Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Targeted Changes to the Commission’s Rules
Regarding Human Exposure to Radiofrequency Electromagnetic Fields

ET Docket No. 19-226


The National Association of Telecommunications Officers and Advisors (“NATOA”), the United States Conference of Mayors (“USCM”), the National League of Cities (“NLC”), and the National Association of Counties (“NACo”) submit these reply comments in response to the Notice of Proposed Rulemaking issued December 4, 2019, seeking comment on “the challenges presented by evolving technological advances” with respect to radiofrequency emissions. We write to reiterate our previous requests for the Commission to provide local governments with

1 NATOA’s membership includes local government officials and staff members from across the nation whose responsibility is to develop and administer communications policy and the provision of such services for the nation’s local governments.

2 USCM is the official nonpartisan organization of cities with populations of 30,000 or more, which includes 1,192 such cities in the country today.

3 NLC is the oldest and largest organization representing cities and towns across America. NLC represents 19,000 cities and towns of all sizes across the country.

4 NACo represents county governments, and provides essential services to the nation’s 3,069 counties.

appropriate resources to address the RF emissions questions and concerns often raised by residents, particularly given the accelerated deployment of small cells throughout our communities.6

As we noted in 2017, “local government officials are often faced with residents raising RF concerns with the siting of new wireless facilities in the public rights-of-way.”7 In the intervening years, these concerns have only increased. Because local governments are preempted from regulating the siting of personal wireless service facilities on the basis of the environmental effects of RF emissions, local officials must rely on the Commission’s regulations and guidance in responding to residents’ concerns. The lack of resources, particularly resources focused on 5G and small cells, hinders local governments’ efforts to provide meaningful, relevant responses to questions and concerns on these issues.

Not only are local governments preempted with respect to siting decisions based on RF emissions, recent laws and rules have further preempted local authority to manage the proliferation of wireless facilities, even as those facilities are deployed closer to where we live, work and play. Yet residents expect their local governments to address their concerns about RF emissions and wireless facilities, and may hold local elected officials accountable for decisions they did not make and were powerless to oppose. As local governments are bearing the brunt of the concerns, confusion and fears of residents and consumers with respect to RF emissions, it is incumbent upon the Commission to stand behind its regulations and provide local governments with the resources necessary to address residents’ questions and concerns.

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Moreover, the Commission must remain vigilant in continually monitoring and reassessing its standards, particularly given the acceleration of wireless deployments and changes in technology. The public needs to be confident that the federal government is ensuring necessary public health protections are in place.

We echo the sentiments the City of Boston expressed in their Comments in this docket: “A once every decade review of the standards does not … meet the Commissions obligations to evaluate the effects of our actions on the quality of the human environment, including human exposure to RF energy, mandated by the National Environmental Policy Act of 1969 (NEPA). … [U]ntil the Commission appreciates the educational component of its role as the nation’s RF monitor, local governments … will continue to be stuck in the middle as residents oppose wireless deployments for fear of the emissions, while the FCC and Congress have preempted local government review of RF standards.”

We share the Commission’s goal of ensuring every American has access to advanced communications services. As we continue to work toward that end, we look to the Commission as a partner in the effort to educate residents and consumers about the RF emissions related to these services.

Respectfully submitted,

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July 20, 2020