



July 1st, 2020

The Honorable Ashley Kierkiewicz
Chair, County of Hawaii Planning Committee
Office of the Clerk, County of Hawaii
25 Aupuni Street
Hilo, HI 96720

The Honorable Susan Lee Loy
Vice Chair, County of Hawaii Planning Committee
Office of the Clerk, County of Hawaii
25 Aupuni Street
Hilo, HI 96720

RE: Opposition to Anti-5G Resolution 67820

Dear Chair Kierkiewicz and Vice Chair Lee Loy,

On behalf of CTIA, the trade association for the wireless communications industry, I am writing to respectfully oppose draft resolution 67820 ("Resolution" hereafter). We have concerns that the Resolution will severely hamper the industry's ability to meet our customer's expectations for superior wireless service and to deploy the latest technology to the residents of Hawaii County. For all the reasons outlined herein, we respectfully request that this Resolution be rejected.

First, the resolution conflicts with federal law. The Federal Communications Commission (FCC) has declared that state or local moratoria on deployment of facilities that would provide wireless services are clearly unlawful.¹ Concluding that "moratoria limit the provision of service, harm competition, and impose significant costs that impede the deployment of telecommunications infrastructure and thereby exacerbate the digital divide."²

Furthermore, the Resolution is based on the alleged health effects of 5G wireless facilities. Such action is expressly prohibited under federal law. As outlined in Section 332(C)(7)(B)(iv) of the Telecommunications Act, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC]'s regulations concerning such emissions." In December 2019, the FCC unanimously reaffirmed

¹ See: Third Report and Order and Declaratory Ruling, FCC 18-111 (Aug. 3, 2018)

² The Resolution purports to be a moratorium but, in fact, contains no legally enforceable mandate.



its existing limits for radio frequency exposure noting, “After reviewing the extensive record submitted in response to that inquiry, we find no appropriate basis for and thus decline to propose amendments to our existing limits at this time”.³

In addition, we note that several of the cited justifications for the Resolution are based on inaccurate scientific claims. The consensus among health experts, including the American Cancer Society, the World Health Organization, and the U.S. Food and Drug Administration, is that the weight of scientific evidence shows no known adverse health effects to humans from exposure to wireless antennas or devices. Further, the Hawaii State Department of Health also recently published a fact sheet on the issue as well.⁴

- “... there is no convincing scientific evidence that the weak RF signals from base stations [cell towers] and wireless networks cause adverse health effects.” – World Health Organization⁵
- “Based on our ongoing evaluation of this issue, the totality of the available scientific evidence continues to not support adverse health effects in humans caused by exposures at or under the current radiofrequency energy exposure limits.” – The Food and Drug Administration (FDA)⁶
- “... although many studies have examined the potential health effects of non-ionizing radiation from radar, microwave ovens, cell phones, and other sources, there is currently no consistent evidence that non-ionizing radiation increases cancer risk in humans.”—National Cancer Institute⁷

Moreover, the need for connectivity has been thrust into the spotlight in recent months due to the ongoing COVID-19 crisis that has impacted us all, including the residents of Hawaii County. Specifically, this public health emergency has highlighted just how important it is for wireless communications to be reliable, fast and prepared to handle increased demand without any hiccups.

Strong wireless networks enable distance learning for students separated from teachers; telehealth for patients and doctors; employees to work from home; small businesses to shift online; older adults

³ See <https://docs.fcc.gov/public/attachments/FCC-19-126A1.pdf>, last accessed 6/30/2020.

⁴ See: <https://health.hawaii.gov/irhb/files/2019/10/RF5GFactSheet2019-10.pdf> last accessed 06/30/2020.

⁵ World Health Organization, “Electromagnetic Fields and Public Health,” <https://www.who.int/peh-emf/publications/facts/fs304/en/>, last accessed 06/30/2020.

⁶ FDA Statement, Statement from Jeffrey Shuren, M.D., J.D., Director of the FDA’s Center for Devices and Radiological Health on the National Toxicology Program’s report on radiofrequency energy exposure, Nov. 1, 2018, <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm624809.htm>, last accessed 6/30/2020.

⁷ National Cancer Institute, “Cell Phones and Cancer Risk” Factsheet (2019), <https://www.cancer.gov/about-cancer/causes-prevention/risk/radiation/cell-phones-fact-sheet>, last accessed 6/30/2020.



to stay in touch with family and combat social isolation; public safety personnel to utilize the best resources for their, and our safety; and so much more.

To localize it for Hawaii: there are now more wireless devices than there are people in Hawaii.⁸ In addition, more than half of Hawaii residents live in wireless-only households.⁹ These demands from customers, which includes the residents and businesses of Hawaii County, require that wireless networks be updated to meet existing demand and readied for the next generation of wireless services. However, passage of the Resolution has the opposite effect. The Resolution will hamper the industry's ability to meet our customer's expectations for superior wireless service and to deploy the latest technology to the residents of Hawaii County.

In closing, it is important to note that the wireless industry wants to meet the needs of its customers – who are also your constituents. However, in order to ensure that the wireless industry can continue to meet this demand, the industry's investment must be met with forward-looking infrastructure regulations that promote rapid and efficient deployment. Policy guided by misinformation does not reflect such forward-looking regulation. As such, we respectfully request the Resolution be rejected.

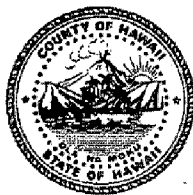
Sincerely,

Bethanne Cooley
Assistant Vice President, State Legislative Affairs

cc: Members, County of Hawaii Planning Committee

⁸ FCC, Voice Telephone Services Report: Status as of June 30, 2017, at <https://www.fcc.gov/voice-telephone-services-report>, last accessed 6/30/2020.

⁹ CDC, National Center for Health Statistics, https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf, last accessed 6/30/2020.

RESOLUTION NO. 678 20

A RESOLUTION CALLING UPON ALL TELECOMMUNICATIONS COMPANIES AND PUBLIC UTILITIES OPERATING IN HAWAII COUNTY TO CEASE THE BUILDOUT OF 5G WIRELESS INFRASTRUCTURE UNTIL SUCH TECHNOLOGIES HAVE BEEN PROVEN THROUGH INDEPENDENT RESEARCH AND TESTING TO BE SAFE TO HUMAN HEALTH AND THE ENVIRONMENT.

WHEREAS, the telecommunications industry is engaged in a deployment of microwave and millimeter-wave "small cell" antennas across the County to facilitate the fifth generation of wireless communications known as 5G; and

WHEREAS, the T-Mobile website is advertising that areas across the State of Hawai'i have 5G coverage; and

WHEREAS, this new technology uses existing wireless infrastructure and new types of radio-frequency (RF) microwave radiation to transmit large amounts of data, but requires significantly closer proximity to users, resulting in the dense deployment of antennas near residences, schools, and hospitals; and

WHEREAS, the deployment of 5G-enabled small cell antennas in our neighborhoods raises serious questions regarding the potential health and environmental impacts of long-term exposure to untested RF microwave radiation frequencies; and

WHEREAS, the Federal Communications Commission has not conducted any long-term safety testing of new 5G wireless technologies, and has failed to update its human RF microwave radiation exposure guidelines since 1996, despite being advised to do so by the U.S. General Accounting Office, the American Academy of Pediatrics, and hundreds of medical and scientific experts from around the world; and

WHEREAS, telecommunications industry leaders have publicly admitted that they have not conducted any safety tests to determine the possible adverse health and environmental effects from exposure to RF microwave radiation emitted by 5G-enabled small cell antennas; and

WHEREAS, a significant body of published, peer-reviewed, independent science links exposure to RF microwave radiation with serious environmental and biological harm, including increased risk of cancer, reproductive problems, and neurological impairments can be found at <https://www.5gcrisis.com/scientific-studies>; and

WHEREAS, populations especially at risk from this exposure include pregnant women, children, the elderly, and individuals with implanted medical devices, or cardiac or neurological problems; and

WHEREAS, in its 2019 SONAR Emerging Risk Report, which focuses on systematic observation of notions associated with risk, Swiss Re, the second-largest re-insurance company in the world, called 5G a “high impact” liability risk due to health risk; and

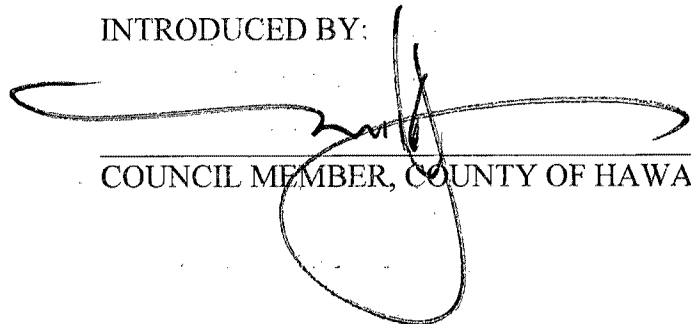
WHEREAS, the theory that exposure to RF microwave radiation is harmless, which has been the underlying principle of all federal legislation and regulations regarding wireless technologies for more than twenty years, has now been proven false; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I that it calls upon all telecommunications companies and public utilities operating in Hawai‘i County to cease the buildout of 5G-enabled small cell antennas until such technologies have been proven safe beyond a reasonable doubt through independent research and the public health and welfare can be assured.

BE IT FINALLY RESOLVED that the County Clerk shall transmit a copy of this resolution to the Honorable Harry Kim; Mayor; Roy Takemoto, Managing Director, and Michael Yee, Director of Planning.

Dated at _____, Hawai‘i, this _____ day of _____, 20____.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI‘I

COUNTY COUNCIL
County of Hawai‘i
Hilo, Hawai‘i

I hereby certify that the foregoing RESOLUTION was by
the vote indicated to the right hereof adopted by the COUNCIL of the
County of Hawai‘i on _____.

ATTEST:

COUNTY CLERK CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
CHUNG				
DAVID				
EOFF				
KANEALI‘I-KLEINFELDER				
KIERKIEWICZ				
LEE LOY				
POINDEXTER				
RICHARDS				
VILLEGAS				

Reference: _____ C-986/PC _____

RESOLUTION NO. _____ **678 20** _____