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September 3, 2013

Acting Chairwoman Mignon Clyburn
And Members of The Commission
Federal Communications Commission
By Electronic Submission of Even Date

Re: Proceeding No. 13-84

Dear Chairwoman Clyburn -

This very brief letter will demonstrate that a simple language change in 47 CFR 2.1077 could drastically improve consumer safety without negative effect on industry.

As other submissions bring to the attention of the Commission, ***recent developments in the scientific community have proven beyond any reasonable doubt that there are non-thermal effects on human tissues from electromagnetic fields.*** In terms of both method and effect, scientific concerns have been raised concerning whether the current anthropomorphic modeling used for testing is representative of the typical consumer, as to model size and as to sterile (thus non-DNA) materials used (DNA affecting SAR); the extent to which changed usage patterns have enhanced risks far beyond those present when this area was last examined (comparing 1996 to the present epoch in this area is like comparing the Wright Flyer to a 747); the effects of pocket-carry on sterility, and whether, as I believe, the FCC re-examination of this field of risk analysis should be of a much shorter periodicity, such as five years between renewed reviews.

Attached as part of Exhibit A hereto is a February 8, 2013 letter from Dr. Martha R. Herbert Ph.D, MD, of the faculty of Harvard Medical School, which illustrates the root point that there are non-thermal negative health effects from modulated microwave fields. A very large body of scientific evidence now puts behind us any serious consideration the old idea that "if radiation is non-ionizing, it can only effect tissue through heat." This antique contention is now roundly disproved by a plethora of highly regarded empirical scientific findings. ***In that regard I respectfully further note to the attention of the Commission that the international cancer research consortium of the World Health Organization has now classified cellular telephone radiation as a Group 2B Carcinogen***. Attached as Exhibit A is a listing of studies which show that physical effect may occur from use of cellular instruments. It is easy to state the problem, but more important for us to find a solution.

One root scientific value we can all agree upon is that the signal density from these devices operates in accordance with ***The Inverse Square Law***, such that, for example, the level

of energy absorbed by the body is very dramatically diminished if the cellular device is held away from the body when in the "on" condition and when in use. ***The inverse square law teaches that any specified intensity of signal is inversely proportional to the square of the distance from the source of that signal***. While results vary from several factors, cellular signal density reaching the body may diminish as much as a thousand fold through the interposition of even one inch between the device and the body.

Under the current language of 47 CFR 2.1077, it is required that the tested proximity exposure information for each regulated unit "shall be in the users manual or as a separate sheet," and that if provided via Internet the proximity information "may be included in this alternative form, provided that the user can reasonably be expected to *have the capability* to access information in that form." ( italics added )

Thus, the current language of 47 CFR 2.1077 does not require that the data on tested safe proximity (even that being based solely on the thermal theory of action) be placed where the consumer is likely to see it, but only that it be placed such that the user "*can reasonably be expected to have the capability to access the information.*" There is thus no requirement at all that the proximity testing information (such that, typically, the powerful new smart phones should be kept an inch away from the body when in the "on" condition) for the unit involved be prominently displayed. To the contrary, the current language of 47 CFR 2.1077 inadvertently encouraged industry to place the proximity data in places where only the most diligent consumer would access it, and most do not see it.

The Commission can do a great deal to advance consumer safety regarding these devices, while also protecting industry from both liability at law and citizen outrage for non-disclosure, by changing the rules governing the disclosure of proximity language to wording which will require prominent display of such information to consumers. Given that the ***recent scientific consensus*** shows that the question of danger to health is no longer controversial, and given that 47 CFR 2.1077 already supplies a CFR conduit for such Notice, ***this Commission can protect both consumers and industry by providing for a modification of 47 CFR 2.1077 such that the disclosure language is required to be prominently displayed in printed materials disseminated with each phone, in boldface type no smaller than 10 points size***. Ten point print is a common minimum standard for contractual documents, including insurance documents, and for one example, California case law (Conservatorship of Link 158 CAl. App. 3d 138 (1984)) requires print size no smaller than 8 point whenever a consumer is to give up a material legal right.

The approach advocated here requires no action by manufacturers other than the more prominent display of the 47 CFR 2.1077 data which they already display. Doing this alone would help millions. For further information on developments in the sciences relating to cellular devices, please see www.greenswan.org.

Cordially,

Harry V. Lehmann, CEO
Green Swan Incorporated.

**List of Resources (Exhibit A) Supporting the Green Swan, Inc. Comments of 9/3/13 to the FCC for Proceeding No. 13-84**

1) Letter from Dr. Martha Herbert M.D., PhD to LAUSD of 8 February 2013

   http://www.powerwatch.org.uk/news/20130208-herbert-letterto-wifi-classroom.pdf

2) 31 May 2011 World Health Organization: *"IARC Classifies Radiofrequency Electromagnetic Fields As Possibly Carcinogenic to Humans."*

   www.**iarc**.fr/en/media-centre/pr/2011/pdfs/pr**208**_E.pdf

3) Experimental Oncology 2011: Yakymenko, Sidorik, Kyrylenko, Chekhun, et al, *"Long-Term Exposure to Microwave Radiation Provokes Cancer Growth: Evidences from Radars and Mobile Communication Systems."*

   http://exp-oncology.com.ua/article/1845/long-term-exposure-to-microwave-radiation-provokes-cancer-growth-evidences-from-radars-and-mobile-communication-systems

4) Pathophysiology (November 2012), Hardell, Carlberg, Hansson Mild, et al, *"Use of Mobile Phones and Cordless Phones is Associated with Increased Risk for Glioma and Acoustic Neuroma."*

   http://www.pathophysiologyjournal.com/article/S0928-4680%2812%2900110-1/fulltext

5) Pathophysiology (January 2013), Davis, Kesari, Soskolne, Miller, Stein et al, *"Swedish Review Strengthens Grounds for Concluding that Radiation from Cellular and Cordless Phones is a Probable Human Carcinogen."*

   http://www.pathophysiologyjournal.com/article/S0928-4680%2813%2900003-5/fulltext

6) 47 CFR 2.1077 ( c ) from 1996 requiring that "the compliance information statement shall be included in the user's manual or as a separate sheet. In cases where the manual is provided only in a form other than paper, such as a computer disk or over the Internet, the information required by this section may be included in the manual in that alternative form, provided that the user can reasonably be expected to have the capability to access information in that form."

7) See also attached copy of relevant portion of 47 CFR 2.1077.

section and for sample units also are covered under the provisions of §2.946.

[61 FR 31047, June 19, 1996]

### §2.1076 FCC inspection and submission of equipment for testing.

(a) Each responsible party, upon receipt of a reasonable request, shall submit to the Commission the records required by §2.1075 or one or more sample units for measurements at the Commission's laboratory.

(b) Shipping costs to the Commission's Laboratory and return shall be borne by the responsible party. In the event the responsible party believes that shipment of the sample to the Commission's Laboratory is impractical because of the size or weight of the equipment, or the power requirement, or for any other reason, the responsible party may submit a written explanation why such shipment is impractical and should not be required.

[61 FR 31047, June 19, 1996]

### §2.1077 Compliance information.

(a) If a product must be tested and authorized under a Declaration of Conformity, a compliance information statement shall be supplied with the product at the time of marketing or importation, containing the following information:

(1) Identification of the product, e.g., name and model number;

(2) A statement, similar to that contained in §15.19(a)(3) of this chapter, that the product complies with part 15 of this chapters; and

(3) The identification, by name, address and telephone number, of the responsible party, as defined in §2.909. The responsible party for a Declaration of Conformity must be located within the United States.

(b) If a product is assembled from modular components that, by themselves, are authorized under a Declaration of Conformity and/or a grant of certification, and the assembled product is also subject to authorization under a Declaration of Conformity but, in accordance with the applicable regulations, does not require additional testing, the product shall be supplied, at the time of marketing or importation, with a compliance information statement containing the following information:

(1) Identification of the assembled product, e.g., name and model number.

(2) Identification of the modular components used in the assembly. A modular component authorized under a Declaration of Conformity shall be identified as specified in paragraph (a)(1) of this section. A modular component authorized under a grant of certification shall be identified by name and model number (if applicable) along with the FCC Identifier number.

(3) A statement that the product complies with part 15 of this chapter.

(4) The identification, by name, address and telephone number, of the responsible party who assembled the product from modular components, as defined in §2.909. The responsible party for a Declaration of Conformity must be located within the United States.

(5) Copies of the compliance information statements for each modular component used in the system that is authorized under a Declaration of Conformity.

(c) The compliance information statement shall be included in the user's manual or as a separate sheet. In cases where the manual is provided only in a form other than paper, such as on a computer disk or over the Internet, the information required by this section may be included in the manual in that alternative form, provided the user can reasonably be expected to have the capability to access information in that form.

[61 FR 31048, June 19, 1996, as amended at 62 FR 41880, Aug. 4, 1997; 69 FR 71383, Dec. 9, 2004]

## RADIOFREQUENCY RADIATION EXPOSURE

### §2.1091 Radiofrequency radiation exposure evaluation: mobile devices.

(a) Requirements of this section are a consequence of Commission responsibilities under the National Environmental Policy Act to evaluate the environmental significance of its actions. See subpart I of part 1 of this chapter, in particular §1.1307(b).

(b) For purposes of this section, a mobile device is defined as a transmitting device designed to be used in other than fixed locations and to generally