



A RESOLUTION BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF FARRAGUT CONCERNING 5G WIRELESS FACILITIES

WHEREAS, with the encouragement of the telecommunications industry, the Federal Communications Commission (“FCC”) in 2018 adopted regulations that were intended to “ensure the United States wins the global race to 5G” and “to remove regulatory barriers that would unlawfully inhibit the deployment of infrastructure necessary to support these new services”; and

WHEREAS, also with the encouragement of the telecommunications industry, the Tennessee General Assembly in 2018 adopted legislation that was binding on local governments throughout Tennessee and that was intended to enhance “rapid deployment of the 5G wireless connectivity” and to “set aside obstacles and discriminatory policies that may slow deployment of new infrastructure and improvements”; and

WHEREAS, the primary means employed by the federal and state governments to accomplish the goal of rapid 5G deployment was to mandate that local governments allow the industry to use its rights-of-way and to dictate the terms and timing upon which local governments could regulate the use of their rights-of-way; and

WHEREAS, by dictating the terms of use and by expediting the time within which local governments must approve 5G carriers’ rights to share the public’s rights-of-way, the state and federal governments have enabled the many 5G carriers to rapidly, and in many cases recklessly, impose unreasonable burdens upon rights-of-way already crowded with other utilities, as well as upon the staffs of local government whose duty it is to protect the public’s interest in those rights-of-way; and

WHEREAS, more importantly these limitations on the rights of local government in regulating the telecommunications industry continue the long standing federal statutory protection of the industry that forbids state and local government from any regulation on the basis that radio frequency emissions may have an adverse environmental and health effect on human beings, 47 United States Code, § 332(c)(7)(iv); and

WHEREAS, the federal law preemption of the right of the federal government to regulate the health effects of radio frequency emissions is coupled with the obligation under the National Environmental Policy Act (“NEPA”) that the FCC evaluate and regulate sources of radio frequency emissions in order to protect the public from such emissions; and

WHEREAS the regulatory standards adopted by the FCC were last studied and adopted by the FCC more than 20 years ago in 1996, long before the changes brought by the new 5G technology; and

WHEREAS, in 2013 the FCC started a formal inquiry of its radio frequency emissions standards, and in 2019 entered its order terminating the inquiry, concluding that it found no scientific basis to “reevaluate the existing RF exposure limits” in spite of substantial information in its record to the contrary; and

WHEREAS, the FCC’s 2019 conclusion was based not on its independent study and reevaluation of its standards, but upon the lack of data submitted by others convincing it of the need to modify its existing exposure limits; and

WHEREAS, due to the inherent changes brought about by 5G technology which brought differences in the radio frequency emissions in both the proximity of sources of the emissions to the public and the type of the emissions, there is substantial disagreement among the experts in the field about the possibility that health effects will result from the deployment of the massive number of 5G wireless facilities contemplated by the industry, as well as whether the current, outdated FCC regulations are adequate to protect the public health; and

WHEREAS, as the result of the concerns of numerous local governmental entities from around the country and their citizens that the FCC has failed to study and reevaluate the health effects of its current standards in light of the inherent changes characterized by the 5G technology, litigation is pending against the FCC that seeks to stop the rapid deployment of the 5G infrastructure until the FCC has completed its study of the health effects of the deployment of 5G technology and, if necessary, has updated its regulations accordingly.

NOW THEREFORE, by the adoption of this Resolution the Board of Mayor and Alderman of the Town of Farragut, Tennessee petitions and encourages the governments of the United States of America and the State of Tennessee to take actions within their power to halt the deployment of the 5G wireless facilities within the rights-of-way of our local communities belonging to the public until such time as the only agency with the authority to do so, the FCC, reevaluates by an independent study the adequacy of its radio frequency emissions standards and concludes on the basis of sound science that those standards, or standards adopted as a result of said further study, are adequate to ensure that the health of the public at large will not be adversely affected by long-term exposure to radio frequency emissions from the placement and operation of 5G wireless facilities throughout our communities.

Adopted this 14TH day of May, 2020.

Ron Williams, Mayor

Drew Burnette, Alderman

Louise Povlin, Vice Mayor

Scott Meyer, Alderman

Ron Pinchok, Alderman