

# Wireless Radiation Alert Network – WRAN

April 8, 2021

To Chair Cecilia Aguiar-Curry  
Vice Chair Tom Lackey  
Assembly Committee on Local Government

## **STRONGLY OPPOSE – AB 537 (as amended 3-30-21)**

I am writing on behalf of Wireless Radiation Alert Network to oppose AB 537.

Wireless Radiation Alert Network 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.”

AB 537 is essentially a stealth bill and has already changed substantially since being introduced. It is expected that more changes are coming that will further erode local control and override public interests and public safety. This is unacceptable to our organization.

### **Effect on ADA/ADAA, FHA/FHAA, and state rules**

Let's be clear. This bill is largely about “small cell” towers in the public rights-of-way (PROW) next to homes, schools, churches, businesses, and essential services.

One of the central issues for our organization is electromagnetic sensitivity. Many of our members are disabled by electromagnetic sensitivity, and exposure to EMF-emitting technology such as cell towers, antennas, cellphones, Wi-Fi, and Smart Meters causes serious, even life-threatening disabling effects.

As a result, the growing numbers of small cells, antennas, and other devices are a barrier to essential services including grocery stores and health care facilities, the PROW, public buildings, and free association and travel in many communities for people with this disabled characteristic. What is worse, EMS-disabled people are already being blocked -- denied access -- use and enjoyment of their homes due proximity EMF-emitting nodes and devices. Their home is the only refuge they have, and the safety of their home is being denied.

In 2017, the legislature gave extensive disabled accommodation to EMS-disabled individuals including special panels during hearings on SB 649. That allowed us to put into the record testimony on the personal toll, discrimination, access barriers, and financial costs to the state due to the disabling effects of rising wireless exposure.

California has been an early leader in this regard. In 1998, the then California Department of Health Services (now CDPH) conducted a survey which included questions about sensitivity to EMF emissions, finding 3.2% of respondents replied that they were very sensitive or allergic to EMF emissions.<sup>1</sup> In 2001, the state created the Cleaner Air symbol.

The Cleaner Air symbol shall be the standard used 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. The symbol shall only be used when the minimum conditions addressed in this brochure are met. The installation and use of the Cleaner Air symbol is voluntary.

In 2005, the Division of State Architect's office assisted the U.S. Access Board and the National Institute of Building Sciences in creating an Indoor Environmental Quality report<sup>2</sup> with recommendations to accommodate those disabled by electromagnetic sensitivity and multiple chemical sensitivities. This outstanding record, federal laws including ADA/ADAA, FHA/FHAA, 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*, need to be brought to bear on this bill. Discrimination to the level of red-lining and worse is occurring now across California. Comments to the FCC from the cities of Boston and Philadelphia in 2013<sup>3</sup> and refiled by Boston in 2020<sup>4</sup> only serve to underline the importance of this issue that has yet to be front and center in state policymaking. Worse, the author of this bill has himself made highly discriminatory remarks against this disabled population, comparing them to people who believe the earth is flat.<sup>5</sup> This should not be tolerated by the legislature.

This is a civil rights issue and a discrimination issue. Further erosion of these civil rights will occur with this bill. This highly discriminatory bill and others like it should not be tolerated.

There are other issues.

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

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

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

<sup>4</sup> [https://ecfsapi.fcc.gov/file/1061793938659/COMMENTS\\_BostonMA.pdf](https://ecfsapi.fcc.gov/file/1061793938659/COMMENTS_BostonMA.pdf)

<sup>5</sup> <http://sanfrancisco.cbslocal.com/2018/01/25/consumerwatch-5g-cellphone-towers-signal-renewed-concerns-over-impacts-on-health/>

### Codification of FCC rules unnecessary and not in public interest

It is not in the public's interest nor is it logical to codify FCC rules into the state legal code. Most importantly, it is unnecessary. Municipal governments – cities, towns, and counties – have local zoning ordinances and codes that are nimble and flexible, and they keep up with changes in FCC rules, revising their ordinances and codes constantly. Local communities are where these facilities are located, and these local governments are the logical place to continue these best practices. The state process is lengthy and cumbersome, and it is difficult to change existing law. It makes no sense to lock the state into the often temporary FCC rules and tie the state's hands.

### Prohibition of best alternatives is unreasonable and may be unlawful

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.

### 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 already an enormous problem that is not being addressed, especially by the FCC. Telecommunications 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.

We've seen what utilities will do vis a vis safety. The 2007 Malibu fire is one example. The Northern California fires started by PG&E equipment are other examples. At what price would more equipment be effectively mandated, and regulations and due process

“streamlined”? How many times does the “lesson” need to be repeated with resulting loss of life and property?

This is unacceptable.

Add to this the unmaintained, unsightly telecom equipment in the PROW. The effect has been to degrade local communities, their neighborhoods, and their scenic resources when more effective options exist.

### Public health effects

As noted in this bill, the legislature has given firefighters an exemption from this bill’s provisions, as it did for AB 57 and SB 649 on the basis of health. If the strongest and more healthy among us are suffering 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.<sup>6</sup> With the COVID19 crisis still ongoing, why would you want to worsen the immune function of the population?


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.

In addition, attorney Harry Lehmann explained to the legislature in 2017 that by giving the firefighters an exemption, it has incurred liability on itself. The public will bear those financial costs.

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Due to these and other issues, WRAN opposes this bill. We strongly ask this committee to reject AB 537.

Very sincerely,

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<sup>6</sup> For example. see Physicians for Safe Technology [www.mdsafetech.org](http://www.mdsafetech.org)