

**Before the
Federal Communications Commission
Washington DC 20554**

In the Matter of:)	
)	
Modernizing the Commission’s National Environmental Policy Act Rules)	WT Docket No. 25-217
)	
Petition for Rulemaking on the Commission’s Rules Part 1, Subpart 1, Implementing NEPA)	RM 12003 (terminated)

**COMMENTS OF WIRED BROADBAND, INC.
AND THE FILING PARTIES
ON BEHALF OF AMERICANS INJURED AND DISABLED
FROM ELECTROMAGNETIC RADIATION
(ELECTROMAGNETIC RADIATION SYNDROME – EMR-SYNDROME)**

Filed October 3, 2025

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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.

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A. Executive Summary

Wired Broadband, Inc., and the Filing Parties set forth in Appendix A (attached hereto and incorporated herein), respectfully submit these comments on behalf of Americans injured or disabled by electromagnetic radiation, and those who do not want to be injured or disabled, by electromagnetic radiation. The Filing Parties and coalition partner groups have a reach of over two million people across the country. We advocate for the safe deployment of communications infrastructure.

With respect to wireless facilities, the Commission should be expanding and strengthening its review procedures under NEPA, not reducing them. Moreover, these Reply Comments show that the Commission lacks sufficient legal and regulatory justification for this NPRM. Therefore, we respectfully recommend that this NPRM be withdrawn.

B. The NPRM Relies on the CTIA Petition That Has Procedural Defects which the Commission Has Not Addressed

We agree with the Comments of the Attorneys General of NY, CA, WA, MA, AZ, CT, DE, IL, ME, MD, MI, MN, OR, RI, VT, D.C., Harris County, TX Attorney (“Attorneys General”), that this NPRM does not address the procedural defects in the CTIA Petition which is the basis for this NPRM, nor is the wholesale revision of its NEPA implementing regulations warranted.¹ Although the Commission volubly cites the following for the “legal impetus” for this NPRM, the Attorneys General point out that: (a) the Executive Order 14154 (“Unleashing American Energy”) does not apply to the Commission, (b) the CEQ Guidance Memorandum of Feb. 19, 2025 that gives agencies 12 months to revise their NEPA regulations also does not apply to the Commission, (c) “the NPRM goes well beyond the limited updates that would be sufficient to implement the Fiscal Responsibility Act,” including that the Act does not include the NHPA in its ambit; and (d) the *Seven County* decision does not give the Commission “unbounded discretion to conduct NEPA as they choose,” and that changes proposed by the NPRM are unrelated to the case.²

¹ <https://www.fcc.gov/ecfs/search/search-filings/filing/10918198068146> at p.3.

² <https://www.fcc.gov/ecfs/search/search-filings/filing/10918198068146> at 7.

C. Cumulative Exposure to Radiofrequency (RF) Radiation Must Be Subject to NEPA Review

We agree with Environmental Health Sciences (EHS) that “the FCC must modernize its wireless radiation safety limits to be science-based.”³ The D.C. Circuit Court of Appeals in 2021 in *Environmental Health Trust v. FCC* ordered the Commission to review the thousands of pages of scientific studies in its dockets showing biological effects of RF radiation within the FCC’s limits, and the long-term effects on the public, especially on children. The FCC has yet to do so. As EHS states, “the environmental and health consequences of wireless infrastructure are neither speculative nor remote, but reasonably foreseeable, well documented in the scientific literature, and already observable in both human populations and ecological systems.”⁴

Our approach is consistent with the purposes of the Communications Act, which includes (emphasis added):

“the purpose of **promoting safety of life and property** through the use of wire and radio communications”⁵

and the Communications Act’s savings clause, which preserves all other remedies at law:

Nothing in this chapter contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this chapter are in addition to such remedies.

Unfortunately, the FCC, courts, and industry have over-interpreted FCC RF regulatory limits (promulgated under NEPA) by incorrectly treating them as regulatory safe harbors and asserting that they are preemptive of other remedies existing at common law or by statute, including without limitation the Americans with Disabilities Act and the Rehabilitation Act of 1973.⁶

In 1996, the FCC promulgated its RF exposure limits under NEPA.⁷ The current NPRM illustrates the absurdity of FCC’s approach to radiofrequency exposures. The Commission is embarking on a rewrite of its NEPA rules, without addressing radiofrequency exposures. Arguably, the Commission’s greatest responsibility, of all environmental effects, is the regulation of radiofrequency emissions and exposures. **It is the spectrum manager for**

³ <https://www.fcc.gov/ecfs/search/search-filings/filing/109181135116895>.

⁴ <https://www.fcc.gov/ecfs/search/search-filings/filing/109181135116895>.

⁵ 47 USC 151

⁶ See attached [EMS Disability filing]

⁷ Guidelines for Evaluating the Effects of Radiofrequency Radiation: Report and Order, ET docket 93-326

https://transition.fcc.gov/Bureaus/Engineering_Technology/Orders/1996/fcc96326.pdf

radiofrequency across the entire private sector. And yet this is the one topic which the FCC is excluding from its NEPA review.

We disagree with CTIA's comments, one of which deals with the elimination of cumulative exposure. It is cumulative exposure to RF radiation that has contributed to the chronic disease clusters that are cropping up around the U.S. around cell towers, including in residential communities and at schools (see Attachment C, Science Compendium in our initial comments). The Commission is responsible for protecting the safety of the public from RF radiation; therefore, cumulative exposure must be included in any NEPA review.

With respect to 47 CFR 1.1307(b), it sets out certain radiofrequency-related actions that require an environmental assessment. The NPRM summarizes it as any action that causes "human exposure to radiofrequency emissions that exceed the limits in the Commission's rules." (fn 34). When taking into consideration wireless facilities, particularly 5G Towers, being constructed close to each other, the cumulative effect to the public, including to children and pregnant women, being exposed to a high concentration of RF radiation must be included in any NEPA review. Cumulative effects become even more critical with any additions or "upgrades" to existing antenna structures under Section 6409 of the Spectrum Act of 2012.

Neither CTIA's nor WISPA's comments take into consideration that the accumulation of wireless facilities on existing poles will increase the cumulative effect of RF radiation exposure to the public.

We disagree with CTIA's and WISPA's contention that the "Commission's geographic area licensing and oversight of the use of spectrum are distinct from the construction of individual facilities,"⁸ in that "but for" the geographic and spectrum licensing by the FCC, there would be no construction of wireless facilities.

As the Attorneys General state in their comments of indicia of "substantial Federal control and responsibility:"

"Geographic area licenses issued by the Commission are subject to substantial Federal control. Going back to the mid-1990s, the Commission has promulgated regulations and guidelines "for health and safety standards of radio frequency ("RF") radiation" and related NEPA compliance procedures.²⁶ Upholding the Commission's authority against a constitutional challenge twenty-five years ago, the U.S. Court of Appeals for the Second Circuit recognized that the FCC "retained the exclusive ability to regulate the relevant radio facility operations" in the context of geographic area licenses.²⁷ In fact, the CTIA Petition conceded

⁸ <https://www.fcc.gov/ecfs/search/search-filings/filing/10918270410120>.

that the Commission duly exercises such federal control over facilities that operate pursuant to geographic area licenses.

“Further, the U.S. Court of Appeals for the D.C. Circuit has held that the Commission’s attempt to deregulate “small cell” deployments for 5 infrastructure through an order that reclassified such deployments as non-major federal actions was arbitrary and capricious because the Commission’s “public-interest analysis did not meet the standard of reasoned decision making.” *United Keetoowah Band of Cherokee Indians v. F.C.C.*, 933 F. 3d 728, 745 (D.C. Cir. 2019).” . . .

“Finally, as posited in NPRM, licensees who hold geographic area licenses are subject to buildout requirements that the Commission can enforce against the licensees.”⁹

D. Major Federal Actions (MFAs) Clarified

We agree with the Attorneys General on what constitutes Major Federal Actions (MFAs) – geographic area licenses and site-based licenses.¹⁰

Contrary to the comments of CTIA,¹¹ WISPA, and Exelon Corporation, Duke Energy Corporation and FirstEnergy Corp (collectively, the “Electric Utilities”),¹² the issuance of an Antenna Structure Registration (ASR) and of a site-based spectrum license, in each instance, constitutes a Major Federal Action under the National Environmental Policy Act (NEPA) and under the National Historic Preservation Act (NHPA).

We disagree with CTIA’s¹³ and WISPA’s¹⁴ comments. As we cited ¶21, 23, 24,25, 34 in our initial comments, the following should be considered MFAs: granting of any license under Title III, any spectrum auction or spectrum allocation that may result in RF densification, and any geographic area license.

The FCC does exercise substantial “control [of] the outcome of the project” when granting geographic area licenses; for example, it mandates minimum buildout and coverage requirements and regulates the RF emissions of those projects. Any action that results in a substantial densification of radiofrequency across a geographic area (for example across a metropolitan area) should be deemed an MFA. The fact that the Commission may not know

⁹ <https://www.fcc.gov/ecfs/search/search-filings/filing/10918198068146>.

¹⁰ <https://www.fcc.gov/ecfs/search/search-filings/filing/10918198068146> at pp. 8-10.

¹¹ <https://www.fcc.gov/ecfs/search/search-filings/filing/1091866179635>.

¹² <https://www.fcc.gov/ecfs/search/search-filings/filing/10919387611618>.

¹³ <https://www.fcc.gov/ecfs/search/search-filings/filing/1091866179635>.

¹⁴ <https://www.fcc.gov/ecfs/search/search-filings/filing/10918270410120>.

the exact address/location/GPS coordinates of a particular wireless facility does not change the fact that its licensure will have a material adverse and foreseeable impact across a wide geographic area. Even without specific buildout commitments, it is reasonably foreseeable to the FCC that the carrier, upon purchasing costly spectrum and acquiring a license, intends to build wireless facilities pursuant to such licensure. MFA should also include the authorization of spectrum for unlicensed use, as it represents the last regulatory step in making such spectrum available.

We disagree with CTIA's comments and other commenters in support of diminishing NEPA and NHPA review requirements. What is being offered to the public is a race to the bottom. In RM 12003 in which the CTIA Petition was being considered, CTIA and other commenters in support have been inflating the benefits of next generation wireless and inflating the demand for wireless, but are out of touch with Americans. While they proposed to accelerate the deployment of wireless facilities, the message from a large and growing swath of Americans, including those injured and disabled and those not yet injured or disabled, is clear:

They do not want or need 5G Towers or “next-generation” wireless.

**They do not want them near their homes, outside their children’s bedroom,
on or near their children’s schools, in or near playgrounds or
parks (including national parks).**

They do not want them in or near historic districts or near historic landmarks.

Wireless radiation is dangerous because it produces adverse biological effects (see Appendix B, attached hereto and incorporated herein)

President Trump’s MAHA Commission Executive Order has made it a national priority to include the study of the **effects of “electromagnetic radiation”** in connection with the **chronic disease epidemic in children**.¹⁵

We disagree with every aspect of the CTIA petition to The National Environmental Policy Act (NEPA) as it runs contrary to the letter and spirit of NEPA. NEPA’s overarching goal is to protect the human environment,¹⁶ and the FCC’s role is to prevent the irresponsible deployment of communications infrastructure that would endanger the human environment in its statutory

¹⁵ See §4a

<https://www.federalregister.gov/documents/2025/02/19/2025-02871/establishing-the-presidents-make-america-healthy-again-commission>

¹⁶ 42 USC §4321.

mandate “to protect life and property.”¹⁷ Contrary to what CTIA supporters may assert,¹⁸ there is no statutory mandate to promote wireless. There is no greater proof of the environmental impact of wireless facilities than those people who have been injured, repeatedly, and permanently disabled by exposure to electromagnetic radiation emitted from the wireless facilities that are the subject of the petition, whose symptoms are referred to as Electromagnetic Radiation Syndrome (EMR-Syndrome) and who have joined herein as Filing Parties.

The Commission should not lose sight of NEPA’s purpose, i.e., to “stimulate the health and welfare of man,” and regulate the safety of the human environment.¹⁹ There is no statutory leeway for the FCC to diminish its NEPA enforcement. Among environmental effects that the FCC is obligated to consider under NEPA are exposure to radiofrequency (RF) radiation. There is no prosperity for Americans if they are getting sick from RF radiation.

Ensuring that the public is notified of an antenna structure application is critical. As the Attorneys General point out:

“FCC Should Continue Its Environmental Notification Policy to Notify the Public About Pending Antenna Structure Registration Applications

“The Commission continues to be bound by the D.C. Circuit’s decision in *American Bird Conservancy, Inc. v. F.C.C.*, 516 F.3d 1027, 1035 (D.C. Cir. 2008) (granting petitioners’ request that the Commission “provide adequate public notice of proposed individual tower applications so that they may seek environmental review before the Commission acts”).”²⁰

E. Proposed Definition of “Minimal Federal Funding” Would Create a Loophole

We agree with the Flandreau Santee Sioux Tribe (FSST), that the proposed definition of “minimal federal funding” would do an end run around NEPA requirements.²¹ Using the threshold of no or “minimal” federal funding to exclude a project from being a “major federal action,” obfuscates a situation where federal funding is applied to a recipient’s operating expenses, giving recipients the ability to spend more on capital expenditures thereby giving the appearance of no or minimal federal funding to capital expenditures.

¹⁷ Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 USC §151 *et seq.*

¹⁸ See, e.g., Verizon’s comments, <https://www.fcc.gov/ecfs/document/10411149156728/1>.

¹⁹ 42 USC §4321

²⁰ <https://www.fcc.gov/ecfs/search/search-filings/filing/10918198068146> at pp.12-13.

²¹ <https://www.fcc.gov/ecfs/search/search-filings/filing/109192012430616>.

As we cited ¶22 in the NPRM in our initial comments, federal dollars used for recipients’ operating expenses should be considered an MFA if they are significant. The statute excludes “no or minimal federal funding,” not substantial federal funding for the purpose of operating expenses. Particularly given that cash is fungible, any substantial federal funding would reduce operating expenses thereby allowing the recipient to, in turn, spend more on capital expenditures. Therefore, having the same effect as providing substantial federal funding for capital expenditures.

As further amplified by FSST, what the Commission proposes “would allow private companies receiving general government subsidies or other non-specific federal assistance to claim their projects are exempt from a ‘major Federal action’ designation . . . creating a loophole . . .”²²

F. Satellite Operations Are Major Federal Actions and Should Not be Categorically Excluded

Licensing spectrum on a nationwide basis for space launches or satellites is an MFA, as is the launch itself. It is not only us who think so; the Commission should consider the two GAO reports.²³

We disagree with Space Exploration Holdings, LLC which proffers unsupported allegations of the need to eliminate NEPA requirements.²⁴

We agree with DarkSky International objections to categorical exclusions of satellite operations, and that the “Commission’s NEPA regulations regarding licensing of such satellites should be strengthened, not . . . abrogated, diminished, or ignored.”²⁵ We reiterate some of DarkSky’s key points:

- a. “[T]he Commission’s issuance of licenses for satellite operations—authorizations that directly enable the deployment of potentially thousands of new orbital objects—clearly constitutes ‘substantial federal control and responsibility’ and thus a ‘Major Federal Action’ subject to NEPA review,”²⁶
- b. Under U.S. international treaty obligations: “Article VI of the Outer Space Treaty of 1967, each State Party bears responsibility for national activities in outer space,

²² <https://www.fcc.gov/ecfs/search/search-filings/filing/109192012430616>.

²³ GAO noted that “because large constellations of satellites did not exist [in 1986], FCC’s experience up to that point would not have involved the consideration of this technology.” Satellite Licensing: FCC Should Reexamine Its Environmental Review Process for Large Constellations of Satellites (November 2022)

<https://www.gao.gov/products/gao-23-105005>; Large Constellations of Satellites: Mitigating Environmental and Other Effects (September 2022) <https://www.gao.gov/products/gao-22-105166>.

²⁴ <https://www.fcc.gov/ecfs/search/search-filings/filing/10919070648833>.

²⁵ <https://www.fcc.gov/ecfs/search/search-filings/filing/10916141897368> at p.4.

²⁶ <https://www.fcc.gov/ecfs/search/search-filings/filing/10916141897368> at pp. 4-5.

including those conducted by nongovernmental entities, and must provide “authorization and continuing supervision” of such activities. Likewise, under the Constitution of the International Telecommunication Union (ITU), Article 44, Member States are obligated to ensure that satellite use of spectrum and orbital resources is conducted rationally, efficiently, and in the interests of all countries. As the U.S. designated authority for communication satellites, the FCC exercises this federal authorization and supervisory responsibility.”²⁷

- c. “Given the current speed of technological change, we do not believe that any satellite licensing should be subject to a CE. The sudden development of fleets of Reflective Satellites for communications, ground illumination, and power generation are prime examples of this rapid change, and the Commission should not exclude all satellite operations categorically without knowing what additional technologies may be developed for satellite operations or the impact on US territory.”²⁸

To reiterate our position in agreement with DarkSky International, we underscore our initial comments in response to the NPRM ¶133, that the Commission should not categorically exclude space operations; they are not extraterritorial activities. The NPRM misconstrues the statutory text by citing only a portion of the statutory exclusion, which reads in its entirety:

(vi) extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States²⁹

- a) First, the launch of satellites is not an extraterritorial activity and the decision to launch is not an extraterritorial decision, i.e. both the activity and the decision to launch, license, and reenter, occur within the United States.
- b) Second, the word “entirely” should be read synonymously as “exclusively.” Most of the satellites launched today are mega-constellations in non-geostationary orbit (NGSO), meaning that they migrate across the sky and across the planet. No satellite operator can say that the effect of its satellites are entirely and exclusively outside the United States territory.
- c) Third, the FCC is interpreting the word “jurisdiction” incorrectly; in this situation, it should not be read as the physical borders of the United States, but rather under the responsibility and accountability of the United States government. As the FCC has admitted previously,

²⁷ <https://www.fcc.gov/ecfs/search/search-filings/filing/10916141897368> at p.5.

²⁸ <https://www.fcc.gov/ecfs/search/search-filings/filing/10916141897368> at p.6.

²⁹ 42 USC 4336e(10)(B)(vi), as amended June 3, 2023.

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section4336e&num=0&edition=prelim>

the United States government, under its treaty obligations, is responsible and holds liability for satellites launched by US companies and their effects around the planet.³⁰

- d) Fourth, even if a satellite operator could show that certain satellites will remain in orbit exclusively outside the territorial footprint of the United States, they cannot and have not shown that the effects of the satellites do not impact the United States. For example, United States ecosystems and agriculture may be dependent on birds, bats, and insects that migrate from Latin America into the southern United States. Disruptions to these migration patterns and US ecosystems are effects within the physical footprint of the United States (i.e. even under the FCC's incorrect interpretation of the word "jurisdiction").
- e) Fifth, the FCC needs to consider United States treaty obligations when considering impacts outside the territorial land of the United States.³¹

Moreover, in response to NPRM ¶164 we also stated that, while the *Dark Sky* court ruled that the FCC's decision was compliant with the Administrative Procedures Act, that does not mean that the licensure of NGSO's do not have dramatic and potentially irreparable environmental effects, including effects on human health. The court ruled narrowly on whether FCC determinations met the APA standard when considering light pollution and atmospheric effects from rocket launch and reentry. Satellites wreak other kinds of pollution, including particulate pollution, radiofrequency emissions, and impacts on the magnetosphere of the planet³² that may have biological effects across the planet. As the

³⁰ In 2018, the FCC recognized that under international treaties the US government is liable for damages that US

satellites cause abroad, including falling debris. See paragraphs 76-80.

<https://www.fcc.gov/document/fcc-launches-review-rulesmitigate-orbital-space-debris-0>

In 2020, the FCC decided not to require satellite companies to carry insurance (paragraph 135). FCC has not required satellite companies to indemnify the US government (paragraph 136) for liability (paragraph 177), and acknowledged that: "[T]hose costs would be borne by U.S. taxpayers." (paragraph 178)

<https://www.fcc.gov/document/fcc-updates-orbitaldebris-mitigation-rules-new-space-age-0>

³¹ Id

³² Earth's Magnetosphere: Protecting Our Planet from Harmful Space Energy

<https://science.nasa.gov/science-research/earth-science/earths-magnetosphere-protecting-our-planet-from-harmful-space-energy/>

Debris from burning satellites could be affecting Earth's magnetic field, space.com, 3/15/24

<https://www.space.com/satellites-re-entering-magnetosphere-effects-study>

Potential Perturbation of the Ionosphere by Megaconstellations and Corresponding Artificial Re-entry Plasma Dust

<https://arxiv.org/abs/2312.09329>

Scientists discover strong, unexpected link between Earth's magnetic field and oxygen levels, life science.com, 6/13/25

Commission points out, in *Viasat, et al.* petitioners raise these issues and were found to lack standing (fn 180). This does not mean the FCC acted reasonably in granting those licenses, nor does it vitiate the need for environmental review. The FCC’s current categorical exclusions were issued in 1986,³³ which as the GAO pointed out in two separate reports, are no longer defensible, given that NGSO mega-constellations did not even exist at the time that the categorical exclusions were issued.^{34,35} In fact, the FCC wrote at the time, without evidence, “Based on the Commission’s experience, we have determined that the telecommunications industry does not generally raise environmental concerns.”³⁶ Unfortunately this mentality still permeates the Commission, which is a belief system not based on evidence or on the 2021 court decision in *Environmental Health Trust v. FCC et al.*

The existing maximum permissible exposure limits for wireless exposure do not account for the cumulative and long-term effects of satellite-related radiofrequency exposures, not only on individual organisms (such as a single person or a single body part of a human), but on planetary-wide effects that impact entire ecosystems, upon which humans depend for survival. Furthermore, the MPE limits are intended to assess the impact of RF exposure from all sources, not solely from a single source (i.e., exposure not just from a given source, but the cumulative and aggregate total from all sources emitting simultaneously), which the Commission should consider but fails to do so.

G. NHPA is a Separate Statute and Should Not be Conflated with NEPA

We agree with the Attorneys General³⁷ and with the historic preservation organizations who have submitted comments that NEPA and NHPA are separate statutes and should not be

<https://www.livescience.com/planet-earth/geology/scientists-discover-strong-unexpected-link-between-earths-magnetic-field-and-oxygen-levels>

The FCC should consider not only the impact of particulate and reentry dust on the magnetosphere, but also geostationary and non-geostationary satellites themselves.

³³ Federal Register at page 14999

<https://www.govinfo.gov/content/pkg/FR-1986-04-22/pdf/FR-1986-04-22.pdf>

³⁴ GAO noted that “because large constellations of satellites did not exist [in 1986], FCC’s experience up to that point would not have involved the consideration of this technology.” Satellite Licensing: FCC Should Reexamine Its Environmental Review Process for Large Constellations of Satellites (November 2022)

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

³⁵ Large Constellations of Satellites: Mitigating Environmental and Other Effects (September 2022)

<https://www.gao.gov/products/gao-22-105166>

³⁶ fn 33, supra.

³⁷ <https://www.fcc.gov/ecfs/search/search-filings/filing/10918198068146>.

conflated, some of which include: Advisory Council on Historic Preservation (ACHP),³⁸ New York State Historic Preservation Office (NYSHPO),³⁹ State of Washington Dept of Archeology & Historic Preservation (WADAHP),⁴⁰ Society of American Archeology (SAA),⁴¹ Arizona State Historic Preservation Office (AZSHPO),⁴² Iowa Economic Development Authority (IEDA),⁴³ and Flandreau Santee Sioux Tribe (FSST).⁴⁴

We agree with the foregoing, that: the NHPA is a stand-alone statute predating NEPA (NYSHPO),⁴⁵ any changes to the Commission's NEPA regulations do not release it from its obligations under Section 106 of NHPA and its accompanying regulations,⁴⁶ Section 106 is distinct as it covers “undertakings” without a qualifier requiring it to be a “major federal action” (ACHP),⁴⁷ requires consultation with local and tribal participation (NYSHPO; FSST),⁴⁸ and requires that “reasonably foreseeable” and cumulative effects be taken into consideration. It is notable that the number of projects having an adverse effect have been only a few, as calculated for Washington state, only .055% of all undertakings since 2004 were found to have an adverse effect (WADAHP).⁴⁹ This brings into sharp focus that without similar statistics for each state, there appears to be no basis for the Commission’s NPRM, obviating any need to loosen historic preservation review requirements.

- a. **NYSHPO:** “The NHPA is a stand-alone statute that predates NEPA, and several of the contemplated changes would clearly and directly undermine the intent of the National Historic Preservation Act, which is to protect our nation’s historic and cultural heritage. . . . The NEPA and Section 106 consultation processes give local communities the opportunity to voice opinions and concerns about projects that have the potential for very real impacts to their immediate environment, historic resources included.”⁵⁰
- b. **WADAHP:** “Over the past 25 years, our agency has reviewed 5,821 FCC projects with an average response time of 5 days. Out of 5,821 submittals only 32 undertakings were identified as an adverse effect. That is .055% of all undertakings

³⁸ <https://www.fcc.gov/ecfs/search/search-filings/filing/10918592711206>.

³⁹ <https://www.fcc.gov/ecfs/search/search-filings/filing/10919155812492>.

⁴⁰ <https://www.fcc.gov/ecfs/search/search-filings/filing/10930063198814>.

⁴¹ <https://www.fcc.gov/ecfs/search/search-filings/filing/10930800127075>.

⁴² <https://www.fcc.gov/ecfs/search/search-filings/filing/10918246502671>.

⁴³ <https://www.fcc.gov/ecfs/search/search-filings/filing/1092315279969>.

⁴⁴ <https://www.fcc.gov/ecfs/search/search-filings/filing/109192012430616>.

⁴⁵ <https://www.fcc.gov/ecfs/search/search-filings/filing/10919155812492>.

⁴⁶ <https://www.fcc.gov/ecfs/search/search-filings/filing/10930800127075>.

⁴⁷ <https://www.fcc.gov/ecfs/search/search-filings/filing/10918592711206>.

⁴⁸ <https://www.fcc.gov/ecfs/search/search-filings/filing/10918592711206>.

⁴⁹ <https://www.fcc.gov/ecfs/search/search-filings/filing/10930063198814>.

⁵⁰ <https://www.fcc.gov/ecfs/search/search-filings/filing/10919155812492>.

since 2004. All adverse effect determinations have been resolved with a treatment plan memorialized in a Memorandum of Agreement. The data . . . demonstrates that there is no problem with the existing streamlined Section 106 process. The process is functioning in a timely manner as intended.”⁵¹

- c. **SAA:** The Programmatic Agreements signed by the states, tribes and federal agencies, would be upended.⁵²
- d. **IEDA:** “Section 106 of the NHPA requires federal agencies to consider the potential effects of their projects on historic resources. This consideration extends to “reasonably foreseeable” effects, meaning effects that are likely to occur as a result of the undertaking, even if they are not immediate or directly caused. Such effects may occur later in time, be farther removed in distance, or be cumulative. For FCC licenses, “reasonably foreseeable” effects do include effects that are not immediate or direct and that can be cumulative. Per NHPA, all foreseeable effects should be considered with no “weigh[ing] the purpose and need of the action” as part of that analysis, potentially creating a way to negate reasonable and foreseeable effects. Cumulative effects cannot be avoided with NHP requirements either because they are considered in Programmatic Agreements (PAs).”⁵³

H. Conclusion

For the foregoing reasons, we respectfully recommend the withdrawal of this NPRM.

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

Respectfully Submitted,



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⁵¹ <https://www.fcc.gov/ecfs/search/search-filings/filing/10930063198814>.

⁵² <https://www.fcc.gov/ecfs/search/search-filings/filing/10930800127075>.

⁵³ <https://www.fcc.gov/ecfs/search/search-filings/filing/1092315279969>.

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APPENDIX A

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

National Organizations – Filing Parties
The National Call for Safe Technology, Odette J. Wilkens, Chair & General Counsel
The Weston A. Price Foundation, Sally Morell Fallon, President, Washington, D.C.

U.S. State	Filing Parties
AK - Alaska	Hal Stachman, Sitka, AK
AL - Alabama	Donald Campbell, Huntsville, AL
AR - Arkansas	PACTS International, Ken Stroud, Advisory Board Member/Technical Director, with Havana Syndrome, Little Rock, AR
AZ - Arizona	Arizonans for Safe Technology
	EMF Wellness Tucson, Lisa Smith, PhD, Tucson, AZ
	Safe Tech Tucson, Tucson, AZ
	Floris R. Freshman, published artist and composer, with EMR-S, Scottsdale, AZ Susan Molloy, M.A., Snowflake, AZ Melissa Hayes, M.S. with EMR-S, Oro Valley, AZ, Oak Haven Wellness, LLC
	Renée Neumann, Tucson / Green Valley, AZ Kathy Flanagan, with EMR-S, Prescott Valley, AZ
CA – California	EMF Safety Network, Sidnee Cox, Co-director, Windsor, CA
	Fiber First LA, Charlene Hopey, Topanga, CA
	Malibu for Safe Tech, Lonnie Gordon, Executive Director, Malibu, CA
	Napa Neighborhood for Safe Technology, Amy Martenson, Napa, CA
	Safe Tech International, Sara Aminoff, Union City, CA
	5G Free California, Julie Levine, with EMR-S, Topanga, CA,
	California Brain Tumor Association, Ellen Marks, Director, Indian Wells, CA
	Sustainability Management Consulting, Angela Casler, Chico, CA
	Eagle Forum of California, Orlean Koehle, CEO, Santa Rosa, CA
	Brenda Shafer, with EMR-S, CA Gene Wagenbreth, Topanga, CA Margaret Holt Baird, Esq, with EMR-S, San Diego, CA Raymond Michael LeVesque, RayGuardProtect.com, National Health Federation Board Member, Clear Lake Riviera, CA
CO - Colorado	Coloradans 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, CO
	La Plata for Safe Technology, Ingrid Iverson, with EMR-S, La Plata County, CO
	Longmont for Safe Technology, Doe Kelly, Co-Founder, with EMR-S, Longmont, CO
	Deborah Shisler, with EMR-S, CO Virginia Farver, Fort Collins, CO
CT - Connecticut	Connecticut for Responsible Technology, Private Membership Association (PMA), Paska Nayden, Co-Founder & Administrator, with EMR-Syndrome
DE - Delaware	[Rick Meyer, Bethany Beach, FL]
FL - Florida	Kay Fitt, Palm Harbor, FL; Susan Lee, Miami, FL Shirley Denton Jackson, with EMR-S, unexpected early retirement from School District of Palm Beach County, FL - Research Project Manager and Safe Schools Coordinator - due to EMR-S, North Palm Beach, Florida [Susan Lee] [Lauren Mones] [KellyLee Frederickson]
IL - Illinois	Safer Cell Phone and Wi-Fi Project, Marne Glaser, Chicago, IL
LA - Louisiana	Southern EMF Radiation Solutions, Shari Champagne, with EMR-S, Houme, LA
MA – Massachusetts	Massachusetts for Safe Technology, Cecelia Doucette, Director, Ashland, MA
	Pittsfield Cell Tower Injured & Concerned Citizens (injured with EMR-S), Pittsfield, MA
	Safer Siting 01240, Lenox, MA
	Safe Tech International, Patricia Burke, journalist, with EMR-S, Millis, MA
	Sustainable Upton, Laurie Wodin, Co-Administrator, with EMR-S, Upton, MA
	Last Tree Laws (.com), Kirstin Beatty, with EMR-S, Director, Holyoke, MA
	The Leto Foundation, Westborough, MA
	Alison McDonough, with EMR-S, Canton, MA Janet FitzGerald, M.S., CCC-SLP Rowley, MA, member of Massachusetts for Safe Technology Anna Nelson, with EMR-S, Pittsfield, MA Tais Howard, Lynn, MA
MD - Maryland	Safe Tech International, Kate Kheel, Taneytown, MD
	Katherine Katzin, Takoma Park, MD
ME - Maine	Global Union Against Radiation Deployment from Space, Bowdoinham, ME

	Maine Coalition to Stop Smart Meters, Richmond, ME Janet Drew, retired Registered Nurse, York, ME Jen Goddard, Board Certified Doctor of Natural Health, Thriving Proof Holistic Health Practice, and 2025 United States of America Mrs. Maine Pageant, Brewer, ME
MN - Minnesota	Safe Tech Minnesota, Leo Cashman, Petra Brokken, St. Paul, MN
MO - Missouri	Loraine Uebele, FACHE, Kansas City, MO Marty Freyer, Mexico, MO David B. Klug, Kansas City, MO Bethany Klug, Supporter and Advocate for EMF Affected, Kansas City, MO
NC - North Carolina	Sharon Behn, Arden, NC Susan Marlan, Asheville, NC Nicole Stallings, with EMR-S, Black Mountain, NC
NE - Nebraska	Tammy Lee, with EMR-S, Lincoln, NE Linda Becker, Lincoln, NE
NH - New Hampshire	New Hampshire for Safe Technology, Deb Hodgdon with EMR-S, Stratham, NH
NJ - New Jersey	Lisa Allen, Plainfield, NJ Diane Grossi with EMR-S, East Hanover, New Jersey
NM - New Mexico	Lori Bagley, concerned individual with EMR-S, Albuquerque, NM
NY - New York	New Yorkers 4 Wired Tech, New York, NY
	New York City Alliance for Safe Technology, New York, NY
	Safe Tech Westchester, Ruth F. Moss, Westchester, NY
	Amy Harlib, Concerned Citizen, New York, NY Fred P. Sinclair, Jr., Alfred, NY Kate Reese Hurd, Philmont, NY, with EMR-Syndrome Gabriela Munoz, Carmel, NY, with EMR-Syndrome Stephanie Stewart, LaGrangeville, NY Virginia Caswell, NYC (Stuyvesant Town), NY, with EMR-Syndrome
OH - Ohio	Craig McDowell, veteran, Rocky River, OH Erin McDowell, Registered Nurse, with EMR-S, Rocky River, OH, Southwestern Ohio for Responsible Technology (SWORT) Jennifer Manzler, Certified Health & Wellness Coach, Cincinnati, OH, SWORT Sean Polacik, Automation Control Systems Technician, OH Cristina Shonk, Cincinnati, OH
OR - Oregon	Oregon for Safer Technology, Ashland, OR Kelly Marcotulli with EMR-S, Ashland, OR The Soft Lights Foundation, Mark Baker, President, Beaverton, OR
PA - Pennsylvania	Pennsylvanians for Safe Technology, Donna DeSanto Ott PT DPT MS FMCHC, Founder & President, PA
	Southwest Pennsylvania for Safe Technology, Mount Pleasant, PA, Susan Jennings, MPA, BA, Founder (son has EMR-S)

	Jan Kiefer, Scottdale, PA
RI - Rhode Island	Rhode Island 4 Safe Tech, Sheila Resseger, M.A., Co-Founder, Cranston, RI
TN - Tennessee	Janet Taché, Hohenwald, TN
UT - Utah	Rosemarie Russell, member of The Women's State Legislative Council of Utah, Hurricane, UT
VA - Virginia	Virginians for Safe Technology, Jenny DeMarco, Communications Director, and Mary Bauer, retired radio frequency engineer, Fredericksburg, VA
	Charles Frohman, M.Ed, HIA, lobbyist, National Health Federation, Williamsburg, VA
	Linda M. Cifelli, retired Registered Nurse, Williamsburg, VA Grace Hilbert, with EMR-S, Annandale, VA
VT - Vermont	Martine Victor, Manchester, VT
WI - Wisconsin	Katrine Colton, with EMR-S, Sheboygan, WI
	Tracey Seymour, with EMR-S, Westfield, WI
	Carol Seibert, with EMR-S, Trevor, WI

Non-US Territories	Filing Party
Sweden	Eva Christina Andersson, E.U., Sweden