



**INTERNATIONAL
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900 Seventh Street, NW
Washington, DC 20001
202.833.7000
www.ibew.org

EDWIN D. HILL
International President

SAM J. CHILIA
International
Secretary-Treasurer

April 4, 2014

Ex Parte

Marlene H. Dortch
Secretary, Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: Proposed Changes in the Commission's Rules Regarding
Human Exposure to Radiofrequency Electromagnetic Fields,
ET Docket No. 03-137**

Dear Ms. Dortch:

The International Brotherhood of Electrical Workers (IBEW) requested a meeting with Federal Communications Commission (FCC) staff to discuss issues associated with the ongoing proposed rulemaking regarding the above docket. On March 12, 2014, James Tomaseski, Director of the IBEW's Safety and Health Department, along with Doug Williams, Chairman and CEO of RF CHECK, Inc. (RF CHECK), Drew Fountain, Co-Founder and Vice Chairman of RF CHECK, Daniel Jaurigue, President, North America of RF CHECK, and Roger Egan, Executive Chairman of Risk Strategies Co., met with Julius Knapp, Joe Monie, Bruce Romano, Robert Weller, Ed Mantiplay, and Martin Doczkat, all of whom are of the FCC's Office of Engineering and Technology. The meeting was specifically set up to discuss the adoption of safe harbors for roof-top and other locations, as well as to discuss the continuing problem with third party worker exposure to harmful RF emissions.

The IBEW specifically commended the FCC for pursuing rulemaking. The IBEW agreed with the Commission that the proposal was a step in the right direction as it addresses workers' exposure to RF emissions. The IBEW also cautioned that if safe harbor provisions were granted to carriers where untrained and uninformed workers could be unnecessarily exposed to RF radiation, the purpose of the rulemaking would be jeopardized and would result in a step in the wrong direction.

Roger Egan explained that property insurers will not accept a partial solution. Unless a comprehensive solution protecting the needs of all the wireless stakeholders is implemented that would not only be limited to roof-top sites, insurers will react in a predictable manner by denying coverage to property owners who host wireless antennas. He concluded that exclusions would be very disruptive to network expansion demands at a time when all consumers want and need increased wireless capacity and coverage.



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Marlene H. Dortch
April 4, 2014
Page 2

The IBEW has been involved in this debate for several years. The IBEW has been diligent in our efforts to keep the Commission and cellular service providers aware of the issue of the pointless third party worker exposure to RF radiation hazards, and the fact that RF CHECK offers a simple, effective, state-of-the-art solution to this problem. Included in this filing are documents that the IBEW presented during the meeting which demonstrate our efforts to explain the need for a comprehensive RF safety system that should be supported by the industry.

This letter is being submitted pursuant to the Commission's rules for inclusion in the public record of the above-referenced proceeding.

Sincerely yours,

Edwin D. Hill
International President

EDH:mra
Copy to James Tomaseski, Director, Safety and Health Department



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EDWIN D. HILL
International President

LINDELL K. LEE
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Secretary-Treasurer

August 11, 2008

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SE
Washington, DC 20554

**Re: Applications of Atlantis Holdings, LLC, transferor and Celco
Partnership D/B/A/ Verizon Wireless, transferee, WT Docket 08-95.**

Dear Chairman Martin and Commissioners:

In order to protect workers from dangerous working conditions that violate Federal Communications Commission ("FCC" or "Commission") rules, the International Brotherhood of Electrical Workers ("IBEW") writes today to respectfully urge the Commission to reject the proposed merger of Atlantis Holdings LLC ("Alltel") and Celco Partnership D/B/A/ Verizon Wireless ("Verizon Wireless").

IBEW represents approximately 750,000 members who work in every state of the nation and in a wide variety of fields, including utilities, construction, telecommunications, broadcasting, manufacturing, railroads and government. The IBEW was formed in 1891 and takes great pride in its members' central role in building our nation's telecommunications infrastructure. IBEW linemen strung the telephone wires on which we all rely. IBEW craftsmen built our telephones. IBEW telephone operators ran the first manual switches – then IBEW technicians built and maintained the complex switching machinery which makes telecommunications possible.

We are always mindful, however, that building the country's telecommunications network has, at each stage of technological development, exposed our members to risk due to substandard safety practices by building owners, network operators, and equipment providers. Therefore, IBEW has worked for more than 100 years for critical safety improvements.

Today's great challenge is to balance the construction of a nationwide wireless network with the need to protect workers, both those employed by wireless carriers and third-party workers who may be exposed to dangerous RF signals above the established FCC limits. Verizon Wireless and Alltel have not achieved this balance and unnecessarily expose workers to unsafe conditions.

The Commission has explained that in reviewing proposed transactions it will apply a public interest test that asks, in part: "whether the transaction would result in a violation of the Commission's rules."¹ When the rule at issue is one that protects public safety, the Commission should be at its most vigilant. Congress, in the first lines of the Communications Act of 1934, states that it created the FCC for, among other purposes, the purpose of "promoting safety of life and property through the use of wire and radio." As the Commission has stated on many occasions, protecting public safety is a paramount responsibility of the FCC.

¹ *SBC-Ameritech Merger Order*, 14 FCC Rcd. 14737-38 ¶ 48.



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Ms. Marlene Dortch
August 11, 2008
Page 2

IBEW has thousands of workers that perform their duties on or near Verizon Wireless and Alltel antenna facilities every day. On a daily basis, our IBEW membership and other third party workers perform duties on rooftops, utility poles, light standards, and other structures that bring them in to close proximity to Verizon Wireless and Alltel RF transmitting antennas.

The RF exposure limits set forth in 47 CFR 1.1310 apply to all FCC licensed facilities, including those of Verizon Wireless and Alltel.² As a condition for transferring licenses, wireless carriers must certify that they comply with FCC rules including those that prevent the exposure of persons above the FCC human exposure limits.³ The limits are well known to all wireless licensees. The FCC's whitepaper on "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" ("OET 65") forewarns licensees that persons will be exposed above the FCC limits if they are allowed to access areas that are too close to active antennas. The FCC assumes persons will not have close access to antennas, or that if they do, procedures will be in place to control exposures to below FCC limits.⁴ Verizon Wireless encourages its site owners to restrict access by the use of locks to rooftops and other structures, thus claiming FCC RF exposure compliance. However, our IBEW membership is still granted access to these areas and is still being potentially over-exposed to RF emissions. All licensees must, under FCC rules, therefore take the "actions necessary" to bring the accessible areas that exceed the FCC exposure limits into compliance. This is the shared responsibility of all licensees whose transmission power density levels exceed 5% of the applicable FCC exposure limit.⁵

Over the years the number of sites and antennas across the country has skyrocketed. Antennas occupy not only difficult-to-access towers, but also rooftops, sides of buildings and other structures constantly accessed by our IBEW membership as well as roofers, painters, HVAC, carpenters, sheet metal workers and firefighters. The increasing number of "stealth" antennas and co-located sites exacerbate the problem of identifying and understanding RF risks.

Verizon Wireless and Alltel have an aggressive safety program to protect their own employees from the RF risk created by their antennas. However, the licensees do not afford the same level of precaution for third-party workers. For example, Verizon Wireless workers are provided extensive ongoing RF safety training, are routinely provided with RF protection monitors, and are informed of the location and danger presented by antennas in their working environment. Verizon routinely powers down their antennas when their employees are in close proximity to these RF transmitters. This safeguard is not provided by Verizon Wireless to our IBEW membership or third party workers. According to the Commission's license agreements, Verizon Wireless has a clear, non-delegable obligation to ensure that no worker – employee or third party – is over-exposed to RF radiation from their transmitting antennas.

² 47 CFR 1.1307(b)(1)

³ 47 CFR 1.1307(b)

⁴ OET 65, page 13, par. 3.

⁵ 47 CFR 1.1307(b)(3)



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Ms. Marlene Dortch
August 11, 2008
Page 3

FCC precedent is clear that a transaction should not be approved in the face of continuing rule violations. As a result of Verizon Wireless failure to adhere to the FCC's license RF exposure obligations, the Commission should not approve the merger.

If the Commission determines that the merger should be approved, it should grant the applications subject to the condition that the merged company immediately adopt a nation-wide RF safety system that protects all workers.

The IBEW feels that without a comprehensive RF safety system, which can be administered and verified by a neutral third party, RF over-exposures will continue to pose unnecessary health risks.

The IBEW appreciates the FCC's prompt attention to this important regulatory and safety and health concern.

Sincerely yours,

A handwritten signature in cursive script, reading "Edwin Hill", is positioned above the typed name.

Edwin Hill
International President

EDH:dmm



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EDWIN D. HILL
International President

LINDELL K. LEE
International
Secretary-Treasurer

November 18, 2008

Mr. Ralph de la Vega
Chief Executive Officer
AT&T Mobility
Glenridge Highlands Two
Atlanta, GA 30342

Dear Mr. de la Vega:

The International Brotherhood of Electrical Workers (IBEW) and its membership fully appreciate the importance of wireless communications and your company's continuing network expansion activities. The IBEW has no objection to expanding the number of wireless antennas and, in fact, encourages the industry to continue its growth. At the same time, I must ensure that our members are protected against radiofrequency (RF) radiation over-exposure while performing their duties around Federal Communications Commission (FCC) licensees' antennas.

I realize that there are practical challenges your company faces in order to provide adequate safety protection for IBEW members. However, as an FCC licensee, *your company is required to ensure that "no worker be over-exposed to RF radiation."* This is an obligation of all FCC licensees that cannot be delegated, and applies to all workers, whether they are employees of your company or third party workers. I have attached the August 11, 2008 IBEW filing before the FCC regarding the Alltel/Verizon Wireless merger, which contains a more detailed explanation of each licensee's RF safety responsibilities.

I am committed to working with the wireless industry collaboratively to overcome the challenges of achieving adequate protection for our members. With this in mind, the IBEW and other trade unions affected by RF over-exposure have been in contact with RF CHECK, Inc., a San Diego company that specializes in RF radiation safety and compliance. I have observed the maturation of their database and now firmly believe their protocol is the only practical solution for IBEW members, third party workers, and all FCC licensees. RF CHECK's technology is the only system that is capable of providing current site-specific RF safety information to all workers at all FCC licensee transmission sites. Uncoordinated, individual corporate systems based on yesterday's technologies just cannot do the job, especially with the unique challenges faced by third party workers.

With the explosion of wireless antennas across our nation, the time has come for a new and technically advanced RF safety system that will protect the health of IBEW members and third party workers.



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Ralph de la Vega
November 18, 2008
Page 2

The IBEW respectfully requests that you, your COO or CFO meet with RF CHECK to fully understand how their system functions. It is in the best interest of all FCC licensees, those that host wireless facilities, and those who can be affected by RF radiation over-exposure.

The IBEW thanks you in advance for this courtesy. You may contact Doug Williams, CEO of RF CHECK at 619-840-5548.

Sincerely yours,

A handwritten signature in cursive script, reading "Edwin D. Hill", is positioned below the "Sincerely yours," text.

Edwin D. Hill
International President

EDH:dmm
Attachment





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EDWIN D. HILL
International President

LINDELL K. LEE
International
Secretary-Treasurer

November 18, 2008

Mr. Lowell C. McAdam
President and Chief Executive Officer
Verizon Wireless
One Verizon Way
Basking Ridge, NJ 07920

Dear Mr. McAdam:

The International Brotherhood of Electrical Workers (IBEW) and its membership fully appreciate the importance of wireless communications and your company's continuing network expansion activities. The IBEW has no objection to expanding the number of wireless antennas and, in fact, encourages the industry to continue its growth. At the same time, I must ensure that our members are protected against radiofrequency (RF) radiation over-exposure while performing their duties around Federal Communications Commission (FCC) licensees' antennas.

I realize that there are practical challenges your company faces in order to provide adequate safety protection for IBEW members. However, as an FCC licensee, your company is required to ensure that "no worker be over-exposed to RF radiation." This is an obligation of all FCC licensees that cannot be delegated, and applies to all workers, whether they are employees of your company or third party workers. I have attached the August 11, 2008 IBEW filing before the FCC regarding the Alltel/Verizon Wireless merger, which contains a more detailed explanation of each licensee's RF safety responsibilities.

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Lowell C. McAdam
November 18, 2008
Page 2

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Sincerely yours,

Edwin D. Hill
International President

EDH:dmm
Attachment





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EDWIN D. HILL
International President

LINDELL K. LEE
International
Secretary-Treasurer

November 18, 2008

Mr. Daniel R. Hesse
President and Chief Executive Officer
Sprint Nextel Corporation
6200 Sprint Parkway
Overland Park, KS 66251

Dear Mr. Hesse:

The International Brotherhood of Electrical Workers (IBEW) and its membership fully appreciate the importance of wireless communications and your company's continuing network expansion activities. The IBEW has no objection to expanding the number of wireless antennas and, in fact, encourages the industry to continue its growth. At the same time, I must ensure that our members are protected against radiofrequency (RF) radiation over-exposure while performing their duties around Federal Communications Commission (FCC) licensees' antennas.

I realize that there are practical challenges your company faces in order to provide adequate safety protection for IBEW members. However, as an FCC licensee, your company is required to ensure that "no worker be over-exposed to RF radiation." This is an obligation of all FCC licensees that cannot be delegated, and applies to all workers, whether they are employees of your company or third party workers. I have attached the August 11, 2008 IBEW filing before the FCC regarding the Alltel/Verizon Wireless merger, which contains a more detailed explanation of each licensee's RF safety responsibilities.

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Daniel R. Hesse
November 18, 2008
Page 2

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Sincerely yours,

Edwin D. Hill
International President

EDH:dmm
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EDWIN D. HILL
International President

LINDELL K. LEE
International
Secretary-Treasurer

November 18, 2008

Mr. Robert Dotson
Chief Executive Officer
T-Mobile USA
12920 SE 38th Street
Bellevue, WA 98006

Dear Mr. Dotson:

The International Brotherhood of Electrical Workers (IBEW) and its membership fully appreciate the importance of wireless communications and your company's continuing network expansion activities. The IBEW has no objection to expanding the number of wireless antennas and, in fact, encourages the industry to continue its growth. At the same time, I must ensure that our members are protected against radiofrequency (RF) radiation over-exposure while performing their duties around Federal Communications Commission (FCC) licensees' antennas.

I realize that there are practical challenges your company faces in order to provide adequate safety protection for IBEW members. However, as an FCC licensee, your company is required to ensure that "no worker be over-exposed to RF radiation." This is an obligation of all FCC licensees that cannot be delegated, and applies to all workers, whether they are employees of your company or third party workers. I have attached the August 11, 2008 IBEW filing before the FCC regarding the Alltel/Verizon Wireless merger, which contains a more detailed explanation of each licensee's RF safety responsibilities.

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Robert Dotson
November 18, 2008
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Sincerely yours,

Edwin D. Hill
International President

EDH:dmm
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EDWIN D. HILL
International President

LINDELL K. LEE
International
Secretary-Treasurer

November 18, 2008

Mr. Scott T. Ford
President and Chief Executive Officer
Alltel Corporation
One Allied Drive
Little Rock, AR 72202

Dear Mr. Ford:

The International Brotherhood of Electrical Workers (IBEW) and its membership fully appreciate the importance of wireless communications and your company's continuing network expansion activities. The IBEW has no objection to expanding the number of wireless antennas and, in fact, encourages the industry to continue its growth. At the same time, I must ensure that our members are protected against radiofrequency (RF) radiation over-exposure while performing their duties around Federal Communications Commission (FCC) licensees' antennas.

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Scott T. Ford
November 18, 2008
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Sincerely yours,

A handwritten signature in black ink, appearing to read "Edwin D. Hill".

Edwin D. Hill
International President

EDH:dmm
Attachment





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EDWIN D. HILL
International President

SAM J. CHILIA
International
Secretary-Treasurer

January 2, 2012

Mr. David Michaels, PhD, MPH
Assistant Secretary of Labor for OSHA
U.S. Department of Labor
Occupational Safety and Health Administration
200 Constitution Ave., NW
Washington, DC 20210

Re: RF Radiation Hazards

Dear Dr. Michaels:

The International Brotherhood of Electrical Workers (IBEW) and its membership fully appreciate the importance of your agency supporting the objective of employers providing a safe work environment for their employees. I would like to take this opportunity to share my concerns regarding the hazards related to radio frequency (RF) radiation from RF transmitting antennas across our nation.

The IBEW is committed to working with employers and the Federal Communications Commission (FCC) licensees (governmental and commercial) to overcome the challenges of protecting workers from RF radiation hazards. The IBEW recognizes that there are practical challenges that we all face in order to achieve the goal of implementing a comprehensive national RF safety protocol.

All FCC licensees' are required to ensure that, "no worker be over-exposed to RF radiation." This FCC obligation is non-delegable and applies to all individuals who may come in close proximity to RF transmitting antennas. However, on a daily basis IBEW members are compelled to work in close proximity to RF transmitting antennas without a comprehensive RF safety solution in place.

None of us can deny the proliferation of wireless and the vast number of RF transmitting antennas that exist across our nation nor can we deny the need for a new RF safety protocol that will protect the health and safety of our IBEW members and other third party workers.

The IBEW's Safety and Health Director, James Tomaseski, met with your agency regarding this issue with the specific goal of garnering OSHA's support for a comprehensive national RF safety protocol. During these meetings, it was identified that OSHA's own employees are also exposed to the same RF radiation hazards in question.





**INTERNATIONAL
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Mr. David Michaels, PhD, MPH
January 2, 2012
Page 2

The IBEW and other trade unions whose members are affected by RF radiation over-exposure have been in contact with RF CHECK, Inc., a San Diego based company that specializes in RF radiation safety and compliance. RF CHECK has patented a dynamic database solution that we believe is the *only* protocol to provide comprehensive, site specific RF safety information to our membership and others who may work in close proximity to RF transmitting antennas.

RF CHECK's patented RF safety solution does not burden employers, what so ever, in providing a safe work environment for their employees and supports OSHA's own health and safety directives. Their system is furnished at *no-cost* to all users including all workers, employers, FCC licensees, site owners, federal, state, and local agencies, school districts, airports, first responders, banking, utility and insurance industry, and others.

It is the IBEW's desire as well as other trade unions to gain OSHA's full support on this national RF safety protocol, and encourage OSHA to continue to work with RF CHECK in addressing this serious national RF safety issue

Thank you for your cooperation. If you should have any questions regarding this request, please contact James Tomaseski, IBEW Safety and Health Director at (202) 728-6040.

Sincerely yours,

Edwin D. Hill
International President

EDH:dmm
Copy to James R. Tomaseski, Director, IBEW Safety and Health Department

**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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