

Communiqué from Prof. Angelo G. Levis

Judgment of the Appeal Court
regarding the recognition of occupational illness due to
the use of a mobile and cordless phone

I am sending you a message regarding one of my clients affected by a tumour in the head following the intensive use of mobile telephony [MT: mobile phone and wireless DECT phone].



Pr. Angelo G. Levis - Photo ajt. Next-up organisation

The pathology of M. Innocenzo Marcolini was a neurinoma on the 5th cranial nerve (Gassner ganglion and the trigeminal nerve), after more than 10 years and 15,000 hours making use of MT. Also M. Stradiotti has brought a civil suit against INAIL [Italian department of labour insurance] following a parotid carcinoma after more than 20 years and 30,000 hours making use of MT.

Both of them are right-handed and were "struck" on the left side of the head. Both were involved professionally in customer services for the customers of the companies they worked for.

They used their right hand for making notes and the left for holding the mobile phone. As a result their tumours were ipsilateral [on the same side as the telephone], as are most of those studied by Prof. Hardell et al.

The length of time that both these people used mobile telephones is considerable, a factor that corroborates the conclusions of Prof. Hardell, who has reported a statistically significant increase in tumours in the head, in particular of the cerebral astrocytoma [a tumour that spreads and penetrates slowly] and the neurinoma of the acoustic nerve, in people who make use of MT with 500-2000 hours of exposure and/or a latency of at least 10-15 years.

It is notable that for tumours of the parotid gland, the only positive data on the use of a mobile phone comes from the scientific literature of the Israeli section of the Interphone Project (Sadetzki 2008), which has been ignored in most recent presentations of the conclusions of the Interphone study. For the trigeminal neurinoma there is no information in the scientific literature.

The case of Mr Innocenzo Marcolini was evaluated by three different bodies.

The undersigned: Prof B. Saia (professor of occupational medicine) and Dr G. Grasso (the neurosurgeon in Brescia who operated on Mr Marcolini and Mr Stradiotti and supervised their subsequent clinical treatment).

In the first hearing, counsel for the prosecution, who had made almost no effort to study either the scientific literature or the report of the expert witnesses, denied that there was any connection between the pathologies and the use of mobile phones, and as a result the Court decided in favour of INAIL.

However in the hearing before the Appeal Court Dr Ottavio di Stefano, head of the medical service in the main hospital of Brescia, gave a serious presentation of the scientific literature, citing the data from the four most recent studies of Prof. Hardell (study of sample cases of malignant cerebral tumours of 2006 and 2009, as well as Kundi's comprehensive analysis of 2009). The content of this material does not provide grounds for a definitive assessment, but reveals the limitations inherent in this type of study, which all conclude that there is an additional risk of cerebral tumours and in particular of neurinomas in connection with an exposure for more than 10 years to the radio frequencies from DECT wireless phones and mobile telephones The anamnestic figure [based on the case history] for the period of exposure is more than 10 years

The 2006 study of Prof. Hardell et al reveals a risk factor of 2.9 in the case of exposure for more than 10 years, which is very significant ... Thus it is in relation to a personal situation that the experts have introduced "the notion of a probable consequence" and the "evaluation of a causal link even if weak", which must carry weight in the decisions of Social Security... It is their role to take into account this probable causality.

Consequently, at least as far as wireless radiation is concerned, it is deemed "probable" that it contributed to the development of the cancer that M. Innocenzo Marcolini suffered from.

The Appeal Court concluded as follows [*in explaining its judgment*]: "The question under consideration may be analysed thus: the exposure to radio frequencies as described in the case history continued for an effective period of more than 10 years; this parameter very probably played a major part in the reasons for the development of the cancer suffered by M. Marcolini. The loss of physical wellbeing resulting from the illness and its consequences is estimated at a level of 80%."

"The present case has great importance since as far as I know it is the first one, and it will be difficult to obtain a different verdict in the High Court," declared Maître Danilo Mina of Brescia, defence counsel for M. Innocenzo Marcolini, on the basis of this decision.

Thus there is official recognition that there is a link of causality or at least of a contributing cause, in that exposure in the workplace to wireless radiation from mobile telephony can contribute to malignant pathologies, and this leads in turn to the recognition of and compensation for the suffering of a physical handicap, which in the present case has been evaluated at 80%.

As soon as I have the full report of the verdict I shall send it to you all. In theory it will be published in about 20 days.

Meanwhile I will be grateful if you could broadcast and circulate this information.

Cordially

M. Angelo Levis