



Advancing Sound Public Policy
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NURSE PETITIONS THE U.S. SUPREME COURT TO BLOCK ADVANCED WIRELESS SERVICES

HEALTHY SCHOOLS NETWORK FILES AMICUS BRIEF IN SUPPORT

Washington, DC - - September 14, 2006 -- Maria Gonzalez, a critical-care nurse and mother of two daughters who attend public school in Astoria, Queens, NY has petitioned the United States Supreme Court to block licenses from commencing operations at frequencies designated for Advanced Wireless Services (AWS) in the August 2006 FCC auction.

In her Supreme Court Docket # 06-175 Petition for Writ of Mandamus, Mrs. Gonzalez asks the Court to require that the U.S. Court of Appeals for the Second Circuit direct the FCC to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Protection Act (NEPA) addressing human health risks before authorizing licenses to commence operations.

In a comment filed with the FCC, Mrs. Gonzalez said, "Serious studies need to be undertaken to determine the effects of these towers on human health. These studies will take time and it is totally unacceptable for anyone to think that we will allow our children to be guinea pigs in the interim. Obviously if 5 or 10 years from now it is determined that there is a safety issue it will be too late for children who have been exposed for all that time."

NEPA requires all federal agencies to prepare a detailed statement delineating the impacts of major federal actions significantly affecting the quality of the human environment. The FCC's August, 2006 AWS spectrum auction offered 1,122 licenses for market areas nationwide for an estimated dollar amount in excess of \$13 billion.

At the heart of the case are the FCC's existing RF safety standards based on the thermal impact of RF radiation – the level at which the electrical energy is high enough to heat human flesh.

Mrs. Gonzalez, along with The EMR Policy Institute, The American Skin Association, and others oppose the FCC's current RF standards as short-sighted and inaccurate and have urged the FCC to initiate thorough and comprehensive research and study of the impacts of AWS transmissions on human health using a biological approach.

An *Amicus Curiae* brief has been filed by Healthy Schools Network in support of Mrs. Gonzalez's Petition. A national organization dedicated to assuring every child and school employee an environmentally safe and healthy school, HSN promotes children's environmental – "occupational" – health in their "workplaces" – schools. HSN's web site is: www.healthyschools.org

In its Amicus Brief HSN says the organization is concerned that, "a significant threat to the health of school children and personnel is posed by RF radiation from cell towers placed on or near schools or day care centers."

If the FCC does not conduct an EIS evaluating the risks of the new RF radiation it is about to unleash, it can reasonably be expected that no other agency or local school administrator or parent will step in to produce or to finance an EIS that would generate protection. Hence the significance of a Court-mandated EIS in this case.

The Supreme Court is expected to act on the Petition after it returns in October from its summer recess. The full text of the Petition for Writ of Mandamus and the HSN *Amicus Curiae* brief for can be found at: www.emrpolicy.org/litigation/case_law/index.htm