

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
(IBEW)**

This is in response to the FCC's Notice of Proposed Rule Making regarding radiofrequency exposures. Although the FCC is requesting comments with cost benefit considerations for their proposals, we would like to go on record as noting that many of the existing regulations have no practical application to provide RF safety or FCC compliance for IBEW members. We also believe that many of the proposed RF compliance rules and regulations will not result in improved RF safety for our members or increased FCC licensee compliance and accountability.

Please accept the following comments as our concern regarding our member's exposure to RF radiation and the lack of any RF safety solution for existing or proposed FCC RF Human Exposure Standards.

In reference to paragraphs to Paragraphs 177, 178, 196, 199 and others that refer to CFR 47 1.1310, we offer the following:

1. The premise that an IBEW member, whether considered under general population or a transient individual might have knowledge that there is an allowable FCC RF exposure limit for them and that they would fall under any certain category, either general population exposure limits or occupational exposure is inaccurate for the following reasons:
 - a. In reference to CFR 47 1.1310 and refer to Table 1—Limits for Maximum Permissible Exposure (MPE) (see below), IBEW members and many other workers will not know to refer to this chart.
 - b. The FCC licensee should be responsible for ensuring our members are aware of their exposure so they can fully exercise control over their exposure. The FCC licensee should also be responsible for ensuring our member knows the unique physical boundaries at every work location so as not to exceed the referenced RF exposure limits.

2. The premise that an IBEW member would be able use the table to determine how to remain safe from RF exposure at any particular location is inaccurate as follows:
 - a. Assuming that an IBEW member was able to determine his/her allowable exposure limits as referenced above, how would they know the where the RF exposure areas were located at a particular site which host RF transmitting antennas?
 - b. How would an IBEW member know where the exposure areas are located that would exceed the applicable limits?
3. Also, is it not correct that voice RF transmissions can occur with variable power where the power could fluctuate up or down at any instant? So, would it not be safe to say that assuming the RF power density is static would be wrong and would not be an applicable way to be in compliance with existing or proposed FCC RF Human exposure limits? Therefore, any site specific RF safety information should be based upon maximum output power as a default to avoid any confusion on RF allowable RF exposure levels.
4. In reference to notification and signs as noted in paragraphs 175, 178, 182, 185, 192, 194, 196, 198, 200, 201 and others we have the following comments:
 - a. It's our understanding that the FCC only recommends signs but does not require signs. What should be required is that a person be made aware of their potential exposure so they can exercise control over their exposure.
 - b. Signs in many existing work areas are very ambiguous and are not RF exposure specific. It appears that the FCC licensees only place these signs as a general warning; however, they are not protecting IBEW members from being exposed above the allowable limits and should not be considered to be a "catch all" for FCC RF compliance. In addition, how does a sign protect IBEW members who are not on a rooftop but are working near a pole attached antenna, or one on the side of a building, or a water tank or a stealth antenna blended into the architecture of the building?
 - c. When there is a hazard, the hazard creator has a duty to warn others against the hazard. Signs and notification are an important part of any safety program as they can provide warning of a hazard. However, because there is no way to assure that a worker has read or understand the information on a sign and there's no current method to insure that a sign contains enough information to ensure compliance with the FCC MPE exposure limits, signs should not be considered to be utilized as providing comprehensive RF compliance and safety.
 - d. Notification is the key, but how to notify and ensure the notification was received must be considered.

5. In reference to paragraph 193 we have the following comments:

- a. Although the FCC licensee is ultimately responsible for ensuring that no individual is exposed above their RF radiation FCC limits (and the IBEW believes this as a non-delegable duty that cannot be passed onto the property owner), it only makes sense that providing real and effective RF safety for any individual should be a “shared responsibility” maintained between the regulators (FCC, OSHA, EPA, Congress), the FCC licensee, the property owner or property management company, the employer or subcontractor and the employee.
- b. This Notice of Proposed Rule Making Change is long overdue and validates that ensuring compliance with existing FCC RF human exposure limits by the FCC licensee is not effective and cannot/is not being enforced.
- c. As evidence of this situation, we are beginning to assess our member’s potential RF exposures, past and present, as we believe that many of our members have been exposed to levels of RF radiation in excess of the FCC limits.
- d. We have considered numerous solutions to address RF safety for our members and have concluded, the only effective method is what RF CHECK, Inc. has patented. We recommend (as we did to OSHA), that all the parties work with RF CHECK to ensure accountability for the FCC’s RF Human Exposure laws and for the protection of our nation’s workforce.

Thank you for the opportunity to comment on these proposed rules and we commend the Commission for reviewing these exposure rules that should provide better protection for workers in the future.

Respectfully submitted,



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