

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies)	ET Docket No. 13-84
)	
Proposed Changes in the Commission’s Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields)	ET Docket No. 03-137
)	

**COMMENTS OF THE NATIONAL ASSOCIATION OF
TELECOMMUNICATIONS OFFICERS AND ADVISORS**

The National Association of Telecommunications Officers and Advisors (“NATOA”)¹ submits these comments in response to the Notice of Inquiry (“NOI”),² released March 19, 2013, in the above-entitled proceedings. In the NOI, the Commission seeks comment as to whether there is a need for changes to the Commission’s current radiofrequency (“RF”) exposure limit rules. While we do not advocate for any specific change, we do believe that the Commission should undertake a comprehensive review of its rules and “should consider any alternative limits, based on all currently available reliable and pertinent research and in light of the increase in numbers and

¹ NATOA is a national trade association that promotes local government interests in communications, and serves as a resource for local officials as they seek to promote communications infrastructure development.

² See *In the Matter of Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Proposed Changes in the Commission’s Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields*, First Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry, ET Docket Nos. 13-84 and 03-137 (rel. Mar. 29, 2013) (“NOI”).

usage of fixed transmitters and portable and mobile devices, as well as changes in usage and consequent exposure patterns.”³ We commend the Commission for its stated intent to “open a science-based examination of the efficacy, currency, and adequacy of the Commission’s exposure limits for RF electromagnetic fields”⁴ and strongly agree that the American public deserves to know that the Commission’s “RF exposure guidelines are based on the most current information, analysis, and expertise available.”⁵

DISCUSSION

As the Commission points out, its current RF standards have been in place since 1996. As such, NATOA concurs with the Government Accountability Office (“GAO”) that the FCC’s “RF energy exposure limit may not reflect the latest research, and testing requirements may not identify maximum exposure in all possible usage conditions.”⁶ While local government authority is limited in this area,⁷ public health and safety issues are often raised by concerned citizens in local proceedings, such as infrastructure siting hearings, because they do not understand how or if the Commission is addressing such concerns. The fact that the Commission has not undertaken a comprehensive review of its current standards for more than a decade is, to say the

³ NOI at ¶ 216.

⁴ NOI at ¶ 210.

⁵ Id.

⁶ United States Government Accountability Office, Highlights of Report to Congressional Requesters, *Telecommunications: Exposure and Testing for Mobile Phones Should Be Reassessed*, GAO-12-771 (July 2012).

⁷ Section 332(c)(7)(B)(iv) of the Communications Act provides that “[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

least, disconcerting to the public and that lack of confidence can be disruptive, both for local governments and industry.

Simply directing concerned citizens to standards established over a decade ago does little to alleviate consumer concerns over RF emissions. The lack of current information concerning the continued validity of the standards may be contributing to recent efforts by state and local governments to address consumer issues surrounding this issue. For example, the uncertainties over the link between cell phone exposure and health risks lead the city of San Francisco to enact the Cell Phone Right-to-Know law. The law required retailers to “post information next to phones, listing their specific absorption rate (SAR) – the measured rate at which radio waves emitted from a cell phone are absorbed by the user’s body.”⁸ The law was successfully challenged by the wireless industry that stated “the ordinance misleads consumers by creating the false impression that the FCC’s standards are insufficient and that some phones are ‘safer’ than others based on their radio frequency emissions.”⁹ Yet any consumer confusion is understandable considering the fact that the standards are 17 years old.

Furthermore, NATOA’s request that the Commission undertake a comprehensive review of its current standards is buttressed by the recent statement of Office of Engineering and Technology Chief Julius Knapp that “since the FCC is not a health and safety agency itself, we must defer to other organizations and agencies with respect to interpreting the biological research necessary to assess the health impact of RF emissions, and to determine what levels are safe.”¹⁰ This admission stands in

⁸ K. Wilkinson, *San Francisco Cell Phone Radiation Disclosure Law Challenged*, Government Technology, available at <http://www.govtech.com/e-government/San-Francisco-Cell-Phone-Radiation-Disclosure.html>

⁹ Id.

¹⁰ See Letter of Julius P. Knapp, ET Docket No. 13-84, at 1 (August 5, 2013).

direct contradiction to the Commission's assertion that it "is confident of its own ability to remain abreast of scientific developments and research, and to participate in standards development and implementation, as is necessary to make an *independent determination* as to the adequacy of its exposure limits in the absence of affirmative input from agencies with more health and safety expertise."¹¹

(Emphasis added.)

CONCLUSION

In determining whether to revise its RF rules, we urge the Commission to consider all reputable information at its disposal and not limit its examination solely to information provided by federal agencies. And, while not dismissing the Commission's repeated statements regarding its concern for the public's health and safety, we must remain mindful that the Commission has also repeatedly stated that it will balance the public's protection with that of additional costs to industry. Perhaps it is time to more fully discuss the role of not only the Commission but of other federal agencies in setting, enforcing, and timely reviewing RF emission standards.

Respectfully submitted,



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¹¹ NOI at ¶ 215.