

The Rt Hon Caroline Dineage MP
Minister of State (Minister for Digital and Culture)
Department for Digital, Culture, Media & Sport
100 Parliament Street
London
SW1A 2BQ

27 February 2020

Dear Minister,

I am writing to seek clarification from the government on liability for health risks relating to the 5G rollout, in particular the issue of indemnity for public bodies charged with safeguarding and public health. I note the changes to planning law in the National Planning Policy Framework (February 2019). These changes make it difficult for local authorities to object to applications by the telecoms industry relating to 5G infrastructure.

The following sections are of greatest relevance:

114. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development.

116. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Public Health England endorses these guidelines. Please see the following statement from the Ofcom website:

"In the UK, Public Health England (PHE) is responsible for providing advice to Government on all aspects of public health, including exposure to radio waves. PHE's position is that exposures to radio waves should comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). ICNIRP is formally recognised by the World Health Organization (WHO). The guidelines developed by ICNIRP cover all frequencies used for mobile telecommunications in the UK, including new 5G services."

The current government advice from Public Health England is as follows:

"It is possible that there may be a small increase in overall exposure to radio waves when 5G is added to an existing network or in a new area. However, the overall exposure is expected to remain low relative to guidelines and, as such, there should be no consequences for public health."

However, the December 2018 issue of The Lancet stated that **"A recent evaluation of 2266 studies (including in-vitro and in-vivo studies in human, animal, and plant experimental systems and population studies) found that most studies (n=1546, 68.2%) have demonstrated significant biological or health effects associated with exposure to anthropogenic electromagnetic fields."**

Lloyds of London has refused to insure against health effects from all wireless technology since 2010 (Exclusion 32) and there are currently no insurers in the world who will cover this. 5G is rated a high impact risk by reinsurers Swiss Re in their Emerging Risks Report (May 2019) which states:

*“To allow for a functional network coverage and increased capacity overall, more antennas will be needed, including acceptance of higher levels of electromagnetic radiation. In some jurisdictions, the rise of threshold values will require legal adaptation. **Existing concerns regarding potential negative health effects from electromagnetic fields (EMF) are only likely to increase. An uptick in liability claims could be a potential long-term consequence...**Other concerns are focused on cyber exposures, which increase with the wider scope of 5G wireless attack surfaces. Traditionally IoT devices have poor security features. Moreover, hackers can also exploit 5G speed and volume, meaning that more data can be stolen much quicker.”*

The above shows that 5G health effects are uninsurable and at the same time recognised by reinsurers as a high impact risk with regard to future litigation. Members of the campaign group Stop 5G Bath have received a letter from PHE's own solicitors, which exempts PHE from all liability in the event of future legal action relating to health effects from 5G if their guidance should turn out to be incorrect or misleading. In this letter they state:

“A public body must determine how much weight to put on the PHE guidance. Equally that body must determine what other evidence from your client or other members of the public or interested parties to consider in making any decision. If it be alleged that a public body now or in the future acted unlawfully in placing reliance on the guidance, that cannot retrospectively taint the guidance with illegality.”

(Quote from a letter from DLA Piper, UK solicitors for PHE, to Leigh Day solicitors for Karen Churchill et al., dated 8th August 2019 - hard copy available upon request.)

PHE's lawyers advise public bodies to balance PHE's guidance with evidence from other sources i.e. not only from ICNIRP. This contradicts the government's own planning regulations which require local authorities to adhere strictly to ICNIRP's guidelines (see above). This advice of course applies to other bodies responsible for health and safety, including multi-academy trusts who bear responsibility for the health and safety of all children and young people in their care, as well as other public sector employers. This gives no choice to public bodies about accepting a potentially catastrophic risk.

In light of the above, please could you confirm how the government plans to indemnify local authorities and other public bodies against future property, injury and health claims from members of the public relating to 5G?

I look forward to your response.

Yours sincerely,
Wera Hobhouse
MP for Bath