



# S 5632 A

**An act to amend  
the general  
business law, in  
relation to  
consumer  
protection and  
utility meter  
choice.**



**Thanks to  
New York State  
Senator  
Pete Harckham  
& others who have been  
working on this issue for years!**

# Important Definitions:



“Analog”



“Digital”



“Consumer”

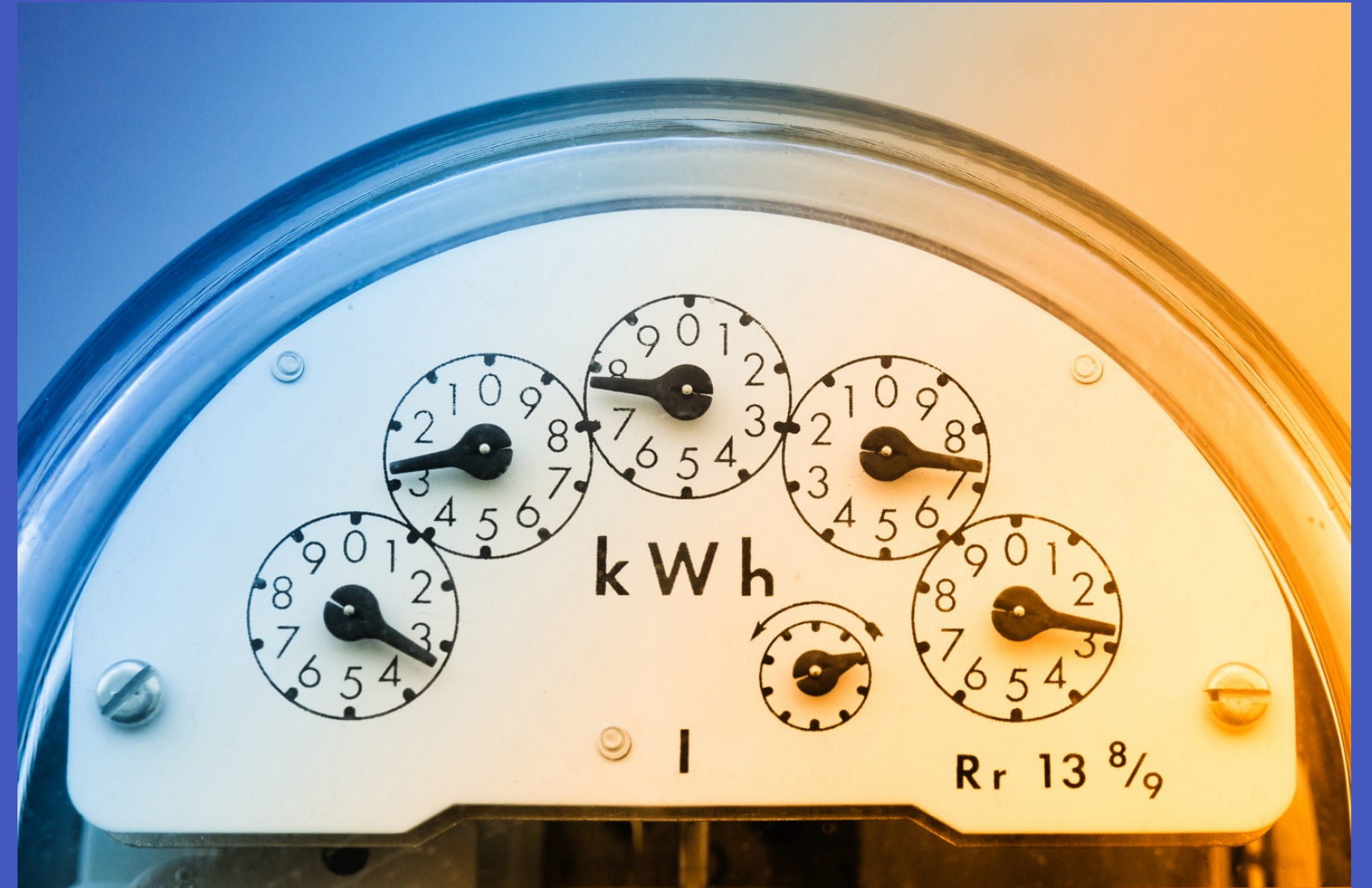
**It shall be the right of every consumer, at no penalty, fee or service charge, to decline permission for a utility**

**(a) to replace an existing analog utility meter with a digital meter; or**

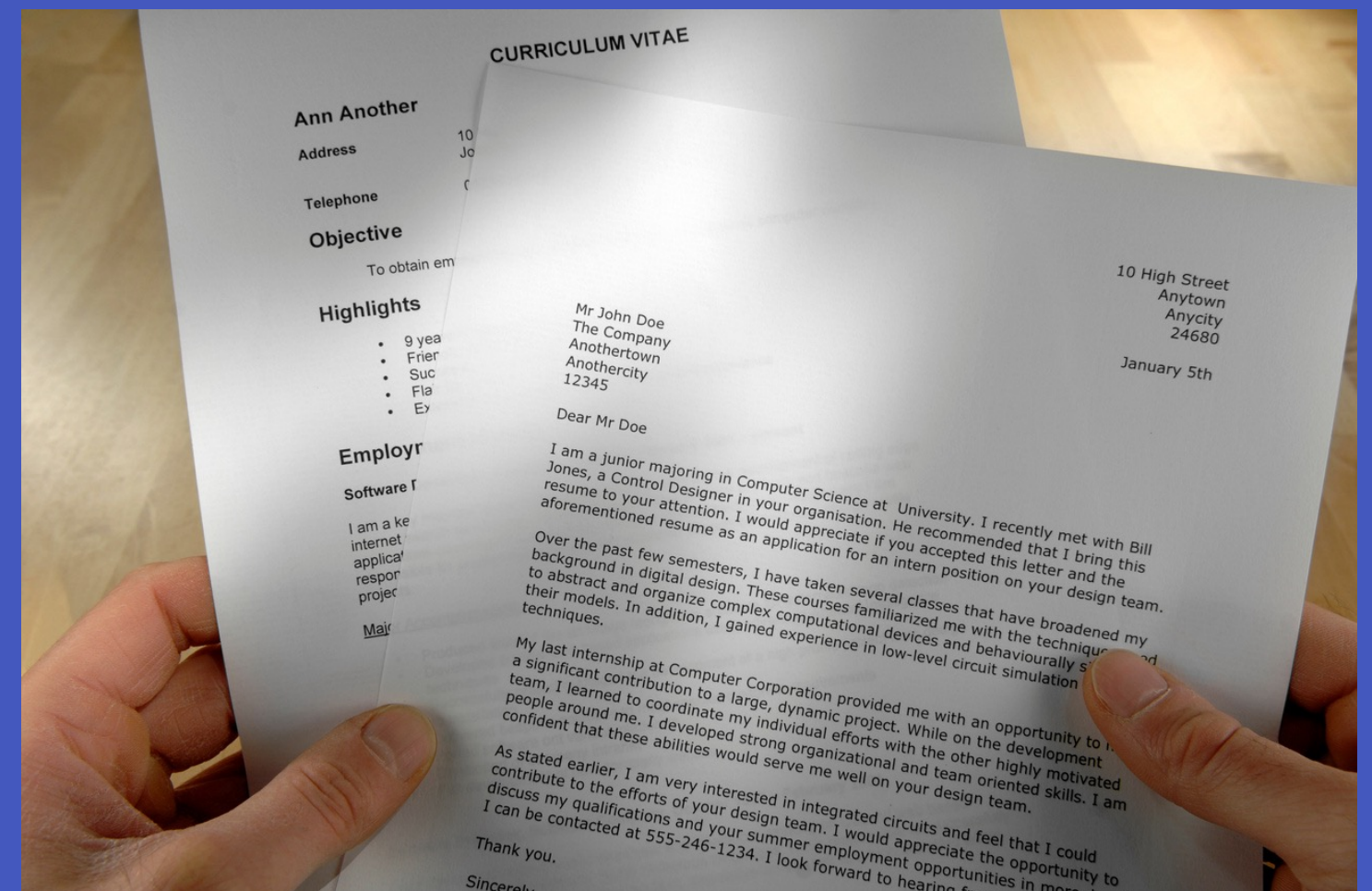
**(b) to install a digital utility meter without the consumer's consent.**



**It shall be the right of every consumer, at no penalty, fee or service charge, to require their utility to replace an existing digital utility meter with an analog utility meter.**



**A utility must provide written notice to the consumer no less than ninety days prior to the scheduled installation of a digital meter meter, so that the consumer may decline permission for such installation.**



**The consumer may, at any point in time following the installation of a digital utility meter, require the removal of such device and its replacement with an analog utility meter, with no fee, penalty or service charge.**



**A utility must comply with a consumer's instructions within ten days of receipt if the consumer suffers from electromagnetic sensitivity, or within thirty days of receipt in all other cases.**

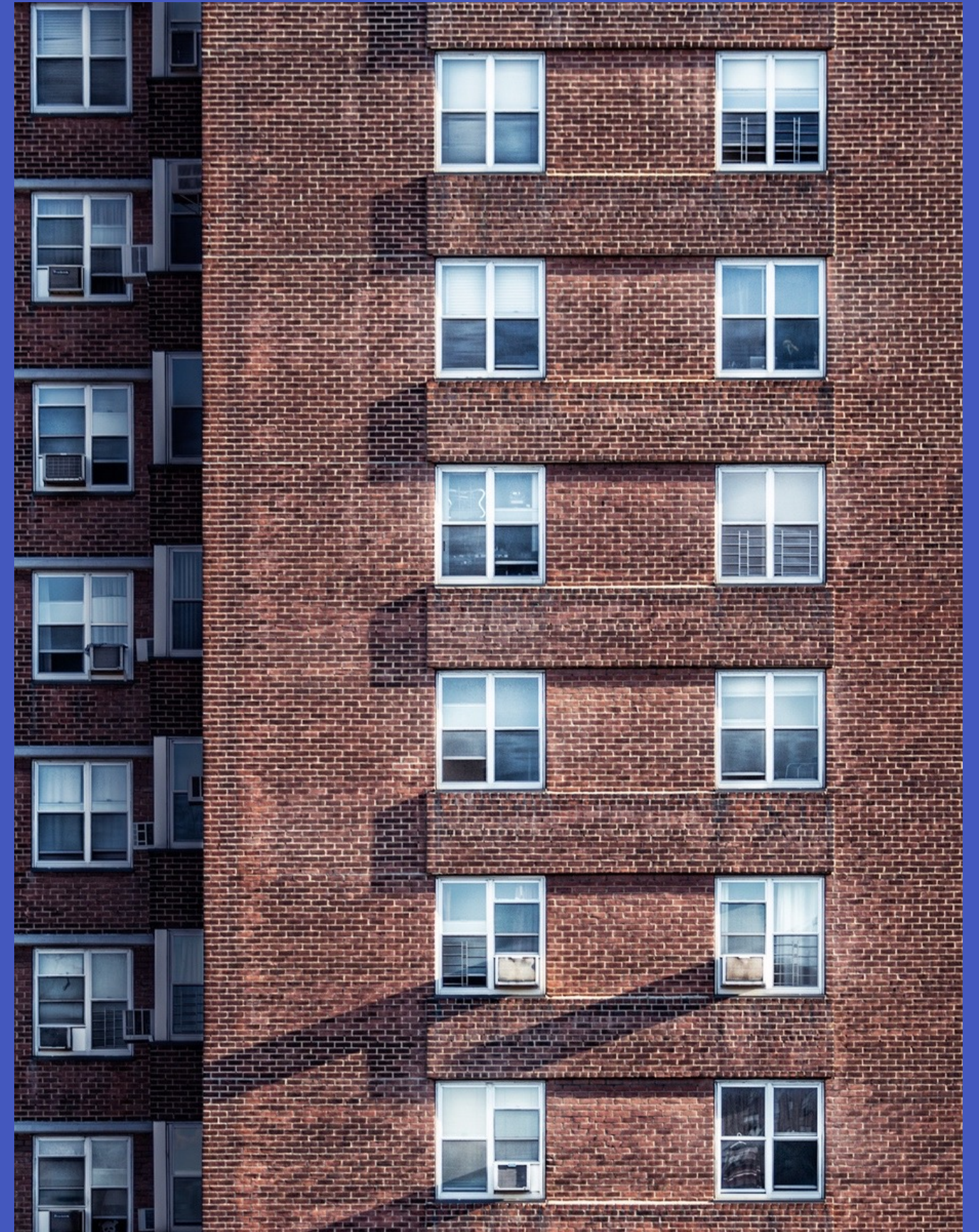




**For buildings with multiple units , utilities may not install or upgrade any digital utility meters at such a building if fifty percent or more of residents decline permission for such installation.**



**For buildings with multiple units , utilities shall remove a digital utility meter assigned to a consumer's account and replace with an analog meter when requested by such consumer.**



**The public service  
commission shall  
prescribe such rules  
and regulations to  
effectuate the  
provisions of this  
section as it may deem  
necessary.**





Americans4rt.org/  
nysmartmeters

## New York's Digital Meter Opt-Out Bill S5632-A

New York State Senator Pete Harckham has introduced landmark legislation that would allow all utility consumers in NY State to "Opt-Out" of the installation of a digital meter with no penalty and no cost. Here is our analysis of the problem and the solution

### SUMMARY

Digital utility meters, including "smart" meters, are electronic devices that use pulsed radio-frequency (RF) radiation to operate and/or wirelessly transmit customers' utility usage data back to the utility. S-5632A amends the general business law in relation to consumer protection and utility meter choice by giving all New Yorkers the right to "opt out" of a digital meter.

### EXISTING LAW

There is currently a patchwork of local utility policies regarding the right of consumers to opt-out of the installation of digital meters. As a result some customers can fully opt-out, others can opt-out with a penalty, and some cannot opt-out at all. Recently some customers with solar panels have been forced to accept a digital meter, even though their analog meter was working perfectly. A clear, comprehensive statewide policy is required.

### PROBLEM

Some individuals are particularly sensitive to RF radiation. Currents of electromagnetic



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All digital utility meters (transmitting and non-transmitting) employ switch-mode power supplies which emit constant RF radiation. There is no such thing as a "safe" digital meter.



## AMERICANS FOR RESPONSIBLE TECHNOLOGY

### LEGISLATIVE ANALYSIS S-5632 (Harckham) DIGITAL UTILITY METERS

#### SUMMARY

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#### EXISTING LAW

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#### PROBLEM

Some individuals are particularly sensitive to RF radiation. Symptoms of electromagnetic hypersensitivity (medical code ICD-10 W-90) include headaches, dizziness, nausea, disorientation, and insomnia. Prolonged exposure can result in severe and debilitating medical conditions.

Thousands of scientific studies have demonstrated that low levels of RF radiation (below thermal levels) can interfere with biological functions in lab animals. A major

study by the National Toxicology Program (a division of the National Institutes of Health) found "clear evidence" of an increased cancer risk from exposure to RF radiation.

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Digital utility meters transmit valuable personal usage information that is easily hacked and could be used for unlawful purposes.

Digital utility meters have also been implicated in numerous fires, including devastating wildfires in California.

#### SOLUTION

**S-5632** recognizes the right of energy consumers, regardless of where they live in New York State, to decline a digital meter with no penalty or cost. Electric, water or gas utilities must provide customers with advance notice and the opportunity to "Opt-Out" of digital meter installation. Existing digital meters must be replaced at customer's request. Utilities may not install digital meters in apartment buildings if more than 50% of the residents object, and individuals in apartment buildings may choose an analog meter for their service.

*Americans for Responsible Technology is a project of Grassroots Communications, Inc, a registered 501 (c) (4) science-based non-profit organization.*

## The Case for Digital Meter Opt-Out Legislation



Digital meters, including so-called "smart" meters, are electronic devices that release constant pulsed radiofrequency (RF) radiation. These meters collect and/or wirelessly transmit customers' utility usage data. Digital meters replace safe, reliable analog meters that do not emit RF radiation.

**Digital meters do not protect privacy, reduce utility usage, save consumers money, increase reliability or provide any benefits to consumers.**

Exposure to RF radiation has been proven to **negatively impact brain development**, and is often associated with the onset of neurological and physical symptoms of radiation sickness. An extensive study by the **National Institutes of Health** showed an increased risk of cancer from exposure to RF radiation.\*



**Two way digital meters are a problem. But so are one way and non-transmitting digital meters.** In any kind of digital meter, switch-mode power supplies create their own RF radiation that can radiate throughout a home or apartment. That radiation is debilitating to sensitive individuals. **Digital meters also increase the risk of electrical fires.**

**The solution is simple.** Let utility customers retain or recover their analog utility meters with no penalty. Analog meters have served consumers well for generations, keeping them safe, secure, and their personal data private.

### Support REAL Digital Meter Opt-Out Legislation S-5632 (Harckham)

- \* See Aldad, et al, [Fetal Radiofrequency Radiation Exposure From 800-1900 MHz-Rated Cellular Telephones Affects Neurodevelopment and Behavior in Mice](#). *Science Reports* 2:312. (2012).
- \* See also the website of the National Institutes of Health: <https://www.niehs.nih.gov/health/topics/agents/cell>
- \* To read hundreds of studies demonstrating human health impacts from RF radiation exposure, please see <http://www.americansforresponsibletech.org/scientific-studies>



[www.AmericansForResponsibleTech.org](http://www.AmericansForResponsibleTech.org)



### Background Information on Digital Utility Meters

**1. There are two categories of digital utility meters that have been approved by the New York State Public Service Commission (NYPSC) and are available in New York State:**

• **Analog Utility Meter** - An electro-mechanical utility meter that has been safely used for decades to measure electric, water and gas usage. Analog meters are not a fire hazard because they do not contain or utilize flammable electronic components. Analog meters cannot transmit or conduct radiofrequency (RF) radiation or electromagnetic interference also known as dirty electricity. Analog meters protect privacy and have no capability to collect private utility usage data. An analog meter, for electric service, acts as a built-in mechanical grounding system, with surge/lightning arrestors that protect a consumer's electric system from fires and damaging power surges from the grid.<sup>1</sup>

• **Digital Utility Meter (aka AMR, ERT, AMI, PLC, Smart, non-transmitting digital)** - A computerized electronic utility meter used to extract, measure, store and/or transmit electric, water or gas usage data to the utility. These meters present a fire hazard because they contain flammable electronic components, including switch mode power supplies, antennas, and batteries. These components contaminate electrical wiring and the grid with conducted RF radiation and electromagnetic interference ("dirty electricity"). Digital meters, either one-way or two-way, pollute the environment with transmitted pulsed RF radiation for large areas around the meters. Digital meters do not contain surge arrestors or circuit breakers, which are essential for safety. Digital meters are not Underwriter's Laboratories (UL) approved.

**2. In the mid-2000s, the NYPSC approved the deployment of digital utility meters.** In doing so, the NYPSC relied on testing procedures from the 2003 NYSDPS Operating Manual 92.<sup>2</sup> These test protocols were specifically designed to test analog utility meters for metering accuracy, not safety, performance or RF radiation emissions. Had the meters been properly tested for fire risks, electrical interference and emissions, the meters most likely would never have been approved.

**3. Once the NYPSC approved digital meters, utility companies began to remove analog meters from New Yorkers' homes and businesses and replace them with digital meters, in most cases without prior notification or consumer consent.** The goal of the meter replacement project was to save the utilities money by eliminating meter reader jobs, and to extract customers' private utility usage data that the utilities could then sell to third parties. In addition, utilities planned to use digital meters to force time-of-day utility pricing on customers, a practice that discriminates against certain customers who cannot, for

<sup>1</sup> U.S. Patent No. US3735259A *Overvoltage Surge Arrester for a meter*

<sup>2</sup> Department of Public Service *16 NYCRR Part 92 Operating Manual - March 14, 2003*