

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
 )  
 )  
Proposed Changes in the Commission's Rules ) ET Docket No. 03-137  
Regarding Human Exposure to Radiofrequency )  
Electromagnetic Fields )

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

Reply Filed by: The EMRadiaton Policy Institute  
P.O. Box 117  
Marshfield VT 05658  
E-Mail: [info@emrpolicy.org](mailto:info@emrpolicy.org)  
Telephone: (802) 425-3035

Attorneys: Whitney North Seymour, Jr.  
455 Lexington Avenue, Room 1721  
New York, New York 10017  
email: [wseymour@stblaw.com](mailto:wseymour@stblaw.com)  
Telephone: (212) 455-7640

Gabriel North Seymour  
Gabriel North Seymour, P.C.  
200 Route 126  
Falls Village, CT 06031  
Tel: 860-824-1412  
Email: [certioari@earthlink.net](mailto:certioari@earthlink.net)

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**Reply of The EM Radiation Policy Institute  
ET Docket No. 03-137**

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**I. Documented FCC Failure to Regulate Rooftop Antennas and Antenna Sites**

1. The FCC has failed to enforce its radiofrequency (RF) radiation safety policies to protect the public.
2. The EMRadiation Policy Institute (EMRPI) has documented and filed written Complaints documenting that FCC's RF emissions limits have been exceeded at over 100 rooftop antennas and antenna sites. (EMRPI Comment ET Docket No.03-137 August 30, 2013 (pages 7-11, paragraphs 24-35).

**II. Conflict of Interest**

3. The FCC relies upon telecom company employees to certify compliance with FCC RF safety policies -- without any objective, impartial verification. This conflict of interest and dereliction of responsibility by a public agency jeopardizes public safety. Unmonitored, unreported higher power output levels mean lower costs and greater profits to telecom companies at the expense of the general public.

**III. Lack of FCC Monitoring of Compliance with FCC RF Safety Policies**

4. Currently, the FCC Enforcement Bureau lacks any efficient method to file RF Radiation Emissions Complaints either on FCC's website or via phone.
5. The FCC Enforcement Bureau's agent Jerry Ulcek presented several examples of non-compliant sites in a presentation on April 4<sup>th</sup>, 2005 showing examples of non-compliant sites, well past the deadline for license holders to be compliant with the Telecommunications Act of 1996 exposure guidelines, i.e., September of 2000. No enforcement action appears to have been taken for these exposure violations identified by Mr. Ulcek.
6. The FCC does not monitor compliance and does not take any effective enforcement action against violators.
7. EMRPI was carbon copied on a response to US Senator Claire McCaskill from the FCC Enforcement Bureau (EB) concerning EMRPI Radiofrequency Radiation

Emissions Complaint No. EMR013. The FCC EB assured Senator McCaskill that the site was compliant with FCC guidelines.

8. A follow-up visit by EMRPI demonstrated this was not true. EMRPI again documented RF emissions above the FCC limits at the site. Workers at the building involved in Complaint EMR013 also confirmed that the FCC EB has never even interviewed workers at the site to determine their knowledge of or risk of RF radiation exposure.

9. Comments filed by wireless carriers in this proceeding are that they just “need more time” even though they are failing to comply with requirements of the law that has been in effect since September 2000.

10. No report had been found of any agency enforcement action against any of the violators.

11. A.M. Best, the company that analyzes risks for insurance companies, had already advised insurers that the 600,000 cell sites in the US pose a significant insurance underwriting risk due to the potential damage to the eyes, fertility and brains of the 250,000 workers regularly exposed at these sites even before A. M. Best posted EMRPI’s press release documenting that numerous rooftop sites were over the FCC RF safety limits.

<http://ndwebfiles.marketwire.com/NDWebFiles2/content/2013/3/20/998460//cache/9070876.htm>

#### **IV. Worker Safety Guidance**

12. The FCC has incorrectly assumed its methods to prevent overexposure to RF radiation emissions are effective at all worksites. Wireless sites with camouflaged and hidden antennas are commonplace resulting in worksites where workers have no knowledge of their exposure conditions and no recognition that such workplaces may be hazardous.

#### **V. Misinformation**

13. Even when workers reach out to wireless license holders for guidance on RF exposure safety measures and protection when working around their antennas, information is often incorrect or

misleading as documented in EMRPI's videos. See: Sprint Wireless Safety Call <http://www.youtube.com/watch?v=FXMzHJGM8Rk> ; T-Mobile Wireless Safety Call <http://www.youtube.com/watch?v=efVkJrdgD8o> ; Verizon Wireless Safety Call <http://www.youtube.com/watch?v=vn3ixlgaxfl> .

14. It appears that a systemic lack of RF radiation worker safety procedures or available worker safety information exists at locations of great risk on rooftop wireless sites. See: <http://www.youtube.com/watch?v=8oICZOtMwPo>

15. The International Brotherhood of Electrical Workers with its 750,000 members explains the numerous ways that the existing FCC RF safety regulations rely on false premises and thus offer little or no protection to its membership and even less to the general public. IBEW members cannot be assumed to know that they are in danger or where they are in danger. So little protection is offered by the FCC that, "we believe that many of our members have been exposed to levels of RF radiation in excess of the FCC limits". See IBEW Comment in FCC 13-39 at: <http://apps.fcc.gov/ecfs/comment/view?id=6017467701>

16. EMRPI has documented in Complaints EMR 001-101 that relevant safety information at the sites with RF Radiation exposure dangers to residents and workers is simply not available. Even when wireless companies are contacted directly for RF radiation safety information and guidance, it has been documented in EMRPI's videos that incorrect and misleading information is often what inquiring workers obtain. See: <http://www.youtube.com/watch?v=MF6GoBGLRAc>  
<http://www.youtube.com/watch?v=Bn8HWbhv1hc>

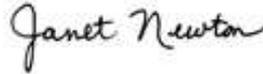
## **VI. Conclusions**

17. The FCC should require installation of sensors at all antenna locations, both building-mounted and tower-mounted. RF radiation emissions levels should be recorded and sent to a local government computer interface via a phone line. These RF emissions readings should be monitored by local government officials on a regular, on-going basis on a fixed schedule. These data should be available to workers before they are required to work at these sites as well as to residents of buildings where such sites are located.

18. EMRPI agrees with the position of the IBEW in its Comment in FCC 13-39 that this proceeding is “long overdue and validates that ensuring compliance with existing FCC RF human exposure limits by the FCC licensee is not effective” and “is not being enforced.”

Respectfully submitted,

The EM Radiation Policy Institute



by Janet Newton, President  
P.O. Box 117  
Marshfield VT 05658  
E-mail: [info@emrpolicy.org](mailto:info@emrpolicy.org)  
Telephone: (802) 426-3035

Whitney North Seymour, Jr.

425 Lexington Avenue, Room 1721  
New York, NY 10017  
Tel: 212-455-7640  
Fax: 212-455-2502  
Email: [wseymour@stblaw.com](mailto:wseymour@stblaw.com)

Gabriel North Seymour  
Gabriel North Seymour P.C.  
200 Route 126  
Falls Village, CT 06031  
Tel: 860-824-1412  
Email: [certiorari@earthlink.net](mailto:certiorari@earthlink.net)

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Attorneys for The EM Radiation Policy Institute