultation, as part of its duties under the Telecommunications (Jersey) Law 2002. I am not aware that consultations undertaken by the JCRA have been markedly at odds with other time-scales approved by the States, but I am willing to engage the JCRA and operators on the matter of consultation periods, but would wish to undertake an impact assessment before committing to compel operators in the manner indicated by the Sub-Panel. Consultation is generally a good thing, but it does involve delay and comes at a commercial cost. Inevitably this commercial cost is passed onto consumers, but in extreme cases, delay can cause a company to abandon its plans and for that reason I would need to satisfy myself that the Sub-Panel's recommendation would not have any unforeseen negative consequences either for the Jersey consumer or the economy more generally.

- 3.2 That guidance be issued to request the requirement to ensure that Network operators either voluntarily agree or comply through the introduction of an additional licensing clause relating to agreeing EMF emission levels on a site-by-site basis lower than international guidelines.

I have already indicated my support of the Sub-Panel's wish to strengthen the role of the JCRA in this matter. I am currently discussing this with the JCRA to determine whether this should be by way of written guidance which is not mandatory, or a written direction that must be complied with. The level of concern over this issue, while not scientifically validated, remains real and I am committed to liaising with all parties to try and improve the situation. This may not require formal guidance or directions to be given, but I will assess the situation after engaging with the operators and the JCRA. Subject to advice regarding the best use of guidance or directions, I will engage with the JCRA to ensure that emission levels remain low and that site testing is introduced.

- 3.3 That guidance should be issued requiring emission monitoring compliance to be undertaken by an independent body, to be appointed by the JCRA and funded by the telephone operators. That the guidance should recommend that the appointee would be required to undertake periodic (quarterly) random emission testing of radiation from base stations without prior notice to the operator. The JCRA would monitor and ensure operators compliance with their issued licences and that the reports from those tests be made publicly available.

I fully support the introduction of emission monitoring and that it should be independent and paid for by the telephone operators. I also undertake to investigate the need of random testing, but I note that the United Kingdom generally test base stations every 2 years and for reasons of practicality this might be the preferred solution. To that end I will liaise with the JCRA and the independent body itself to determine the frequency of such testing based upon their knowledge and experience and the resultant cost implications.

- 3.4 That the guidance would suggest that operators should as part of their licence be required to fund the development and management of a website using a mapping system which shows the island topography and location of all macro, micro and pico cells, lattice masts and TETRA installations.

The production of a website to engage, inform and reassure the public is to be supported. The production of a map precisely identifying the location of all transmitters, however, might bring security concerns. If the operators are content with such an approach then of course, this is perfectly acceptable, but a middle-ground might be to show the approximate locations.

- 3.4.1 That the website should identify overlapping (increased emission or cumulative emission areas) and show the acceptable EMF emission reading for the individual cell stations together with the EMF emission level from the independently taken readings.

Whichever approach to mapping is adopted, indicating overlapping zones of emissions would be useful so long as it clearly stated the level of such emissions relative to the accepted scientific standards in order to prevent undue public alarm.

- 3.4.2 The website should also provide the latest information on mobile technology. Any changes to or additions to the cells should be posted on the website.

This is a reasonable proposal, but careful thought needs to be given to the sort of data that is included and how it is managed, presented and kept up to date. The data should be scientifically valid, but also plainly understandable and relevant to our community and situation.

- 3.4.3 That the guidance should recommend that the JCRA requires that operators should provide at no cost emission testing to individuals at their domicile if a complaint relating to the level of EMF emissions has been made. *(An agreed and reasonable process for individuals should be developed in this regard. Equipment used by the operator for this person should be calibrated annually by the external body retained for independent testing of EMF emissions.)*

I am not presently convinced that this is absolutely necessary, but I will discuss this with the operators and the JCRA. The panel's recommendation that such a process be agreed and reasonable is to be supported to ensure that it was not abused.

- 3.4.4 That the Minister for Economic Development liaise with the JCRA to develop enabling legislation without the requirement for complaint from an operator, to require mast sharing and impose a licence requirement that the mobile telephony infrastructure be operated through a fibre optic network wherever possible. The erection of multiple mast clusters should also be discouraged.

The question of mast-sharing remains one that will, in the short-term at least, be decided by the Minister for Planning and Environment in the first instance. The earliest that any legislation could be brought forward to amend the current Telecommunications (Jersey) Law (within the current legislation programme) is 2009 and by that time the roll-out of mobile masts will be largely complete. From that perspective, legislation may not produce a desired solution. Mast-sharing is a concept which I wholly endorse and I will discuss how this might be improved with the Minister for Planning and Environment in due course. The question of whether operators should be forced to operate through a fibre-optic spine needs further consultation. Clearly such a process would come at a cost and may provide one operator with a competitive advantage in the short-term. For this reason further discussion with the JCRA and operators should be undertaken.

- 3.4.5 That guidance should be issued to recommend that the JCRA take the necessary action to set a commercially acceptable rate at which all operators can access the Jersey Telecommunications existing fibre optic system in order to reduce the potential social and perceived environmental impact of the proliferation of masts and increased emissions.

The ability of external network operators to gain access to the Jersey Telecom fixed infrastructure at a commercial rate is, I believe, already governed by licensing conditions under the Telecommunications Law and would also be subject to competition concerns if not applied. In either case the responsibility already lies with the JCRA to ensure that the market is not distorted. If improvements can be made, however, these should be investigated further and I will discuss the matter with the JCRA in due course.

I support the broad thrust of the work and recommendations that the Sub-Panel have put forward. I will seek to further these recommendations with the JCRA and Telecoms operators. The issue of resources is always a difficult one and resources to start this process are going to need to be directed from other areas of ED work. I will be discussing with my Chief Officer how best this can be achieved and I would hope that a number of these recommendations can be put into effect during the course of 2007 and I will attempt to ensure that there are sufficient resources to deal with many of the other important ongoing recommendations including preparing for future WiFi telecoms issues during the period 2008 and 2009.

I also undertake to consult closely with Ministers for Planning and Environment and Health and Social Services

and to ensure that the matter is also discussed at the Council of Ministers so that there is a clear, consistent and coherent approach from the Council of Ministers.

Finally, I congratulate and thank the Panel for their important contribution to this vital subject.