

Joe Gregorich
Senior Director, California Government Affairs

January 22, 2010

Ms. Monica Fish
Secretary
San Francisco Environmental Commission
11 Grove Street
San Francisco, CA 94102

RE: Draft Resolution File 2009-06-COE - OPPOSE

Dear Ms. Fish:

On behalf of TechAmerica and our nearly 1,500 high tech member companies nationwide I regretfully write to inform you that we currently **OPPOSE** the commissions "Draft Resolution File 2009-06-COE." We appreciate your willingness to work with TechAmerica to alleviate our concerns and any burden that is unnecessarily placed on our industry. As you know, this resolution would create a mandate on Specific Absorption Rate (SAR) labeling and point-of-sale disclosures.

We would like to express our deep concerns and share our recommendations regarding this resolution, as currently drafted.

Scientific studies do not indicate a linkage between the use of wireless devices and a threat of cancer

The proponents of this issue state that it is necessary to require warning labels on wireless devices because of their potential threat to human health. However, there is no scientific consensus that cell phones and/or wireless devices pose health hazards or if there is a linkage between cell phone use and cancer. Moreover, the Federal Communications Commission (FCC) and the World Health Organization have concluded that current FCC standards are sufficient in protecting human health and that wireless devices sold in the United States are safe for consumer use.

TechAmerica believes that unless there is sound scientific data supporting a claim that the use and exposure to radiofrequency emissions from wireless devices causes harm to human health warning labels are unnecessary and misleading.

The Federal Government has already adopted safe exposure limits on wireless devices sold in the United States

In 1997 the FCC adopted standards on safe levels of radio frequency (RF) emissions from wireless devices and determined that all devices that comply with this standard are safe for public use. Currently, all wireless devices sold in the United States must comply with the FCC standard. These limits are calculated through Specific Absorption Rate (SAR) which is the amount of radio frequency energy absorbed by the human body. Currently, the FCC requires that **ALL** cell phones sold in the US are below a SAR level of 1.6 watts per kilogram (w/kg) of body tissue. Additionally, the FCC has made information on the SAR levels from specific manufacturers on their website.

The FCC standards are based on recommended guidelines adopted by several standards-setting bodies, such as, the Institute of Electrical and Electronic Engineers (IEEE), the American National Standards Institute (ANSI), and the National Council on Radiation Protection and Measurements (NCRP). Additionally, these standards have been endorsed by the US Environmental Protection Agency (EPA), US Food and Drug Administration, Occupational Safety and Health Administration (OSHA), National Institute for Occupational Safety and Health (NIOSH).

TechAmerica believes that a more appropriate approach would be to increase consumer awareness of existing federal standards and the already readily available information regarding SAR levels of wireless devices.

Labeling of wireless devices is confusing and unnecessary

TechAmerica believes that “warning” labels for wireless devices are unnecessary, misleading and lacking in scientific support. Currently, specific information on the SAR levels of wireless devices is already being made publically available. TechAmerica believes the use of state or local product warning labels would create an undue burden on manufacturers, could be impossible to implement over cross markets, serve little purpose, and could be confusing and misleading to consumers. Specifically, we believe that such labeling programs goes against the consensus from many leading scientific and health organizations that assert that there are no negative health effects caused by the use of wireless devices.

Finally, TechAmerica would request that the Commission take into consideration the points we have outlined in this letter and not take action on the proposed regulation without further examination of this issue. If you have any further questions please do not hesitate to contact me at 916.443.9088 or joe.gregorich@techamerica.org

Sincerely,



Joe Gregorich
Senior Director, California Government Affairs