

scientific studies upon which the Commission's guidelines were based were acute exposure studies to power densities of 1 milliwatt per square centimeter or more.² Nobody ever did an adequate review of the literature on lower exposure levels until November 1996. Such a review is now available (Microwaving Our Planet: The Environmental Impact of the Wireless Revolution, Arthur Firstenberg, 1997, second edition, 92 pages, published by the Cellular Phone Taskforce).³ It is already well known in the case of ionizing radiation, and in the case of toxic or carcinogenic chemicals, that exposure to high levels produces different experimental results altogether than exposure to low levels. There is therefore no reason to suppose that the thousands of acute exposure studies in the case of microwaves at levels of 1 milliwatt per square centimeter or more have any bearing whatever on the safety of

microwave radiation. Canadian Journal of Animal Science 50:639-644, 1970.

0.0000000026 uW/cm² at 30 MHz affects cell division: Marha, K., pp. 188-191 in Symposium Proceedings. Biological Effects and Health Implications of Microwave Radiation, S. Cleary, ed., Richmond, Va., 1969.

A complete bibliography, with 232 entries, is included in Appendix A.

² IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz, IEEE C95.1-1991. Also NCRP, Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields, Report #86, April 2, 1986.

³ The first edition of Microwaving Our Planet is attached as Appendix A. The second edition will be available approximately August 20, 1997.

chronic exposure to much smaller levels of microwaves. No such link has ever been established.⁴ Indeed, the several hundred scientific studies reviewed in Microwaving Our Planet show serious damage to all cells and organs of the body at exposure levels four and five orders of magnitude less than permitted by the Commission's current guidelines.

The members, and other interested parties, represented by the Cellular Phone Taskforce, now number in the thousands and live in all parts of the United States. We are no different from anybody else except perhaps that we are suffering more intensely or that we are more aware of the cause of our suffering. There is ample scientific evidence available now that the widespread epidemic of insomnia, eye problems, and neurological and cardiac symptoms⁵ in the coverage areas of the new personal communications services (PCS) systems is due to the microwave radiation now blanket-ing such areas.⁶ It is already difficult for those of us who

⁴ "The FCC does not claim that their new exposure guidelines provide protection for effects to which the 4W/kg SAR basis does not apply. . . Both the NCRP and ANSI/IEEE standards are thermally based, and do not apply to chronic, nonthermal exposure situations." — Norbert Hankin, Office of Radiation and Indoor Air, Environmental Protection Agency, Oct. 8, 1996. Mr. Hankin's letter is attached as Appendix B.

⁵ The Cellular Phone Taskforce has received reports of such problems from approximately 700 individuals, physicians, nurses, and organizations nationwide. We field 30-40 such phone calls each week. Further information about these is available if the Commission requests it.

⁶ See, for example, Abelin, T. et al., Study on Health Effects of the Shortwave Transmitter Station of Schwarzenburg, Bern, Switzerland, Study No. 55, Aug. 1995, Swiss Federal Office of

are sickest or most sensitive to the radiation to find safe places to live. If the technology envisioned by the Intelligent Transportation Society of America (ITS America) is put in place throughout the United States, we will not even be able to look for safe places to live, because we will no longer be able to travel on the nation's highways.

The extent of support for ITS America's petition, not only by manufacturers of DSRC devices, but by associations of truckers, toll authorities, and automobile manufacturers, and by the U.S. Dept. of Transportation, as indicated in their several Comments, causes grave concern on the part of those members of the Taskforce who are already ill or disabled by microwave radiation sickness.

2. Reply to Comments of Mark IV Industries

As noted by this commenter, "the implementation of short-range LMS systems has grown substantially so that today most major U.S. toll highway, tunnel and bridges systems. . . have short-range 902-928 MHz LMS systems or are planning to implement such systems in the near future." Mark IV's comments further state that the public benefits from all this. As an organization representing a segment of the public, the Cellular Phone Taskforce respectfully disagrees. Our members have been injured by all of this, and many of us can no longer travel on

Energy. The documented symptoms were substantially the same. Exposure levels in the study were as little as .054 uW/cm².

toll roads at all because of technology installed by this company and others. The presence of microwave beacons at intervals along the highway is in fact dangerous. Its impact on the nervous system of drivers is possibly worse than the impact of alcohol, and will cause accidents. This radiation can trigger seizures and heart arrhythmias, and impair motor function, reaction time, memory and attention, as noted above (footnote 1), and should never be allowed to impact a highway where people are driving.

Mark IV's technology in particular is a worse health hazard than that of other manufacturers because its antennas are being installed invisibly underneath the pavement so that sensitive people who must avoid radiation do not even know it is there.

3. Reply to Comments of Management Systems Council ("MSC")

MSC and the American Trucking Associations ("ATA") support the increased allocation of spectrum for DSRC systems utilization. The Cellular Phone Taskforce disagrees with MSC that such increased utilization will improve motor carrier services and increase profits. Among the members of the Taskforce are several truckers who are being increasingly disabled by microwave radiation along their routes. They have had their eyes swelled shut for periods of time and been unable to work. They cannot drive as many hours as before along certain routes without sleeping. The acceleration of this trend will greatly harm the trucking industry of the United States.

4. Reply to Comments of Minnesota Mining and Manufacturing Co.
("3M")

3M states that advanced data transmission systems "will provide for more safe and efficient transportation." The Taskforce reiterates that, as these systems are a health hazard, and interfere with the nervous system severely, and cause seizures and heart arrhythmias in healthy people, they will most certainly not provide for either safety or efficiency. They will also not, as 3M states, reduce highway fatalities, but will instead cause more. And they will not cause reduced pollution, but will add yet another form of invisible pollution.

5. Reply to Comments of Resound Corporation and The American Radio Relay League, Inc.

These two commenters oppose ITS America's petition to the extent it will cause interference with other uses of the same or nearby spectrum. Resound Corp. is concerned with its own planned use of the 5.850-5.875 GHz band for hearing aids. And the American Radio Relay League is concerned about interference with amateur uses of the same or nearby bands.

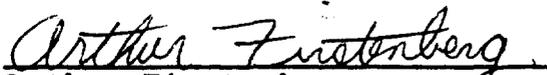
The Cellular Phone Taskforce's position is that the most important system that must not be interfered with is the human body, and that health considerations must take precedence over highways, hearing aids, and amateur uses of this spectrum alike. We concur with the American Radio Relay League and Resound Corp. in urging the Commission to tread much more cautiously in furthering innumerable uses for wireless technology, and

we urge them to join the Taskforce in putting human and environmental health first in designing highways.

6. Conclusion

The Cellular Phone Taskforce filed a Petition for Reconsideration on August 30, 1996 in the matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket No. 93-62 and FCC Report and Order FCC 96-326). The issues addressed by the Taskforce have not yet been resolved. The Cellular Phone Taskforce respectfully requests the Commission not to allocate spectrum for uses that will impact the environment of the United States in such an enormous way. The testimony of so many people that they are already being seriously injured must not be ignored any longer.

Respectuflly submitted,


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August 9, 1997

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of August, 1997, I mailed copies of the foregoing Reply Comments via U.S. mail, first-class, postage paid, to the following:

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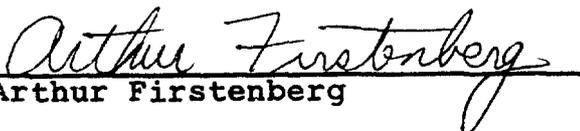
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

NOV 25 1997

FCC MAIL ROOM

In the Matter of)
Federal Preemption of Moratoria)
Regulations Imposed by State and)
Local Governments On Siting of)
Telecommunications Facilities)

DA 96-2140
FCC 97-264

To: The Commission

COMMENT TO THE PETITION FOR DECLARATORY RULING OF THE CELLULAR
TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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September 9, 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	
)	DA 96-2140
Federal Preemption of Moratoria)	FCC 97-264
Regulations Imposed by State and)	
Local Governments On Siting of)	
Telecommunications Facilities)	

To: The Commission

**COMMENT TO THE PETITION FOR DECLARATORY RULING OF THE CELLULAR
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Cellular Phone Taskforce ("Taskforce"), pursuant to Section 1.2 of the Commission's Rules, respectfully submits this Comment to the Petition for Declaratory Ruling of the Cellular Telecommunications Industry Association (CTIA).

I. Introduction and Summary

The Taskforce urges the Commission to protect state and local authority over the siting of personal wireless service facilities, and to refrain from taking any action to limit, remove, or in any way alter the authority of local governments to make decisions regarding the placement, construction and modification of personal wireless services, specifically, with respect to siting moratoria by local governments. The Telecommunications Act of 1996 ("1996 Act"), states that local governments shall act on requests to place telecommunications facilities "within a reasonable period of time" (Section 704(a)). It is clear that by this language, and based

upon the following, Congress intended to give local governments at least a reasonable amount of time to deal with the complexities now before them. To prohibit siting moratoria would be contrary to the intent of the 1996 Act.

Furthermore, to unduly limit moratoria durations (e.g., to either ninety days, or six months), by promulgating a blanket, uniform formula, would ignore the concerns of local citizens in light of new and compelling evidence which questions the validity of the Radiofrequency Safety Guidelines adopted August 6, 1996, and which reveals the ongoing harm to both citizens and the electromagnetically sensitive. Such a uniform duration limitation, cannot be applied blindly to localities with unique and complex situations. Rather, the judicial mechanisms, as set in place by the Act, are a more appropriate forum for analysis on a case-by-case basis.

The Taskforce bases its reasoning and support upon previous Petitions and a Complaint filed by the Taskforce, as well as the Comments submitted by the Ad-hoc Association of Parties Concerned About the Federal Communications Commission's Radiofrequency Health and Safety Rules ("Ad-hoc Association"), and David Fichtenberg. In addition, the Taskforce relies upon such new evidence, which is gaining acceptance within the scientific and academic communities, as well as evidence that the electromagnetically sensitive are being discriminated against on the basis of their handicap. Such evidence reveals a strong correlation between digital personal communications services (PCS) systems and health related sickness,

with compelling evidence that such emissions are injurious to public health.

II. The Duration of Siting Moratoria Should Not Be Limited.

The Taskforce supports the following propositions, submitted by the FCC's Local and State Government Advisory Committee (LSGAC), and the Resolution Adopted at the 65th Annual Conference of Mayors, San Francisco, California (June 20-24, 1997) (attached hereto, and made a part thereof) ("Conference of Mayors"), in that Congress made it's intent clear: to protect state and local authority over the siting of personal wireless service facilities from interference by the Commission.

In addition, the 1996 Act states that local governments shall act on requests to place telecommunications facilities "within a reasonable period of time" (Section 704(a)). It is clear that to prohibit siting moratoria would be contrary to the intent of the Act, and in the least, Congress intended to give local governments a reasonable amount of time to deal with the complexities now before them. In light of the foregoing, CTIA's argument that ninety days is a reasonable time to deal with such complexities is absurd and irresponsible. Furthermore, general durational limits fail to take into account the unique concerns of various communities, and the difficulties in tailoring solutions.

As such, the Taskforce supports the *ex parte* letter submitted by LSGAC, in that Congress made its intent clear, to protect state and local authority over the siting of personal wireless service facilities from interference from the Commission, and that neither

Section 332(c)(3)(A) nor Section 253 of the 1996 Act governs the adoption of siting moratoria by local governments. In addition, the Taskforce agrees with LSGAC, in that siting moratoria do not violate the 1996 Act, and in that siting moratoria are neither entry regulations, nor a prohibition of services.

The Taskforce also supports the Resolution Adopted at the 65th Annual Conference of Mayors, ("Conference of Mayors"), in that based upon its findings, based upon the explicit limitations on the FCC's preemptive authority contained within the 1996 Act, and based upon the long-standing authority of state and local governments to determine and decide appropriate land uses, zoning and placement of businesses and facilities within their jurisdictions, the FCC may not take any action to limit, remove, or in any way alter the authority of local government to make decisions regarding the placement, construction and modification of personal wireless services.

The Taskforce agrees with the Conference of Mayors, in that Congress clearly intended to protect state and local authority, as is evident in its amendment to the National Wireless Telecommunications Siting Policy (47 U.S.C. 332(c)), specifically within Section 332(c)(7), which is titled "PRESERVATION OF LOCAL ZONING AUTHORITY", and continues as follows:

"(A) General Authority - Except as provided in this paragraph, *nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof* over decisions regarding the placement, construction and modification of personal wireless service

facilities."

The FCC cannot impose preemption of moratoria if congressional intent shows otherwise. According to the Supreme Court, "an agency literally has no power to act, let alone pre-empt the validly enacted legislation of a sovereign State, unless and until Congress confers power upon it," Louisiana Public Service Commission v. FCC, 476 U.S. 355, 374 (1986), and "we should not disturb [preemption] unless it appears from the statute or its legislative history that the accommodation is not one that Congress would have sanctioned." United States v. Shimer, 367 U.S. 374, 383 (1961); City of New York, et al. v. FCC, et al, 486 U.S. 57, 64 (1988).

The issue of the total preemption of state and local powers has been raised on many occasions, by the FCC, federal courts, and the Supreme Court. The FCC has, in fact, determined that under certain circumstances, a complete preemption would be an unwarranted federal intrusion into legitimate state and local matters. See e.g., In re Preemption of Local Zoning Regs. of Receive-Only Satellite Earth Stations, *Notice of Proposed Rulemaking*, 100 F.C.C.2d 846, para. 10 (1985). The Commission has also stated that the FCC "should not unduly interfere with the legitimate affairs of local governments when they do not frustrate federal objectives." Id. para 21.

The Taskforce respectfully points out that paramount federal objectives include not only the "preservation of local zoning authority" (supra, National Wireless Telecommunications Siting Policy, 47 U.S.C. 332(c)(7)), but also objectives set forth in

various civil rights, disability and environmental legislation; legislation enacted to protect citizens from harm, which includes depriving citizens of their life and health, preventing discrimination against citizens on the basis of their handicap, and preventing damage to the environment.¹ These federal objectives must be weighed as well.

In the alternative, should it be determined that the Commission has, in fact, the authority to consider such moratoria or preclude moratoria of no fixed duration, the Taskforce contends that there must be a compromise, with preemption being determined upon preventing only unreasonable limitations and impositions by state and local governments. To that end, "reasonableness" should be based upon a careful consideration of the complexities involved in dealing with a fast growing industry, the concerns of local citizens, and the emergence of new and compelling evidence concerning RF emissions and health concerns.

While total preemption of moratoria would be an extreme, harsh measure that would ignore potentially valid health, safety, or aesthetic objectives underlying such actions, such limitations as ninety days, or six months, provide little opportunity to address and analyze numerous health issues and risks, compliance and safety measures, and additional studies. For example, New York City is

1. Examples include: The National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. Section 4321, et seq.; Federal Civil Rights Law, 42 U.S.C. Sections 1981, 1982, 1983, and 1985; the Americans With Disabilities Act (ADA), 42 U.S.C. Section 12101 et seq.; the Rehabilitation Act of 1973, 42 U.S.C. Section 701, et seq.

being confronted with the complicated issues surrounding roof top antennas, antennas on lamp posts, and the proliferation of cell sites within an overcrowded metropolis. New York City's concerns cannot be addressed and remedied within a rigid time table, such as six months, or ninety days.

In addition, the Taskforce disagrees with the FCC's position that the imposition of a moratorium of no fixed duration is not a "decision", within the meaning of the Act, and thus not reviewable by a court of competent jurisdiction.

III. Moratoria Based upon Environmental or Health Concerns Are Not Per Se Preempted.

The Taskforce rejects CTIA's contention that moratoria based upon radiofrequency emissions and related health concerns are *per se* preempted, and that moratoria based upon concerns regarding the environmental effects of RF emissions violate Section 332(c)(7)(B)(iv), of the Telecommunications Act. The Taskforce contends that the FCC does not have the authority to regulate health, and cannot preempt state and local authorities which seek to impose moratoria based upon health concerns.

In addition, the Taskforce reiterates that new evidence has been submitted which questions the validity of the Radiofrequency Safety Guidelines adopted August 6, 1996, as well as evidence that the electromagnetically sensitive are being discriminated against on the basis of their handicap (the electrosensitive are qualified individuals with handicaps as defined in 47 CFR Ch. 1, Sec.

1.1803).² Such evidence reveals a strong correlation between digital personal communications services (PCS) systems and health related sickness, and that such systems are injurious to the public health at large, as well as those diagnosed as electromagnetically sensitive. In addition, moratoria must not be limited, as epidemiological studies are underway in New York City, with preliminary studies indicating that thousands of people may be suffering from such exposure.

The Taskforce also supports the views of the Ad-hoc Association and David Fichtenberg, in that the FCC has no authority to regulate in the field of health effects and concerns.

The Taskforce contends that based upon the long-standing authority and responsibility of state and local governments to regulate, safeguard and secure the health, safety and welfare of the community, FCC preemption of siting moratoria would act as a clear and unconstitutional obstruction of such governmental powers, as well as a clear and unconstitutional denial of citizen's rights to protect themselves from the harmful effects of RF radiation.

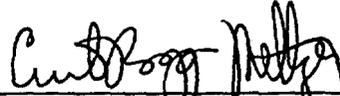
Siting moratoria allow local communities to adopt clear policies and procedures in an attempt to deal with local safety concerns, on a case-by-case basis, while taking into account particular facts and circumstances within an area. As mentioned, the New York City area is unique and complex, with the

2. 47 CFR Ch. 1, Sec. 1.1830(b)(3) states that "the Commission may not . . . utilize criteria or methods of administration the purpose or effect of which would subject qualified individuals with handicaps to discrimination on the basis of handicap.

proliferation of roof top and lamp post antennas, within a densely populated area. No uniform national formula can properly safeguard and meet all of the varied local circumstances.

Furthermore, the federal goal to ensure *consistency of result*, through such a uniform formula, should not hold precedence to the legitimate concerns of local citizens.

Respectfully submitted,



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Before the
FEDERAL COMMUNICATIONS COMMISSION

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In the Matter of)
)
Procedures for Reviewing Requests) WT Docket No. 97-197
for Relief From State and Local)
Regulations Pursuant to Section)
332(c)(7)(B)(v) of the Communications)
Act of 1934)

FCC MAIL ROOM

COMMENTS

The Cellular Phone Taskforce ("Taskforce") hereby submits comments in the above-captioned proceeding, pursuant to the Commission's Notice of Proposed Rulemaking released August 25, 1997.

In general, the Taskforce believes that the Commission's concern "that state and local governments may delay the siting of facilities based upon concerns about the effects of RF emissions and a carrier's compliance with our RF guidelines" (paragraph 145 of the Notice of Proposed Rulemaking) is misplaced, because, as the Commission also has noted (paragraph 127 of the Notice of Proposed Rulemaking), Section 253(b) and (c) of the Communications Act preserves the rights of state and local governments to impose requirements necessary to protect the public safety and welfare. The public safety and welfare is not something which may be compromised in order to streamline the siting of communication facilities! In this proceeding the Commission is proposing to tie the hands of state and local governments in their efforts to ensure that the Commission's own safety guidelines are enforced!

In light of the Commission's own admitted lack of ability, due to staffing and funding limitations, to monitor the radiofrequency emissions of hundreds of thousands of facilities around the country, therefore the monitoring of such emissions falls back on state and local governments, which must remain free to impose compliance requirements to the degree they see fit in order to protect the public safety and welfare, which is their responsibility under the Constitution of the United States. To deprive state and local governments of their prerogatives to monitor these facilities would put the entire telecommunications industry on the honor system as far as radiofrequency emissions are concerned. Indeed this is what the Commission is explicitly proposing, i.e. "that a uniform demonstration of compliance should consist of a written statement" (paragraph 146 of the Notice of Proposed Rulemaking) and that "Generally, we presume that licensees are in compliance with our rules unless presented with evidence to the contrary" (paragraph 151). This is contrary to the will of the Congress of the United States. Congress, rightly or wrongly, by the Telecommunications Act of 1996, has decided that only the Federal Communications Commission may regulate the environmental effects of radio frequency emissions. However, the Congress did not preempt state and local governments from enforcing the Commission's regulations, and Congress explicitly required the Commission's rules to be "effective" (Telecommunications Act, Section 704(b). Unenforceable rules, or rules to be enforced by the honor system only, do not

constitute "effective rules" as required by the Congress in the Telecommunications Act of 1996. To set forth uniform procedures for enforcing compliance with radiofrequency emission standards and to prohibit states and local governments from veering from these procedures, is to remove the right of enforcement entirely from states and local governments, which is something the Congress did not do. Protecting the public safety and welfare is still the responsibility of state and local governments in the United States of America, and indeed the Federal Communications Commission has repeatedly itself stated that it is not a health and safety agency and does not have the jurisdiction even to investigate, much less enforce, complaints about health and safety matters.¹ Therefore the Commission has no business proposing to preempt states and local governments from enforcing safety regulations in this area.

1. Regarding the request of the PCIA regarding zoning board hearings

The Personal Communications Industry Association (PCIA) has requested that the Commission "prohibit adducing evidence regarding the health effects of RF emissions at zoning board hearings" (paragraph 115 of the Notice of Proposed Rulemaking). This would be a clear violation the First Amendment Right to free speech accorded to all Americans, and would be unconsti-

¹ See, for example, the letter from the Commission to Lucinda Grant of the Electrical Sensitivity Network, dated January 23, 1997, attached here as Exhibit A.

tutional even if adopted. The Taskforce opposes this proposal unequivocally.

2. Regarding the Commission's proposal to preempt decisions by private entities

The Commission is proposing (paragraph 141 of the Notice of Proposed Rulemaking) to prohibit private entities "such as homeowner associations and private land covenants" from keeping telecommunication facilities off their own land for reasons of health concerns about RF emissions! The Taskforce believes this would be unconstitutional for the same reason as the prohibition of public testimony about health effects at zoning board hearings. It would violate the free speech of private citizens.

Furthermore, "non-governmental entities" (paragraph 141) are by definition not governmental entities, cannot be stretched to fall under the definition of "state or local government or any instrumentality thereof" and are not preempted in any manner by Section 332(c)(7)(B)(iv) of the Communications Act.

3. Regarding demonstration of RF compliance

The Commission is proposing both that "there should be some limit as to the type of information that a state or local authority may seek from a personal wireless service provider" (paragraph 142 of the Notice of Proposed Rulemaking) and that "The state or local government would have the burden" of overcoming a rebuttable presumption of compliance. The Commission seeks comment "in the interest of minimizing any potential adverse effect the establishment of a rebuttable presumption

may have on state and local authorities' ability to ensure the health and safety of their citizens" (paragraph 151).

The Taskforce's position is that if local governments aren't allowed to request the information they want from a personal wireless service provider, their ability to ever prove non-compliance, as well as, therefore, their ability to protect the health and safety of citizens, becomes fatally impaired.

Furthermore, the alternatives the Commission is considering in paragraphs 142 through 148 of the Notice of Proposed Rulemaking have the effect of removing authority over health and safety enforcement in this area from state and local governments altogether. Under paragraph 143, the Commission is proposing a more limited showing. Under this proposal, state and local authorities would not be permitted to require any RF emission testing, and would be limited to requesting a written statement of compliance, both from facilities that are categorically excluded from routine Commission evaluation, and from facilities that are not so excluded. Under paragraph 144, the Commission is proposing a more detailed showing. Again, for facilities that are not categorically excluded, the Commission is proposing state and local authorities be permitted to ask only for a written statement of compliance, and not for actual testing of RF emissions. For facilities that are categorically excluded, here the Commission is asking for comments on what state and local governments be allowed to require by way of a demonstra-

tion of compliance. But again, the Commission states in paragraph 146 that even here, "We believe that a uniform demonstration of compliance should consist of a written statement."

The Taskforce's position is that the honor system is not good enough, and that actual RF emission testing must be allowed to be required by state and local governments in order to preserve their ability to ensure the health and safety of their citizens, not just in the case of non-excluded facilities, but also in the case of excluded facilities, because if states and local governments do not require such testing, and the Commission itself does not require such testing, then such testing will not be done at all and we have the honor system! It should not be necessary to explain why the honor system will not work. But, for example, I have personally visited many rooftops in New York City, and I possess photographs of others, where personal communications services (PCS) antennas are mounted, on rooftops that are used for sunbathing and recreation and for other purposes, with full public access by residents of those and adjoining buildings, where any member of the public could go and grab one of those antennas with their bare hands if they so desired, and there is no fence, or sign warning of the danger, at any of these facilities. These companies are being left to the honor system, and none of these sites is in compliance with the Commission's safety standards.

The Taskforce's position is that, at minimum, states and local governments be allowed to demand regular emissions testing

at all communications facilities, and we agree with the Local and State Government Advisory Committee (LSGAC) that local taxpayers should not bear the costs of such testing.

4. Regarding the definition of "interested parties"

In paragraph 153 of the Notice of Proposed Rulemaking, the Commission proposes to allow interested parties to rebut the presumption of compliance. As RF emissions that broadcast into space reach every member of the public within a certain distance from the facility and have the potential of affecting their health, it is the Taskforce's strong position that RF emission compliance is in the interest of everybody, and that every member of a community where a communications facility is sited is an interested party.

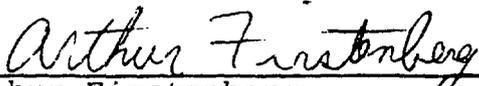
5. Conclusion

In conclusion, the Taskforce believes that granting relief from state and local regulations designed to enforce the Commission's safety rules will infringe unlawfully on the right of states and local governments to protect the public safety and welfare, and will leave those very safety rules totally unenforced. We oppose this Proposed Rulemaking in its entirety.

Respectfully submitted,

October 6, 1997

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