

John Tierney,
Irish Water,
PO Box 860,
South City,
Delivery Office,
Co. Cork

(By Registered Post)

Mr. Tierney/Irish Water and all agents thereof, this is a formal rejection of Irish Water's proposed metering services and water charges. Do not install meters at the listed addresses; do not send out promotional materials or forms requesting data; and do not attempt to bill those who are named, for unsolicited services. This applies equally to all other entities, officials or billing-services relating to Irish Water.

The rejection and boycotting of these unsolicited services is on several grounds, including: the misappropriation of public funds (property tax); unlawful enforcement (a contract requires consent); wilful trespass (against property when attaching any object to the stopcock; against the person when installing a device which emits RF/EMF microwave radiation and 'dirty electricity', and against the family when commodifying an essential, natural resource); insufficient certainty of terms (Irish Water are continuously vague as to their practices and pricing); absence of consideration (Irish Water are offering nothing that differs from what was previously paid for through taxation and the company itself was created using taxpayers' money); impossibility of performance on the part of both supplier and consumer (We cannot and will not pay these charges, and Irish Water cannot accurately meter a supply with 42% of water failing to reach the end-user through leakage); and the acknowledged Constitutional right to health and bodily integrity (both of which are infringed as the meters pose health-risks, the water is fluoridated, and water restrictions are threatened where there is non-compliance or an inability to pay).

Any assumptions of contract, liability, benefit, or mutuality of agreement are on the part of Irish Water and in no way reflect our consent to any contractual agreement. Disregarding this notice and installing a meter without our consent will constitute Irish Water's tacit agreement to liability and the payment of any damages sought. No express or implied right of access. No unsolicited mail. No contract.

Contract Law

'In general, for a contract to be valid and legally enforceable, there must be (1) an offer and unqualified acceptance; (2) an intention to create legal relations; (3) consensus ad idem; (4) legality of purpose; (5) contractual capacity (6) possibility of performance; (7) sufficient certainty of terms; (8) Valuable consideration.'

~Murdoch's Dictionary Of Irish Law, 2009

The Constitution

ARTICLE 41-1: *The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing **inalienable and imprescriptible rights, antecedent and superior to all positive law.*** **ARTICLE 45-2:** *That, especially, the operation of free competition shall not be allowed so to develop as to result in the concentration of the **ownership or control of essential commodities in a few individuals to the common detriment.*** **ARTICLE 40-5:** *The dwelling of every citizen is **inviolable** and will not be forcibly entered except in accordance with law.*

Legal Precedent

*"It is beyond doubt that there is a hierarchy of constitutional rights and at the top of the list is the right to life, followed by **the right to health** and with that the right to the integrity of one's dwellinghouse. The Constitution expressly provides that the dwelling of every citizen is inviolable and cannot be forcibly entered except in accordance with law..."*

~Heeney v Dublin Corporation

Irish Statute/EU LAW

(1) Relating to trespass: *Housing (Miscellaneous Provisions) Act 2002– Section 19 C (Attachment of objects to land that prejudicially affect an amenity without prior consent).* **(2) Relating to aggressive commercial practices:** *Consumer Protection Act, 2007 – Sections 53,54 (Coercion, undue influence*, exploitation and threats. *In this section, "undue influence" means exploiting a position of power in relation to a consumer so as to apply pressure – without necessarily using or threatening to use physical force – in a way that significantly limits the consumer's ability to make an informed choice in relation to the trader's product).* **(3) Relating to menacing demands, extortion and blackmail:** *Criminal Justice (Public order) Act 1994 – Section 17.* **(4) Relating to unethical and unequal contractual terms:** *Unfair Terms in Consumer Contracts Regulations, 1995 and Principles of European Contract Law 2002 Parts I and II, Section 1:102 Freedom of Contract* **(5) Relating to unsolicited goods:** *Sale of Goods and Supply of Services Act 1980, Section.47, Unsolicited Goods (Note that said goods must be removed upon written request and failure to remove them renders those goods the property of the recipient).* **(6) Relating to water fluoridation:** *European Court of Justice Ruling- HLH Warenvertriebs and Orthica, 9 June 2005. (Fluoride is a medicinal product which causes a pharmacological effect. It is not a 'food additive').*

Smart Meters: Detrimental Health Effects and Violations of Personal, Human and Constitutional Rights

'Smart' Meters violate the rights of individuals everywhere, including the following Constitutional rights of the Irish people: **ARTICLE 41-1 1°** *The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.* The Irish Water Act attempts to bypass this and enforce a contract. **ARTICLE 45-2 (iii)** *That, especially, the operation of free competition shall not be allowed so to develop as to result in the concentration of the ownership or control of essential commodities in a few individuals to the common detriment.* It is absolutely to the common detriment to begin the process of privatising water. **ARTICLE 40-5** *The dwelling of every citizen is inviolable...* Irish Water are engaging in wilful trespass where it relates to both privacy and property. 'Smart' Meters also violate those rights laid out by the European Convention on Human Rights under: **ARTICLE 5** (right to liberty and security) and **ARTICLE 8** (right to respect for private and family life). **Aside from the individual's absolute right to refuse a contract**, 'Smart' Meters cause endangerment through many other factors, including:

1. Wireless 'Smart' Meters, when activated, emit intense, pulsed bursts of non-ionising, RF microwave radiation. **More than 5,000 studies have shown that non-ionising microwave radiation/RF EMF is harmful to humans, animals and plants.**
2. On 31st May 2011, the World Health Organisation's International Agency for Research on Cancer (IARC) categorised RF EMFs as a possible CARCINOGEN (Class 2b) – the same as lead, DDT, chloroform & methylmercury.
3. On 6th May 2011, the Council of Europe issued a report titled "*Potential dangers of EMFs and their effect on the environment*" in which they called for an IMMEDIATE reduction in exposure to EMFs by children. "*The Council advocates a precautionary principle be applied to wireless emissions to prevent public health disaster akin to "tobacco, leaded petrol and asbestos"*". 'Smart' Meters will increase – not decrease – the EMF exposure to members of a household and their neighbours.
4. As demonstrated by Daniel Hirsch, Senior Nuclear Policy Lecturer at UCSC, 'Smart' Meters can expose the body to 160x to 800x times as much microwave radiation as mobile phones. 'Smart' Meters can emit intense pulses of radiation in excess of 190,000 times every day.
5. **Human, animal and cell culture studies indicate long-term systemic health effects from RF microwave radiation, including hormone disruption, DNA damage, leakage of blood-brain barrier, sperm count reduction & damage, sleep disorders, learning difficulties, attention deficit & hyperactivity disorders, dementia and cancer including leukemia and brain glioma (tumours). There is concern that pregnant women & children are particularly vulnerable.**
6. In the case of the UK, the ICNIRP safety standards which the Government and HPA continue to use fail to recognise the non-thermal, biological effects of microwave radiation. **These standards were voted obsolete by the European Parliament, 522 to 16 votes – yet still remain in use in the UK.**
7. As highlighted by Dr. David Carpenter (Director of the Institute of Health and Environment – University of Albany – and former head of the New York Department of Public Health), **there is evidence that exposure to RF radiation increases the risk of cancer, increases damage to the nervous system, causes electro-sensitivity, has adverse reproductive effects and a variety of other effects on different organ systems.** He has stated on record that there is "*no justification for the statement that 'Smart' Meters have no adverse health effects*".
8. European surveys have shown at least 1 in 20 people are moderately or severely sensitive to RF EMF radiation, experiencing a broad range of debilitating symptoms. The number of sufferers is rising rapidly. This is problematic and in some cases life-changing for sufferers, and will place further pressure on the Health Service as well as impacting business productivity.
9. In January 2011, the American Association of Environmental Medicine (AAEM) has called for the complete removal of 'Smart' Meters and a return to safe analogue due to scientific and medical studies repeatedly showing health risks from exposure to microwaves emitted from wireless devices.
10. **In March 2012, Dr Andrew Goldsworthy's research warned that Water 'Smart' Meters, via their strong RF microwave emissions, can severely reduce water quality, leading to increased toxicity of poisons present in the body (poisons like FLUORIDE).** This is particularly concerning for many areas in Ireland where there are still lead pipes in use – electromagnetically-conditioned water flow can strip lead from pipes, leading to an increase in toxin-intake into both the body and the food-chain.
11. 'Smart' Meters monitor household activity and occupancy in violation of my rights to privacy and domestic security.
12. 'Smart' Meters identify individual electrical devices inside the home and record when they are operated causing invasion of privacy.
13. They transmit wireless signals which may be intercepted by unauthorized and unknown parties. Those signals can be used to monitor behavior and occupancy and they can be used by criminals to aid criminal activity against the occupants.
14. Data about occupant's daily habits and activities are collected, recorded and stored in permanent databases which are accessed by parties not authorized or invited to know and share that private data by those whose activities were recorded.

15. Those with access to the 'Smart' Meter databases can review a permanent history of household activities complete with calendar and time-of-day metrics to gain a highly invasive and detailed view of the lives of the occupants.
16. Those databases may be shared with, or fall into the hands of criminals, blackmailers, corrupt law enforcement, private hackers of wireless transmissions, power company employees, and other unidentified parties who may act against the interests of the occupants under metered surveillance.
17. It may be possible with analysis of certain 'Smart' Meter data for unauthorized and distant parties to determine medical conditions, sexual activities, and physical locations of persons within the home, vacancy patterns and personal information and habits of the occupants.
18. Energy/utility companies and Government agencies do not have the lawful right to monitor, manage and control my utility usage. Profiling and monitoring of my energy and utility usage is a gross invasion of privacy and will be susceptible to misuse in the wrong hands.
19. A one year study in Toronto, Canada, showed the **energy/utility bills have gone up in 80% of cases, many by more than 50%.**
20. In the UK the Government has said 'Smart' Meters will cost more than £11billion for estimated savings of just £25 per home/year – and that saving will only possible if customers have at least two 'Smart' Meters and succeed in changing their own behaviour to create the savings. Not only will there be a need for this £11billion to be clawed back, in part, through the resident's energy/utility bills, but many new 'Smart' Meters only have a 10 year lifespan before requiring replacement – which is a shorter lifespan than current analogue meters. They will potentially require more regular servicing too.
21. Wireless transmissions of my personal energy usage, with information about the devices I use, when I use them and what I am doing with them at any given moment, will be available to your organisation and any potential hackers.
22. Smart meters can be hacked, have been hacked and will continue to be hacked. By deploying millions of 'Smart' Meters with the same software, firmware and hardware, they become a highly-concentrated, strategic target for any malicious hackers and will endanger the community if an attacker, for example, can switch the power on and off from remote en masse. This makes 'Smart' Meters dangerous and a liability to the bill-payers who would have to ultimately pay for any damage through higher bills. The FBI has warned that 'Smart' Meters hacking real and is "likely to spread".
23. Ethical hackers in Germany have shown how easy it is to unlawfully access data from 'Smart' Meters and to remotely control them. This is a risk to me, my family and our entire energy grid. Former CIA Director James Woolsey has called 'Smart' Grid a *"really, really stupid idea"*.
24. In a wireless 'Smart' Grid, my entire home will become a node on the Internet. This means my home and device usage will suddenly become available to hackers, who can use the data to analyse when certain people are at home, e.g. young children.
25. In the US, this data has been sold by energy companies to 3rd parties, e.g. police, corporate marketing departments and insurance companies. 'Smart' Meters represent pieces of invasive surveillance equipment within my home. I may have nothing to hide but I believe that I have the right to defend my privacy and my right to decide how I use my utilities which you provide to me as a service.
26. Smart' Meters will make it far easier to disconnect customers remotely – a particular concern in light of the hacking threats, especially to 'Smart' Water Meters.
27. In North America, **'Smart' Meters have been shown to explode, cause fires, and can interfere with sensitive electrical devices such as heart pacemakers.**
28. Smart meters are not protected from EMP attacks, large EMP or localized EMP (Electro Magnetic Pulses).
29. Disabling the receiver will not prevent other forms of "hacks". For example, a malicious attacker could confuse the internal CPU, reset it, change random memory locations, change the KWH reading, force a power disconnect, or completely disable a 'Smart' Meter with a simple coil of wire and a small battery. This can't happen with a mechanical meter. It is well known that a wide EMP can take out car computers; 'Smart' Meters will make that possible on the city wide electric infrastructure.
30. A thief or burglar could use the same EMP or hacking methods to turn off the house power even if the electrical switch box is locked.
31. Scientists have widely refuted claims that 'Smart' Meters are 'green'. **There is a significant (and growing) body of work showing 'Smart' Meters actually harm nature and our environment.**
32. 'Smart' Meters, in tandem with In-Home-Display units, are likely to consume far more energy than the old analogue meters do.
33. The Council of Europe's May 2011 report on RF microwave radiation indicated that hundreds of studies have identified significant impacts of sustained RF microwave radiation on our natural environment, including: stress reactions and genetic problems in plants, trees, animals and insects, problems in migratory animals like birds and bees, birth defects in calves and fertility problems in herds.

34. **Tree deaths, plant die-offs and bee colony collapse disorder cases have also been reported shortly after Smart Meter installation/activation in the United States.** I am exercising my lawful right to forbid, refuse and deny consent for the installation and use of any monitoring, eavesdropping, and surveillance devices on or near my property, my place of residence or my place of occupancy. That applies to and includes 'Smart' Meters and surveillance and activity monitoring devices of any and all kinds. Any attempt to install any such device directed at me, other occupants, my property or residence will constitute trespass, stalking, wiretapping and unlawful surveillance and endangerment of health and safety, all prohibited and punishable by law through criminal and civil complaints. All persons, government agencies and private organizations responsible for installing or operating monitoring devices directed at or recording my activities, which I have not specifically authorized in writing, will be fully liable for any violations, intrusions, harm or negative consequences caused or made possible by those devices.

Irish Water and all other parties are engaging in nothing other than a cynical hijacking of the water-system through a dangerous metering system to force the affected residents to pay a second time for something we've already payed for through taxation.

This is legal notice. After this delivery the liabilities listed above may not be denied or avoided by parties named and implied in this notice. Civil Servant immunities and protections do not apply to the installation of 'Smart' Meters due to the criminal violations they represent. I reserve the right to amend this notice and complaint at any time, this is not a complete list of concerns since this technology is new and new information is being found every day. Concerns listed here are not in any particular order. Notice to principal is notice to agent and notice to agent is notice to principal.

