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Peter Bollinger, Counsel, LA County
5/11/20
500 West Temple St.
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LA, CA 90012

CC: Supervisor Sheila Kuehl,
Robert Glaser, Willian Chen, Amy Bodek Planning Department

Dear LA County Supervisor, Counsel and Planning Dept. Staff,

We write you today regarding the issue of lawsuits from wireless radiation, a known toxic pollutant and a request for proof of pollution insurance.

Although Section 704 of The Telecom Act has been interpreted by some to mean residents cannot complain of health effects from cellular infrastructure, we are challenging this in court, as we believe that was not the intent of Congress and that interpretation is incorrect and violates our basic right to life, quiet peace and enjoyment of our property, our obligation to protect our children, our 1st Amendment right to free speech and a few other things. However, aside from Section 704 of The Telecom Act, there is the issue of **pollution insurance** under which health claims must be covered from harm from wireless infrastructure. The Telecom Act does not prohibit people from requiring this from their county and/or city representatives who have the duty to protect the health of the residents, nor does it preclude objecting to installation and/or lawsuits under pollution insurance.

The county must do everything in its power to protect not only the

physical health of its residents but also the economic health of itself and other officials who might be named in future lawsuits on this issue. In the interest of doing as little financial harm to the county as possible, we write you today requesting a copy of the insurance or re-insurance policy that includes pollution, from the wireless carriers who are installing wireless transmitting equipment in the county. We would like to be sure that this insurance is in place and not purposely eliminated by the carriers, installers or manufacturers, thereby leaving the county and possibly personnel, financially liable. If the county is not currently in possession of copies of this insurance policy, you should formally request a copy of the pollution insurance from each of the applicants, naming the county as additionally insured up to \$1,000,000 per claim, for coverage of sickness, disability and death caused by EMFs (electromagnetic fields) from the wireless infrastructure they are installing and/or have already installed. This would protect LA County, Supervisors, officials and various staff from personal injury lawsuits.

General liability insurance defines EMF emissions as a pollutant and thus excludes any health claims as a result of exposure to it from their policies. Thus the applicant must produce proof of this pollution coverage which would include EMF induced illness, disability and death in order to adequately protect the county.

Indemnity is a form of "self insurance" offered by telecoms which may only be viable depending on cash reserves of the permittee and therefor does not suffice as a real insurance policy. The requirement for pollution insurance from a real, viable insurance or re-insurance company is a must.

The amount for lawsuits brought by residents who are beginning to match their health effects to the radiation that is causing them, due to the county's allowance for them to be exposed to 24/7 irradiation from the wireless infrastructure, including but not limited to small cells, is likely to be in the tens of millions of dollars, much greater than any lawsuit brought by the industry for denial of an antenna application.

LA County must understand the power of its own destiny. Other cities have denied applications for small cells and prohibited installation in sensitive and/or residential neighborhoods. The

Telecommunications Act of 1996, 47 USC 332 7 which establishes federal preemption over small cell deployment carries no monetary remedy for violations of the act. In other words if the county prohibits deployment "for the wrong reasons", the remedy in court is an injunction requiring the county to issue a permit. The telecoms cannot sue for monetary damages, penalties or even attorneys fees if they prevail. We have the legal cases on this should you request them as proof they cannot win against the county for damages and attorneys fees.

The county should deny all applications that do not also come with pollution insurance.

Thank you and Sincerely,
Liz Barris
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310-455-7530 (not a cell so no texts)