

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

In the Matter of )  
 )  
Report on FCC Process Reform ) GN Docket No. 14-25  
 )

**FCC SEEKS PUBLIC COMMENT ON REPORT ON PROCESS REFORM**

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

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March 31, 2014

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## **I. Introduction**

1. The EMRadiation Policy Institute (EMRPI) submits this Comment in response to the FCC's statement that its aim in this Report is "improving the overall functioning of the agency and its service to the public."
2. The EMRadiation Policy Institute 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.

## **II. Background**

3. From EMRPI's inception in 2003, and prior to that through the EMR Network and Canyon Area Residents for the Environment (CARE), EMRPI and 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 and policies.
4. 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.
5. To that point, EMRPI notes a significant void in the list of recommendations put forth by the staff working group in GN Docket No. 14-25, i.e., any recommendation addressing FCC's responsibility under the National Environmental Policy Act (NEPA) to update outdated radiofrequency (RF) radiation safety policies.

## **III. National Environmental Policy Act**

6. The Department of Commerce's (DOC) current Docket Number: 131219999-3999-02 is developing policies related its actions in implementing The First Responder Network Authority (FirstNet). Its Notice of Request for Public Comment makes this statement about its responsibilities under NEPA:

NEPA requirements apply to any federal project, decision or action that may have a significant impact on the quality of the human environment.
7. DOC notes that FirstNet will require "use and access" to "existing commercial wireless infrastructure" and "overseeing contracts with non-federal entities to build, operate, and

maintain the network.” To that end DOC requests Comment on its proposed list of “categorical exclusions” to “avoid noncompliance with NEPA requirements.”

8. EMRPI asserts that the FCC bears the same responsibility in GN 14-25 to directly address NEPA compliance. FCC regulates the impacts of the same wireless infrastructure that the FirstNet proceeding addresses.
9. EMRPI directs the staff working group’s attention to the Feb. 7, 2014 Comment submitted by the Department of the Interior (DOI) to the DOC in the FirstNet proceeding. DOI’s Comment commends DOC for “its timely proposals for NEPA implementing procedures” because DOC’s efforts are coming at the time of FirstNet’s creation.
10. The text of DOI’s Comment is found at: [www.ntia.doc.gov/files/ntia/us\\_doi\\_comments.pdf](http://www.ntia.doc.gov/files/ntia/us_doi_comments.pdf)
11. DOI’s Comment cites studies from 2007, 2012, and 2013 that document the impacts of bird collisions with both short and tall communications towers on bird injury and death, including at the population level.
12. DOI’s Comment cites studies from 2000 to the present that document the impacts of bird exposure to low-intensity RF radiation such as nest and site abandonment, plumage deterioration, locomotion problems, reduced survivorship and death.
13. DOI’s Comment notes that:

The electromagnetic radiation standards used by the Federal Communications Commission (FCC) continue to be based on thermal heating, a criterion now nearly 30 years out of date and inapplicable today.
14. EMRPI’s filings in numerous FCC proceedings document the peer-reviewed science as well as personal accounts of human exposure to low-intensity RF radiation along with the scientific literature on wildlife exposure. These filings are found in the FCC Electronic Comment Filing System at: <http://preview.tinyurl.com/kys3bgp> (last viewed 3/31/2014). EMRPI’s filings are herein incorporated in their entirety by reference.
15. On August 30, 2013, EMRPI filed extensive Comment in FCC 13-39 along with 19 Exhibits. The complete documents are found at: [www.emrpolicy.org/regulation/united\\_states/index.htm](http://www.emrpolicy.org/regulation/united_states/index.htm)
16. EMRPI’s Comment addresses FCC’s failure to fulfill its NEPA responsibilities as its policies and actions continue to create widespread impacts on the quality of the human environment.
17. EMRPI’s Comment in FCC 13-39 emphasizes that the FCC’s safety policies expressly fail to protect from “harmful interference” children, persons with medical implants, sensitive subgroups of the US populations, and workers whose occupations require them to spend time on rooftop antenna sites. EMRPI’s Exhibits present many recent studies that demonstrate biological effects and harm from RF exposure levels well below the FCC’s allowed levels.

#### **IV. Report Recommendations on Tracking, Transparency and Complaints**

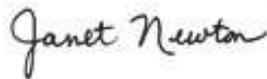
18. EMRPI is encouraged by the number of Report Recommendations that address changes in FCC procedures for tracking, transparency and filing complaints.
19. EMRPI includes herein as an Addendum its November 18, 2014 Reply in FCC 13-39. It documents problems with reporting failures to enforce RF safety policies at rooftop antenna sites. It documents the lack of an efficient method to report RF emissions complaints either by phone or via the FCC website. It documents existing problems with tracking of the written Complaints EMRPI has filed on out-of-compliance rooftop antennas sites across the country. It documents lack of transparency about any FCC enforcement actions at these sites.

#### **V. Conclusions**

20. EMRPI strongly requests that the staff working group who drafted GN Docket No. 14-25 study closely the history of EMRPI's interactions with the FCC over the past decade. It is a showcase of many of the problems the Report on Process Reform seeks to address, i.e., "Improving interactions with external stakeholders by enhancing the FCC's public outreach and transparency."

Respectfully submitted,

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Addendum: The EMRadiation Policy Institute Reply in FCC 13-39.

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

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

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Federal Communications Commission  
Washington, DC 20554

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November 18, 2013

**Reply of The EMRadiation 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 such 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 to their knowledge 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=vn3ixIgaXfI> .

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 IBEW states, "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>

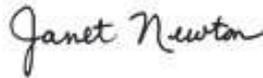
**VI. Conclusions**

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,

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