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1. Henry Barnett writes 15 Nov from France:

“I heard an interesting news report yesterday on French radio.

The RTE (the owners of the Electricity network and the high tension power lines) have lost a case brought against them by a farmer in the Corrèze after several deaths of his animals (pigs), who graze under a 400kv power-line. I have just found a link to a French press report that confirms what I heard.

<http://www.romandie.com/infos/news2/081114104016.ff8d59n1.asp>

Interesting that a farmer can be indemnified for the EMF effects (admitted!) to his animals but us mere mortals have not yet proved that the EMF causes us problems. What a sick world. An affair to follow.”

The judgment of 28 Oct against RTE was published 14 Nov, and RTE is to appeal. A slightly later report is at APPENDIX A, with online-translator.

<http://www.romandie.com/infos/news2/081114121741.1r3hg32s.asp>

2. Henry Barnett also draws attention to a similar case, in 2004, where the electricity company's appeal was not heard until 2007 and then lost. See APPENDIX B for an outline and comment from Henry.

<http://www.stop-tht.org/spip.php?article161>

3. In revolt news258.7 we reported the Rudiger-Lerchl probity case, “refreshingly” on the objectors' side of the mobile phones EMF controversy. We have heard no more since the discussion in Science magazine (news260.6) and this case remains in a “limbo of suspicion”, to borrow a phrase from NG's John Swanson.

4. Now a second case has arisen, this time in the work of Dr Gerd Oberfeld of the Public Health Department in Salzburg, Austria. A base station, around which Dr Oberfeld found a cancer cluster, turns out never to have existed according to an alleged Austrian court ruling!

<http://www.fmk.at/content.php?id=222&cb=196>

So far we only have industry-side reports, but look forward to hearing more in due course. This might highlight the importance of investigating the whole distribution of cancer clusters rather than concluding too much from a single cluster.

5. We have heard privately that financial pressures of legal costs were brought to bear which made it impossible for Dr Oberfeld to defend his case adequately. It would be regrettable if commercial power distorts the legal system (and science) in this way, but not surprising in the light of experience. I would encourage enlightened

companies, seeking legal determination of issues in the public interest (if that is really what they are doing), to consider bearing their own legal costs whatever the outcome. They can help to reduce the strong financial imbalance and bias in such cases. This would have the benefit of making both outcome and determination more credible, which would be helpful to any related scientific dispute. Unfortunately, the adversarial legal system doesn't seem to work like that, so I don't expect to see such enlightenment in my lifetime.

6. A long running example of a legal determination, which is in the public interest in the UK, is the Dermot Finnigan case at Sale near Manchester (news250.6-10 and 251.2-3 etc.). The Minute of Order of 9 May 2008 concludes the court determination. It determines the position of the boundary to the land, so that it is not crossed by the power line, either in swing or still air, and states that the line "does not and does not threaten to trespass into the airspace over Fairways Farm".

7. The safety clearance (which restricts building) for the line next to Fairways Farm does appear to extend into the airspace over a corner of the Farm land. We might be tempted to interpret this as a generic result for all neighbouring power lines. However, in the particular case, it may reasonably be judged that planning permission, for any building or mast at the corner of the land affected by the safety clearance, would not be granted. Apart from the site-specific aspects, it is green belt. The Minute of the court determination gives no explanation which would help us to know what would happen in another situation where planning permission might have been granted in the absence of a power line.

8. Unless another case comes up where planning permission would have been likely, that seems to conclude the safety clearance issue. BERR had already indicated that it disregards issues of safety clearances extending over neighbouring land, unsatisfactory though that is (news255.7).

9. There remains the separate question of alleged unlawful movement of the pylon by NG in the Finnigan case (news251.2, 250.9). The movement of the pylon related to planning permission, in the context of a Transport Order, and had been judged unlawful by Trafford Council. I am again asking BERR for a response on this point.

10. Following reports of power lines increasing risk of Alzheimer's disease (news263) the cost of this disease in the UK is said to be £17 billion per year.

<http://news.bbc.co.uk/go/em/-/1/hi/health/7746478.stm>

11. This permits a back-of-the-envelope calculation of the scale of impact of Alzheimer's disease (AD) compared with childhood leukaemia (CL), and of the value of a separation corridor between new powerlines and homes. SAGE valued childhood leukaemia cases (fatal and non-fatal) as on average about £1.6 million each. The 500 or so new cases per year are then valued at £800 million per year. The £17 billion cost of AD is then about 20 times as high. The relative risk and associated EMF exposure levels are similar for AD and CL. If living near powerlines does not differentiate between old and young, or those susceptible to AD or CL, then the benefit of the SAGE corridor option would be multiplied by about 20 if AD is considered as well as CL. SAGE had concluded that the costs of the corridor option outweighed the benefits (based on CL alone) by "a factor of at least 20". Including AD then roughly balances

cost and benefit. Given the continuing evidence for other diseases including adult leukaemia makes the corridor option more reasonable.

APPENDIX A Report 14-11-08 from romandie.com

Une ligne RTE à très haute tension jugée responsable des maux d'un élevage

TULLE - La justice, qui a condamné le gestionnaire du réseau français de transport d'électricité RTE à verser près de 400.000 euros à des éleveurs, vient pour la première fois d'établir un lien de causalité entre une ligne à très haute tension et des troubles sanitaires sur des animaux.

Un juge de l'expropriation du tribunal de grande instance de Tulle a condamné, le 28 octobre, RTE à verser 390.648 euros pour le préjudice "direct, matériel et certain" subi par une exploitation agricole implantée le long d'une ligne à très haute tension, à Latronche (Corrèze).

"La justice a directement établi un lien entre cette ligne électrique et les pathologies des animaux" du groupement agricole d'exploitations en commun (Gaec), se félicite son avocat, Me Philippe Caetano, engagé depuis 2003 dans une procédure d'abord administrative puis civile.

RTE a annoncé vendredi qu'il fera appel de cette condamnation. "C'est la première fois qu'un juge judiciaire se prononce contre RTE mais toutes les procédures devant des juridictions administratives ont toujours été rejetées", a déclaré à l'AFP Olivier Jallet, chef de la mission Communication et environnement juridique à RTE Sud-Ouest.

"Les nombreuses études scientifiques indépendantes menées depuis trente ans n'ont pas dévoilé l'existence d'un risque pour la santé à une exposition aux champs électromagnétiques", a-t-il ajouté.

En vingt ans, c'est la cinquième procédure contre une ligne électrique de RTE impliquant des animaux.

A Latronche, la ligne à haute tension était devenue en 1990 une ligne à très haute tension (supérieure ou égale à 400.000 volts).

L'exploitation agricole de la famille Marcouyoux, spécialisée dans l'élevage bovin et porcin, avait rapidement constaté des problèmes sanitaires affectant ses troupeaux -problèmes respiratoires, baisses des défenses immunitaires-- mais ce n'est qu'en 1998 qu'un technicien avait conclu à la surexposition des animaux aux champs électromagnétiques.

"La Chambre d'agriculture et les services départementaux s'en sont mêlés, écartant la source infectieuse liée à la mort des vaches", rappelle Me Caetano.

Le jugement, dont l'AFP a obtenu une copie, rapporte que "la maternité porcine a été arrêtée en raison d'un taux de natalité anormalement bas et d'un taux de mortalité infantile élevé", que "le hangar de stabulation accueille des génisses chétives souffrant

pour partie d'hémorragies ou d'avortements inexplicables" et que "10% du lait est perdu" en raison de maladies digestives ou génitales subies par les vaches.

Michel Marcouyoux, qui a monté en 1974 avec son épouse cette exploitation de 30 ha courant le long de la ligne électrique, se souvient d'avoir vu défiler "il y a une quinzaine d'années" tous les services vétérinaires pour détecter une éventuelle maladie du cheptel.

"On avait le choix de tout abandonner ou de reconstruire un bâtiment 1 km plus loin. C'est ce que nous avons décidé mais on a dû abandonner la porcherie parce que tout était de notre poche pour recommencer", a souligné cet agriculteur de 60 ans, interrogé par l'AFP.

"Ma femme est sourde, moi aussi et notre fils de 35 ans a des problèmes respiratoires", affirme M. Marcouyoux, qui fait désormais partie d'une association basée en Bretagne "Animaux sous tension".

"La nuit, si vous avez un néon à la main près de la ligne à très haute tension, il s'allume tout seul", s'inquiète-t-il.

(©AFP / 14 novembre 2008 13h17)

By online-translator.com:

A line RTE in very of high voltage considered responsible for troubles of an animal husbandry

TULLE - The justice, which compelled the administrator of the French network of transport of electricity RTE to pay about 400.000 euro to stockbreeders, has just established for the first time a causal relation between a line in very of high voltage and health disturbances on animals.

A judge of the dispossession of the higher level court of Tulle compelled, on October 28th, RTE to pay 390.648 euro for "direct, material and certain" detriment suffered by a farm established along a line in very of high voltage, in Latronche (Corrèze).

"Justice directly established a link between this power line and the pathologies of the animals" of the agricultural grouping of farms together (Gaec), its lawyer, Miss Philippe Caetano, enlisted man since 2003 in a first administrative then civil procedure is very pleased.

RTE announced on Friday that he will call of this condemnation. "It is the first time that a judicial judge is pronounced against RTE but all procedures in front of administrative jurisdiction were always rejected", declared to the AFP OLIVIER JALLET, leader of mission Communication and legal environment in RTE SOUTHWEST.

"Many independent scientific studies led for thirty years did not reveal the existence of a health hazard to an exhibition in the electromagnetic fields", he added.

In twenty years, it is the fifth procedure against a power line of RTE implicating animals. In Latronche, the high voltage line had become in 1990 a line in very of high voltage (the upper or equal to 400.000 volts).

The farm of the family Marcouyoux, specialised in bovine and porcine animal husbandry, had fast determined the health problems affecting its herds - respiratory problems, falls of immune system - but it is only in 1998 that a technician had concluded in the overexposure of the animals in the electromagnetic fields.

"Farmers' association and departmental services mingled, moving aside the contagious source linked on the death of the cows", reminds Miss Caetano.

The judgement, from which the AFP got a copy, brings back that "porcine motherhood was stopped because of a birthrate abnormally low and of a high infantile mortality rate", that "the shed of animal housing welcomes weak heifers suffering partly from hemorrhages or from unexplained abortions" and that "10 % milk is lost" because of digestive or genital diseases suffered by the cows.

Michel Marcouyoux, who took up in 1974 with his wife this 30 hectare working running along the power line, remembers having seen marching "about fifteen years ago" all veterinary services to discern a possible illness of the livestock.

"There was the choice to leave everything or to rebuild a building 1 km farther. It is on what we decided but it was necessary to leave the pigsty because everything was of our pocket to begin again", underlined this 60-year-old farmer, questioned by the AFP.

"My wife is deaf, also and our 35-year-old son has respiratory problems", asserts Mr Marcouyoux, who is part from now on of an association based in Brittany "Animals under high pressure".

"At night, if you have a neon at the hand near the line in very of high voltage, he switches on all alone", he gets worried.

APPENDIX B Henry Barnett's outline and comment on a French farmer's 2004 EMF case.

It was a similar case of a farmer, Monsieur Yves Juvenon, contesting the impact of the THT on his animals. The court (Tribunal Administratif de Grenoble, September 2004) order a study of the EMF effects by an expert and the EDF then lowered the voltages in the electricity lines concerned. The study was never completed and consequently the court could not rule. The court said /"The evidence shows clearly that EDF willingly stopped the court appointed expert from carrying out his mission. That the EDF transferred the current to other lines in order to make the subject line inoffensive. That the EDF willingly provided documents that were incomprehensible and incorrect and therefore unusable..."/ and the EDF/RTE were told to pay all the legal fees. They appealed (Cour Administrative d'Appel de Lyon, mars 2007) and lost!

This is interesting as it shows how far the EDF/RTE will go to suppress the adverse effects of these lines and the courts were clear in their condemnation of them. They obviously dared not do the same thing again here.
