

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
)	
)	

To: Office of the Secretary
Federal Communications Commission (FCC), Washington, DC 20554

As officially presented in the Federal Register/ Vol. 78, No. 107 / Tuesday, June 4, 2013 / Proposed Rules. Federal Communications Commission, 47 CFR Parts 1, 2, 15, 24, 25, 27, 73, 90, 95, 97, and 101 [ET Docket Nos. 03-137 and 13-84; FCC 13-39], Reassessment of Exposure to Radiofrequency Electromagnetic Fields Limits and Policies, Federal Communications Commission

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Reply Comments of Kit T. Weaver

Submitted October 23, 2013

Introduction

1. Kit T. Weaver submits these “reply” comments in response to the publication of FCC 13-39, First Report and Order, Further Notice of Proposed Rule Making and Notice of Inquiry (ET Docket No. 13-84 and ET Docket No. 03-137) released March 29, 2013, by the FCC and published in the Federal Register on June 4, 2013.
2. Mr. Weaver previously submitted comments on August 31, 2013, which are available at the following FCC website link:
<http://apps.fcc.gov/ecfs/comment/view;jsessionid=Ym4QSnC Y6nBJpn1VDXx2P312wySS2LGHhfyJwgbKMY2160hHGMn4!153728702!-1613185479?id=6017465341>.

A brief synopsis of the comments previously provided can be summarized as follows:

- With the mounting evidence of adverse biological effects occurring at levels of radiofrequency exposure below the current FCC guidelines, the FCC’s stated confidence in its current guidelines is unfounded. Evidence was then given to support this assertion.
- The FCC should begin development of new biologically based public safety limits in concert with other qualified governmental agencies and professional organizations which would include representation from the medical community.
- Until new biologically based limits can be finalized, the FCC should fully endorse a **precautionary approach** to implement common sense

measures that will help slow the exponential growth of RF exposure to our population caused by the increasing number of wireless devices present in our society. Such measures would focus on educating the public on the voluntary nature of using personal wireless devices and how members of the public can use simple methods such as “time and distance” to reduce overall exposure.

- Inherent with the concept of the voluntary nature of wireless devices used in the home, the FCC should stipulate that no utility, government, or other entity can require installation of a RF emitting device upon one’s property without consent.
 - Specifically for wireless smart meters, the FCC should revise/ issue equipment authorizations to clearly stipulate that installation of such devices on individual homes requires the property owner’s consent.
 - For smart appliances, the FCC should mandate that all smart appliances containing an RF transmitter for communication with wireless smart meters or wireless routers be provided with a clear mechanism for the consumer to ensure that any RF transmitters contained within the device are deactivated.
3. These supplemental “reply” comments are primarily intended to provide additional information pertinent to the highlighted item above recommending that the FCC “fully endorse a ***precautionary approach***” to help slow the exponential growth of RF exposure to our population caused by the increasing number of wireless devices present in our society. In addition, these “reply” comments will also address an additional issue related to accommodation of under the American Disabilities Act.

Utilize a Precautionary Approach to Reduce Future RF Exposures

1. As noted in prior comments, in April 2010, the “President’s Cancer Panel” issued a report entitled, *Reducing Environmental Cancer Risk*. One particular quote from the report is as follows: “When credible evidence exists that there may be a hazard, a precautionary approach should be adopted and alternatives should be sought to remove the potential hazard and still achieve the same social benefit.”
2. It would seem that the FCC is reluctant to utilize a precautionary approach in light of certain statements made in the Notice of Inquiry, where in paragraph 69 the FCC made the curious statement that “adoption of extra precautionary measures may have the unintended consequence of ‘opposition to progress and the refusal of innovation, ever greater bureaucracy,... [and] increased anxiety in the population.’”
3. There has been a recent significant development relevant to the consideration by the FCC of a precautionary approach for limiting RF emissions. On October 15, 2013, the French health agency, ANSES, published results of its assessment of risks related to exposure to radiofrequencies based upon a review of the international scientific literature. The actual introductory statement for the ANSES press release was as follows:

“Faced with the rapid development of wireless technologies, ANSES issues recommendations for limiting exposure to radiofrequencies, especially for the most vulnerable populations.”

The above statement essentially endorses a ***precautionary approach*** similar to that outlined in my prior comments submitted to the FCC on August 31, 2013.

Continuing with additional information from the French governmental agency announcement:

“Limited levels of evidence do point to different biological effects in humans or animals. In addition, some publications suggest a possible increased risk of brain tumour, over the long term, for heavy users of mobile phones. Given this information, and against a background of rapid development of technologies and practices, ANSES recommends limiting the population’s exposure to radiofrequencies – in particular from mobile phones – especially for children and intensive users, and controlling the overall exposure that results from relay antennas. It will also be further developing its work on electro-sensitive individuals, specifically by examining all the available French and international data on this topic that merits closer attention.”

The following additional statement is contained within the French agency announcement:

“The findings of the risk assessment have not brought to light any proven health effects.” [emphasis added]

The word proven is generally interpreted to mean: “Having been demonstrated or verified without doubt.” Well, almost nothing can be “verified without doubt” in science or medicine. So although the French announcement includes the statement that health effects have not been “proven,” the French “expert appraisal” should be considered a major development where a governmental agency of a major Western country appears to be turning in favor of prudent avoidance of RF emissions in the interests of protecting public health and safety.

The French health agency announcement continues:

“The findings of this expert appraisal are therefore consistent with the classification of radiofrequencies proposed by the World Health Organization’s International Agency for Research on Cancer (IARC) as ‘*possibly carcinogenic*’ for heavy users of mobile phones. In addition, the expert appraisal nevertheless shows, with limited levels of evidence, different biological effects in humans or animals, ... these can affect ***sleep, male fertility or cognitive performance.***” [emphasis added]

To limit exposure to radiofrequencies, especially in the most vulnerable population groups, the ANSES recommends:

- “For intensive adult mobile phone users (in talk mode): use of hands-free kits and more generally, for all users, favouring the purchase of phones with the lowest SAR values;
- Reducing the exposure of children by encouraging only moderate use of mobile phones;
- Continuing to improve characterisation of population exposure in outdoor and indoor environments through the use of measurement campaigns;
- That the development of new mobile phone network infrastructures be subject to prior studies concerning the characterisation of exposures, and an in-depth study be conducted of the consequences of possibly multiplying the number of relay antennas in order to reduce levels of environmental exposure;
- Documenting the conditions pertaining at those existing installations causing the highest exposure of the public and investigating in what measure these exposures can be reduced by technical means;
- That all common devices emitting electromagnetic fields intended for use near the body (DECT telephones, tablet computers, baby monitors, etc.) display the maximum level of exposure generated (SAR, for example), as is already the case for mobile phones.”

To review the entire English version the ANSES press release, refer to the following link:

<http://skyvisionsolutions.files.wordpress.com/2013/10/french-agency-press-kit.pdf>.

The entire expert appraisal is printed in French and consists of a PDF file which is 461 pages in length. It is hoped that the FCC will review this document in evaluating a strategy whereby the FCC would fully endorse a precautionary approach at limiting the exponential growth of RF exposure to our population caused by the increasing number of wireless devices present in our society. The full French “**Update of the ‘Radiofrequencies and health’ expert appraisal**” should be available at the following link for at least a period of one calendar year:

<http://skyvisionsolutions.files.wordpress.com/2013/10/french-rf-expert-review.pdf>.

4. What is disheartening, however, is the public relations “spin” placed upon the French report by telecommunications-related organizations. The clear headline for the report is that an agency of the French government is recommending a **precautionary approach** to complement the limits based system that exists for limiting RF exposure within France. This is the news. Accordingly, the British [The Telegraph](#) headline for the story was “**Children’s exposure to mobile phones should be limited**,” and “*French safety watchdog recommends limiting exposure to radiofrequencies for children and intensive users.*” However, according to a telecommunications industry group, [GSMA](#), the appropriate headline was that “**French government finds mobile phones have no proven health effect and keeps existing safety standards.**” It is like people are living in different worlds and the one for the telecommunications world is clearly biased. Let us hope that the FCC is not similarly inclined to misinterpret or dismiss the French agency report.

Accommodation for Individuals with Wireless Smart Meters and Smart Appliances

1. As mentioned in prior comments and due to the concept of the voluntary nature of wireless devices used in the home, the FCC should stipulate that no utility, government, or other entity can require installation of an RF emitting device upon one's property without consent. Such stipulation by the FCC would apply to devices such as wireless smart meters and would also extend to smart appliances to the extent that consumers are provided with a clear mechanism to ensure that any RF transmitters contained within smart appliances are deactivated.
2. By taking actions as described above, the FCC would facilitate compliance with provisions of the American Disabilities Act by utility organizations, appliance manufacturers, and corporations involved with the smart grid or smart home industry.
3. Whether the FCC, the telecommunications industry, and some bureaucratic scientific bodies want to acknowledge it or not, it is a fact that qualified medical professionals diagnose conditions related to Electromagnetic Hypersensitivity (EHS) or sensitivity related illnesses that involve adverse clinical states elicited by exposure to low-dose diverse environmental triggers, including electrical stimuli such as radiofrequency radiation. For example, a published article of interest is entitled, "Sensitivity to Electricity – Temporal Changes in Austria," written by Joerg Schröttner and Norbert Leitgeb, 2008, and published online at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2562386/>. As stated in the article, "An overwhelming percentage of general practitioners (96%) to at least some degree believed in the effects of environmental electromagnetic fields on health, and only 39% have never associated health symptoms with electromagnetic pollution. A similar discrepancy between physician's opinions and established scientific assessment was shown in an inquiry study including 342 interviews of physicians in Switzerland."

For background information on sensitivity related illnesses, refer to “Sensitivity-related Illness: the escalating pandemic of allergy, food intolerance and chemical sensitivity,” available at the following link:

<http://www.ncbi.nlm.nih.gov/pubmed/20920818>. Although not indicative from the title or abstract, the article provides an explanation on how impaired tolerance and hypersensitivity can cause multi-system clinical symptoms and individual impairment based upon triggers and associated reactions originating from multiple sources including direct chemical exposure, inhalants, foodstuffs, biological triggers such as molds, and electromagnetic radiation.

4. As noted in [comments](#) provided to the FCC by the American Academy of Environmental Medicine (AAEM), “electromagnetic sensitivity and the health effects of low level RF exposure have already been acknowledged by the federal government.” Specifically,
 - The United States Access Board, an independent Federal agency devoted to accessibility for people with disabilities, has stated, “The Board recognizes that multiple chemical sensitivities and **electromagnetic sensitivities** [emphasis added] may be considered disabilities under the ADA if they so severely impair the neurological, respiratory or other functions of an individual that it substantially limits one or more of the individual's major life activities.” Reference: Federal Register, Vol. 67, No. 170, Tuesday, September 3, 2002, page 56353, “Architectural and Transportation Barriers Compliance Board.”
 - The United States Access Board sponsored the IEQ Indoor Environmental Quality Project, and the final project report includes the following statement, “For people who are **electromagnetically sensitive** [emphasis added], the presence of cell phones and towers, portable telephones, computers, fluorescent lighting, unshielded transformers and wiring, battery re-chargers, wireless devices, security and scanning equipment, microwave ovens, electric ranges and numerous other electrical appliances can make

a building inaccessible.” Reference: “IEQ Indoor Environmental Quality,” NIBS IEQ Final Report, 7/14/05. Note: “NIBS” is an acronym for National Institute of Building Sciences.

5. In a U.S. Supreme Court case, *Memphis Light, Gas & Water Div. v. Craft*, 436 U.S. 1 (1978), it was stated that “Utility service is a necessity of modern life; indeed, the discontinuance of water or heating for even short periods of time may threaten health and safety.” It then follows that if a wireless smart meter, for example, cannot be tolerated by a customer for medical reasons, then use of such a meter would prevent the customer from receiving electrical services. In such a situation, Title III of the ADA requires the utility to accommodate the customer with a disability by modifying its standard practice of installing a wireless smart meter, so that the customer can continue to access necessary electrical service without burden.
6. Electrically sensitive individuals have generally been able to limit or eliminate the number of wireless devices in the home. They live without Wi-Fi, use traditional wired telephones, etc. However, if there reaches a point where only so-called smart appliances are manufactured that all contain wireless transmitters, then there reaches a point where electrically sensitive individuals may not be able to perform basic household activities such as doing the laundry or may not longer be able to own a refrigerator. Such a situation would clearly be unacceptable in our society. Such devices must clearly be manufactured in a way that any wireless transmitters can be fully deactivated such that they are no longer transmitting a RF signal.
7. In summary, on the topic of wireless smart meters and smart appliances, it is incumbent upon the FCC to issue regulations that protect electrically sensitive individuals in a way that ensures accommodation and compliance with provisions of the American Disabilities Act.