



Consumers for Safe Cell Phones

November 24, 2021

The Honorable Jessica Rosenworcel
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Chairwoman Rosenworcel,

As one of the petitioners who recently sought the DC Circuit Court of Appeal's review of the FCC's December 4th, 2019 decision to maintain their outdated 25 year old wireless exposure guidelines, we write to urge the Commission to follow the Court's directive to properly review the evidence that had been submitted into Dockets #13-84 and #03-137. A proper review requires that the two dockets be re-opened to allow newly published research and documents (made public over the past 2 years) to be included in the analysis. This will provide the FCC with up-to-date information to use in undertaking the Court's required thorough analysis.

The Court's ruling stated that the Commission "*must, in particular, (i) provide a reasoned explanation for its decision to retain its testing procedures for determining whether cell phones and other portable electronic devices comply with its guidelines...*"

Of particular concern to the Court is the failure of the FCC to review the evidence in the record related to assessing their inadequate cell phone testing guidelines. Since the GAO released their 2012 report¹ stating, "*The Federal Communications Commission's (FCC) RF energy exposure limit may not reflect the latest research, and testing requirements may not identify maximum exposure in all possible usage conditions... Some consumers may use mobile phones against the body, which FCC does not currently test, and could result in RF energy exposure higher than the FCC limit.*" - we have been calling on the FCC to test phones directly against the body with zero separation to simulate the manner in which they are typically used by consumers.

¹ "Telecommunications: Exposure and Testing Requirements for Mobile Phones Should Be Reassessed" - GAO-12-77:
Published: Jul 24, 2012

FCC's current testing protocol allows a separation distance between the phone and the torso simulating use in a holster or belt clip, enabling a phone to pass the FCC compliance test when in fact, the exposure from phones used in real life usage positions will likely exceed the federal "safety" limit. This is because it is commonplace for today's consumer to carry a transmitting phone in a pants or breast pocket or tucked into a bra with no separation between the antennas and the body.

Here are some examples of the RF warnings for wireless devices currently on the market in 2021:

- The Apple [iPhone 13 Pro Max RF Exposure statement](#)² reads, *"iPhone is evaluated in positions that simulate uses against the head, with no separation, and when worn or carried against the torso of the body, with 5mm separation."* [Users will likely carry and use transmitting phones in pockets and bras against their body unaware because the RF "safety" warning is located in the small print of the legal section deep within menus on the phone where it is not likely to be found.]
- The [Miku Pro Smart Baby Monitor manual states](#)³, *"RF EXPOSURE WARNING:This equipment should be installed and operated with minimum distance 20cm between the radiator and your body."* [Yet many parents will locate these RF transmitting monitors close to the crib or in a child's playroom unaware that these RF warnings are in the manual.]
- The [AT&T DECT 6.0 Home Cordless Phone manual](#)⁴ states, *"The telephone base shall be installed and used such that parts of the user's body other than the hands are maintained at a distance of approximately 20 cm (8 inches) or more."* [Yet many people install the base unit on the desk just inches from their head or on their bedside table unaware of these instructions.]

Key evidence has been published in the past two years that indicates cell phones directly in body contact (as when worn and used in a pants or shirt pocket or sports bra) are associated with an increased risk for breast tumors and sperm damage.

As examples, these 2020 and 2021 published studies referenced below must be included in a thorough FCC assessment of their cell phone testing protocol in order to perform a more "reasonable analysis" of the testing protocol:

I. "The Association Between Smartphone Use and Breast Cancer Risk Among Taiwanese Women: A Case-Control Study" - Cancer Manag Res 2020 Oct 29;12:10799-10807 doi: 10.2147/CMAR.S267415.

Results: *"Participants who carried their smartphone near their chest or waist-abdomen area had significantly increased 5.03-fold and 4.06-fold risks of breast cancer"*

II. "Effects of mobile phone usage on sperm quality - No time-dependent relationship on usage: A systematic review and updated meta-analysis" - 2021 Nov; 202:111784. doi: 10.1016/j.envres.2021.111784. Epub 2021 Jul 30

Results: *"Exposure to mobile phones is associated with reduced sperm motility, viability, and concentration."* 18 studies were evaluated including 4280 samples.

² <https://www.apple.com/legal/rfexposure/iphone14.3/en/>

³ https://cdn.shopify.com/s/files/1/2621/9254/files/mikucare.com_quick_setup-guide.pdf?v=1589825520

⁴ https://att.vtp-media.com/products/CL/CL82X07/CL82X07_WEB_CIB_i5.0_20201217.pdf

If the past two years of important research and evidence are not allowed to be included in the re-assessment of the FCC's cell phone testing protocol, it is certain that the public's distrust of the safety of phones and other wireless consumer devices will become even more widespread. The public's trust is dependent upon the FCC's thorough evaluation of the current, up to date body of research, especially with the advent of the novel and more powerful exposures expected with 5G.

Respectfully submitted,

Cynthia Franklin, Director
Consumers for Safe Cell Phones