

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Donald F. Humason, Jr., (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to studying radiation health and safety risks for protective measures.

PETITION OF:

NAME:

Kristin Beatty

DISTRICT/ADDRESS:

149 Central Park Drive Holyoke, MA 01040

SENATE No.

By Mr. Humason (by request), a petition (accompanied by bill, Senate, No. 0000) (subject to Joint Rule 12) of Kristin Beatty for legislation relative to studying radiation health and safety risks for protective measures. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to studying radiation health and safety risks for protective measures.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding any general or special law to the contrary, a special commission
2 including relevant experts shall be convened to evaluate and clarify electromagnetic radiation
3 and technology risks in laymen's terms to the people; that this commission shall address risks
4 with new standards, guidelines, labeling, proposed legislation, and, in any public health and
5 safety emergencies, the ability to enact full or partial bans.

6 Section 1. Words used in this act shall, unless the context clearly requires otherwise, have
7 the following meanings:

8 "Emergency" means any occasion or instance for which, in the determination of the
9 medical and scientific professionals of the electromagnetic commission, immediate action is
10 needed to save lives and to protect public health and safety, or to lessen or

11 avert the threat of a catastrophe due to an electromagnetic signal, frequency, or event; an
12 event or situation threatens lives and public health and safety when it involves, causes, or may
13 cause the following: loss of human life, human illness or injury, sterility,

14 homelessness, damage to property, or contamination of land, water, or air which causes
15 disruption or destruction of plant or animal life, including microorganisms and fungi necessary
16 for the viability of soil or food chain.

17 An emergency exists when immediate action is required to forestall the threat, but current
18 laws fail to provide a remedy; in some cases in which an emergency exists, it exists because even
19 though local or state government may have the capacity to effect

20 change, government fails to do so or to recognize the emergency due to lack of direction,
21 initiative, understanding, awareness, or knowledge that an emergency exists.

22 "Electromagnetic radiation risks" refers to biological effects from the individual and total
23 effect of electromagnetic radiation, including non-ionizing and non-thermal radiation. It may be
24 generated by technologies such as substations, wind turbines, utility

25 meters, solar inverters, transformers, cellular towers, power lines, wireless internet
26 systems, nuclear power, and the like.

27 "Electromagnetic radiation technology risks" refers to whether electromagnetic
28 technologies present additional health risks such as nuclear meltdown, infrastructure damage,
29 fire, digital addiction, waste, excessive power usage, security risks leading to

30 grid collapse, or disruption of educational and social needs.

"Precautionary Principle" refers to requiring actions to prevent potentially serious harm before the effects or likelihood become all too clear, and also preventing harm to following generations.

"Bioinitiative Working Group" refers to a working group of experts of thousands of electromagnetic studies on health and environment conducted by numerous international scientists in meta-analyses independent of the telecommunications and other relevant industries. The Bioinitiative Working Group may continue to conduct ongoing or complete new meta-analyses.

"Healing Earth Refuge" refers to a citizen environmental and public health grassroots advocacy group currently led by organizer Kirstin Beatty.

Section 2. Notwithstanding any general or special law to the contrary, a special commission hereafter referred to as the commission, is hereby established to investigate public health and safety risks from electromagnetic radiation and technology sources in laymen's terms to the people; that this commission shall address risks with new standards, guidelines, labeling, restrictions, proposed legislation, and, in any public health and safety emergencies, the ability to enact full or partial bans.

The commission will complete these tasks;

(1) risk analysis and clarification,

(2) create relevant new standards, clearly stating general risks if standards are

exceeded,

- 51 (3) generate guidelines for use,
- 52 (4) enact partial or full bans in conditions of emergency,
- 53 (5) determine whether to mandate, based on public health risk, decommissioning and
54 clean-up of a specific or of all nuclear power plants in Massachusetts, and whether to prohibit a
55 delay in clean-up or decommissioning.
- 56 (6) ensure codes and regulations are in alignment with new standards and any
57 recommendations of emergency nature,
- 58 (7) choose to allow or require any relevant testing and monitoring to insure compliance,
- 59 (8) update Massachusetts medical definitions, adding relevant environmental illnesses to
60 be covered by insurance, and providing information helpful for trainings to prevent, recognize,
61 and treat any new injuries, illnesses, or risks, and in order to allow for patient
62 education.
- 63 (9) update Massachusetts guidelines for clinical settings and also procedures for
64 electromagnetic devices recommended and covered under insurance, based on any investigative
65 findings and the needs of patients with environmental illness, setting
66 guidelines and practices based on the precautionary principle,
- 67 (10) update Massachusetts guidelines for environments and utilization of electromagnetic
68 technologies in educational and child care settings with attention to the unique needs of children,
69 based on investigative findings and the precautionary principle.

(11) designate, where necessary, and prepare succinct, clear warning labels and/or signs with a recognizable design or icon,

(12) determine and clearly designate areas to be defined as protected or restricted from items of concern,

(13) give additional public health and safety recommendations to improve rules, regulations, and codes in the areas of education, workplaces, utilities, radiation, emergency management, and building, defined by the implementation date requirements with due respect to the actual ability of recommendations to be implemented practically,

(14) prepare reports and informational media, such as public service announcements, fact sheets, brochures, pressreleases, and the like, to clarify findings and recommendations to the public and government representatives,

(15) based on findings, generate proposed legislation to address other areas of concern, relevant to environmental health, which the commission cannot otherwise address.

(16) if necessary, contact the governor to access the emergency broadcast system to provide necessary information to prevent emergencies.

Any recommendations of the committee designated as of emergency nature may be submitted at any time in order to protect public health. These emergency recommendations may be based on the precautionary principle, which requires actions to prevent potentially serious harm before the effects or likelihood become all too clear.

89 The first stage of the commission shall involve clarification of the risks by scientists and
90 medical professionals, with ensuing practical recommendations for precautionary measures. The
91 commission's recommendations shall operate on the precautionary

92 principle. The investigation on each public health and safety concern must be completed
93 within three years, but interim reports or publications should be published beforehand, at least
94 within thirteen months. The chair or chairs shall coordinate work to insure tasks are completed
95 by knowledgeable members of the commission, dividing and delegating work when appropriate.

96 In preparing the report, the commission chair or chairs may request the temporary
97 assistance of any other experts or citizens when the individual offers knowledge outside that of
98 the commission members. However, the commission members shall be the

99 exclusive determiners of the content of a written report clarifying risks to be shared with
100 the governor, attorney general, legislature, and public.

101 If significant disagreement exists as to the nature of risk and as to accompanying actions
102 between the chair and the scientists assigned to research a topic, and the precautionary principle
103 fails to resolve the decision, the matter shall be presented before the entire commission and a
104 determining vote shall be taken. If this still does not resolve the question, then the chair or chairs
105 will decide the issue, which shall be published with signatures recorded respectively beneath
106 majority and dissenting statements.

107 Before finalizing publications or recommendations, the commission shall receive legal
108 counsel, and may choose additionally to meet with the attorney general or designee to discuss
109 findings, options, and recommendations. Questions regarding legal or

110 constitutional issues may be clarified during this meeting.

111 Reports, which should include recommendations for addressing risks, shall be provided
112 to the governor, legislature, attorney general, and presented in press release and press conference
113 to the public. Recommendations and publications may be published in

114 stages. Additionally, the scientists will prepare a statement or statements suitable for
115 public service announcements (PSAs) for distribution to the media, which may also be released
116 at any time. Publications may be filed online in addition to print, and

117 publications marked by the commission as important for the general public knowledge
118 shall be printed and kept in an accessible location in Massachusetts public libraries.

119 Following the publishing of recommendations, the Massachusetts departments identified
120 in the publications as needing to adopt public health changes in the rules, regulations, and/or
121 codes shall have no more than six months to do so in order to reflect

122 public health and safety recommendations advised in the report as pertaining to the risk
123 analysis. Revisions shall be reviewed by the commission for integrity and alignment with
124 recommendations, with disputes resolved by the majority of the commission.

125 Section 3. The commission shall be appointed by an eight-person board, with board
126 members independent of commercial interests, shall nominate and review commission members.
127 Board members must be composed of individuals with a scientific or medical background and
128 individuals with relevant advocacy, public policy, and other backgrounds relevant to the tasks of
129 the commission; the latter individuals may be found in the leadership of relevant organizations or
130 designated representatives. Board members will be selected by the organizer of Healing Earth

131 Refuge. Board members will determine the organization of the commission, appointing one or
132 more chairs and choosing whether to assign coordination of a specific area of expertise to one
133 chair and another area to a co-chair.

134 The board shall appoint twelve full-time members to the commission and one lawyer.
135 The services of a lawyer competent in providing legal counsel relevant to the commission's task
136 must be insured. The board may appoint six more part-time or
137 temporary members as may be needed.

138 All appointments to the commission must have relevant knowledge, education, and
139 experience. Scientific and medical evidence of this may be exemplified by a history of studying
140 environmental health and biological effects of relevant subjects, along with a

141 familiarity of the mechanisms by which health effects occur; a breadth of study and
142 knowledge must exist in order to effectively clarify risks. Advocacy, policy, and scientific or
143 medical proof of knowledge may be underscored by relevant presentations,

144 publications, or by working on relevant, independent scientific meta-analyses such as
145 completed by the Bioinitiative Working Group.

146 Medical and scientific appointments shall be selected to encompass a wide variety of
147 knowledge and experience such as, but not limited to, knowledge of neurology, pathology,
148 genetics, biophysics, epidemiology, environmental effects, radiation

149 oncology, nephrology, cardiology, and ecological or environmental effects. The
150 commission should be composed of individuals preferably with no or, in some cases, with
151 minimal affiliations and financial ties to the industries involved, such as IT,

utility, wind, telecommunications, or solar companies; however, these kinds of companies may be asked to provide technical input.

In cases in which potential members have potential conflicts of interest due to financial interests, consideration can be given as to whether financial interests are so high as to be corrupting; whether actions may be taken to remove conflict of interest; or whether

a potential candidate should be removed from consideration. Each individual considered for appointment must make and submit a declaration of financial interests, investments, gifts, patent applications, paid expert testimony, grants, consultancies, present and

former affiliations relevant to the investigation, including from the following; a spouse, minor child, or general partner; an organization or entity in which the he or she serves as an officer, director, trustee, general partner, or employee, and; a person with whom he or she is negotiating for or has an arrangement concerning prospective employment. Financial interests related to industries impacted by the commission's work exceeding 15% of an individual's income should trigger an additional review process to determine whether the individual can be replaced by another, removed, should remain, or whether investments can be reconfigured to remove financial influences. Stocks can be managed to remove financial influences or placed temporarily in a blinded account. Commission members are prohibited from taking employment in industries subject to his or her investigation and judgment within two years following completion of commission service. In addition, in the case an individual is appointed to the commission and is required to take an action which would substantially affect his or her financial interests, unless this action is the same as on the general public, he or she shall be required to file a statement with the state ethical board in compliance with Massachusetts General Laws chapter

174 268A § 6A and additionally inform the board. In cases in which financial interests are judged to
175 exceed 15% of a commission member's income, the board may appoint the individual, but the
176 individual may be excluded from involvement in investigations relevant that member's financial
177 interests.

178 Despite this requirement, the commission may of course request information and
179 presentations from industry and other experts who may clearly have high financial stake in the
180 outcome; however, these individuals should not be considered members of the

181 commissions or serve as regular guests. In cases where an invited expert is expected to
182 have some kind of financial stake in the outcome by virtue of his or her job, such as an electrical
183 worker or electrical engineer, a statement of any other financial interests is

184 nevertheless to be declared clearly by the outside expert before beginning his or her
185 service, employ, or presentation to the commission.

186 In case of continuing absence, illness, or significant responsibilities barring attendance,
187 commission members shall appoint a substitute approved by the board to attend temporarily or
188 for the remainder of the commission. In addition, all commission

189 members may choose to appoint an individual with relevant knowledge on a temporary or
190 permanent basis in his or her stead, provided this individual is approved by the board. If these
191 representatives are unable to regularly attend in person or find an appropriate substitute due to
192 illness, financial needs, and other responsibilities, alternatively these representatives may request
193 a draft of the reports, recommendations, proposed legislation, and the like to serve from a
194 distance.

Section 4. Subject to appropriation and Massachusetts laws, all funding necessary to complete the commission's task shall be provided, including materials, staffing, and resources as follows.

The appointment board shall receive funds sufficient to cover the services of an accountant when needed, and each member shall receive an honorarium of \$600. Members of the commission and its support staff shall be compensated for time, as well

as for expenses incurred by travel, except when choosing to forego such payment or except in individual cases according to Massachusetts laws.

To support the commission's work, the following staff shall be necessary and may be selected by the board or chair(s)—however, the staff shall not be considered commission members:

(1) one full-time administrative assistant,

(2) one full-time scientific assistants for each chair,

(3) one part-time secretarial assistants for each chair,

(4) one full-time media and communications writer,

(6) assistance from additional experts for temporary or contractual expertise as required.

To support the commission's work, the following funds, materials, and resources shall be made available:

(1) access to any other governmental expertise or equipment necessary for research,

214 (2) access to medical and scientific journal databases,
215 (3) resources and materials or funds to perform necessary office work
216 (4) the option to invite presentations on relevant subjects, hold public hearings, or hold
217 one conference,
218 (5) meeting space when needed suitable for participants,
219 (6) funds or access to office supplies and equipment to make copies, prepare written
220 work, and communicate.
221 (7) web pages on the Massachusetts government website to promote the commission's
222 work and to keep publications posted, and linked, for at least three years following the initial
223 report, to on the opening page of the Massachusetts government website and the
224 front or opening pages of departments relevant to health, education, jobs, business, and
225 family.