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Julius Genachowski, Chairman
Michael J. Copps, Commissioner
Robert M. McDowell, Commissioner
Mignon Clyburn, Commissioner
Federal Communications Commission
445 12th St. SW
Room 8-B201
Washington, DC 20554

Re: Wireless Sites Nationwide Found in Violation of FCC Radiation MPE Limits

Dear Chairman Genachowski and Commissioners Copps, McDowell and Clyburn:

A matter of grave concern has come to the attention of The EMR Policy Institute (EMRPI). American workers who require access to rooftops as a condition of their employment, as well as the general public who are able to access rooftops, are currently at great risk from being exposed to radiofrequency (RF) radiation from wireless communications installations at levels that exceed the FCC RF radiation maximum permissible exposure (MPE) limits as defined by law.

RF radiation testing conducted for EMRPI found spatially averaged exposure levels to exceed the FCC RF MPE limits at hundreds of rooftop sites across all regions of the US.

These findings are shocking for the sheer number of sites in violation of FCC RF safety limits and the magnitude of this non-compliance problem. Additionally, the number of non-compliant sites suggests a systemic pattern of non-compliance by many individual FCC license holders including the largest US wireless providers. It also suggests that these license holders are, and should be so considered, frequent repeated violators of federal RF safety limits laws.

All wireless sites were required to be in compliance with human RF radiation exposure regulations by September 1, 2000, over eleven years ago. FCC license holders are required to certify themselves to be in compliance with RF MPE limits on their license applications and renewals. The FCC has provided these license holders with clear guidance to enable them to operate sites in order to comply with the federal RF safety limits.

Workers such as roofers, window washers, painters, HV/AC technicians, building engineers and superintendents, firefighters, wireless industry workers, and others have been and continue to be concerned that their safety and health have been and continue to be compromised by exposure to RF radiation in excess of lawful limits. Americans, be they telecommunications workers who have some understanding of RF radiation safety or workers and the public alike who have no understanding whatsoever, are all entitled to the same FCC regulatory oversight to ensure their health and safety.

Following being informed over time of the safety concerns of workers and the public, EMRPI facilitated, with the assistance of experts, an investigation of wireless sites throughout the country and studied FCC public records regarding enforcement of RF radiation MPE limits and FCC licensing regulations.

EMRPI experts have identified and documented hundreds of wireless installations nationwide, in a relatively short time frame, that were at the time of testing in violation of 47 C.F.R. § 1.1310, Note 1 to Table 1. EMRPI experts were equipped with calibrated Narda survey equipment identical to FCC RF testing equipment when they visited hundreds of rooftop antenna sites across the nation. They assessed exposure levels in readily accessible locations frequented by workers and the public who are not aware or not fully aware of the potential to be exposed to and harmed by RF radiation emissions at illegal levels. The FCC public exposure limits are applicable at all of the sites in question.¹

Further, based on this investigation EMRPI has learned that very little information is available to workers or the public who frequent rooftop locations to enable them to exercise choice and control over their personal movements and exposure to RF radiation. Signage at rooftop sites was found to be lacking and incorrect. Several attempts to obtain information and guidance regarding RF exposure safety while at rooftop sites from control centers of FCC license holders have been documented. While no pertinent information or guidance regarding safety was obtained during these inquiries, inaccurate or misleading statements were recorded. Many workers have little to no knowledge whatsoever of their workplace exposure to RF radiation.

As part of the EMRPI investigation, experts examined the FCC public record database of NOV (Notice of Violation) records regarding violations of RF MPE limits. EMRPI's intent is to gain insight into the FCC Enforcement Bureau's perspective on enforcement of federal law pertaining to RF safety limit compliance and what, if any, corrective actions have been taken to enforce compliance since 2000.

EMRPI's examination of the FCC database indicates that despite hundreds of thousands of antenna sites in the US today, only one NOV has been issued to a rooftop site of a personal wireless services license holder in violation of 47 C.F.R. § 1.1310. EMRPI experts visited the rooftop identified in this one NOV: EB-10-PA-0156 and found it still to be in violation of the law (see Exhibits). The fact that only one FCC NOV has, to EMRPI's knowledge, ever been issued to a personal wireless services license holder and hundreds of rooftop sites have been found to be in violation of the FCC RF MPE limits, suggests that FCC license holders are exploiting deficiencies in the FCC enforcement program and oversight of these environmental rules.

EMRPI's serious concern is that immediate action be taken to ensure the safety of workers and the public at locations EMRPI has identified. The EMR Policy Institute calls upon the FCC Chairman and the Enforcement Bureau to take immediate emergency action to diligently investigate sites EMRPI has identified as being in violation of federal law and to take immediate action to bring these sites into compliance. Given the May 2011 WHO IARC classification of RFR-EMF as a 2B possible human carcinogen it is all the more imperative that the FCC's thermal RF safety limit be enforced to the full extent of the law.

American workers and citizens are entitled by law to be protected from harmful RF radiation exposures. At the very least they deserve nothing less than swift action by the FCC to bring non-compliant and dangerous wireless sites into compliance with the current FCC RF MPE limits.

Sincerely,



Janet Newton, President



Deborah Carney JD, Vice President



Diana E. Warren, Director

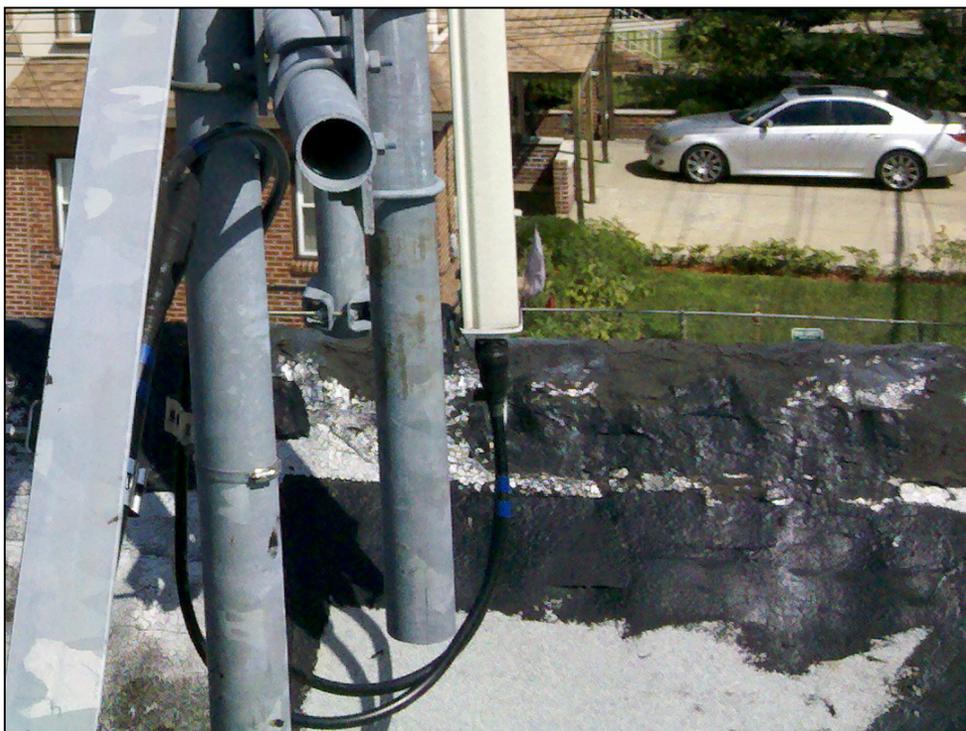
¹ .See 47C.F.R. § 1.1310, Table 1 (B). The general population/uncontrolled limits apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure. 47 C.F.R. § 1.1310. Note 2 to Table 1. from RF radiation exposures exceeding the FCC MPE limits

Exhibits

AT&T Mobility Signs With Phone Number



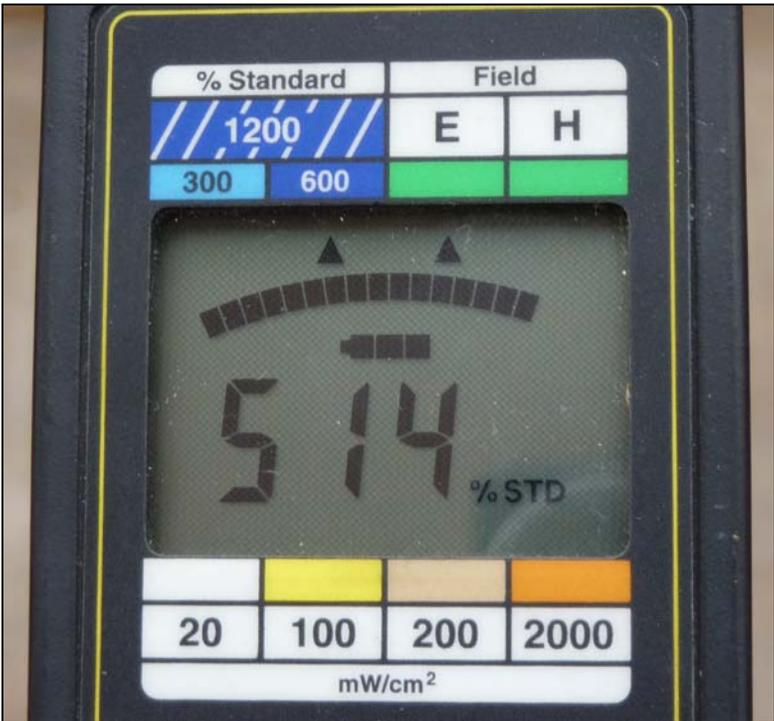
Recent Roof Repair in Front of Antennas



Accessible AT&T Mobility & Metro PCS Antennas



Spatially Averaged Measurement in Front of AT&T Mobility Antenna



Spatially Averaged Measurement in Front of Metro PCS Antenna

