



Advancing Sound Public Health Policy  
on the Use of Electromagnetic Radiation (EMR)  
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To: Members of the US Senate Committee on Commerce, Science & Transportation

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From: The EMR Radiation Policy Institute

Date: May 9, 2013

Re: Please Reject Nomination of Thomas E. Wheeler for FCC Chairman

Dear Chairman Rockefeller and Commerce Committee Members:

#### **The EMR Radiation Policy Institute urges you to reject the nomination of Thomas E. Wheeler for Chairman of the Federal Communications Commission (FCC).**

The EMR Radiation Policy Institute (EMRPI) is a 501(c)(3) non-profit advocacy organization incorporated in Marshfield, Vermont in 2003, engaged in public education concerning the adverse effects of radiofrequency (RF) radiation and electromagnetic radiation exposures.

In his position as President of the Cellular Telephone and Internet Association (CTIA) from 1992-2004, Mr. Wheeler was the chief lobbyist for the wireless telecommunications industry. Presently he sits on the board of various telecommunications companies. It is EMRPI's opinion that should Mr. Wheeler become the next FCC chairman, his inherent conflict of interest will result in a mindset that is too biased toward the industry rather than toward the public good of all Americans.

EMRPI is carrying out an investigation of hundreds of wireless industry-operated antenna sites from Maine to California. See:  
[www.youtube.com/watch?v=8oICZOtMwPo&list=UUswusUfflemZ1TqGtspPstA&index=3](http://www.youtube.com/watch?v=8oICZOtMwPo&list=UUswusUfflemZ1TqGtspPstA&index=3)

These sites have been tested by EMRPI and found to be in gross violation – up to and in excess of 600% - of the FCC's radiofrequency (RF) radiation public exposure limits. These sites include rooftops as well as locations where the general public, including children, can gain access, and where workers are on the job, i.e., roofers, HVAC technicians, elevator and building maintenance personnel. See:  
[www.youtube.com/watch?v=MF6GoBGLRAc&list=UUswusUfflemZ1TqGtspPstA&index=5](http://www.youtube.com/watch?v=MF6GoBGLRAc&list=UUswusUfflemZ1TqGtspPstA&index=5)

EMRPI informed former FCC Chairman Julius Genachowski of these violations in an initial letter in December 2011. ([www.emrpolicy.org/regulation/united\\_states/9dec2011\\_Genachowski\\_letter.pdf](http://www.emrpolicy.org/regulation/united_states/9dec2011_Genachowski_letter.pdf)) and copied him and his fellow Commissioners on all of the EMRPI Complaints sent to FCC Enforcement Bureau Chief P. Michele Ellison through February 2013. These Complaints remain unresolved as EMRPI has received no communication from either Ms. Ellison or from the FCC Chairman's office. EMRPI's Complaints and the subsequent lack of response from the FCC demonstrate that the FCC does not enforce its own RF radiation exposure limits and safety policies. ([www.emrpolicy.org/regulation/united\\_states/6mar2013\\_12\\_357\\_emrpi\\_reply.pdf](http://www.emrpolicy.org/regulation/united_states/6mar2013_12_357_emrpi_reply.pdf))

In March 2013 the FCC issued a Notice of Inquiry (NOI) that requests comment "to determine whether our RF exposure limits and policies need to be reassessed." The FCC last updated its RF safety policy in 1996-97 as required by the passage of the Telecommunications Act (TCA) of 1996. Mr. Wheeler was CTIA president during that process and lobbied vigorously for provisions of the TCA that preempt state and local authority to base wireless infrastructure siting decisions on the environmental effects of public exposure to antenna RF radiation.

The NOI's Introduction gives lip service to its responsibilities under The National Environment Policy Act (NEPA). The NOI's Introduction recognizes that the FCC must conduct an in-depth, unbiased examination of the current science on the biological effects of long-term, chronic exposure of the American public to low-intensity RF radiation from the hundreds of thousands of wireless transmitters already ubiquitously deployed throughout the public's environment. Yet it includes this caveat about not burdening the industry:

*Our actions herein are intended to ensure that our measures are compliant with our environmental responsibilities and requirements and that the public is appropriately protected from any potential adverse effects from RF exposure as provided by our rules, while avoiding any unnecessary burden in complying with these rules.*  
(Emphasis added.)

Further on in the NOI at ¶ 240 the FCC bias toward industry is much more explicit:

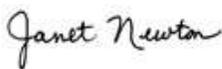
*Given the complexity of the information on research regarding non-thermal biological effects, taking extra precautions in this area may fundamentally be qualitative and may not be well-served by the adoption of lower specific exposure limits without any known, underlying biological mechanism. Additionally, adoption of extra precautionary measures may have the unintended consequence of "opposition to progress and the refusal of innovation, ever greater bureaucracy... [and] increased anxiety in the population." (Emphasis added.)*

In his role as CTIA's president, Mr. Wheeler strongly rejected findings of biological harm demonstrated in the more recent science. The mechanism of harm recognized by Mr. Wheeler and the CTIA is overheating, i.e., thermal effects, as is true of FCC's RF safety policy. Current FCC RF radiation exposure limits still rely on science published before 1986. For example, there are no studies of digital signals (pulsed, modulated) that are emitted by all of today's wireless consumer devices. Pulsed RF signals communicate not only with wireless devices, but also with the physiology of all living cells. If it is to fulfill its NEPA responsibilities, the FCC's NOI must result in RF radiation safety policy based on 21<sup>st</sup> Century science and public health policy. (See: [www.bioinitiative.org](http://www.bioinitiative.org)).

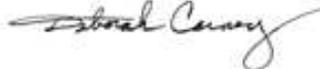
Based on our own history of interaction with the FCC, The EMRadiation Policy Institute has no confidence that Mr. Wheeler will be an FCC Chairman who has either the ability or the inclination to direct an unbiased assessment of current RF radiation exposure studies in order to develop biologically-based RF safety limits that will protect all Americans. In addition, EMRPI has no confidence that Mr. Wheeler will implement RF safety compliance enforcement policy that requires the industry to proactively protect Americans.

For these reasons The EMRadiation Policy Institute urges the Senate Committee on Commerce, Science & Transportation to reject the nomination of Thomas E. Wheeler for the position of FCC Chairman.

Respectfully submitted by the Board of Directors of The EMR Policy Institute,



Janet Newton  
President



Deborah Carney, JD  
Vice President



Diana E. Warren  
Director