

Our Case Against the FCC

5G & Wireless

The truth is coming out.



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"I am inclined to rule against you" stated Judge Robert L. Wilkins to the FCC.

We had our day in court. The truth was on our side and the federal judges asked excellent questions indicating that they read the scientific and policy evidence that EHT has submitted to the FCC over the last decade *much of which is now being used as key evidence in this historic case.*

Environmental Health Trust et al v. FCC is an historic case aimed at getting the FCC to reconsider, revise, and update its 24-year old exposure limits for radiofrequency radiation (RFR) from cellphones, cell towers, Wi-Fi networks, smart meters, and other wireless communication devices and facilities. Briefs were filed jointly with Children's Health Defense.

"I'm just going to be very upfront with why I am inclined to rule against you," stated Honorable Judge Robert L. Wilkins (a chemical engineer by training) in his questions to FCC counsel Ashley S. Boizelle as he questioned the process by which the FCC and FDA had determined safety.

"And so I'm just trying to understand how the FDA coming back and talking about cellphones that are in a holster—where nobody keeps them anymore" stated Judge Patricia Ann Millett in her questioning of the FCC on how the 1996 FCC limits can apply to 2021 technology.

EHT et al. v. FCC Key Resources

- [EHT Youtube Video of oral argument](#)
- [Unofficial transcript of oral argument](#)
- [EHT Press Conference](#)
- [Key Documents and Evidence](#)
- [Stream official audio of court proceeding](#)

Click Here to Listen to Court Hearing and Watch EHT Press Conference

The landmark case was argued at the U.S. Court of Appeals for the District of Columbia Circuit on Monday, January 25, 2021. Environmental Health Trust's case was joined by Children's Health Defense who had filed in another circuit and consolidated with EHT by the courts. The full list of Petitioners in EHT et al. v FCC includes Environmental Health Trust, Consumers for Safer Phones, Elizabeth Barris, Theodora Scarato MSW, Children's Health Defense, Michelle Hertz, Petra Brokken, Dr. David Carpenter, Dr. Toril Jelter, Dr. Paul Dart, Dr. Ann Lee, Virginia Farver, Jennifer Baran and Paul Stanley M.Ed.

Environmental Health Trust et al. v Federal Communications Commission U.S. Court of Appeals for the District of Columbia Circuit January 25, 2021



**The Hon. Karen L. Henderson, the Hon. Patricia Ann Millett & the Hon. Robert L. Wilkins
Judges of the U. S. District Court for the District of Columbia**

Major Press Coverage Followed the Court Hearing

- [Washington DC Top News: \(WTOP\) "Federal appeals court hears case on FCC's 5G safety standards"](#)
- [Law 360: "DC Circ. Picks Apart FCC Over 5G Wireless Safety Review"](#)
- [Broadcasting and Cable: "Court Hears Challenge to FCC's 5G Radiofrequency Guidelines"](#)
- [Bloomberg Law: U.S. — FCC Faces Skeptical Appeals Judges in Radiation Emissions Case](#)

"A federal appeals panel in Washington voiced skepticism that the Federal Communications Commission had adequately considered dangerous health effects when it established guidelines for radiation emission from cell towers and wireless devices..."

— Bloomberg Law

"Dr. Devra Davis, an epidemiologist with the trust, said the standards that were set for testing 5G were set 24 years ago. "They're out of date," Davis said, "and they cannot adequately reflect a technology that did not exist and was not even on the drawing boards when those test systems were developed."

— [WTOP News Kate Ryan](#)

"It was quite impressive to note how thoroughly the judges had read our brief in this complicated case. They asked pointed questions about what we have documented in our case to be the failure of the FCC to produce a record of reasoned decision-making. For example the judges zeroed in on the fact that there is a U.S. interagency radio frequency working group of which there is no record of consultation," said Devra Davis, PhD, MPH, president of Environmental Health Trust.

"Further, they questioned the FCC regarding the fact that its own technical advisory group on electronic products had failed to weigh in on cell phones altogether. The Justices questioned how the agency could ignore the undeniable fact that the types of devices, wireless uses, and users of wireless devices are radically different today than they were when the standards were first set," Davis said.

Environmental Health Trust et al. v Federal Communications Commission
U.S. Court of Appeals District of Columbia Circuit
January 25, 2021



The Hon. Karen L.
Henderson



The Hon. Patricia Ann Millett



The Hon. Robert L. Wilkins

Judges, U. S. District Court for the District of Columbia

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Environmental Health Trust et al. v. Federal Communications Commission

U.S. Court of Appeals for the District of Columbia Circuit January 25, 2021

Petitioners

Environmental Health Trust, Consumers for Safe Cell Phones,
Elizabeth Barris, Theodora Scarato MSW

Children's Health Defense, Michelle Hertz, Petra Brokken, Dr. David
Carpenter, Dr. Toril Jelter, Dr. Paul Dart, Dr. Ann Lee, Virginia Farver,
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