



## **Sacramento Smart Meter Awareness Opposition to SB649 June 22, 2017**

**Sacramento Smart Meter Awareness respectfully asks you to vote NO on SB649**, a bill called “Wireless Telecommunication Facilities”, to protect the health and safety of Californians from unlimited exposure to pulsed, digitized, polarized, modulated, radio frequency and microwave radiation only a few dozen feet from homes and businesses. Public health is a primary interest of the State of California.

111 cities and the League of CA Cities are opposed to SB649 as of May 26, 2017. No city supports it.

SB649 is an unnecessary gift to the telecommunications industry at the expense of public health and local government power. The CTIA (telecommunications industry lobby) and its members have written this bill and all the amendments. At the April 26 meeting of the Senate Governance and Finance Committee, Senators spoke about how many hours they had met with industry working on the bill, even at midnight on the night before the hearing. Opponents of the bill, by contrast, have had very little meeting time with Senators or the Committee consultants. AT&T, among others, has made large donations to projects within certain Senators’ districts, apparently buying this frequent access.

SB649 would allow telecommunications companies to override city and county planning and install powerful microwave radiation antennas, misleadingly called “small cells” to conceal their radiation power and concentration, on light poles and utility poles in the public right of way for 4G/5G. Poles may be only 15 feet from homes and offices. Tens thousands of these antennas and associated equipment would be placed on residential blocks and farms in California, transmitting electromagnetic fields (EMFs) or radio frequency / microwave (RF/MW) radiation into homes 24/7. This will saturate our society and expose people without consent.

Although SB649 proponents claim a huge financial bonanza from 4G/5G deployment, there is no objective evidence to support this claim. The cell phone industry is a mature industry: everyone who wants a cell phone already has one. This is really about giving cell phone telecoms a way to leapfrog ahead of existing cable carriers to deliver data via the airways. Russia has chosen not to install 5G and instead provides fiber optics, which work much better, to all homes and apartments.

### **State and local regulation is not preempted by the Telecommunications Act of 1996**

SB649 proponents misrepresent section 704 of the Telecommunications Act of 1996 (TCA) as preempting all state and local regulation of wireless facilities. State and local governments are preempted only from regulating the “placement, construction, and modification” of wireless facilities based on their “environmental effects”, but not based on health effects or impacts. Nor is regulation of operations preempted on any basis. State and local governments remain authorized to regulate except as specifically preempted by section 704.

## **There are three main reasons for opposing SB649:**

- Health damage to humans and all living things based on extensive scientific research
- Violation of federal laws, and
- Violation of the powers of local government protected by the California State Constitution

### **Health impacts to humans and all living things based on extensive scientific research**

The Chair of the original FCC guideline Committee himself, John Osepchuk, acknowledges >20,000 scientific studies, with immediate, short-term and/or long-term adverse effects from RF/MW radiation.

Wireless radiation penetrates the brain, heart, and reproductive organs, causing injury to all of them. Pulsed, digitized, polarized and modulated RF/MW radiation, which has never been this close to homes, offices and farm animals, is a “hazard”, as acknowledged by IEEE and FCC in 1991 in the guideline setting process. The bill would result in scientifically established hazardous radiation exposure to humans and all living things in California.

The California Medical Association passed a resolution on December 7, 2014 acknowledging the scientific evidence of the biological harms of wireless radiation and calling for lower, more protective exposure limits. It said, in part:

“Whereas scientists are increasingly identifying EMF from wireless devices as a new form of environmental pollution with a growing body of peer reviewed scientific evidence finding significant adverse health and biologic effects on living organisms with exposure to low levels of non-ionizing microwaves currently approved and used in wireless communication”

<https://ehtrust.org/the-california-medical-association-wireless-resolution/>

The International EMF Scientist Appeal was initially signed on May 11, 2015 by 190 scientists from 39 nations. These scientists have collectively published over 2,000 peer-reviewed papers on the biological or health effects of non-ionizing radiation. It said, in part:

“We are scientists engaged in the study of biological and health effects of non-ionizing electromagnetic fields (EMF). Based upon peer-reviewed, published research, we have serious concerns regarding the ubiquitous and increasing exposure to EMF generated by electric and wireless devices. These include– but are not limited to–radiofrequency radiation (RFR) emitting devices, such as cellular and cordless phones and their base stations, Wi-Fi, broadcast antennas, smart meters, and baby monitors as well as electric devices and infra-structures used in the delivery of electricity that generate extremely-low frequency electromagnetic field (ELF EMF).

#### **“Scientific basis for our common concerns**

“Numerous recent scientific publications have shown that EMF affects living organisms at levels well below most international and national guidelines. Effects include increased cancer risk, cellular stress, increase in harmful free radicals, genetic damages, structural and functional changes of the reproductive system, learning and memory deficits, neurological disorders, and negative impacts on general well-being in humans. Damage goes well beyond the human race, as there is growing evidence of harmful effects to both plant and animal life.

“These findings justify our appeal to the United Nations (UN) and, all member States in the world, to encourage the World Health Organization (WHO) to exert strong leadership in fostering the development of more protective EMF guidelines, encouraging precautionary measures, and educating

the public about health risks, particularly risk to children and fetal development. By not taking action, the WHO is failing to fulfill its role as the preeminent international public health agency.”

<https://emfscientist.org/>

Microwaves that are 2-4 inches in length are optimally absorbed by the human brain, heart, liver, thyroid, kidneys, and reproductive organs, impairing their functions. Effects include headaches, insomnia, tinnitus, heart arrhythmia, suppressed melatonin production (essential for sleep, productivity and the immune system), DNA damage and much more.

SB649 does not provide for monitoring of actual radiation emissions from 4G/5G antenna radiation. The only supposed health and safety protection in the bill is the allowance that a city or county can require the telecom company to submit additional information showing that the radiation transmitter antenna complies with a federal regulation. However, that federal regulation does not require ANY monitoring. The bill would even *prevent* a city or county from requiring any monitoring of the radiation emissions! Nor is there any limit on the input power, which in Palo Alto is 300–500 Watts.

The relevant FCC guidelines were based in fraud from the start and have not been updated since 1996 to reflect current scientific knowledge. They only seek to protect against harm associated with tissue heating, but studies show a wide range of health impacts from RF/MW radiation at levels far below that which creates tissue heating. The guidelines are based on a flawed test of a plastic doll head filled with a fluid. They only regulate exposure per second, not total exposure over time, known as dose. They fail to protect children, whose brains are still developing and whose skulls are thinner than adult skulls. State and local health and safety regulations for electromagnetic radiation do not exist.

### **Violation of federal laws**

SB 649 would also violate the Americans with Disabilities Act (ADA) and the Federal Fair Housing Act. These laws guarantee equal access for all, but SB 649 would make most public places and federal housing, (and all housing), uninhabitable for already injured, impaired and/or electromagnetically sensitive (EMS) persons. SB649 says it requires compliance with ADA, but this is impossible because pulsed, digitized, polarized and modulated RF/MW radiation is harmful.

### **Violation of the powers of local government**

By their police powers granted by Article XI of the California Constitution, cities retain broad discretion to legislate for public purposes and for the general welfare, including but not limited to matters of public health, safety and consumer protection. Cities also retain their authority under Article XII, § 8 of the California Constitution to grant franchises for public utilities and pursuant to California Public Utilities Code § 6203, “may in such a franchise impose such other and additional terms and conditions . . . whether governmental or contractual in character, as in the judgment of the legislative body are to the public interest.” The Legislature can't take away from cities a power granted to the cities by the California Constitution.

Section 65964.2. (a)(3) of the bill requires, “The small cell is not located on a fire department facility.” This conflicts with the California Constitution: "(b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens." (Article I, Section 7) Every Californian deserves to be protected as SB649 exempts and protects firefighters at work.

SB649 would cause chronic health problems and loss of productivity for millions of Californians at home and at work. It would also would kill bees, essential to California's agricultural sector.

## **About Sacramento Smart Meter Awareness**

Sacramento Smart Meter Awareness, founded in 2012, has helped dozens of smart electric meter customers prepare and deliver sworn declarations to the SMUD Board of Directors describing the health impacts they suffered from smart meter radiation and, in some cases, how their health improved once the smart meter was removed. SSMA has worked tirelessly to raise awareness about the number of smart meter radiation transmissions. It succeeded in causing SMUD to allow customers to “opt out” and receive an analog electric meter, the first public utility in the U.S. to do so.

<https://sacsmartmeters.wordpress.com/>

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