

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

In the Matter of)	
)	
Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies)	WT Docket No. 13-238
)	
Acceleration of Broadband Deployment: Expanding the Reach and Reducing the Cost of Broadband Deployment by Improving Policies Regarding Public Rights of Way and Wireless Facilities Siting)	WC Docket No. 11-59
)	
Amendment of Parts 1 and 17 of the Commission’s Rules Regarding Public Notice Procedures for Processing Antenna Structure Registration Applications for Certain Temporary Towers)	RM-11688 (terminated)
)	
2012 Biennial Review of Telecommunications Regulations)	WT Docket No. 13-32

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

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BEFORE CHANGING ITS WIRELESS INFRASTRUCTURE SITING POLICIES, THE FCC MUST COMPLETE A NEPA-REQUIRED “HARD LOOK” AT REASSESSING ITS RADIOFREQUENCY RADIATION SAFETY LIMITS AND EXPOSURES POLICIES.

1. The EMRadiation Policy Institute ("EMRPI") is a 501(c)(3) non-profit citizens organization based in Marshfield, Vermont, engaged in advocacy and public education concerning the adverse effects of radiofrequency (RF) radiation and electromagnetic radiation (EMR) exposure.
2. From EMRPI's conception in 2003, and prior to that through the EMR Network and Canyon Area Residents for the Environment (CARE), EMRPI or its present officers have attempted to educate the Federal Communications Commission (FCC) with scientific reports, affidavits and numerous demonstrations of health harm arising from the inadequacies in the current FCC electromagnetic radiation safety guidelines. These filings are found in the FCC Electronic Comment Filing System at: <http://preview.tinyurl.com/kys3bgp> (last viewed 2/3/2014) EMRPI's filings are all herein incorporated in their entirety by reference.
3. Despite EMRPI's filing repeated Public Comments, visiting with FCC staff, presentation of Congressional Staff briefings and seminars, and written complaints to get the FCC to adopt electromagnetic radiation safety limits and regulations that actually protect people, the FCC continues to disregard the problem – meanwhile authorizing thousands of new licenses to radiate increasing numbers of frequencies over a huge geographic area.
4. The FCC describes the intentions of this current proceeding FCC 13-122 at ¶ 1:

In this Notice of Proposed Rulemaking, we explore opportunities to promote the deployment of infrastructure that is necessary to provide the public with advanced wireless broadband services, consistent with governing law and the public interest . . . This Notice of Proposed Rulemaking addresses potential measures to expedite the environmental and historic preservation review of new wireless facilities, as well as rules to implement statutory provisions governing State and local review of wireless siting proposals. (Emphasis added.)
5. Given EMRPI's experience with the FCC, this NPRM is a case of “deja vu all over again.” The FCC is again moving to implement more lenient infrastructure siting policies while the adequacy of its radiofrequency (RF) radiation safety limits and exposure regulations to protect the public health are contested by many credentialed scientists and members of the American public. See: EMRPI's Comment in FCC 13-39 August 30, 2013, <http://apps.fcc.gov/ecfs/document/view?id=7520940739> and EMRPI's Reply in FCC 13-39,

November 18, 2013. <http://apps.fcc.gov/ecfs/document/view?id=7520958264> (last accessed 2/3/2014.)

6. At ¶18 in FCC 13-122, the FCC acknowledges what it is required to do under “governing law, i.e., the National Environmental Policy Act (NEPA):

The National Environmental Policy Act of 1969 (“NEPA”)¹ requires agencies of the Federal Government to identify and evaluate the environmental effects of proposed “major Federal actions significantly affecting the quality of the human environment . . .”² Although NEPA does not impose substantive requirements upon agency decision-making, Title I requires Federal agencies to take a “hard look” at major Federal actions that may have significant environmental consequences and to disseminate relevant information to the public.³ A major Federal action includes projects or programs that are entirely or partly financed, assisted, conducted, regulated, or approved by Federal agencies.⁴
7. Throughout the body of FCC13-122 and its Appendices are found proposed actions that will “expedite environmental review”, “tailor rules and processes”, and exclude categories of wireless infrastructure from environment review. FCC opines that their “size”, “volume” and “intrinsic characteristics” may have “minimal effects on the environment.”
8. A prominent case in point in FCC 13-122 is equipment deployed in “Distributed Antenna Systems”. DAS equipment is favored because it can be installed on most short structures such as power poles and on rooftops, as well as indoors.
9. FCC notes at ¶16 that, “DAS networks can often accommodate multiple wireless providers using different frequencies and/or wireless air interfaces.” “DAS deployments may cover entire neighborhoods and involve hundreds of nodes connected to a single hub.”
10. At ¶17 FCC notes, “Further, as the deployments on poles and rooftops are less visible than macrocells on tower structures, they may be particularly desirable for addressing capacity or coverage needs in areas with stringent siting regulations, such as historic districts.”
11. The FCC notes at footnote 51 that it has recently issued a “Notice of Inquiry” that seeks comment on whether it is time for FCC to reassess its current RF radiation safety limits. This is the major mention and discussion of its RF safety limits and exposure regulations with regard to FCC actions that “may significantly affect the environment”.

¹ 42 U.S.C. § 4321 *et seq.*

² 42 U.S.C. § 4332 (2)(C)

³ *Robertson*, 490 U.S. at 349-50.

⁴ 40 C.F.R. § 1508.18(a)

12. Throughout FCC 13-122, the FCC's discussion of "significant environmental effects" with regard to facilitating faster wireless infrastructure deployment deals only with visual and physical impacts. Will a DAS node be invisible on the rooftop in an historic district? Will allowing additional antenna installations on an existing tower (with no additional environmental review) rather than building a new tower prevent excavation at a wetlands site? EMRPI finds no FCC evaluation of the increased RF radiation levels its proposed streamlining of infrastructure deployment will bring. How the increase in RF radiation levels that will accompany the greater number of smaller transmitting devices placed closer together and in closer proximity to the public, whether in residential neighborhoods or at indoor installations, will "affect the quality of the human environment" is not discussed.
13. It is EMRPI's experience that the FCC does not monitor compliance with its current RF safety regulations. EMRPI has documented that the FCC's policy of self-certification of compliance by wireless providers has resulted in out-of-compliance RF radiation levels at sites across the country. EMRPI has filed written Complaints documenting more than 100 such sites. See: <http://apps.fcc.gov/ecfs/document/view?id=7520940739> (last accessed 2/3/2014) paragraphs 24-35.
14. Currently the FCC Enforcement Bureau lacks any efficient method to file RF radiation Complaints either on FCC's website or by phone.
15. In 2008, the National Academies of Science (NAS) issued its Report that identified needs and gaps in the research record underlying the current FCC RF safety limits. This Report came about due to an agreement between the Cellular Telecommunications and Internet Association (CTIA) and the Food and Drug Administration (FDA). FCC RF safety regulations are derived from recommendations of the Institute of Electrical and Electronics Engineers (IEEE) and the National Council on Radiation Protection and Measurements (NCRP). Based on the IEEE and NCRP compilations of studies (all published before 1986), the 2008 NAS Report states that the research record does not take into account a number of factors needed to protect public health. See: www.nap.edu/catalog.php?record_id=12036 (last viewed 3/3/2014) These factors parallel the increase in RF radiation exposures that will arise with the siting policy changes the FCC is proposing in FCC 13-122. Specifically:

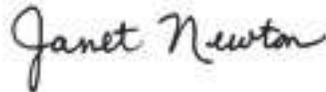
- a. Exposure of juveniles, children, pregnant women, and fetuses both for personal wireless devices (e.g., cell phones, wireless personal computers [PCs]) and for RF fields from base station antennas.
- b. Variability of exposures to the actual use of the device, the environment in which it is used, and exposures from other sources.
- c. Multilateral exposures.
- d. Multifrequency exposures.
- e. Exposure to digital (pulsed, modulated) radiofrequency radiation.
- f. Location of use (both geographic location and whether a device is primarily used indoors or outdoors).
- g. Models for men and women of various heights and for children of various ages.
- h. Exposure to other sources of RF radiation such as cordless phones, wireless computer communications, and other communications systems.
- i. Exposure to the eyes, hand or the human lap or parts of the body close to the device.
- j. RF exposure in close proximity to metallic adornments and implanted medical devices (IMDs) including metal rim glasses, earrings, and various prostheses (e.g., hearing aids, cochlear implants, cardiac pacemakers, insulin pumps, Deep Brain Stimulators).
- k. Sufficiently long exposure and follow-up to allow for detection of effects that occur with a latency of several years.
- k. Lack of information concerning the health effects associated with living in close proximity to base stations.
- m. Research that includes children, the elderly, and people with underlying diseases.
- n. Research on possible adverse RF effects identified by changes in EEG (electroencephalogram) activity.
- o. Lack of information on possible neurophysiologic effects developing during long-term exposure to RF fields.
- p. Studies focusing on possible adverse RF effects identified by changes in cognitive performance functions.
- q. Effects of RF exposure to the sensitive biological targets of neural networks.
- r. Possible effects of RF exposure on fetal and neonatal development.
- s. Possible influences of exposure on the structure and function of the immune system, including prenatal, neonatal, and juvenile exposures.
- t. Possible influences of RF exposures on the structure and function of the central nervous system, including prenatal, neonatal, and juvenile exposures.

CONCLUSION

16. Once again, for the FCC to fulfill its responsibilities under NEPA to “identify and evaluate the environmental effects” of proposed “major Federal actions significantly affecting the quality of the human environment” it must first adopt RF safety limits and exposure regulations that relate directly to the reality of today’s RF exposures. It must give a “hard look” to the impacts of the increase in RF exposures already present, and in that light it must deliberate on any changes in its policies for wireless infrastructure siting.

Respectfully submitted,

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