

Before the  
Federal Communications Commission  
Washington DC 20554

In the Matter of:	)	
	)	
Delete, Delete, Delete	)	GN Docket No. 25-133
	)	
Implementing Executive Order 14192	)	
Of January 31, 2025	)	

**COMMENTS OF WIRED BROADBAND, INC.  
ON DEREGULATION  
ON BEHALF OF AMERICANS INJURED AND DISABLED  
FROM ELECTROMAGNETIC RADIATION**

**April 11, 2025**

Submitted by:  
Odette J. Wilkens  
President & General Counsel  
Wired Broadband, Inc. (non-profit)  
P.O. Box 750401  
Forest Hills, NY 11375  
[owilkens@wiredbroadband.org](mailto:owilkens@wiredbroadband.org)  
718.575.8784

**FILING PARTIES**

**The parties listed in Appendix A (attached hereto and incorporated herein by this reference) collectively constitute the “Filing Parties,” have granted permission to submit these Comments on their behalf, and join together to submit these Comments.**

## TABLE OF CONTENTS

I.	Executive Summary	3
II.	Delete reference in 47 CFR Sec. 1.4000	3
III.	Clarify 1996 rule promulgating radio frequency (RF) limits	4
IV.	Rules to be deleted in their entirety	5
	A. Summary of the rules	5
	1. Small Cell Order	5
	2. Moratoria Order	5
	3. One-Touch-Made-Ready Order	5
	4. Section 6409 – 2014 rules	6
	5. Section 6409 – 2020 rules	6
	6. NEPA 1986 satellite categorical exclusion	6
	B. Rationale for deletion	6
	C. Policy Considerations	7
	1. Wired and wireless technologies are not equivalent technologies and the costs of wireless deployment outweighs the benefits	7
	2. Public interest	8
	3. D.C. Court of Appeals remand order to the FCC	11
	4. The costs to human health from the irresponsible deployment of wireless telecommunications infrastructure outweighs the benefits	11
	a) Chronic disease and clusters near cell towers	12
	D. Section 6409(a) of the Middle Class Tax Relief & Jobs Act (2012)	13
	E. NEPA 1986 satellite categorical exclusion	14
V.	The National Environmental Policy Act (NEPA)	14
	Appendix A	16

## I. Executive Summary

Wired Broadband, Inc., on behalf of Americans injured or disabled by electromagnetic radiation and in conjunction with the filing parties, respectfully submits these comments in response to the Federal Communications Commission's (FCC) Public Notice requesting comment on rules, regulations, or guidance documents that should be eliminated to alleviate unnecessary regulatory burdens and "ensure that [administrative agencies] are efficiently delivering great results for the American people."<sup>1</sup> This is also pursuant to a White House Executive Order to "unleash prosperity through deregulation."<sup>2</sup>

We welcome deletion of FCC interpretive and legislative rules that do not serve the American public. But the "results" should be about benefitting citizens, not letting the industry profit to the detriment of everyone else. Viewed through that lens, delivering "great results" would require: (1) cooperative federalism where local government and residents have a greater voice in determining what is best for their communities, (2) promoting technological advancements that are subject to free market forces that foster competition based on safety and product liability to produce the best products and services for Americans, and (3) rigorous protection of the "human environment" as required under NEPA. FCC rules that stand in the way of delivering "great results for Americans" should be eliminated. We are pleased to provide guidance on this process. We will also do so in light of the recent Executive Order to repeal any regulation that "clearly exceeds the agency's statutory authority or is otherwise unlawful," prioritizing U.S. Supreme Court cases like *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) that eliminated *Chevron* deference to federal agencies' interpretation of their organic statutes.<sup>3</sup>

## II. Delete Reference in 47 C.F.R. Section 1.4000

In 47 C.F.R. Section 1.4000, also known as the Over-the-Air-Transmitting-Devices (OTARD), delete references to "fixed wireless signals."<sup>4</sup>

---

<sup>1</sup> <https://docs.fcc.gov/public/attachments/DA-25-219A1.pdf>; [https://www.fcc.gov/ecfs/search/search-filings/results?q=\(proceedings.name:\(%2225-133%22\)\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2225-133%22))).

<sup>2</sup> *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 24 Fed. Reg. 9065 (Feb. 6, 2025); <https://www.federalregister.gov/documents/2025/02/06/2025-02345/unleashing-prosperity-through-deregulation>.

<sup>3</sup> <https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/>.

<sup>4</sup> The D.C. Circuit affirmed the OTARD rule changes promulgated by *Updating the Comm'n's Rule for Over-the-Air Reception Devices*, 36 FCC Rcd 537, 540 (2021) in *Children's Health Def. v. FCC*, 25 F.4th 1045, 1050 (D.C. Cir., 2022) but it did so after applying *Chevron* deference. *Id.* at 1050. Further, the Court held petitioners had not preserved the issue of the Commission's authority

1. This amendment to the rule “turns users into wireless carriers but without regulatory oversight” and was not intended by Congress under the Telecommunications Act of 1996 (TCA).
2. It disregards children and adults suffering from Electromagnetic Radiation Syndrome or whose [conditions are aggravated by wireless radiation](#).

It’s important to note that under this rule, there is no consent required from neighbors to erect fixed wireless infrastructure. According to a lawsuit brought against the FCC on this issue:

“In common law and most state statutes, harmful non-consensual irradiation is a ‘battery.’<sup>5</sup> Non-consensual irradiation of children can also constitute “**child endangerment**” that has criminal and civil penalties. The rule amendment expressly authorizes activity that can plausibly constitute battery and even **child endangerment** depending on the specific facts.”<sup>6</sup> [Emphasis added]

An expert witness in the lawsuit described children ages 4-10 years old who had neurodevelopmental conditions. When their exposure to RF radiation was reduced or eliminated, there were improvements or a reversal of the conditions. In one instance,

“this 10-year old boy [with non-verbal autism] who had never said a word said a full sentence. His aggressive behavior subsided, and there was no need to institutionalize him.”<sup>7</sup>

Given that *Chevron* deference has been overruled, this rule may be struck down in the future, at least on an as-applied basis. Also, this rule facilitates nonconsensual exposure to harmful RF radiation that is significantly contributing to childhood chronic disease.

### III. Clarify 1996 Rule Promulgating RF Limits

With respect to the 1996 rule promulgating RF limits,<sup>8</sup> the FCC should issue an interpretive rule clarifying that these limits (a) only provide a regulatory safe harbor with respect to 47 U.S.C.

---

under §303. *Id.* at 1050. Along the way the Court expressed the obvious and straightforward conclusion that an FCC regulation could not set aside rights, duties and obligations imposed by federal statutes like the ADA, and FHA. *Id.* at 1052, n. 5. Finally, the Court held petitioners had mounted only a facial challenge to the rule and indicated that a future as-applied challenge could have a different outcome. *Id.* at 1052, 1053, n.6.

<sup>5</sup> W. Keeton, D. Dobbs, R. Keeton, & D. Owen, Prosser and Keeton on Law of Torts § 9, pp. 39-42 (5th ed. 1984); *Carlsen v. Koivumaki*, 227 Cal. App. 4th 879, 890, 174 Cal. Rptr. 3d 339, 351 (2014).

<sup>6</sup> [Children’s Health Defense, et al. v. FCC, No. 21-1075 \(FCC-86FR11432\) Petition for Review of Order Issued by the FCC, 6-23-21.](#)

<sup>7</sup> *Ibid.* Affidavit of [Dr. Toril Jelter MD](#), pediatrician.

<sup>8</sup> <https://www.fcc.gov/document/guidelines-evaluating-environmental-effects-radiofrequency>

§332(c)(7)(B)(iv) for local zoning authority over personal wireless service facilities<sup>9</sup> and (b) do not provide a safe harbor for, and are not preemptive of, state-based claims regarding, product liability, personal injuries or property rights. In effect, FCC would be “deleting” a judicial expansion of these limits that was never intended by FCC. *See, Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934; Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation; Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Amendment of the Commission’s Rules to Preempt State and Local Regulation of Commercial Mobile Radio Service Transmitting Facilities*, FCC 97-303, ¶¶78-90, 12 FCC Rcd 13494, 13525-13529 (1997); *see especially* ¶90 (“Regarding Ameritech’s argument that the Commission should specify a federal rule of liability for torts related to RF emissions, we believe that such action is beyond the scope of this proceeding and we question whether such an action, which would preempt too broad a scope of legal actions, would otherwise be appropriate. Therefore, we cannot grant Ameritech’s request.”)

#### **IV. Rules to be Deleted in their Entirety**

##### **A. Summary of the Rules**

1. Small Cell Order - Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv., FCC 18-133, 33 FCC Rcd. 9088 (2018). Withdraw rules amendments contained in Appendix A and overturn interpretive rules embodied in the Declaratory Ruling portion (¶¶30-102, 33 FCC Rcd at 9100-9141).
2. Moratoria Order - Declaratory Ruling in Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv., FCC 18-111, 33 FCC Rcd. 7705 (2018). Overturn interpretive rules embodied in Declaratory Ruling portion (¶¶140-168, 33 FCC Rcd at 7775-7791).
3. One-Touch Make Ready Order – Third Report and Order in Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv., FCC 18-111, 33 FCC Rcd. 7705 (2018), including (¶¶5-136, 33 FCC Rcd 7707-7774) and (¶¶137-139, 33 FCC Rcd at 7774-7775)

---

<sup>9</sup> See 47 C.F.R. §1.1307(e). The Commission should explain that “State or local government authority” for purpose of the exposure rules is limited to *local zoning* and not other state or local laws that protect health or welfare.

4. Middle Class Tax Relief and Jobs Act (2012) (47 USC §1455), Section 6409 initial rules 2014<sup>10</sup> which expands perimeter around a tower to 6 feet in diameter
5. Middle Class Tax Relief and Jobs Act (2012) (47 USC §1455), Section 6409 in 2020<sup>11</sup> which expands perimeter around a tower to 30 feet in diameter
6. NEPA 1986 satellite categorical exclusion<sup>12</sup>

## B. Rationale for Deletion

The rationale for deleting the FCC rules numbered 1 through 5 above (#6 will be dealt with at the end of this discussion), is to eliminate the additional bureaucracy of unnecessary regulatory burdens which has interfered with states' and local government rights. This would lead to (1) cooperative federalism where local government and residents have a greater voice in determining what is best for their communities, (2) promoting technological advancements that are subject to free market forces that foster competition based on safety and product liability to produce the best products and services for Americans, and (3) rigorous protection of the "human environment" as required under NEPA.

These rules have apparently survived because of Chevron deference, but may be struck down as administrative overreach, as evidenced in *Ohio Telecom Ass'n v. FCC (In re MCP No. 185)*, 2025 U.S. App. LEXIS 5666 (6th Cir. 2025).

It does no good for Americans when telecommunications infrastructure being deployed is not bridging the digital divide or is harming them from decreased property values to adverse biological effects. Producing the best results for Americans means that the FCC must act in the public interest, and ensure that its policies and regulations do not endanger the property values or the health and safety of Americans.

The White House effort to reduce the administrative state requires that the FCC act consistently within its statutory guardrails to act in the public interest, and consistent with the MAHA Executive Order to study electromagnetic radiation as a "potential contributing cause[]" of childhood chronic disease.<sup>13</sup>

---

<sup>10</sup> 29 FCC Rcd 12865 (16), <https://www.fcc.gov/document/wireless-infrastructure-report-and-order>.

<sup>11</sup> 35 FCC Rcd 13188 (16), <https://www.fcc.gov/document/fcc-streamlines-local-approval-wireless-structure-modifications-0>.

<sup>12</sup> 47 CFR 1.1506(a) and (b), <https://www.ecfr.gov/current/title-47/chapter-I/subchapter-A/part-1/subpart-I>; also see, Federal Register at page 14999 <https://www.govinfo.gov/content/pkg/FR-1986-04-22/pdf/FR-1986-04-22.pdf>.

<sup>13</sup> <https://www.whitehouse.gov/presidential-actions/2025/02/establishing-the-presidents-make-america-healthy-again-commission/>.

We are concerned that the FCC may take advantage of the situation, and rather than reducing regulation in general, may instead cherry pick removal of regulations that limit industry conduct, while leaving in place regulations that interfere with state and local government rights and individuals' private rights. In fact, the current FCC chair has called for expanding regulations that interfere with states' rights over the placement of wireless facilities. Doing so would be inconsistent with President Trump's MAHA Executive Order and the study of electromagnetic radiation as a "potential contributing cause[]" of childhood chronic disease.<sup>14</sup>

In addition, the FCC should consider the burden of regulation that the above rules create at the state and local level. Every rule above issued by the FCC obliges state and local governments across the country to spend countless hours creating their own local ordinances, regulations, procedures, and ongoing paperwork and compliance to comply with these FCC so-called "streamlining" orders. In reality, the above FCC orders do the opposite – they inevitably create an overwhelming thicket of local regulations. We would not be surprised if for every 100 pages of FCC rules, they create 100,000 or even 1 million pages of regulations at the local level.<sup>15</sup>

### C. Policy Considerations

1. **Wired and Wireless Technologies are Not Equivalent Technologies and the Costs of Wireless Deployment Outweigh the Benefits.** With respect to Section 253(a) of the Telecommunications Act, how can there be an "effective prohibition" if the technologies are not equivalent? Deeming wired and wireless to be "technology neutral" does not rectify this infirmity. Wireless is not a substitute for wired broadband.

- a. Wireless infrastructure's lifespan is only five years, making it a poor use of taxpayer subsidies whereas fiber lasts 25-50 years.<sup>16</sup> As between wireless and fiber, fiber has been found to be "the most fiscally prudent expenditure of public funds in most circumstances because of its longevity and technical advantages."<sup>17</sup>

---

<sup>14</sup> <https://www.whitehouse.gov/presidential-actions/2025/02/establishing-the-presidents-make-america-healthy-again-commission/>.

<sup>15</sup> Assumes roughly 20,000 incorporated towns and cities, plus over 3000 counties, in the United States.

<sup>16</sup> Tom Wheeler, former FCC chair and former CEO of CTIA, testified in 2021 that fiber is future proof with **wireless only as a last resort**, [https://democrats-energycommerce.house.gov/sites/evo-subsites/democrats-energycommerce.house.gov/files/documents/Witness%20Testimony\\_Wheeler\\_FC\\_2021.03.22.pdf](https://democrats-energycommerce.house.gov/sites/evo-subsites/democrats-energycommerce.house.gov/files/documents/Witness%20Testimony_Wheeler_FC_2021.03.22.pdf) Fixed Wireless Technologies and Their Suitability for Broadband Delivery, June 2022 <https://www.benton.org/publications/FixedWireless>.

<sup>17</sup> <https://www.benton.org/publications/FixedWireless>.

- b. Billions of dollars in subsidies to wireless have not provided the promised ubiquitous service, according to former CTIA President and former FCC Chair, Tom Wheeler.<sup>18</sup>
- c. Wireless suffers from line-of-sight obstructions, slower speed, inclement weather, lack of scalability, lack of cybersecurity, thereby making it unreliable in emergencies.
- d. “[F]ixed-wireless networks have inherent capacity limitations that sharply limit the number of users on a network using a given amount of spectrum.”<sup>19</sup>
- e. Capital costs for fiber may be higher, but after 30 years, they are comparable to wireless.<sup>20</sup>
- f. Two-thirds of Americans prefer fiber.<sup>21</sup> In fact, when the Affordable Connectivity Program (ACP) ended, wireline services retained 90% of subscribers while wireless services lost 80% and satellite services also had losses.<sup>22</sup>
- g. Over 90% of Americans won’t buy or rent a home near a cell tower.<sup>23</sup>

If wireless is so safe and desirable, why does the FCC have to override local governments to force deployment? Let the market decide. The FCC rules are overriding the free market and forcing experimental technology on Americans and their children to which they did not consent. Mandating wireless is causing market distortion by promoting a race to the bottom.

## 2. Public Interest

---

<sup>18</sup> In testimony to the House Energy and Commerce Committee, March 2021, former FCC Chair and former CTIA CEO Tom Wheeler spoke disappointingly that despite approximately \$40 billion of government subsidies “over the last decade,” those subsidies “have failed to deliver the goal of universal access to high-speed broadband ... because it failed to insist on futureproof technology, ... and focused more on the companies being subsidized than the technology being used or the people who were supposed to be served.”

<sup>19</sup> <https://www.benton.org/blog/how-fixed-wireless-technologies-compare-fiber>.

<sup>20</sup> <https://www.benton.org/publications/FixedWireless>.

<sup>21</sup> <https://www.fibre-systems.com/article/fiber-connect-2023-two-thirds-us-consumers-prefer-fibre?iframe=1>; see also, “The Market Has Spoken,” Fiber Broadband Association, [https://5217051.fs1.hubspotusercontent-na1.net/hubfs/5217051/Events/IQGeo%20Meetup%202022%20-%20Denver/Meetup%20Day%201%20presentations/2\\_FBA%20Keynote\\_The\\_market\\_has\\_spoken\\_IQGeo\\_Meetup\\_2022.pdf?hsCtaTracking=72374350-4b3e-455a-b8ed-031e09618cd7%7Ced1704fb-9b86-4c4b-a0a6-7f7d6b47b5de](https://5217051.fs1.hubspotusercontent-na1.net/hubfs/5217051/Events/IQGeo%20Meetup%202022%20-%20Denver/Meetup%20Day%201%20presentations/2_FBA%20Keynote_The_market_has_spoken_IQGeo_Meetup_2022.pdf?hsCtaTracking=72374350-4b3e-455a-b8ed-031e09618cd7%7Ced1704fb-9b86-4c4b-a0a6-7f7d6b47b5de).

<sup>22</sup> <https://broadbandbreakfast.com/acp-fallout-wireline-retains-most-wireless-and-satellite-face-major-losses/>.

<sup>23</sup> <https://www.emfanalysis.com/property-values-declining-cell-towers/?iframe=1&iframe=1&iframe=1>.



Under the Communications Act of 1934 and the Telecommunications Act of 1996 (TCA), the FCC's jurisdictional guardrails are clear: to act in the public interest; and its legal mandate is clear: to promote safety of life and property through the use of wire and radio communication."<sup>24</sup>

Telecommunications infrastructure is there to serve the public interest. However, the rules are catering to industry without any accountability for achieving results of bridging the digital divide.

For example, this is the very issue that New York City residents are experiencing – 5G Towers that are three stories high, 2000 of which are slated for NYC's narrow sidewalks, have been formally opposed by 16 community boards representing 2 million people, or 25% of NYC. That is a significant number of people that the providers claim FCC rules them to ignore. And that is exactly what's happening in NYC – the site developer has already installed at least 160 5G Towers having stated that it is ignoring any opposition from the community boards.

NYC did not require that the providers show evidence of a gap in service to the detriment of NYC residents. Any time a community board requested such evidence, the response has been that the site developer does not have it, and the providers consider that proprietary information. This shows utter contempt for the public's request for evidence and accountability. Even when a community states that the area to be served by the cell tower did not have a gap in service, the community has been ignored and the towers have, nonetheless, been installed. NYC has given providers access to our city assets, our public rights-of-way, to decide where to place the towers, without any accountability that the stated goal of "bridging the digital divide" will ever be achieved. This makes a mockery of the goal and of the BEAD initiative in NYC and in any other city where this may occur. The rules should be eliminated to restore congressional intent of cooperative federalism so that other cities do not have to make the same mistake.

The rules suggest that local governments and the residents that they represent are an impediment to successful broadband deployment, especially in light of BEAD funding. To borrow from the sentiments of various national organizations in a similar context:

"This simply isn't true. Local governments are partners with the telecommunications industry, working together to safely, securely, and successfully deploy telecommunications infrastructure in our cities and counties in a timely and efficient manner. We not only partner with our rights-of-way to ensure that disruptions to infrastructure such as roads are minimized, but we are working collaboratively to ensure that together, we deliver on the promise of internet for all Americans as we work with our State Broadband Offices on each of our broadband plans."<sup>25</sup>

---

<sup>24</sup>See 47 USC 151 at <https://www.law.cornell.edu/uscode/text/47/151>; see also 47 USC 332 <https://www.law.cornell.edu/uscode/text/47/332>.

<sup>25</sup> Letter to House leadership opposing HR 3557 in the 118<sup>th</sup> Congress, joined by National League of Cities (NLC), the U.S. Conference of Mayors (USCM), the National Association of Counties (NACo)

The FCC should be fostering local coordination. For example, local coordination has been a significant component of the National Telecommunications and Information Administration's (NTIA) Broadband, Equity, Access, and Deployment (BEAD) Program "because of this very essential relationship between local governments and internet service providers."<sup>26</sup>

The FCC rules are also promoting the myth that increasing federal preemption

"will unlock lower prices and improve the quality of broadband offerings available in the United States. There's no proof that any of these conditions happened in states where local governments were pre-empted. States such as Texas have not demonstrated any benefits from a statewide law compared to other states . . . "<sup>27</sup>

Local governments have an interest in broadband network deployment for its residents that is robust and affordable. The Communications Act preserves local authority over the use of pole attachments (Sec. 224), rights-of-way (ROW) (Sec. 253) and the siting of wireless infrastructure (Sec. 332(c)). As local government is closest to the people than either the FCC or providers, it must have the right to manage the ROW, which also include other utilities, not just telecom equipment, for purposes of public safety. This is "critical to conduct responsible stewardship of public property, protect public safety, and preserve the rights of residents as consumers of broadband services."<sup>28</sup>

For instance, local, state and federal government stakeholders and industry and internet service provider (ISP) stakeholders are already collaborating. The findings are in a report: Permitting Success: Closing the Digital Divide Through Local Broadband Permitting.<sup>29</sup> A main issue has been the lack of staff and resources. "The Report reflects the acknowledgement by industry and other stakeholders that local permitting is important to protect public safety and the diverse values of communities."<sup>30</sup>

---

and the National Association of Telecommunications Officers and Advisors (NATOA) (hereinafter, NATOA et al), 9-18-24 at <https://www.natoa.org/news/joint-letter-to-house-leadership-reiterating--opposition-to-hr-3557>.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> See <https://www.benton.org/publications/permitting-success>. Participants included Lumen, NCTA - The Internet & Television Association, Dycom Industries, Fiber Broadband Association, Brightspeed, NTCA -The Rural Broadband Association, Google Fiber, WTA - Advocates for Rural Broadband, Ting Internet, National Rural Electric Cooperative Association and US Telecom.

<sup>30</sup> Letter to House leadership opposing HR 3557 in the 118<sup>th</sup> Congress, joined by National League of Cities (NLC), the U.S. Conference of Mayors (USCM), the National Association of Counties (NACo) and the National Association of Telecommunications Officers and Advisors (NATOA) (hereinafter,

### 3. D.C. Circuit Court of Appeals Remand Order to the FCC

In 2021 issued a remand order on the FCC emission limits.<sup>31</sup> The Court required the FCC to give a reasoned explanation for not updating its RF radiation emission limits which were last set in 1996 when only a fraction of the cell towers and cell phones that we have today were in existence.

- a. The court wrote that the FCC failed to respond to "record evidence that exposure to RF radiation at levels below the Commission's current limits may cause negative health effects unrelated to cancer." In doing so, the FCC was required to examine the effects of long-term exposure to humans and the environment, particularly to children. The Court found that the FCC did not convene a committee or produce a report.
- b. The court order is still outstanding, and, to date, the FCC has not complied. This should be set as the FCC's first priority,<sup>32</sup> before auctioning any further spectrum and before allowing any further deployment of RF radiating telecommunications infrastructure.

### 4. The Costs to Human Health from Irresponsible Deployment of Wireless Telecommunications Infrastructure Outweigh the Benefits

The FCC rules have facilitated the irresponsible deployment of wireless telecommunications infrastructure. Evidence of biological harm is clear and convincing, for human health (cancer and noncancer), and especially children.<sup>33</sup> The FCC's standards for wireless radiation were established back in 1996, and have not been reviewed, updated or verified despite significant changes in the

---

NATOA et al), 9-18-24 at <https://www.natoa.org/news/joint-letter-to-house-leadership-reiterating--opposition-to-hr-3557>.

<sup>31</sup> *Environmental Health Trust, et al v. FCC*, 9 F.4th 893 (D.C. Cir. 2021)

<sup>32</sup> "It is the Commission's responsibility to regulate radio communications, 47 U.S.C. § 301, and devices that emit RF radiation and interfere with radio communications, *id.* § 302a(a), **and to do so in the public interest, including in regard to public health**, *Banzhaf v. FCC*, 405 F.2d 1082, 1096 (D.C. Cir. 1968). Even the Commission itself recognizes this. See 2019 Order, 34 FCC Rcd. at 11,689 ("The Commission has the responsibility to set standards for RF emissions") ... " [Emphasis Added] *Envtl. Health Trust v. FCC*, 9 F.4th at 901, 906.

<sup>33</sup> See testimony submitted by Environmental Health Trust to Senate Commerce Committee, 3/27/24, regarding spectrum policy and harms from radiofrequency radiation <https://ehtrust.org/wp-content/uploads/EHT-Testimony-to-Senate-Commerce-Committee-on-S3909-03272024.pdf>

National Toxicology Program 2018: clear evidence of cancer (highest level of evidence)

<https://ntp.niehs.nih.gov/whatwestudy/topics/cellphones#studies>

Woman living near cell tower diagnosed with 51 strokes,

[https://www.momsacrossamerica.com/woman\\_living\\_near\\_cell\\_tower](https://www.momsacrossamerica.com/woman_living_near_cell_tower)

wireless technology in use today. The FCC's standards relate solely to wireless radiation's thermal impacts on a body (e.g. how the body reacts to being heated), and do not consider other known adverse biological impacts of non-thermal levels of RF radiation (such as damage to DNA or other changes to cells). The FCC's limits were established long before the existence of 2G, 3G, 4G, or 5G technology.

Radio frequency (RF) radiation produces biological effects and while evidence of its hazards are clear and convincing, the hazards are not generally publicized. The hazards are unnecessary to reap the benefits of wireless technology.

The rules have allowed providers to preempt local government despite actual knowledge of the health impacts on residents. Restoring liability for providers and manufacturers would allow the free market to operate and have them compete on safety. As these issues converge with the MAHA Executive Order to study potential contributing causes of chronic disease in children including, from "electromagnetic radiation," the following are only some examples of the results of FCC preemption giving rise to the irresponsible placement of cell towers.

#### a) **Chronic Disease and Clusters Near Cell Towers**

Illnesses near cell towers, e.g., nausea, rashes, stroke, atrial fibrillation and a variety of cancers, have been documented near Duluth, MN (51 strokes), Pittsfield, MA (17 residents fell ill and many evacuated, one resident who remained died), Rippon, CA (4 children and 4 teachers developed cancer; one child died) and Eagle, ID (atrial fibrillations from 5G cell towers).

- **Near Duluth, MN**, a woman suffered 51 strokes after a nearby cell tower was "upgraded," in addition to experiencing nausea, blind spots in her vision, orientation and balance difficulties.<sup>34</sup>
- **Clusters of sickness near cell towers (not exhaustive).**
  - **The Board of Health of Pittsfield, MA** issued an emergency cease and desist order in April 2022 to turn off a 4G cell tower that injured 17 residents, most of whom evacuated their homes.<sup>35</sup> One of those who remained has since died of cancer. The order cited residents having reported "headaches, ringing in the ears, dizziness, heart palpitations, nausea, and skin rashes," and, e.g., a child who had "to sleep with a bucket next to her bed in case she needs to throw up."<sup>36</sup> Because the telecom carrier threatened to sue, the Board of Health was compelled to rescind the order. The residents filed suit against the city but lost on federal preemption, i.e., no legal recourse for health claims.

---

<sup>34</sup> <https://childrenshealthdefense.org/defender/marcia-haller-cell-tower-rf-radiation-sickness/>.

<sup>35</sup> <https://ehtrust.org/cease-and-desist-order-against-verizon-cell-tower-by-board-of-health-pittsfield-ma/>, see below the fold for link to the Order, p.12.

<sup>36</sup> <https://ehtrust.org/family-injured-by-cell-tower-radiation-in-pittsfield-massachusetts/>.

- **In Rippon, CA** when a cell tower was placed near an elementary school, 4 children (ages 6-11) got cancer (brain, liver, kidney) and 4 teachers got breast cancer.<sup>37</sup> One of the children who contracted brain cancer (glioblastoma) when he was 10 years died in Aug 2024.<sup>38</sup> Since the tower was removed, it was reported that there were no more instances of cancer at the school.<sup>39</sup>
- **In an Idaho town** after 5G cell towers were installed, it was reported that a cluster of residents developed atrial fibrillation (a-fib). One of those residents who had undergone surgery for a-fib is a plaintiff in a lawsuit against the telecom carrier which refuses to provide accommodation under the Americans with Disabilities Act.<sup>40</sup>

b) **Tort Liability.** While companies are shielded from tort liability, at the same time the insurance industry does not insure these risks. Swiss Re calls 5G an "off the leash" insurance risk (see p.10-11). Telecoms warn shareholders of potential liability from health effect claims. Companies should compete on safety; some already recognize this. E.g., Swisscom patent to reduce wireless radiation because of the risk of cancer and neurological disorders, Int'l Pub'n No. WO 2004/075583 A1 2 Sept 2004 PCT, <https://www.avaate.org/spip.php?article2061> and by cell phone manufacturers.

The FCC should put a thumb on the scale of public interest even though industry sound bites purport to represent the public interest when they are only serving, understandably, their shareholders.

#### D. Section 6409(a) of the Middle Class Tax Relief and Jobs Act (2012)

Section 6409(a) blurs the lines of political accountability. It compels local government to approve qualifying collocation applications for cell towers, even if contrary to local zoning ordinances such as for public safety. The FCC's rules now extend that requirement to reach 30 feet beyond a cell tower. That is a substantial change. If the tower is only 30 feet, that would be 100% of its height. If it's 100 feet, that would be 1/3 of its height. To a local resident it would appear that local government is over-reaching, not complying with safety ordinances and possibly encroaching on private property, when it is actually FCC rules that are extending the reach.

---

<sup>37</sup> See beginning of video at [https://www.youtube.com/watch?v=-9TMTexPb\\_0&t=128s](https://www.youtube.com/watch?v=-9TMTexPb_0&t=128s).

<sup>38</sup> See the lists of treatments and surgeries that this child endured before he died, <https://www.gofundme.com/f/support-the-ferrulli-family-in-memory-of-mason>.

<sup>39</sup> See beginning of video at [https://www.youtube.com/watch?v=-9TMTexPb\\_0&t=128s](https://www.youtube.com/watch?v=-9TMTexPb_0&t=128s).

<sup>40</sup> <https://childrenshealthdefense.org/press-release/chd-files-in-series-of-lawsuits-seeking-disability-accommodation-for-people-injured-by-rf-radiation-from-cell-towers/> and <https://childrenshealthdefense.org/defender/henry-hank-allen-chd-verizon-lawsuit-radiofrequency-radiation-cell-towers/>.

It is noteworthy that “the U.S. Supreme Court has rejected as unconstitutional federal statutes which ‘blur the lines of political accountability’ by directing local officials to take actions for which the Feds are really responsible.”<sup>41</sup>

Therefore, the two FCC rules on Section 6409 extensions of a cell tower’s perimeter are “a bridge too far” and should be eliminated.

#### **E. NEPA 1986 Satellite Categorical Exclusion<sup>42</sup>**

The FCC’s categorical exclusion of satellite launches and orbital constellations from NEPA should be deleted. The Government Accountability Office (GAO) issued a report on Nov. 2, 2022 stating that the FCC has not revisited its categorical exclusion under NEPA of the launching of large constellations of satellites into space.<sup>43</sup> The GAO states the problem, that “[b]y 2030, tens of thousands of commercial satellites are expected to join the thousands of satellites already in orbit. Scientists and others have raised concerns about the potential environmental and other effects of large quantities of satellites.

“GAO also found that FCC does not have a process or timeline for periodically reviewing its categorical exclusion and publishing the information on its website. Further, FCC has not identified and made public factors it considers in determining whether extraordinary circumstances are present.”<sup>44</sup>

#### **V. The National Environmental Policy Act (NEPA)**

NEPA’s purpose is clearly stated to “stimulate the health and welfare of man.”<sup>45</sup> This parallels the FCC’s mandate under the Communications Act to protect “life and property.” The Executive Order on the MAHA Commission underscores these concepts in requiring the study of chronic disease in children from potential contributing factors including “electromagnetic radiation.”

FCC enforcement of NEPA should be shored up. There is no statutory leeway for the FCC to diminish its NEPA enforcement.

To serve the public interest, the FCC will need to dedicate resources and personnel with a designated senior official and chief engagement officer and reverse course on non-compliance with federal law and exercise oversight and tracking of all cell towers in the United States, regardless of

---

<sup>41</sup> <https://natlawreview.com/article/local-officials-will-take-heat-federal-rules-governing-cell-towers?amp>.

<sup>42</sup> Federal Register at page 14999 <https://www.govinfo.gov/content/pkg/FR-1986-04-22/pdf/FR-1986-04-22.pdf>

<sup>43</sup> <https://www.gao.gov/products/gao-23-105005>.

<sup>44</sup> <https://www.gao.gov/products/gao-23-105005>.

<sup>45</sup> 42 USC §4321

size, including industry environmental assessments and mitigation.<sup>46</sup> In reversing course to comply with federal law, the FCC will need to “provide adequate notice and opportunities for public comment on projects,” “make environmental documents, such as radiofrequency (RF) emissions studies, readily accessible to the public,” “vigorously enforce its NEPA rules” to reverse course on industry non-compliance, and rather than dismissing public comments incorporate them in its rules and policies.<sup>47</sup>

**On behalf of Americans Injured and Disabled  
from Electromagnetic Radiation and the Filing Parties**

Respectfully Submitted,



Odette J. Wilkens  
President & General Counsel  
Wired Broadband, Inc.  
(non-profit)  
P.O. Box 750401  
Forest Hills, NY 11375  
owilkens@wiredbroadband.org  
718.575.8784

---

<sup>46</sup> <https://peer.org/commentary-what-the-fcc-must-do-to-comply-with-new-nepa-rules/> .

<sup>47</sup> <https://peer.org/commentary-fcc-fails-follow-environmental-laws/> .



## APPENDIX A

The parties listed here collectively constitute the “Filing Parties,” have granted permission to submit these Comments on their behalf, and join together to submit these Comments:

The National Call for Safe Technology, Odette Wilkens, Chair & General Counsel; Public Employees for Environmental Responsibility, Tim Whitehouse, JD, Executive Director, Washington, D.C.; Charles Frohman, M.Ed, HIA, lobbyist, National Health Federation; 5G Free Rhode Island, Sheila Resseger, M.A., Co-Founder, Cranston, RI; Susan Molloy, M.A., Snowflake, AZ; Coloradoans for Safe Technology, Andrea Mercier (Mother of a severely disabled child who is adversely impacted various forms of non-ionizing radiation), Colorado Springs, CO; Coloradans for Safe Technology, Nancy VanDover, DVM, OMD, Dipl Acup, disabled by EMR; Deborah Shisler, disabled by EMR, CO; La Plata for Safe Technology, Ingrid Iverson, disabled by EMR, CO; Virginians for Safe Technology, Jenny DeMarco, Communications Director, and Mary Bauer, retired RF engineer, Fredericksburg, VA; NY4Whales & NY4Wildlife Taffee Williams, President, Tuckahoe, NY; Safe Tech International, Sara Aminoff, Union City, CA; Safe Tech International, Kate Kheel, Taneytown, MD; Safe Tech International, Patricia Burke, Millis, MA; Safe Tech Westchester, Ruth F. Moss, Westchester, NY; The Soft Lights Foundation, Mark Baker, President, Beaverton, OR; Amy Harlib, Concerned Citizen, New York, NY; Katherine Katzin, Takoma, MD; Floris R. Freshman, Scottsdale, AZ; Fiber First LA, Charlene Hopey, Topanga, CA; Gene Wagenbreth, Topanga, CA; Pennsylvanians for Safe Technology, Donna DeSanto Ott PT DPT MS FMCHC, Founder & President, PA; Jen Goddard, Board Certified Doctor of Natural Health, Thriving Proof Holistic Health Practice, and 2025 U.S.A. Mrs. Maine Pageant, Brewer, ME; Martine Victor, VT; Fred Sinclair, Alfred, NY; Janet Drew, RN retired, ME; Martha Fenn King, ME; Virginia Farver, Fort Collins, CO; Loraine Uebele, FACHE, MO; Canadian Educators for Safe Technology, Shelley Wright, Director, Ontario, Canada; Leo DeBois, MA; SW Pennsylvanians for Safe Technology, Susan Jennings, Founder, PA; PA Smart Meter Work Group, Gene Bazan PhD, Secretary, PA; New Yorkers 4 Wired Tech, Susan Peters, NY, NY; EMF Wellness, Lisa Smith, PhD, with Electromagnetic Radiation Syndrome (EMR-S), Tucson, AZ; Safe Tech Tucson, Tucson, AZ; Margo DesBois, MA; Carla DesBois, MA; Sustainability Management Consulting, Angela Casler, CA; Nancy Webber, Tyngsboro, MA; Longmont for Safe Technology, Doe Kelly, Co-Founder, affected by EMR, Longmont, CO; Alison McDonough, disabled by EMR, Canton, MA; Barbara Knudson, Walla Walla, WA; Pittsfield Cell Tower Injured and Concerned Citizens, Courtney Gilardi, Pittsfield, MA; Ithacans for Responsible Technology, Marie and Andrew Molnar, Ithaca, NY; Friends of Merrymeeting Bay, ME; Maine Coalition to Stop Smart Meters, Ed Friedman, ME; Arizonans for Safe Technology, Valeri Marsh, AZ; Gabriela Munoz, disabled with EMR-S, Carmel, NY; EMF Safety Network, Sidnee Cox, Co-director, Windsor, CA; Rosemarie Russell, The National Call for Safe Technology, Hurricane, UT; Southern EMF Radiation Solutions, Shari Champagne, Houma, LA; Safe Tech Tucson, Tucson, AZ; EMF Wellness, Lisa Smith, PhD, Electromagnetic Radiation Specialist, Tucson, AZ; Safe Technology Minnesota, Leo Cashman, St. Paul, MN; Sarah Johnson, Sanford, ME;



Erin McDowell, RN, Rocky River, OH, SWORT (Southwestern Ohio for Responsible Technology);  
Craig McDowell, veteran, Rocky River, OH.

**Abbreviation:**

EMR means electromagnetic radiation.