MICRO WAVE NEWS

A Report on Non-Ionizing Radiation



# NCRP Pressured CDC To Remove Cell Phone Safety Advice

## You Say "Caution," We Say "Precaution," Let's Call the Whole Thing Off

**January 13, 2016**

The NCRP was the driving force behind the removal of cautionary advice in a CDC fact sheet on cell phone use. Senior officials at the National Council on Radiation Protection and Measurements pressured the Centers for Disease Control into deleting the cautionary language in August 2014.

The NCRP is an influential policy-setting group, chartered by the U.S. Congress to serve the public health. Its major focus has always been on ionizing radiation, more often than not giving short shrift to the non-ionizing side of the spectrum.[1] NCRP's intervention has come to light with the release of 518 pages of internal CDC e-mails.[2] The documents were first revealed by the *New York Times* and later made public by the Environmental Health Trust (EHT).

On August 19, 2014, James Cassata, the then executive director of the NCRP,[3] contacted Robert Whitcomb Jr., the acting chief of the Radiation Studies Branch at CDC's National Center for Environmental Health (NCEH) in Atlanta, and a member of the NCRP. Cassata was disturbed by a recommendation that appeared in a fact sheet posted on the CDC Web site. The offending language was:

> "Along with many organizations worldwide, we recommend caution in cell phone use."

Cassata was also not happy about an article —headlined, CDC Calls for Caution on Cell Phones: First Federal Agency To Acknowledge Risk— which had been published by *Microwave News* a few days earlier.

Cassata told the CDC that he rejected any insinuation that "caution" meant "precaution." Cassata wrote that *Microwave News'* report that "CDC endorses precaution is a miss statement [sic] of the

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facts" (p.361). He sent the same message to Jerry Bushberg, the chairman of the NCRP board of directors.

Cassata went on to say that when CDC states, "We recommend '… caution in cell phone use' [this] is not the same thing as endorsing the concept of precaution. Precaution leads to prudent avoidance which is not scientifically justified in my opinion." (p.361) Prudent avoidance has come to mean taking low-cost steps to reduce uncertain risks.[4]

Whitcomb soon replied on his Blackberry telling Cassata and Bushberg that he and his team were "rewording this fact sheet, as it [had] slipped by us before posting." (p.361) Whitcomb copied the message to John Boice, the president of the NCRP.

A few hours later, Bushberg sent his own message to Whitcomb, with copies to Cassata and Boice. "Changes are truly needed," he advised, adding, "Let me know if NCRP can help in any way." (p.360)

The following day, the fact sheet was changed. The CDC no longer endorsed caution. The text now reads:

> "There is no scientific evidence that provides a definite answer to that question [can using a cell phone cause cancer?]. Some organizations recommend caution in cell phone use. More research is needed before we know if using cell phones causes health effects."

The CDC added a sidebar, under the headline, "Why has the information on this page been updated?," which explained:

> "Revisions [had been] introduced which inadvertently led some visitors to the web page to believe that a change in position had occurred."

We asked Whitcomb on how large a role had NCRP played in his decision to back off advising caution. He did not reply.

## Bushberg Health and Medical Physics Consulting

Bushberg, a clinical professor of radiology at the University of California, Davis, believes that cell phones are radiation safe. Last summer, he told the *New York Times*:

> "We've been looking for signs of adverse effects at low levels for over 50 years without success. We can't say it's impossible, but if there is a risk it would be very, very low, or we would have seen an increase in brain cancers."

In addition to his duties at the university and for the NCRP, Bushberg runs a health and medical physics consulting firm in Sacramento, the state capital. He has long served as an expert witness for the cell phone and broadcast industries on the health effects of RF energy, servicing, among others, Cingular Wireless (now AT&T), Crown Castle, Newpath Networks, and Verizon (through Mackenzie & Albritton, a San Francisco law firm). Crown Castle calls itself "the nation's largest provider of shared wireless infrastructure." Bushberg has also helped town officials evaluate

proposals for siting cellular antennas. In one lengthy and controversial case, he testified for broadcasters who wanted to site high-power antennas on Lookout Mountain outside of Denver.

We asked David Smith, the executive director of NCRP and its ethics officer, whether members of the NCRP leadership are required to file conflict of interest (COI) statements. He did not reply. (Smith replaced Cassata in August 2014.[3])

Boice, the NCRP president, has taken his own strong stand against any possibility that cell phone could pose a health risk. For instance, in an editorial published in the *Journal of the National Cancer Institute* in 2011 —before he joined NCRP— he wrote, with his colleague, Robert Tarone:

> "In considering the need for future cell phone health research, it should be kept in mind that in addition to the negative epidemiological data, there is no known biologically plausible mechanism by which nonionizing radio waves of low energy can disrupt DNA and lead to cancer."

Boice is a coauthor of the controversial Danish cohort study, which is purported to show no cancer risk. Its methodology has been criticized as flawed.

The NCRP last reviewed the RF health literature and issued exposure guidelines 30 years ago. In 2003, Tom Tenforde, Boice's predecessor as NCRP president, terminated an ongoing project to take a fresh look as to whether revisions were needed (see *MWN,* J/A02, p.7 and M/A03, p.9). Nothing much has happened since then.[5]

## The Goal Was Clear Communication

The CDC e-mails detail how the cautionary recommendation came about. It is a story that contradicts the official story line —and a story that is laced with more than a touch of irony. The version of the fact sheet, titled *FAQ About Cell Phones and Your Health*, which advised caution was *not* written by the Radiation Studies Branch. Rather it was developed by a team in CDC's Office of the Associate Director for Communications (OADC), which is dedicated to promoting the clarity and effectiveness of agency documents.[6]

The story starts in June 2011 when the radiation branch, prompted by the NCEH Director Christopher Portier, updated its fact sheet following IARC's designation of RF radiation as a possible carcinogen. (pp.324-328) This new version did not mention the word "caution."[7] Then, in 2013, CDC's Health Literacy group, within OADC, decided to refresh the 2011 text in order to put it into "plain and easy-to-understand language." It was that updated version which included the cautionary language that so disturbed the NCRP. That same version also stated:

> "If RF does cause health problems, kids who use cell phones may have a higher chance of developing these problems in the future."

This too would later be deleted. (The text of the now discarded June 2013 fact sheet is here.)

## Subject Matter Experts

In August 2014, when *Microwave News* learned of the cautionary language in the fact sheet, we asked the CDC for a comment about what appeared to be a significant change in policy within the federal government. No one ever replied, but a response was drafted. It appears a number of times in the CDC e-mails. (for instance, pp.121-122) The draft explains that, after NCEH Director Portier retired in May 2013, the agency was left without the necessary expertise to support the fact sheet. (He had been a member of the IARC panel which designated RF a cancer risk.) Once Portier was gone, it appears, there was no one else for the CDC to turn to in its Atlanta offices for advice. Members of its Radiation Studies Branch, including Whitcomb, may not have felt they were not in a position to step in because their training is in ionizing, not RF or microwave, radiation.

Who then advised the CDC after Portier left? And did he or she vet the fact sheet before it was posted on the Internet? The answers are not obvious from the CDC e-mails. One reason for the lack of clarity is that the agency uses a bureaucratic term to refer to those who serve as its consultants. They are called "subject matter experts" or SMEs for short. CDC staff rarely used the full name of the SMEs. In a number of CDC e-mails, the SME who reviewed the fact sheet with OADC's cautionary language is called "Jim," but no surname is given. (for one example: pp.117-118).

It turns out that Jim is James Smith, a former director of the CDC radiation branch, who now teaches at Emory University in Atlanta, which is a ten-minute walk from CDC. (Smith's experience is also mainly with ionizing radiation.) In an e-mail exchange with *Microwave News,* Smith confirmed that he reviewed the draft OADC fact sheet twice, once in August 2013 and again the following November. "I was the reviewer in 2013 for the cell phone piece and I suggested the draft language about using caution as a way of responding to the question do cell phones cause cancer," he wrote.

Whitcomb and his staff also looked it over more than once. This sequence of events is confirmed in a time line assembled by the radiation branch to determine how the cautionary language came to be. (p.518)

The cautionary advice had not "slipped" by the CDC radiation staff, as Whitcomb told NCRP's Boice, Bushberg and Cassata. The fact sheet was checked, double-checked and triple-checked before it was posted on the Internet. No one objected to what seemed like common sense advice, especially since a large number of countries had already done so and IARC had designated RF radiation as a cancer concern.

But the story line changed after the NCRP objected. The NCRP was dead set against any part of the government adopting a precautionary policy. CDC quickly backed off.

Jim Smith had not realized he was stirring up a hornet's nest. "I certainly had no intention of suggesting a policy change … It was just a bad choice of words," he later told the *New York Times.*

Was anyone else giving advice to Whitcomb at the radiation branch? Did the CDC have any other RF/microwave SMEs? The CDC e-mails reveal there was at least one other: In early June 2014, the agency brought Ken Foster of the University of Pennsylvania "onboard." (p.254) Foster is a well-know skeptic of RF health risks and has made his views well known in a continuing series of papers and articles over the last 30 years. Back in 1987, he advocated an end to RF research (see *MWN,* J/F88, p.2). We contacted Foster to see if he had a part in deleting the cautionary advice. He replied that he had nothing to do with it. "I was not part of the process or even knew about it except from reading your comments on it," he said.

We asked CDC for the names of its SMEs. The agency declined to tell us who they are. Indeed, the CDC media office did not answer a single question we sent in.

We wondered whether Joe Bowman, who works for NIOSH in Cincinnati, might be one. He would have been a logical choice since NIOSH is part of the CDC and he is an SME for NIOSH on both EMFs and RF/microwaves. Back in 2011, Charles Miller, the then head of the Radiation Studies Branch —Whitcomb's predecessor— recommended that the text of the fact sheet be "cross-cleared" by NIOSH. (p.336) There is no indication in the e-mails that anyone from the radiation branch, or any other part of CDC in Atlanta, ever spoke to Bowman. He confirmed that he is not an SME for the radiation branch and that the CDC did not contact him.

## Advice for the Concern

In our exchange, Jim Smith explained that his recommendation for caution was targeted at those users who are "concerned" about the cancer risk. We asked him, if radiation specialists at CDC's radiation branch did not have the expertise to make the call on cell phone safety, how could the average person possibly do so? The public looks to the CDC for advice, we said. Smith replied that he would give it some thought.

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1. The number of NCRP members with expertise in non-ionizing is dwarfed by those specializing on ionizing radiation. (A list of Council members is here.) For an example on how the NCRP deals with non-ionizing radiation, see, for instance, *MWN,* J/F00, p.2.

2. The page numbers in the text identify the location of a specific passage in the 518-page compendium, which can be downloaded here. Many of the messages appear multiple times as is common when e-mail strings accumulate over time and the messages of both sides of a conversation are assembled in one document. The original CDC e-mail file is not searchable, but Mast Victims —an activist group based in the U.K., which calls itself "an international community and online forum for microwave-harmed people"— has converted the pdf document into a searchable text file with keys to the original page numbers. You can download the searchable version here.

3. That same August, Cassata left the NCRP to join the Nuclear Regulatory Commission. He is a member of the NRC's Division of Nuclear Materials Safety Management and Support. He was replaced by David Smith.

4. The term prudent avoidance, was popularized by Granger Morgan, Indira Nair and Keith Florig at Carnegie Mellon University in the late 1980's as a low-cost strategy to reduce potential risks from power-frequency EMFs. Many call it the American equivalent of the Precautionary Principle, used widely in Europe. Prudent avoidance is much like ALARA, a policy frequently applied to minimizing health risks from ionizing radiation.

5. In 2003, the NCRP issued a "Commentary" on *Biological Effects of Modulated RF Fields.* It states: "This commentary concludes that the scientific literature related to modulation-dependence of biological effects of RF energy is not sufficient to draw any conclusions about possible modulation-dependent health hazards of RF fields, nor is there any apparent biophysical basis from which to anticipate such hazards apart from exposure to very intense RF pulses produced by some specialized military equipment." Om Gandhi chaired the committee that wrote the commentary. Among its six other members was Ken Foster.

6. The CDC had "committed" itself to using plain language when communicating with the public in the spirit of the Clear Writing Act of 2010. The agency had even developed a metric to measure improvements; it's called the Clear Communication Index (CCI). The OADC group used the cellphone fact sheet as a case study to show how a CDC document can be improved. (pp.213-214) The two versions were later tested with a panel of consumers. Among the findings were: "Although respondents rated the revised Index-designed material higher on all items where there was statistical significance at the 0.05 level of less, their comments suggest they did not perceive much value in the information when the information was clearly expressed." (pp.96-99)

7. The original version of the fact sheet came out in 2005.

*CDC, NCRP, precaution, cell phones, James Cassata, Robert Whitcomb, Jerry Bushberg, John Boice, David Smith, James Smith, Christopher Portier, Ken Foster, Joe Bowman, Granger Morgan, Indira Nair, prudent avoidance,*

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