



Advancing Sound Public Health Policy
on the Use of Electromagnetic Radiation (EMR)
P. O. Box 117 Marshfield VT 05658
Tel. and FAX : 802-426-3035 E-mail: info@emrpolicy.org

FACSIMILE TRANSMISSION

To: P. Michele Ellison
Enforcement Bureau Chief
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Date: February 27, 2012

Re: **Radiofrequency Radiation Exposure Complaint No. EMR014**

The communications site subject to the following complaint is located at:
10700 Pear Tree Lane
Edmundson, Missouri 63134

Cc via E-mail or Facsimile Transmission:

Please distribute to all parties in each location as listed below.

Cc via E-mail or Facsimile Transmission:

U.S. Senator Roy Blunt
U.S. Senator Claire McCaskill
U.S. Congressman Lacy Clay (MO 1st)
US OSHA Missouri – St. Louis Area Office

Missouri Governor Jay Nixon
Missouri Workplace Safety Program
Missouri On-Site Safety and Health Program
Missouri State Senator Maria Chappelle-Nadal
Missouri State Representative Eileen McGeoghegan

City of Edmundson Mayor Gwaltney
City of Edmundson Council Members Robert Yount and Joel Curtis
St. Louis County Commercial Inspections Crystal Deprow

Total pages with coversheet - 5

To All:

Attached please find Radiofrequency Radiation Exposure Complaint No. EMR014 with findings demonstrating that the antenna site at this location was documented to be in violation of FCC radiofrequency exposure limits.

On behalf of The EMR Radiation Policy Institute (EMRPI) radiation testing was conducted at this rooftop site using a calibrated Narda 8715 meter and B8742D probe and it was found to exceed the lawful limits as defined in 47 C.F.R. 1.1310 for RF maximum permissible exposure (MPE). EMRPI hereby requests that the Enforcement Bureau take the appropriate action to investigate and ensure that the FCC license holders comply with FCC RF radiation MPE limits at this site as required by law.

Respectfully submitted by Board of Directors of The EMR Policy Institute,

Janet Newton
President

Deborah Carney, JD
Vice President

Diana E. Warren
Director

Board of Directors

Janet Newton
President
Marshfield VT

Deb Carney
Vice President
Golden CO

Diana Warren
Secretary/Treasurer
Sudbury MA

Science Advisory Group

Magda Havas, Ph.D.
Trent University
Peterborough, Ontario
Canada

Gerard J. Hyland, Ph.D.
University of Warwick
Coventry, Great Britain

Raymond Kasevich, M.S.E.E.
RF Consultant
Great Barrington MA

Henry C.Lai, Ph.D.
University of Washington
Seattle WA

Roger D. Mattson, Ph.D.
Health/Safety Consultant
Golden CO

Jerry L. Phillips, Ph.D.
University of Colorado
Colorado Springs CO

Stuart Selikowitz, M.D.
Dartmouth Medical School
Hanover NH

The EMR Policy Institute is a
501 (c)(3) non-profit
organization as defined by the U.S.
Internal Revenue Service.

February 27, 2012

P. Michele Ellison
Enforcement Bureau Chief
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: Radiofrequency Radiation Exposure Complaint No. EMR014

Dear Ms. Ellison:

The communications site subject to the following complaint is located at:

10700 Pear Tree Lane
Edmundson, Missouri 63134

On behalf of The EMR Radiation Policy Institute (EMRPI) radiation testing was conducted at this rooftop communications site using a calibrated Narda 8715 meter and B8742D probe and it was found to exceed the lawful limits as defined in 47 C.F.R. § 1.1310 for RF maximum permissible exposure (MPE). EMRPI hereby requests that the Enforcement Bureau take the appropriate action to investigate and ensure that the FCC license holders comply with FCC RF radiation MPE limits at this site as required by law.

The EMR Radiation Policy Institute's expert was granted access to the rooftop by the building landlord. EMRPI's expert interviewed them and ascertained they had no knowledge of an RF Safety plan for the wireless tenants on their rooftop. They were also unaware of any hazardous radio frequency radiation levels on the rooftop.

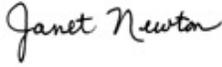
There are two licensed wireless carriers at this location. Using the Narda survey system, EMRPI's expert measured greater than 600% (O-L or Over-Load condition) spatially averaged of the FCC Public limit in front of one readily accessible antenna and 337% spatially averaged of the FCC Public limit in front of the second readily accessible antenna.

The signs posted at this wireless facility were deficient in providing safety guidance for persons accessing the areas illustrated in the attached exhibits. Attempts by EMRPI's expert to obtain assistance from the wireless carrier control centers through the posted phone numbers at this site were inadequate, uninformed and misleading.

EMRPI urges the FCC Enforcement Bureau to investigate the type and veracity of the information provided to those who call the phone numbers provided by the license holders for this rooftop site.

See attached Exhibits for photographs of the rooftop site in question.

Sincerely,



Janet Newton
President



Deborah Carney, JD
Vice President



Diana E. Warren
Director

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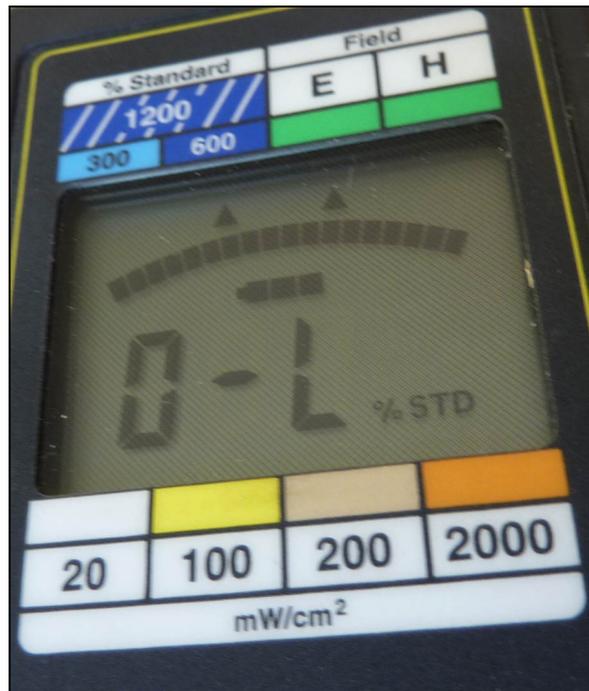
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Missouri On-Site Safety and Health Program
Missouri State Senator Maria Chappelle-Nadal
Missouri State Representative Eileen McGeoghegan

City of Edmundson Mayor Gwaltney
City of Edmundson Council Members Robert Yount and Joel Curtis
St. Louis County Commercial Inspections Crystal Deprow

Licensed Carrier #1 area measured >600% FCC Public limit



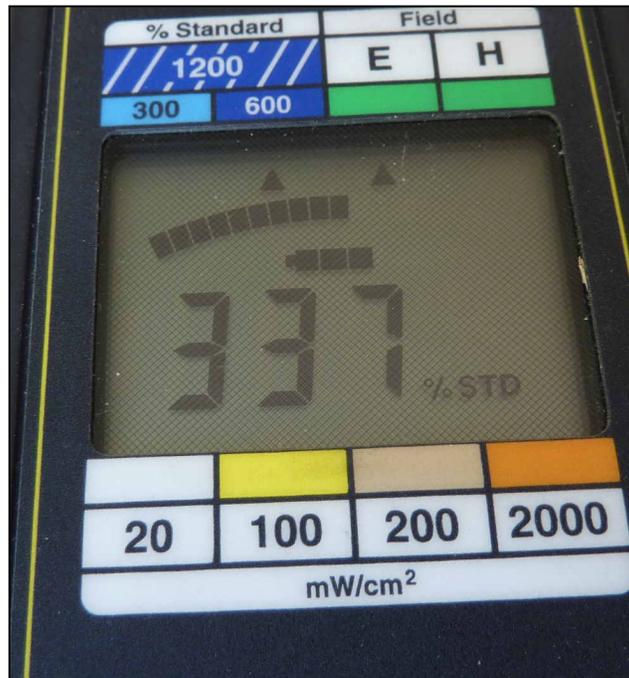
Spatially averaged measurement from area illustrated above



Licensed Carrier #2 area measured 337% FCC Public limit



Spatially averaged measurement from area illustrated above





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FACSIMILE TRANSMISSION

To: P. Michele Ellison
Enforcement Bureau Chief
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Date: February 27, 2012

Re: **Radiofrequency Radiation Exposure Complaint No. EMR013**

The communications site subject to the following complaint is located at:

230 South Berniston Avenue
St. Louis, Missouri 63105

Cc via E-mail or Facsimile Transmission:

Please distribute to all parties in each location as listed below.

Cc via E-mail or Facsimile Transmission:

U.S. Senator Roy Blunt
U.S. Senator Claire McCaskill
U.S. Congressman Russ Carnahan (MO 3rd)
US OSHA Missouri – St. Louis Area Office

Missouri Governor Jay Nixon
Missouri Workplace Safety Program
Missouri On-Site Safety and Health Program
Missouri State Senator John Lamping
Missouri State Representative Stacey Newman

St. Louis Mayor Francis Slay
St. Louis Building Division

Total pages with coversheet - 6

To All:

Attached please find Radiofrequency Radiation Exposure Complaint No. EMR013 with findings demonstrating that the antenna site at this location was documented to be in violation of FCC radiofrequency exposure limits.

On behalf of The EMR Radiation Policy Institute (EMRPI) radiation testing was conducted at this rooftop site using a calibrated Narda 8715 meter and B8742D probe and it was found to exceed the lawful limits as defined in 47 C.F.R. 1.1310 for RF maximum permissible exposure (MPE). EMRPI hereby requests that the Enforcement Bureau take the appropriate action to investigate and ensure that the FCC license holders comply with FCC RF radiation MPE limits at this site as required by law.

Respectfully submitted by Board of Directors of The EMR Policy Institute,

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Vice President

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Board of Directors

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February 27, 2012

P. Michele Ellison
Enforcement Bureau Chief
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: Radiofrequency Radiation Exposure Complaint No. EMR013

Dear Ms. Ellison:

The communications site subject to the following complaint is located at:

230 South Bemiston Avenue
St. Louis, Missouri 63105

On behalf of The EMR Radiation Policy Institute (EMRPI) radiation testing was conducted at this rooftop communications site using a calibrated Narda 8715 meter and B8742D probe and it was found to exceed the lawful limits as defined in 47 C.F.R. § 1.1310 for RF maximum permissible exposure (MPE). EMRPI hereby requests that the Enforcement Bureau take the appropriate action to investigate and ensure that the FCC license holders comply with FCC RF radiation MPE limits at this site as required by law.

The EMR Radiation Policy Institute's expert was granted access to the rooftop by the building landlord. EMRPI's expert interviewed them and ascertained they had no knowledge of an RF Safety plan for the wireless tenants on their rooftop. They were also unaware of any hazardous radio frequency radiation levels on the rooftop.

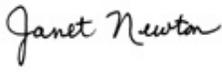
There are three licensed wireless carriers at this location. Using the Narda survey system, EMRPI's expert measured greater than 600% (O-L or Over-Load condition) spatially averaged of the FCC Public limit in front of one readily accessible antenna, greater than 600% (O-L or Over-Load condition) spatially averaged of the FCC Public limit in front of the second readily accessible antenna, and 153.5% spatially averaged of the FCC Public limit in front of the third readily accessible antenna.

The signs posted at this wireless facility were deficient in providing safety guidance for persons accessing the areas illustrated in the attached exhibits. Attempts by EMRPI's expert to obtain assistance from the wireless carrier control centers through the posted phone numbers at this site were inadequate, uninformed and misleading.

EMRPI urges the FCC Enforcement Bureau to investigate the type and veracity of the information provided to those who call the phone numbers provided by the license holders for this rooftop site.

See attached Exhibits for photographs of the rooftop site in question.

Sincerely,



Janet Newton
President



Deborah Carney, JD
Vice President



Diana E. Warren
Director

Cc via E-mail or Facsimile Transmission:

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U.S. Senator Claire McCaskill
U.S. Congressman Russ Carnahan (MO 3rd)
US OSHA Missouri – St. Louis Area Office

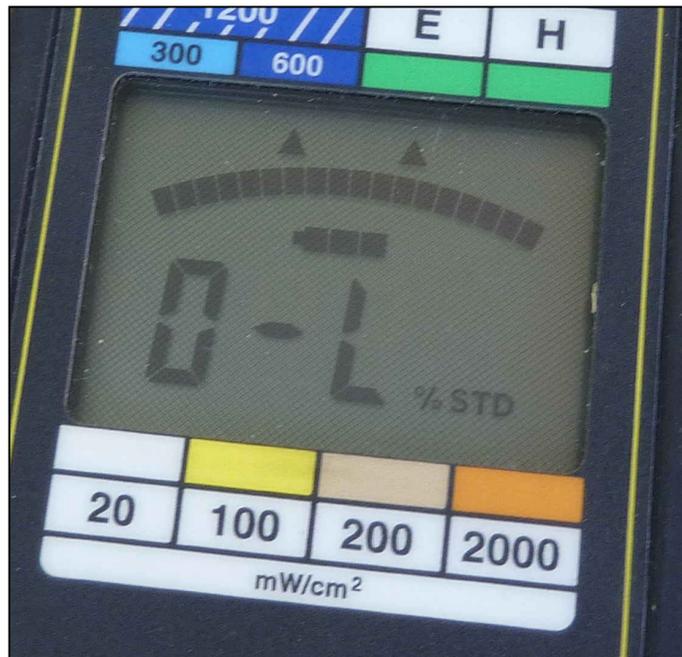
Missouri Governor Jay Nixon
Missouri Workplace Safety Program
Missouri On-Site Safety and Health Program
Missouri State Senator John Lamping
Missouri State Representative Stacey Newman

St. Louis Mayor Francis Slay
St. Louis Building Division

Licensed Carrier #1 area measured >600% FCC Public limit



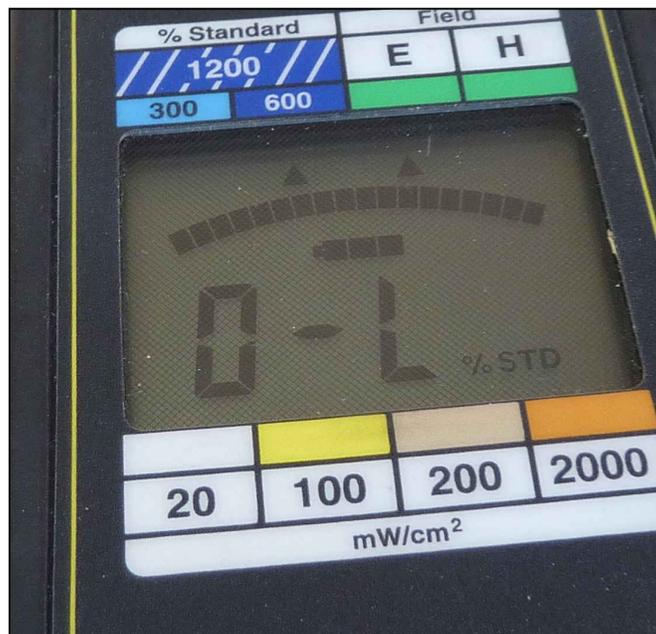
Spatially averaged measurement from area illustrated above



Licensed Carrier #2 area measured >600% FCC Public limit



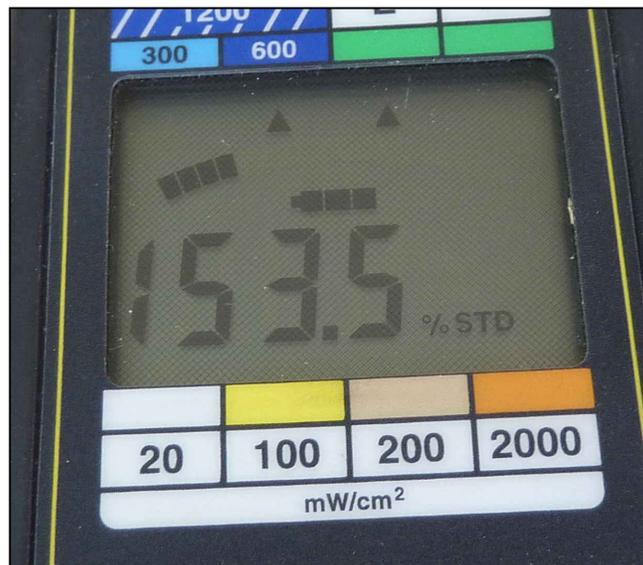
Spatially averaged measurement from area illustrated above



Licensed Carrier #3 area measured 153.5% FCC Public limit



Spatially averaged measurement from area illustrated above





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FACSIMILE TRANSMISSION

To: P. Michele Ellison
Enforcement Bureau Chief
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Date: February 27, 2012

Re: **Radiofrequency Radiation Exposure Complaint No. EMR015**

The communications site subject to the following complaint is located at:
1973 Craigshire Road
St. Louis, Missouri 63146

Cc via E-mail or Facsimile Transmission:

Please distribute to all parties in each location as listed below.

Cc via E-mail or Facsimile Transmission:

U.S. Senator Roy Blunt
U.S. Senator Claire McCaskill
U.S. Congressman Russ Carnahan (MO 3rd)
US OSHA Missouri – St. Louis Area Office

Missouri Governor Jay Nixon
Missouri Workplace Safety Program
Missouri On-Site Safety and Health Program
Missouri State Senator John Lamping
Missouri State Representative Mary Nichols

St. Louis Mayor Francis Slay
St. Louis Alderman Lewis Reed
St. Louis Building Division

Total pages with coversheet - 6

To All:

Attached please find Radiofrequency Radiation Exposure Complaint No. EMR015 with findings demonstrating that the antenna site at this location was documented to be in violation of FCC radiofrequency exposure limits.

On behalf of The EMR Radiation Policy Institute (EMRPI) radiation testing was conducted at this rooftop site using a calibrated Narda 8715 meter and B8742D probe and it was found to exceed the lawful limits as defined in 47 C.F.R. 1.1310 for RF maximum permissible exposure (MPE). EMRPI hereby requests that the Enforcement Bureau take the appropriate action to investigate and ensure that the FCC license holders comply with FCC RF radiation MPE limits at this site as required by law.

Respectfully submitted by Board of Directors of The EMR Policy Institute,

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February 27, 2012

P. Michele Ellison
Enforcement Bureau Chief
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: Radiofrequency Radiation Exposure Complaint No. EMR015

Dear Ms. Ellison,

The communications site subject to the following complaint is located at:

1973 Craigshire Road
St. Louis, Missouri 63146

On behalf of The EMR Radiation Policy Institute (EMRPI) radiation testing was conducted at this rooftop communications site using a calibrated Narda 8715 meter and B8742D probe and it was found to exceed the lawful limits as defined in 47 C.F.R. § 1.1310 for RF maximum permissible exposure (MPE). EMRPI hereby requests that the Enforcement Bureau take the appropriate action to investigate and ensure that the FCC license holders comply with FCC RF radiation MPE limits at this site as required by law.

The EMR Radiation Policy Institute's expert was granted access to the rooftop by the building landlord. EMRPI's expert interviewed them and ascertained they had no knowledge of an RF Safety plan for the wireless tenants on their rooftop. They were also unaware of any hazardous radio frequency radiation levels on the rooftop.

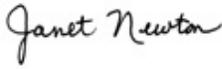
There are three licensed wireless carriers at this location. Using the Narda survey system, EMRPI's expert measured greater than 600% (O-L or Over-Load condition) spatially averaged of the FCC Public limit in front of one readily accessible antenna, 233% spatially averaged of the FCC Public limit in front of the second readily accessible antenna, and 232% spatially averaged of the FCC Public limit in front of the third readily accessible antenna.

The signs posted at this wireless facility were deficient in providing safety guidance for persons accessing the areas illustrated in the attached exhibits. Attempts by EMRPI's expert to obtain assistance from the wireless carrier control centers through the posted phone numbers at this site were inadequate, uninformed and misleading.

EMRPI urges the FCC Enforcement Bureau to investigate the type and veracity of the information provided to those who call the phone numbers provided by the license holders for this rooftop site.

See attached Exhibits for photographs of the rooftop site in question.

Sincerely,



Janet Newton
President



Deborah Carney, JD
Vice President



Diana E. Warren
Director

Cc via E-mail or Facsimile Transmission:

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U.S. Senator Claire McCaskill
U.S. Congressman Russ Carnahan (MO 3rd)
US OSHA Missouri – St. Louis Area Office

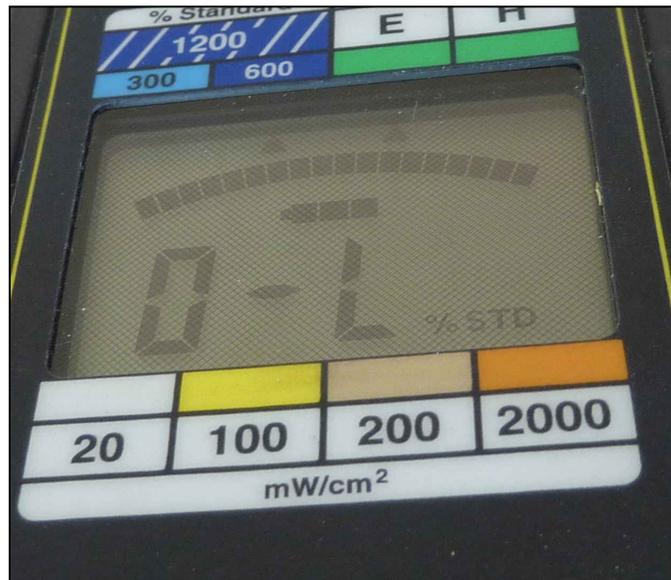
Missouri Governor Jay Nixon
Missouri Workplace Safety Program
Missouri On-Site Safety and Health Program
Missouri State Senator John Lamping
Missouri State Representative Mary Nichols

St. Louis Mayor Francis Slay
St. Louis Alderman Lewis Reed
St. Louis Building Division

Licensed Carrier #1 area measured >600% FCC Public limit



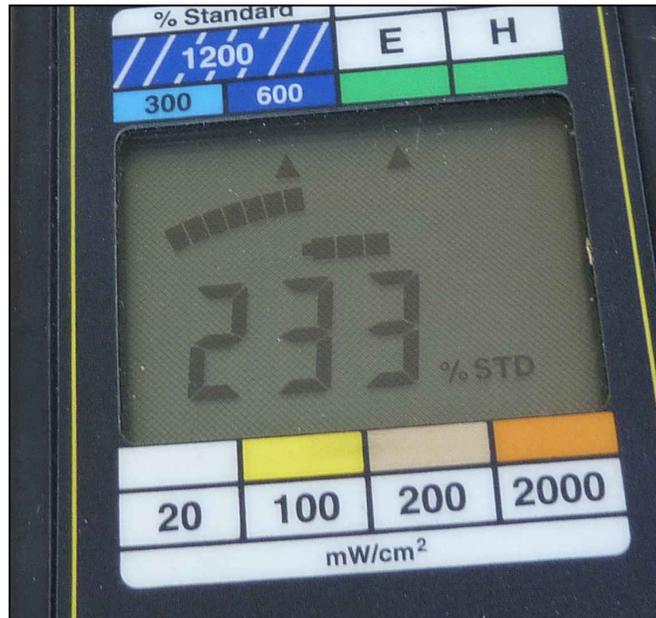
Spatially averaged measurement from area illustrated above



Licensed Carrier #2 area measured >233% FCC Public limit



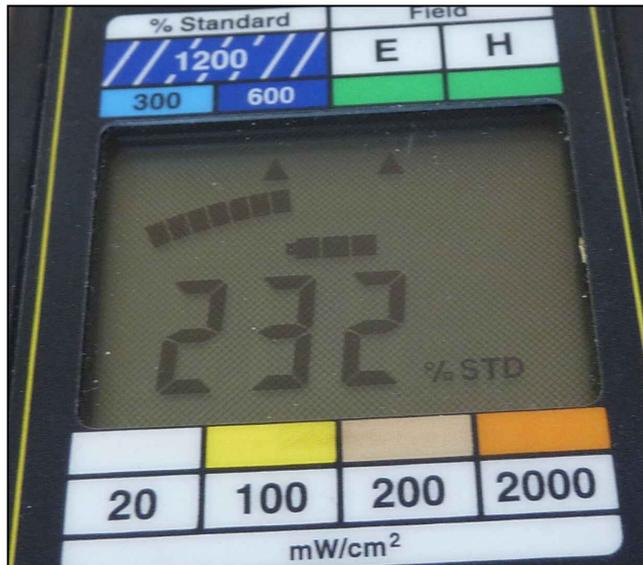
Spatially averaged measurement from area illustrated above



Licensed Carrier #3 area measured 232% FCC Public limit



Spatially averaged measurement from area illustrated above



CLAIRE McCASKILL
MISSOURI

COMMITTEES:
ARMED SERVICES

COMMERCE, SCIENCE AND
TRANSPORTATION

HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

SPECIAL COMMITTEE ON AGING

AD HOC SUBCOMMITTEE
ON CONTRACTING OVERSIGHT
CHAIRMAN

United States Senate
WASHINGTON, DC 20510

May 31, 2012

Complaints EMR 013,014,015

Ms. Janet Newton
EMR Policy Institute
PO Box 117
Marshfield, VT 05658-0117

Dear Ms. Newton,

In response to my inquiry on your behalf, I have received the enclosed letter from Federal Communications Commission.

I hope this reply satisfactorily responds to your concerns and provides the information you need. If you have questions or comments about the letter, please let me know.

I am happy to have assisted you in this matter.

Sincerely,



Claire McCaskill
United States Senator

IN REPLY PLEASE REFER TO
OFFICE INDICATED:

555 INDEPENDENCE
ROOM 3600
CAPE GIRARDEAU, MO 63703
(573) 651-0964
FAX: (573) 334-4278

815 EAST ASH STREET
COLUMBIA, MO 65201
(573) 442-7130
FAX: (573) 442-7140

4141 PENNSYLVANIA AVENUE
SUITE 101
KANSAS CITY, MO 64111
(816) 421-1639
FAX: (816) 421-2562

5850 DELMAR BOULEVARD
SUITE A
ST. LOUIS, MO 63112
(314) 367-1364
FAX: (314) 361-8649

324 PARK CENTRAL WEST
SUITE 101
SPRINGFIELD, MO 65806
(417) 868-8745
FAX: (417) 831-1349

<http://mccaskill.senate.gov>



Federal Communications Commission
Washington, D.C. 20554

MAY 23 2012

2012 MAY 30 AM 8:54

Complaints EMR 013, 014, 015

EB-SCR-DLH
CN 1200539

The Honorable Claire McCaskill
United States Senator
5850 Delmar Boulevard, Suite A
St. Louis, Missouri 63112

Dear Senator McCaskill:

Thank you for your inquiry of April 13, 2012, on behalf of the EMR Policy Institute. The EMR Policy Institute contacted your office concerning radiofrequency exposure limit violations at: 10700 Pear Tree Lane, Edmondson, Missouri; 1973 Craigshire Road, St. Louis, Missouri; and 230 South Berniston Avenue, St. Louis, Missouri.

The Enforcement Bureau is always concerned about public health and safety and takes allegations of violations of our radiofrequency exposure limits very seriously. The EMR Policy Institute submitted its information to the Enforcement Bureau directly, and agents from our Kansas City Office inspected the named locations on March 19 and March 20, 2012. All three rooftops at the named locations were restricted areas and were properly marked with warning signs, consistent with the Commission's rules. The radiofrequency radiation levels measured by the agents were well below the occupational limits imposed by the Commission for restricted areas. Please rest assured that the Enforcement Bureau will take appropriate action if we receive further complaints regarding these locations.

Thank you for your interest in this matter. If you require additional information or assistance, please contact this office at (202) 418-7450.

Sincerely,

Michael Carowitz
Chief of Staff
Enforcement Bureau



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July 24, 2012

P. Michele Ellison
Enforcement Bureau Chief
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

Re: Follow up to Radiofrequency Radiation Exposure Complaints No. EMR013 and EMR014

Dear Ms. Ellison:

The communications site subject to this follow up to EMR Policy Institute's (EMRPI) original Complaint EMR013 is located at:

230 South Bemiston Avenue
St. Louis, Missouri 63105

On May 23, 2012, FCC Enforcement Bureau (EB) Chief of Staff (COS) Michael Carowitz sent a response letter to US Senator Claire McCaskill, whom EMRPI had carbon copied on our original complaint, stating that agents from the FCC EB's Kansas City Office had inspected this site on March 19th or 20th of 2012. EMRPI is grateful that Senator McCaskill was courteous enough to forward this response to EMRPI since, to date, no feedback on this complaint has been directed from the FCC EB directly to EMRPI. COS Carowitz's letter sent to the Senator (see Attachment 1) contains statements and information that EMRPI believes to be incorrect and deceiving.

EMRPI is e-mailing this correspondence directly to Senator Caskill's Aide Jessica Beezhold in the Senator's St. Louis District Office.

EB COS Carowitz's letter states that, "The Enforcement Bureau is always concerned about public health and safety and takes allegations of violations of our radio frequency exposure limits very seriously." This statement sounds sincere, but EMRPI's direct experience is proving this statement to be disingenuous. Let us explain the results of our investigation of this site in detail.

EMRPI's first visit to the site took place months before EMRPI filed the original Complaint EMR013. At that time EMRPI's team witnessed several workers on the rooftop while EMRPI's team performed measurements and these workers can be seen in the picture of EMRPI's original complaint (see Figure 1 below). EMRPI's team interviewed these workers and none of them has received RF Safety training from any of the wireless carriers present on this rooftop. All of the areas EMRPI measured on this rooftop are accessible to these workers.

There is no RF Safety plan in effect at this rooftop and therefore it meets FC

“Uncontrolled” access definition and, consequently, the general population/uncontrolled Maximum Permissible Exposure (MPE) limits apply to this limited access site. This definition of applicable limits is spelled out in several FCC documents and literature including the “Local Official’s Guide to RF” (see Attachment 2).

During EMRPI team’s survey of the site AT&T’s RF emissions measured greater than 600% of FCC general population/uncontrolled exposure limits (which is **also greater than** 100% of FCC Occupational limits) in front of AT&T’s readily accessible antennas and greater than 600% of the FCC general population/uncontrolled exposure limit (which is also **greater than** 100% of FCC Occupational limit) in front of T-Mobile’s readily accessible antennas.

AT&T had posted some signs in the vicinity of its antennas. However, these signs offered no relevant information enabling workers on this rooftop to ascertain how to protect themselves or how to exercise control over their exposure to RF radiation at this site. The phone number listed on the signs was called several times and the safety guidance that EMRPI’s team requested could not be obtained. T-Mobile had no signs or information phone number posted near any of its antennas.

EB COS Carowitz’s letter to Senator McCaskill also stated that, “All three rooftops at the named locations were restricted areas and were properly marked with warning signs, consistent with the Commission’s rules.” These rooftops may have limited access (limited to anyone that requests access to perform work or who works there as a daily requirement of his/her job) but are not considered “Controlled” access per the Commission’s rules. The Commission’s rules do not list posting a nebulous sign near an area exceeding FCCRF exposure limits as an acceptable means for persons to exercise control over their exposure to RF Radiation. The license holder is responsible for ensuring that controls are in place or that the limits are not exceeded. If the limits are exceeded, an Environmental Assessment is required from the license holder per Commission rules.

On July 16th 2012, EMRPI’s survey team returned to the Complaint EMR013 site (see Figure 2) to validate the Enforcement Bureau’s findings. Our Narda 8715 meter and 8742D probe were employed along with a rented Narda SRM-3000 narrowband measurement system. (EMRPI was informed in a July 6, 2012 conversation with David Dombrowski of FCC’s Philadelphia Enforcement Bureau Office that they use the Narda SRM-3000 equipment.) EMRPI’s team photographed, videotaped and recorded our measurements and findings.

Complaint EMR013 site was accessible to anyone walking up to the rooftop access door and signing the rooftop access sheet (on the unlocked door). This site is undeniably uncontrolled as far as any RF Safety plan would consider and, therefore, the FCC General Population RF exposure limits cannot be exceeded without an Environmental Assessment (per Commission rules using the spatial average technique outlined in FCC OET65 (see Attachment 3)).

EMRPI’s measurements were performed in readily accessible locations in front of AT&T antennas and T-Mobile antennas at a distance of 20 cm. EMRPI’s measurement results exceeded the FCC General Public exposure limit by more than 5 times the limit and the FCC Occupational exposure limit (see Figures 3-5).

EMRPI finds the FCC Enforcement Bureau’s assessment made on March 19th or 20th 2012 to be incorrect.

Complaint EMR013 site has undergone configuration changes for AT&T since EMRPI’s first visit as AT&T has added LTE technology to each sector. This would account for a reduction in the measured MPE since EMRPI’s last visit, but AT&T’s emissions still exceed the FCC Occupational and General Population limits. Consequently AT&T’s antenna installation is out of compliance with FCC regulations for the following reasons:

1. There are ineffective barriers placed around AT&T antennas.

2. The FCC Occupational and General Population limits are both exceeded outside the plastic cones and chains (see Figure 6).
3. No information is placed on or near the barriers in the form of signs that would enable workers to exercise control over their exposure if access inside the barriers is required.
4. The existing signs are poorly placed and contain no relevant information.
5. No guidance could be obtained by calling the phone numbers on the signs.

Upon reevaluation by EMRPI's team of the Complaint EMR013 site T-Mobile's antenna installation is unchanged and still exceeds the FCC Occupational and General Population exposure limits and, therefore, it is also out of compliance with FCC regulations.

Complaint EMR014 antenna site located at 10700 Pear Tree Lane, Edmundson, Missouri 63134 was also revisited and measured by EMRPI's survey team on July 16, 2012. It was also found to still exceed the FCC Occupational exposure limits without being under control of an RF Safety plan.

EMRPI's July 16, 2012 return inspections of Complaints EMR013 and EMR014 antenna sites give rise to the following questions:

1. How was it possible for the EB agents to determine that this rooftop was compliant with Commission rules?
2. No results were offered in the EB's letter to Senator McCaskill other than "well below the occupational limits". How far below?
3. What is the explanation for why the EB agents did not apply the General Population exposure limits to this site?
4. How do the workers accessing this site exercise control over their exposure?
5. Did the EB agents call any phone number posted at the site?
6. Did EB agents interview the building engineers to determine what their knowledge and training are pertaining to working in this RF radiation environment?

FCC Enforcement Bureau COS Carowitz's statement in his May 23, 2012 letter to Senator McCaskill that EB takes complaints seriously demands that the EB take the following steps to protect the public in Senator Claire McCaskill's district:

1. Have a competent survey team cognizant of the Commission rules return to the site with equipment they know how to use.
2. Determine whether the site is categorized as "Controlled" or "Uncontrolled" under an RF safety plan and provide an explanation of the classification.
3. Measure all accessible locations, including inside the barriers that lack relevant signage to provide actual safety guidance and instructions for workers requiring access inside these areas.
4. If the FCC limits are exceeded and an Environmental Assessment has not been performed by the license holder, issue a Notice of Violation to correct the problem.
5. Without prior notice to any wireless licensee, request that FCC's Office of Inspector General staff conduct an investigation that records the voice responses they obtain from calls they place to all wireless licensee's safety information phone numbers. The task of this investigation is to determine if the necessary safety information is available through these calls to enable workers "to exercise control over their exposure." For these phone calls to elicit valid responses, the caller must identify himself as a rooftop worker about to carry out an assignment in close proximity to the wireless licensee's antenna installation

EMRPI's team has documented hundreds of sites across the country and EMRPI suspects that thousands more exist. EMRPI will continue to alert the EB of these sites in order to protect the public. EMRPI can only hope that the EB will be more diligent than what has been demonstrated at Complaints EMR013 and EMR014 sites in enforcing FCC rules and regulations. The public trusts the EB to safeguard them against harm at every antenna installation site.

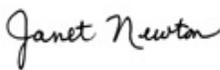
EMRPI will continue to revisit these sites to ensure the public is protected and kept safe. To that end it is imperative that the EB correctly measure the RF emissions in question at the sites EMRPI has identified and that EB correctly classify these sites by FCC's definitions for "Controlled" and "Uncontrolled" found in FCC OET Bulletin 65 at page 9:

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits (see below), **as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.** As discussed later, the occupational/controlled exposure limits also apply to amateur radio operators and members of their immediate household. (Emphasis added.)

General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or **in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure.** Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area. (Emphasis added.)

For purposes of applying these definitions, **awareness of the potential for RF exposure in a workplace or similar environment can be provided through specific training as part of an RF safety program.** Warning signs and labels can also be used **to establish such awareness as long as they provide information, in a prominent manner, on risk of potential exposure and instructions on methods to minimize such exposure risk.** (Emphasis added.)

Sincerely,



Janet Newton
President



Deborah Carney, JD
Vice President



Diana E. Warren
Director

Enc: Figures 1-6

Attachment 1 – Letters between Senator Claire McCaskill and Michael Carowitz FCC Enforcement Bureau Chief of Staff

Attachment 2 - p.4 of the FCC Local and State Government Advisory Committee's June 2, 2000, "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance"

Attachment 3- FCC OET Bulletin 65 p.50 Spatially-averaged RF measurement protocol

Cc via E-mail Transmission:

FCC Chairman Julius Genachowski
FCC Commissioner Robert McDowell

FCC Commissioner Mignon Clyburn
FCC Commissioner Jessica Rosenworcel
FCC Commissioner Ajit Pai

U.S. Senator Claire McCaskill
U.S. Senator Roy Blunt
U.S. Congressman Russ Carnahan (MO 3rd)
U.S. Congressman Lacy Clay (MO 1st)
US OSHA Missouri – St. Louis Area Office

Missouri Governor Jay Nixon
Missouri Workplace Safety Program
Missouri On-Site Safety and Health Program
Missouri State Senator John Lamping
Missouri State Representative Stacey Newman

St. Louis Mayor Francis Slay
St. Louis Building Division

Missouri State Senator Maria Chappelle-Nadal
Missouri State Representative Eileen McGeoghegan

City of Edmundson Mayor Gwaltney
City of Edmundson Council Members Robert Yount and Joel Curtis
St. Louis County Commercial Inspections Crystal Deprow

Figure 1. Licensed Carrier #1 area measured >600% FCC Public limit



Figure 2. Return visit to 230 South Bemiston Avenue



Figure 3. AT&T area measured >508% FCC Public limit with Narda 8715 Meter



Figure 4. AT&T area measured >661% FCC Public limit with Narda SRM 3000 Meter

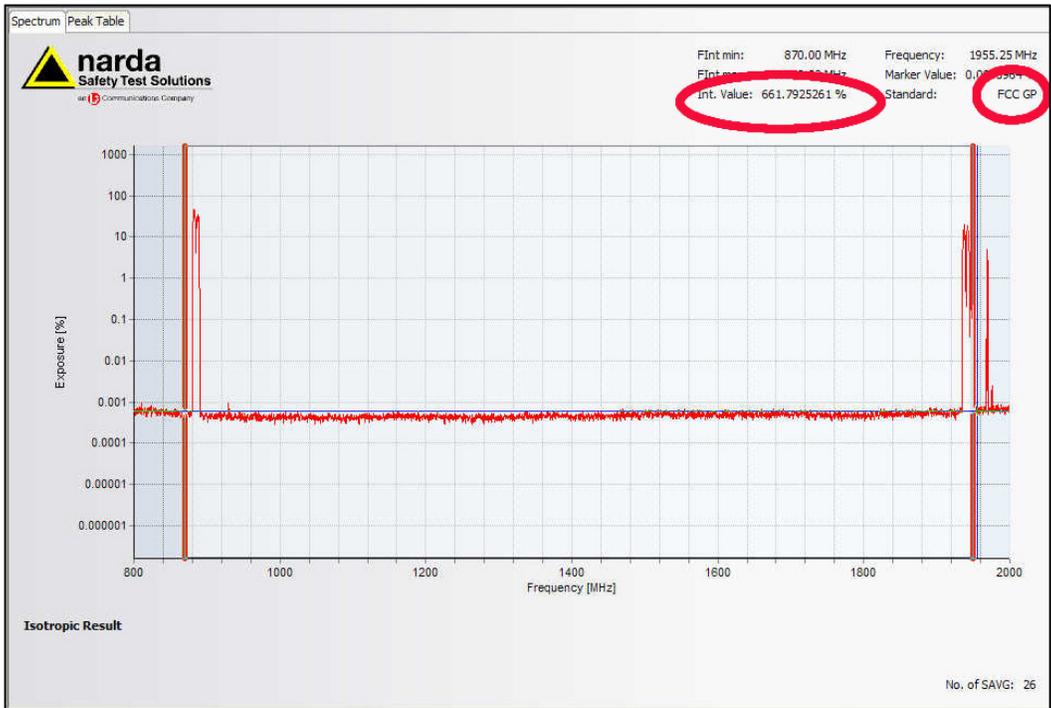


Figure 5. T-Mobile area measured 591% FCC Public limit



Figure 6. Spatially averaged measurement area outside AT&T barrier



CLAIRE McCASKILL
MISSOURI

COMMITTEES:
ARMED SERVICES

COMMERCE, SCIENCE AND
TRANSPORTATION

HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS

SPECIAL COMMITTEE ON AGING

AD HOC SUBCOMMITTEE
ON CONTRACTING OVERSIGHT
CHAIRMAN

United States Senate
WASHINGTON, DC 20510

May 31, 2012

Complaints EMR 013,014,015

Ms. Janet Newton
EMR Policy Institute
PO Box 117
Marshfield, VT 05658-0117

Dear Ms. Newton,

In response to my inquiry on your behalf, I have received the enclosed letter from Federal Communications Commission.

I hope this reply satisfactorily responds to your concerns and provides the information you need. If you have questions or comments about the letter, please let me know.

I am happy to have assisted you in this matter.

Sincerely,



Claire McCaskill
United States Senator

IN REPLY PLEASE REFER TO
OFFICE INDICATED:

555 INDEPENDENCE
ROOM 3600
CAPE GIRARDEAU, MO 63703
(573) 651-0964
FAX: (573) 334-4278

815 EAST ASH STREET
COLUMBIA, MO 65201
(573) 442-7130
FAX: (573) 442-7140

4141 PENNSYLVANIA AVENUE
SUITE 101
KANSAS CITY, MO 64111
(816) 421-1639
FAX: (816) 421-2562

5850 DELMAR BOULEVARD
SUITE A
ST. LOUIS, MO 63112
(314) 367-1364
FAX: (314) 361-8649

324 PARK CENTRAL WEST
SUITE 101
SPRINGFIELD, MO 65806
(417) 868-8745
FAX: (417) 831-1349

<http://mccaskill.senate.gov>



Federal Communications Commission
Washington, D.C. 20554

MAY 23 2012

2012 MAY 30 AM 8:54

Complaints EMR 013, 014, 015

EB-SCR-DLH
CN 1200539

The Honorable Claire McCaskill
United States Senator
5850 Delmar Boulevard, Suite A
St. Louis, Missouri 63112

Dear Senator McCaskill:

Thank you for your inquiry of April 13, 2012, on behalf of the EMR Policy Institute. The EMR Policy Institute contacted your office concerning radiofrequency exposure limit violations at: 10700 Pear Tree Lane, Edmondson, Missouri; 1973 Craigshire Road, St. Louis, Missouri; and 230 South Berniston Avenue, St. Louis, Missouri.

The Enforcement Bureau is always concerned about public health and safety and takes allegations of violations of our radiofrequency exposure limits very seriously. The EMR Policy Institute submitted its information to the Enforcement Bureau directly, and agents from our Kansas City Office inspected the named locations on March 19 and March 20, 2012. All three rooftops at the named locations were restricted areas and were properly marked with warning signs, consistent with the Commission's rules. The radiofrequency radiation levels measured by the agents were well below the occupational limits imposed by the Commission for restricted areas. Please rest assured that the Enforcement Bureau will take appropriate action if we receive further complaints regarding these locations.

Thank you for your interest in this matter. If you require additional information or assistance, please contact this office at (202) 418-7450.

Sincerely,

Michael Carowitz
Chief of Staff
Enforcement Bureau

recommended in 1986 by the National Council on Radiation Protection and Measurements (NCRP) and on the 1991 standard developed by the Institute of Electrical and Electronics Engineers (IEEE) and later adopted as a standard by the American National Standards Institute (ANSI/IEEE C95.1-1992).

The FCC's guidelines establish separate MPE limits for "general population/uncontrolled exposure" and for "occupational/controlled exposure." The general population/uncontrolled limits set the maximum exposure to which most people may be subjected. **People in this group include the general public not associated with the installation and maintenance of the transmitting equipment.** Higher exposure limits are permitted under the "occupational/controlled exposure" category, **but only for persons who are exposed as a consequence of their employment (e.g., wireless radio engineers, technicians).** **To qualify for the occupational/controlled exposure category, exposed persons must be made fully aware of the potential for exposure (e.g., through training), and they must be able to exercise control over their exposure.** In addition, people passing through a location, who are made aware of the potential for exposure, may be exposed under the occupational/controlled criteria. The MPE limits adopted by the FCC for occupational/controlled and general population/uncontrolled exposure incorporate a substantial margin of safety and have been established to be well below levels generally accepted as having the potential to cause adverse health effects.

Determining whether a potential health hazard could exist with respect to a given transmitting antenna is not always a simple matter. Several important factors must be considered in making that determination. They include the following: (1) What is the frequency of the RF signal being transmitted? (2) What is the operating power of the transmitting station and what is the actual power radiated from the antenna?⁶ (3) How long will someone be exposed to the RF signal at a given distance from the antenna? (4) What other antennas are located in the area, and what is the exposure from those antennas? We'll explore each of these issues in greater detail below.

For all frequency ranges at which FCC licensees operate, Section 1.1310 of the FCC's rules establishes maximum permissible exposure (MPE) limits to which people may be exposed. The MPE limits vary by frequency because of the different absorptive properties of the human body at different frequencies when exposed to whole-body RF fields. Section 1.1310 establishes MPE limits in terms of "electric field strength," "magnetic field strength," and "far-field equivalent power density" (power density). For most frequencies used by the wireless services, the most relevant measurement is power density. The MPE limits for power density are given in terms of "milliwatts per square centimeter" or mW/cm^2 . One milliwatt equals one thousandth of one watt (1/1000 of a watt).⁷ In terms of power density, for a given frequency the FCC MPE limits can be interpreted as specifying the maximum rate that energy can be transferred (*i.e.*, the power) to a square centimeter of a person's body over a period of time (either 6 or 30 minutes, as explained

⁶ Power travels from a transmitter through cable or other connecting device to the radiating antenna. "Operating power of the transmitting station" refers to the power that is fed from the transmitter (transmitter output power) into the cable or connecting device. "Actual power radiated from the antenna" is the transmitter output power minus the power lost (power losses) in the connecting device plus an apparent increase in power (if any) due to the design of the antenna. Radiated power is often specified in terms of "effective radiated power" or "ERP" or "effective isotropic radiated power" or "EIRP" (see footnote 14).

⁷ Thus, by way of illustration, it takes 100,000 milliwatts of power to fully illuminate a 100 watt light bulb.

When using a broadband survey instrument, spatially-averaged exposure levels may be determined by slowly moving the probe while scanning over an area approximately equivalent to the vertical cross-section (projected area) of the human body. An average can be estimated by observing the meter reading during this scanning process or be read directly on those meters that provide spatial averaging. Spatially averaging exposure is discussed in more detail in the ANSI/IEEE and NCRP documents referenced above. A maximum field reading may also be desirable, and, if the instrument has a "peak hold" feature, can be obtained by observing the peak reading according to the instrument instructions. Otherwise, the maximum reading can be determined by simply recording the peak during the scanning process.

The term "hot spots" has been used to describe locations where peak readings occur. Often such readings are found near conductive objects, and the question arises as to whether it is valid to consider such measurements for compliance purposes. According to the ANSI C95.3 guidelines (Reference [2]) measurements of field strength to determine compliance are to be made, "at distances 20 cm or greater from any object." Therefore, as long as the 20 cm criterion is satisfied, such peak readings should be considered as indicative of the field *at that point*. However, as far as *average* exposure is concerned such localized readings may not be relevant if accessibility to the location is restricted or time spent at the location is limited (see Section 4 of this bulletin on controlling exposure). It should be noted that most broadband survey instruments already have a 5 cm separation built into the probe.

In many situations there may be several RF sources. For example, a broadcast antenna farm or multiple-use tower could have several types of RF sources including AM, FM, and TV, as well as CMRS and microwave antennas. Also, at rooftop sites many different types of CMRS antennas are commonly present. In such situations it is generally useful to use both broadband and narrowband instrumentation to fully characterize the electromagnetic environment. Broadband instrumentation could be used to determine what the overall field levels appeared to be, while narrowband instrumentation would be required to determine the relative contributions of each signal to the total field if the broadband measurements exceed the most restrictive portion of the applicable MPEs. The "shaped" probes mentioned earlier will also provide quantification of the total field in terms of percentage of the MPE limits.

In cases where personnel may have close access to intermittently active antennas, for example at rooftop locations, measurement surveys should attempt to minimize the uncertainty associated with the duty cycle of the various communications transmitters at the site to arrive at a conservative estimate of maximum possible exposure levels.

At broadcast sites it is important to determine whether stations have auxiliary, or stand-by, antennas at a site in addition to their main antennas. In such cases, either the main antenna or the auxiliary antenna, which may be mounted lower to the ground, may result in the highest RF field levels in accessible areas, and contributions from both must be properly evaluated.

At frequencies above about 300 MHz it is usually sufficient to measure only the electric field (E) or the mean-squared electric field. For frequencies equal to or less than 30