

**Resolution on Potential Health Impacts of Wireless Facilities - Printable**  
Version - May 27, 2009 - 0 Comments

Last week, the Portland City Council passed a Resolution calling for the Federal Communications Commission (FCC) to take another look at whether there are health impacts related to wireless emissions. It passed 3-0, with Commissioners Fish and Leonard absent.

Today, my colleagues on the City Council allowed me to suspend the rules to vote again on the Resolution. This passed 5-0:

**677 Request the federal government to update studies on potential health effects of radio frequency wireless emissions in light of proliferation of wireless use (Resolution introduced by Commissioner Fritz)**

For many years, nationwide regulations have prohibited consideration of potential health concerns when siting wireless facilities. As far as we know, the Portland City Council is the first local jurisdiction in the nation to ask the FCC to consider further evaluation of this policy. We ask the FCC to seek advice from other federal agencies charged with assessing health and safety issues, such as the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA) the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA). Note, the City Council's resolution does not say there ARE health impacts from wireless facilities, rather it asks the FCC to take another look at the issue. I believe it is a responsible request in light of ongoing studies and citizen concerns.

This Resolution is in response to input from Portlanders. I heard health concerns when defining new regulations for cellular facilities on lots, back during my service on the Portland Planning Commission. In January, I was assigned the Office of Cable Communications and Franchise Management in my City Commissioner portfolio, and again I heard from citizens worrying about potential health effects.

One of the first issues my team and I set about tackling was new regulations for siting wireless facilities in the public right-of-way. From January through last week, I worked hard with staff in my office and in Cable, and with expert advice from the City Attorney's office and from noise and zoning experts in the Bureau of Development Services, to revise the proposed contracts.

The City is not allowed to prohibit (or make it so difficult or expensive it has the effect of prohibiting) any carrier from providing wireless service anywhere the company wants to operate. The revised regulations direct new and replacement antennae on utility poles to locate first choice on highways and in industrial areas, last choice in residential areas. I believe the proposed language goes as far as possible in encouraging siting of wireless facilities away from residences,

while remaining legal. Both industry representatives and neighbors provided valuable suggestions that were incorporated into the proposal. I am very pleased with the new contracts and application process adopted today.

Over the course of several months refining the proposal, with meetings with neighbors and industry representatives as well as many incoming emails, I heard over and over that neighbors are concerned about potential health impacts. So at the same time as we held hearings on new regulations for siting the facilities, with increased fees (\$90,000 per year in additional revenue to the General Fund, for the existing 60 poles carrying antennae, up from \$3,500 to \$5,000 per pole annually), I proposed the following Resolution:

**RESOLUTION No. 36706**

**Request the federal government to update studies on potential health effects of Radio Frequency wireless emissions in light of proliferation of wireless use.**

\*

*WHEREAS, state and local governments, including the City of Portland, are preempted by federal law from considering health concerns in the regulation and placement of wireless facilities, so long as such facilities otherwise comply with applicable federal law; and*

\*

*WHEREAS, the Federal Communications Commission (FCC) has jurisdiction over non-federal wireless facilities, authorizing and licensing all non-federal devices, transmitters and facilities that generate Radio Frequency (RF) radiation; and*

\*

*WHEREAS, the FCC has historically relied on federal agencies with health and safety expertise, such as the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA) the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA) who each have assigned roles in monitoring and investigating issues related to RF exposure; and*

\*

*WHEREAS, the Government Accounting Office (GAO) in 2001 prepared a report of its investigation into safety concerns related to mobile phones, and concluded that further research into wireless technology is needed, recommending the FDA take the lead in monitoring research results; and*

\*

*WHEREAS, the FCC in 2003 last updated guidelines for human exposure to RF electromagnetic fields from wireless facilities, based primarily on recommendations of other federal agencies after reviews of prior scientific literature related to RF biological effects, primarily from the 1990s; and*

\*

*WHEREAS, a survey released in May 2009 from the Centers for Disease Control and Prevention shows that for the first time the number of households in the U.S. who only have cell phones exceeds the number of households who only have landlines;*

\*

**NOW THEREFORE BE IT RESOLVED that the Portland City Council requests the FCC to work in cooperation with the FDA and other relevant federal agencies to revisit and update studies on potential health concerns arising from RF wireless emissions in light of the national proliferation of wireless use; and**

\*

BE IT FURTHER RESOLVED that the Council Clerk shall cause a copy of this Resolution to be sent to all members of the FCC, to the FDA Commissioner, and to all members of the Oregon Congressional Delegation.

\*\*\*\*\*

**NOTE: This Resolution empowers citizens to lobby Portland's congressional delegation. It is not sufficient by itself.**

If you care about this issue, please write or call your U.S. Representatives and Senators.

**Senator Ron Wyden:** 1220 SW 3rd Avenue, Suite 585, Portland, OR 97204  
**503-326-7525** [email](#)

**Senator Jeff Merkley:** *(how I still delight in saying that):* One World Trade Center, Suite 1400, 121 SW Salmon Street, Portland, OR 97204 **503-326-3386**  
[email](#)

**Representative Earl Blumenauer:** 729 N.E. Oregon Street, Suite 115, Portland, OR 97232 **503-231-2300** [email](#)

**Representative David Wu:** 620 S.W. Main, Suite 606, Portland, OR 97205 **1-800-422-4003** [email](#)

**Representative Kurt Schrader:** 494 State Street, Suite 210, Salem, OR 97302  
**1-503-588-9100** [email](#)

Our Congressmen need to hear from you if you are concerned about this issue.