

Comments for FCC ET Docket No. 13-84 and ET Docket No. 03-137

1. My name is Miriam D Weber and my mailing address is PO Box 1161, Tucson, AZ 85702. I am a resident of Tucson, AZ.

I am a practicing physician and a licensed acupuncturist.

2. In 2011, The World Health Organization classified radio frequency radiation as a possible human carcinogen (Class 2B). Two years later, the US Institute of Health and the FCC and the FDA have yet to update their positions on the potential health effects of radio frequency radiation.

The 2012 BioInitiative Report is incorporated by reference herein in its entirety (<http://www.bioinitiative.org>)

3. I regularly deal with patients and community members who have become electrically hypersensitive, some of whom have been forced to radically alter their living and work spaces as well as their habits in order to avoid debilitating symptoms caused by exposure to radio frequency radiation emitted by utility meters and cell towers. The US Department of Education is actively promoting the extension of wireless enabled technologies into school classrooms, and the US Department of Energy is funding smart grid grants with the target of installing microwave emitting smart wireless utility meters on every building in the US by 2020. I am deeply concerned that there is no federal agency evaluating public health risks, or reports of harm, associated with an increasing environmental exposure to radio frequency radiation found in the workplace, in public spaces, in schools and in our homes.

Compliance with FCC radiofrequency radiation limits is often cited as an excuse to ignore evidence of harm by transmitting utility meters...etc and to force harmful exposure on people against their will. When Southwest Gas installed their radio frequency transmitting meter on my home in the summer of 2008, a year later I requested its removal and the reinstallation of the old meter. I asked for this because of the uncontrollable hypertension I experienced after the new radio frequency transmitting meter was installed. I was told by SW Gas that the FCC had determined that I would not be harmed by the operation of the new meter. Five years later, I am still dealing with uncontrolled hypertension as well as an array of other symptoms that are greatly aggravated when I spend more than a half hour in my kitchen, the room adjacent to the new meter.

The FCC is causing substantial harm to citizens by not updating RF exposure limits to biologically-based safety limits.

4. Due to an increased consumer demand, new wireless devices for personal use are rapidly multiplying, accompanied by greater signal strength, increased band width and higher levels of background radiation from a growing number of cell towers located in

urban settings. There are no human studies that assess the existence or nonexistence of potentially increased rates of morbidity and mortality that might be associated with this surge of ambient radio frequency radiation.

The current FCC guidelines regulate short-term exposure to radio frequency radiation and they do not take in to account actual real life exposure. This includes hours of cell phone use and the existence of many radio frequency transmitting towers in or very close to residential neighborhoods. When the FCC instituted its 1997 guidelines, the negative biological effect of radio frequency radiation was defined as a thermal-level exposure capable of causing burns and tissue heating. Since that time, an increasing number of studies show other harmful non-thermal biological effects caused by various levels of radio frequency radiation that are much lower than the current allowable levels.

“Public safety standards are 1,000 – 10,000 or more times higher than levels now commonly reported in mobile phone base station studies to cause bioeffects.”(<http://www.bioinitiative.org/conclusions/>)

5. The FCC does not possess the expertise to set biologically-based radiofrequency radiation safety limits. EPA does. Therefore, the FCC should advocate that Congress direct the EPA to establish biologically-based radiofrequency radiation safety limits and provide the budget and resources to carry out that task.

The FCC has a duty under *Scenic Hudson v. Federal Power Commission* to create a complete record and to consider seriously public comments in order to fulfill its obligation to represent the public interest. The FCC should make a direct request to the EPA to use its taxpayer-funded resources and experts present at its National Risk Management Research Laboratory to conduct all of the cost analyses it has asked for in this proceeding.

This proceeding requires a NEPA assessment due to reports of injury traceable to radiofrequency exposure under existing guidelines, which establishing biologically-based RF safety limits would prevent. Under NEPA, “federal officials are required to assume the responsibility that the Congress recognized . . . as the obligation of all citizens: to incorporate the consideration of environmental factors into the [federal] decision-making process.” *Envtl. Def. Fund v. Tenn. Valley Auth.*, 468 F.2d 1164, 1174 (6th Cir. 1972). Officials comply with NEPA “primarily by [conducting] an [EIS] for any ‘major Federal action significantly affecting the quality of the human environment.’” *Burkholder v. Peters*, 58 F. App’x 94, 96 (6th Cir. 2003) (quoting 42 U.S.C. § 4332(2)(C)). [Ref. - <http://www.ca6.uscourts.gov/opinions.pdf/10a0374p-06.pdf> Per No. 09-5761 *Heartwood, Inc., et al. v. Agpaoa, et al.* there is standing to challenge the current exposure guidelines because you have suffered an 'injury in fact' that is concrete and particularized; is actual or imminent; is traceable to wireless exposure; and that it is likely that this injury will be redressed by lower exposure guidelines.]

6. US citizens and tax payers deserve radiofrequency radiation safety limits based on

biology, not physics. In order for the FCC to fulfill its Congressional mandate to protect the public health and safety from harm from radiofrequency radiation, it must update its RF safety regulations. "In the Telecom Act of 1996 Congress directed the FCC to set its own RF safety regulations for emissions from Personal Wireless Services Facilities (PWSF). The House Committee on Commerce said it was the Commission's responsibility to adopt uniform RF regulations "with adequate safeguards of the public health and safety." (H.R. Report No. 104-204, p. 94)

In conclusion, a moratorium should be placed on sales of new spectrum, transmitting utility meter installation and installation of additional base stations for wireless service while biologically-based safety limits are being developed.

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