



CITIZENS AND PROFESSIONALS FOR THE RESPONSIBLE USE OF ELECTROMAGNETIC RADIATION (EMR)  
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as defined by the U.S. Internal  
Revenue Service.

January 31, 2002

Christie Whitman  
Administrator, U.S. EPA  
1200 Pennsylvania Ave. NW 1101A  
Washington DC 20004

**Re:** Environmental effects of Radiofrequency/Microwave (RF/MW) radiation on humans - no Federal agency protecting human health from documented non-thermal effects of this radiation.

Dear Ms. Whitman:

The public needs to be protected and we request your help. The FCC guidelines for human RF/MW radiation exposure are not adequate, but the FCC now asserts that your agency is in part responsible for determining what is safe.

On September 25, 2001, the EMR Network requested that the FCC issue a Notice of Inquiry designed to gather information and opinion about the need to revise the regulations in Parts 1 and 2 of the FCC's Rules concerning the environmental effects of radiofrequency radiation ("RFR"). The Inquiry would focus on Sections 1.1307(b), 1.1310, 2.1091 and 2.1093 and the associated procedures for Environmental Assessment ("EA") and Environmental Impact Statements ("EIS"). On December 11, 2001, the FCC dismissed the EMR Network request, and on January 10, 2002, the EMR Network appealed that dismissal.

Enclosed are:

- EMR Network Petition of September 25, 2001, and its four exhibits including the June 17, 1999, federal Radiofrequency Interagency Work Group (RFIAWG) letter (Exhibit A of Petition) in which your agency participated
- FCC Dismissal letter of December 11, 2001, from Bruce A. Franca, Acting Chief of the Office of Engineering and Technology
- EMR Network Application for Review of Dismissal filed on January 10, 2002, and attachment

These materials are sent to you because:

- (a) If the FCC reverses its staff and agrees to open an inquiry, the views of your agency will be needed and appreciated.
- (b) If the FCC agrees with its staff and declines to open an inquiry, you need to be aware that the FCC staff's dismissal is based on its claim that your agency bears some share of responsibility for developing RFR protection guidelines and recommending these to the FCC.

The request for inquiry by the EMR Network is based substantially on the unofficial views of members of your staff about the need to consider amendment of the existing RFR protection guidelines. (See RFIAWG Letter – Petition Exhibit A.)

There is substantial evidence of adverse biological effects from non-ionizing radiation at RF/MW exposure levels lower than those the FCC now allows. See the summary of research studies from 1995-2000 on RF bioeffects compiled by Henry Lai, Ph.D. of the University of Washington and referenced in the EMR Network Petition. This listing includes studies funded by both industry and non-industry sources. Eighty per cent of these studies report some type of biological effect from RF/MW exposures at intensity levels that are below the ability to heat tissue. Due to its length this summary is available at:

<http://www.emrnetwork.org/research/laisummary.pdf>

No Federal agencies are acting to protect human health from non-thermal effects of RF/MW radiation from antennas.<sup>1</sup> There is no Congressionally funded research at EPA, the agency to which Congress assigned the "lead role" in 1970, to assess the biological effects of RF/MW radiation. During the last 5 years, the EPA has been provided only \$25,000 to look at research on the effects of non-ionizing radiation on human health. (Exhibit C of Petition - The EPA supplied this summary in response to a request from Senator Joseph

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<sup>1</sup> See Attachment - "WHO'S IN CHARGE HERE? The Fragmented State of RFR Regulation," the outline of a presentation prepared by James Hobson, Esq., of the law firm Miller and Van Eaton, Counsel for the EMR Network. The outline explains the roles of the U.S. federal health agencies with regard to the regulation of Radiofrequency/Microwave (RF/MW) Radiation. This presentation was given by Gerry Lederer, Esq., also of Miller and Van Eaton, at the July 12, 2001, Congressional staff briefing at the Capitol, entitled "Wireless Telecommunications: Impacts at the Local Level."

Lieberman of Connecticut in the summer of 2000.) The FDA's role is limited to medical and consumer equipment radiation, not radiation from antennas, etc. OSHA and NIOSH missions are workplace-specific and do not apply to the general public.

In the EMR Network Petition Dismissal the FCC now says that it is well established that the FCC is not an expert agency in health-related issues. The FCC relies on other agencies, such as the EPA and FDA, to develop the health and safety-related policies that the FCC enforces. The FCC places the responsibility on the EPA, FDA, the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE) to determine the criteria for U.S. radiation exposure (See Franca Dismissal letter, December 11, 2001.)

The IEEE is a private organization that is not empowered under the United States Constitution to determine public policy questions. Since the NCRP committee that was revising RF exposure guidelines has disbanded, the only input left to FCC comes from IEEE, a private standards body, and from industry-sponsored research. The public is not only unwelcome, but treated with threats and hostility by the IEEE subcommittee setting the standard. See: [http://www.emrnetwork.org/press/ieee\\_dec19\\_01.htm](http://www.emrnetwork.org/press/ieee_dec19_01.htm)

In 1999, the federal RFI AWG, of which your agency is a member, did ask the IEEE subcommittee to examine 14 issues with the present standard, but the IEEE has not publicly responded. (See Exhibit A of Petition.)

The FCC has not formally requested the opinion of the health agencies on any post-1986 research indicating biological effects from non-ionizing RF radiation. The FCC now asserts:

*If efforts to revise or update RF safety limits based on research in the field or on other factors are appropriate, that determination should be made by these [EPA, FDA] or other federal agencies with primary expertise in and responsibility for ensuring public health and safety, and should not be made in the first instance by the FCC. Accordingly, any proceeding or inquiry should be initiated by and maintained under the auspices of such agency or agencies, and the determination of whether such an inquiry or proceeding is appropriate at this time should also be made by such agency or agencies.* Franca Sept. 25, 2001.

The EMR Network believes that it would be fruitless and a waste of time to file a Petition of Inquiry on the non-ionizing RF/MW radiation guidelines with your agency or any agency other than the FCC. If your agency thinks otherwise, please notify us in writing.

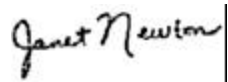
The FCC issues federal permits to RF/MW-generating transmitters, and licenses the airwaves upon which this radiation is carried. The National Environmental Policy Act (NEPA) requires the FCC to consider the

impact of FCC actions on the quality of the human environment. The FCC RF/MW exposure guidelines for human exposure are based on old research completed before 1986. Public exposure to RF/MW radiation has increased exponentially in the succeeding 16 years as mobile phone and digital television infrastructure continues to be built out across the country.

The EMR Network Petition for Inquiry provides the FCC with the opportunity to update the RF exposure limits. The EMR Network requests that the FCC initiate a proceeding to inquire about the need to revise FCC's regulations on environmental effects of RF radiation and that the FCC use the information from such an inquiry to reexamine the current US guidelines for human exposure to RF/MW emissions from FCC-regulated transmitters.

Thank you for your attention to this important issue of public health, to which one or more members of your staff alerted us 30 months ago. The time is now for the FCC, your agency, and the other agencies responsible for RF/MW radiation safety to take the next step of a formal inquiry at the FCC. We ask your help in making this happen.

Sincerely,



Janet Newton  
President

Cc: Senator Patrick Leahy  
Senator James Jeffords  
Congressman Bernard Sanders  
Congressman Thomas Tancredo  
James Hobson, Counsel to EMR Network  
Whitney North Seymour, Counsel to EMR Network  
Gerald Tarrant, Counsel to EMR Network  
Agency directors and their members who participate in the federal RFIAWG:  
(EPA, FCC, FDA, NIOSH, OSHA, NTIA)

