



# AMERICANS FOR RESPONSIBLE TECHNOLOGY

## LEGISLATIVE ANALYSIS S-5632A – A-9148 DIGITAL UTILITY METERS

### SUMMARY

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Digital utility meters, including "smart" meters, are electronic devices that use pulsed radio-frequency (RF) radiation to operate and/or wirelessly transmit personal information about customers' utility usage data back to the utility. **S-5632A** and **A-9148** amend 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

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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. Some customers with solar panels have been forced to accept a digital meter, even though their analog meter was working perfectly. A clear, comprehensive, uniform statewide policy is required.

### PROBLEM

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Digital utility meters transmit private personal usage information that is easily monitored or hacked and can be used for a multitude of unlawful purposes.

Digital utility meters have a long history of technical problems, including explosions, fires, and over-charging. Utility workers report that digital meters frequently need to be repaired or replaced.

All digital utility meters (transmitting and non-transmitting) employ switch-mode power supplies which emit constant RF radiation.

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.

### SOLUTION

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**S-5632A** and **A-9148** recognize the right of 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.

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