

Wireless Radiation Alert Network – WRAN

April 14, 2021

To Chair Ben Hueso
Vice Chair Brian Dahle
Senate Energy, Utilities, and Communications Committee

STRONGLY OPPOSE – SB 556 (as amended 4-12-21)

I am writing on behalf of Wireless Radiation Alert Network (WRAN) to oppose SB 556. WRAN is a community organization, founded in 2007

“for better regulation of emissions from wireless emitters and for education on health issues related to such emissions.”

This bill significantly discriminates against disabled people. guts local control, commandeers public assets, overrides public interests and public safety, and disregards local, state, and federal rules. This is unacceptable to our organization.

Challenge to ADA/ADAA, FHA/FHAA, and state rules

One of the central issues for WRAN is electromagnetic sensitivity (EMS). Many of our members are disabled by EMS. Exposure to EMF-emitting technology such as cell towers, antennas, cellphones, Wi-Fi, and Smart Meters causes serious, even life-threatening disabling effects. ADA/ADAA and FHA/FHAA protect the access of these disabled people to their homes, public spaces, and essential services, and prohibit discrimination against them.

However, SB 556 dramatically increases the small wireless facilities and antennas that already cause gross discrimination and access barriers to essential services, including grocery stores and health care facilities, PROW, public buildings, and free association and travel in many communities for people with this disabled characteristic. What is worse, this bill specifically targets residential areas. EMS-disabled people already have barriers to the use and enjoyment of their homes due proximity EMF-emitting nodes. Their home is the only refuge they have. Sen. Dodd would block their access to their homes and compel their exposure to a sensitizing, irritating substance.

In 2017, the legislature gave extensive disabled accommodation to EMS-disabled individuals including special panels during SB 649 hearings. Testimony is in the record on the personal toll, discrimination, access barriers, and financial costs to the state due to the disabling effects of rising unavoidable wireless exposure. Most of this committee's members heard that testimony.

California was an early leader in recognizing this problem. In 1998, a CDPH (then CDHS) survey found 3.2% of respondents reporting electromagnetic sensitivity.¹ In 2001, the state created the Cleaner Air symbol “to identify a room, a facility, and the paths of travel that are accessible to and usable by people who are adversely impacted by airborne chemicals or particulate(s) and/or the use of certain electrical fixtures or devices.”. In 2005, the State Architect’s office assisted the U.S. Access Board and the National Institute of Building Sciences in creating an Indoor Environmental Quality report² with recommendations to accommodate those disabled by electromagnetic sensitivity and multiple chemical sensitivities.

This record, federal laws including ADA/ADAA and FHA/FHAA and state equivalent laws, California Civil Code 54.1, and Public Utilities Code 7901, which the California Supreme Court recently affirmed in T-Mobile v San Francisco, must be brought to bear on this bill.

Gross discrimination to the level of red-lining is occurring now across California. Comments to the FCC from the cities of Boston and Philadelphia in 2013³ and refiled by Boston in 2020⁴ only serve to emphasize this urgent problem being ignored by Sen. Dodd. This is a civil rights issue. This bill further erodes civil rights by discriminating against these disabled people and even misappropriating ADA and FHA language -- “barriers” and “excluding older Americans from access”. This cannot be tolerated.

Public subsidy of for-profit companies

The scope of public subsidy envisioned by this bill is breath-taking. The power of decision-making and control over the public’s assets and the PROW are taken away from local governments and gifted to private companies.

This is even beyond eminent domain.

While these private companies make billions off from their services, local governments are prohibited from benefiting from even a portion of that revenue, though standard commercial leasing contracts stipulate a percentage of sales income as part of rental fees. Sen. Dodd’s bill is nanny government which gives constant hand-outs to telecom companies.

It externalizes costs onto the public. The public will subsidize the extensive labor of city and county employees that must respond immediately whenever an application (or 300) comes through the door, putting aside their work. To clarify what Sen. Dodd has done --

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<https://web.archive.org/web/20040721020821/http://www.dhs.ca.gov/ehib/emf/RiskEvaluation/Appendix3.pdf>

² <https://www.access-board.gov/research/building/indoor-environmental-quality/>

³ <https://ecfsapi.fcc.gov/file/7520958706.pdf>

⁴ https://ecfsapi.fcc.gov/file/1061793938659/COMMENTS_BostonMA.pdf

- Local governments must process up to 300 applications for small wireless facilities in 45 days; 60 days for over 300 applications for each applicant. There can be multiple applicants, each with 300 or more applications, exceeding even FCC rules. The FCC has a 60-day shot clock for a collocation small wireless facility application, and a 90-day shot clock for a new small wireless facility.
- Local governments have two weeks to assess each of up to 300 poles and create an estimate of make-ready work necessary for attachments to each.
- Local governments must contact other third-parties attachers on each of these poles and let them know that they must cooperate with the telecom company
- Then, local governments must do the make-ready work for the telecom companies.
- Telecom companies can ask for re-arrangement of equipment, and local governments must do that work, too.

Can Sen. Dodd have intended to so thoroughly eviscerate orderly city planning and public due process? This turns the public's assets and right-of-way over to these companies, essentially hijacking local governments, staff, and resources to benefit private for-profit companies. This looks like commandeering, and resembles a neo-feudalism. Local governments have been hard hit by the societal shutdowns, resulting in steeply diminished resources and staff. Sen. Dodd's bill would misuse the remaining staff to promote the wireless industry's business plans.

Sen. Dodd's March 16 amendment included "supporting structures" in addition to "street light poles,[and] traffic signal poles". Though not in the present version, it is reasonable to expect that this language will reappear in subsequent amendments. The FCC says § 1.6002 Definitions.

(m) *Structure* means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

Sen. Dodd's intent is to give away all local government buildings and structures including city halls, historic buildings, libraries, youth and senior centers, hospitals and medical centers, and flagpoles to the telecommunications industry.

Codification of FCC interpretation not in public interest

It is not in the public's interest to codify FCC interpretations into state law that are not codified into federal rules, nor is it logical, especially since the FCC 17-79 and 17-84 declaratory ruling, third report and order is the subject of a lawsuit.

Prejudicial offering of wireless broadband not in the public's interest

Copper backbone DSL and fiber technologies are vastly superior to wireless in terms of safety, speed, data capacity, and security. It benefits the public to have the most resilient and effective system, and local policymakers should not have their regulatory authority stripped or their options foreclosed to make the decision best suited to their community. This bill fails to consider that the public has already paid for wired internet access to their homes and businesses through their phone bills, and that that money

was misallocated to wireless infrastructure by telecommunications companies as revealed in the Irregulators lawsuit last year. It's important for the public to get what they already paid for without the public nuisance and liability of wireless radiation. This bill unfortunately clearly "discriminates" in favor of the wireless industry to the detriment of the public. The services mentioned in Sen. Dodd's bill including telehealth and working at home can be met in a safer, faster, more secure way by DSL and fiber.

Schools are reopening

State and federal policies are allowing the re-opening of schools, making distance learning less of an issue. Encouraging fiber and DSL connections throughout the state would alleviate remaining issues of educational access.

Overloaded utility poles cause safety and fire hazards

This is a problem not being addressed, especially by the FCC. Witness the unmaintained, unsightly telecom equipment in the PROW. Telecom companies put up equipment on already overloaded poles and walk away. On a busy street in my city, are leaning poles, poles that appear ready to break from the weight, and extension arms loaded with gear that are collapsing. The former mayor of Malibu called these "time bombs". This is a safety hazard to people walking on the sidewalks and driving by, and this is an extreme fire hazard. No one is policing or supervising. When decisions are made in Sacramento, the local communities bear the brunt. Telecom execs in exclusive gated communities with undergrounded utilities don't have to deal with many of these concerns. But the public does.

And we've all seen what utilities will do vis a vis safety. Telecom companies are unresponsive and irresponsible now, bad neighbors who degrade local communities and their neighborhoods when more effective options exist. Verizon throttled back internet speeds for firefighters during the Northern California fires. Those fires were started by PG&E equipment. The 2007 Malibu fire is another example. Multiply the current problem a thousand times throughout neighborhoods in the state. How many times does the "lesson" need to be repeated with loss of life and property?

Sen. Dodd who has seen the effect of utility company lax safety in his community would put more poorly maintained utility equipment in neighborhoods and fire hazard zones.

This is unacceptable.

Public health effects

The legislature has given firefighters an exemption in state law from its provisions from AB 57 as it did in SB 649 on the basis of health. Importantly, attorney Harry Lehmann explained in 2017 to the legislature that by giving the firefighters an exemption, the legislature has incurred liability on itself. The public will bear those financial costs.

If the strongest and most healthy among us -- firefighters -- suffer health damage from this radiation, what about the children, the elderly, the infirm, pregnant women? Thousands of studies have shown biological damage including to DNA, and

demonstrate this is a carcinogen in addition to impacting immune function.⁵ With the COVID19 crisis still ongoing, why would this committee choose to worsen the immune function of Californians for internet access that can be accomplished via cable and fiber?

The environmental impacts including to bees and other pollinators, birds, trees, and plants have been well-studied. With California's important agricultural industry and tourism industry, worsening of these wildlife impacts is unconscionable.

Additional costs missing from bill consideration


Sen. Dodd's bill treats internet as a free commodity once infrastructure is in place. However, there are no free subscriptions, free computers, free software, free printers, free anti-virus and malware, etc., etc. in the bill. The so-called digital divide is created by this profitable industry to impoverish and create an endless need for purchasing more equipment and software because companies no longer "support" existing software or equipment or licenses. This is very, very expensive.

The costs to the public from this bill are also missing.

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Due to these and other issues, WRAN adamantly opposes this bill. We strongly ask this committee to reject SB 556.

Very sincerely,

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⁵ For example. see Physicians for Safe Technology www.mdsafetech.org