

January 21, 2010

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

Dear Ms. Fish:

I write in opposition to the San Francisco Environmental Commission's proposed "Draft Resolution File 2009-06-COE recommending measures for educating the public on and reducing exposure to radiation from cell phones, including disclosure of radiation information at point of sale." CTIA-The Wireless Association is the international trade association representing wireless carriers, device manufacturers, and Internet service providers. The wireless industry believes the recommendations and corresponding resolution are misguided, unnecessary, and will lead to consumer confusion.

In 1997, the Federal Communications Commission (FCC) adopted safety standards governing radiofrequency emissions (RF) from wireless devices, and determined that all wireless devices that comply with those standards are safe for use by the general public. In adopting the current RF safety standards, the FCC asserted that its standards represent the "best scientific thought and are sufficient to protect the public health."¹ The FCC's RF standards governing wireless devices incorporate a fifty-fold safety factor. No wireless device may be offered for sale or lease in the United States unless the device has been authorized in accordance with the FCC's RF regulations.

Specifically, the FCC issued a maximum RF exposure limit based on a specific absorption rate (SAR) of 1.6 W/kg that struck the "proper balance between the need to protect the public and workers from exposure to potentially harmful RF electromagnetic fields and the requirement that industry be allowed to provide telecommunications services to the public in the most efficient and practical manner possible."² In doing so, the FCC specifically rejected additional restrictions that "would impose significant and unnecessary economic and technical burdens for which adequate justification has not been presented."³

The FCC based its standards on recommended guidelines adopted by international standards-setting bodies, including the Institute of Electrical and Electronic Engineers (IEEE), the American National Standards Institute (ANSI), and the National Council on Radiation Protection and Measurements (NCRP). These institutions are "composed of leading experts" in the area of the health effects of RF emissions;

¹ The FCC has explained that its RF testing, certification, and emissions standards "protect the public health with respect to RF radiation from [all] FCC-regulated transmitters," including wireless phones. In re Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Release No. 96-326, 11 F.C.C.R. 15123, 15184 ¶ 169 (1996) ("FCC First Order").

² *FCC Second Order* ¶¶ 2, 5, 29, 39; *Cellular Phone Taskforce*, 205 F.3d at 91-92.

³ *FCC First Order*, 11 F.C.C.R. at 15140 ¶ 45.

indeed, in the area of radio frequency operation and safety “there is no comparable group of experts with which to consult or upon which to rely.”⁴

In addition to the recommendations of IEEE, ANSI, and NCRP, the FCC carefully considered the input of other federal agencies, including the principal agencies for protecting the health of the public. Federal agencies that reviewed and endorsed the FCC standards, include the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), Occupational Safety and Health Administration (OSHA), and the National Institute for Occupational Safety and Health (NIOSH).

In commenting on the U.S. exposure limits, the FDA states on its website that “[t]he weight of scientific evidence has not linked cell phones with any health problems”⁵ and that the FCC’s RF standards “represent a consensus view of the federal agencies responsible for matters relating to the public safety and health.”⁶

The FCC set conservative safety limits that provide a fifty-fold safety factor for general population exposures. The limits are intended to provide for safe exposure levels for all segments of the population. And, clearly, there is no scientific basis for consumer “warnings.” In sum, the FCC has expressly evaluated the potential biological effects of RF from FCC-licensed devices and adopted specific standards designed to ensure safety. The FCC standards eliminate the need for warning labels because the devices are deemed safe by the federal safety limits.

Moreover, leading international health and safety organizations, including the World Health Organization (WHO) and the International Commission on Non-ionizing Radiation Protection (ICNIRP) have concluded that the current FCC standards adequately protect cell phone consumers from potential adverse health effects from RF emissions. Health organizations, scientific panels, and government agencies throughout the world conduct ongoing reviews in order to assess the weight of the scientific evidence as new studies are published.

The San Francisco proposal, including its mandate on SARs labeling and point-of-sale disclosure, creates the impression that the FCC's safety standards, which are endorsed by numerous federal safety agencies and based on guidelines set by internationally recognized bodies, are insufficiently protective. That is just not the case. Moreover, the SAR values are provided to demonstrate compliance. There is no basis in science for asserting that any one value is safer than another. Every SAR compliant phone, with the fifty-fold safety factor, is safe for use with regard to RF levels. San Francisco should not pass a requirement that would mislead consumers into believing otherwise.

Furthermore, the labeling and disclosure mandate would not provide any useful product information to consumers. Knowledgeable consumers will come to doubt the efficacy of required warning-related labeling generally, thereby lessening the impact of those labels on other consumer products where labels serve to protect consumers from true harm. Rather than providing information to inform consumers about their product, the San Francisco proposal contradicts the clear message of the federal regulatory agencies

⁴ *FCC EMR Network Order*, 18 F.C.C.R. at 16826 ¶ 10; *EMR Network v. FCC*, 391 F.3d 269, 273 (D.C. Cir. 2004).

⁵ See *Do cell phones pose a health hazard?*, available at <http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/CellPhones/ucm116282.htm> (last visited Jan 6, 2010).

⁶ *FCC First Order*, 11 F.C.C.R. at 15124 ¶ 2.

that have carefully considered this issue, which is that devices compliant with the federal standards are safe for consumers to use. As such it simply does not meet the fundamental purpose of consumer product information: to better inform the consumer about the product and enable the consumer to properly use it. Instead, it constitutes a contradiction to established RF safety levels and, more specifically, challenges the efficacy of the U.S. government's determinations of the safety of wireless products. Manifestly, such a result will not benefit consumers.

We respectfully request that the Commission take into consideration the points outlined in this letter and not act on the proposed resolution and recommendations at its January 26 meeting without further examining these points. Please feel free to contact me if you have any questions or need further information at 202.736.3200.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dane Snowden", with a long horizontal flourish extending to the right.

K. Dane Snowden
Vice President, External & State Affairs



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Mobile Phone Use and Tumor Risk

Joel M. Moskowitz, Ph.D., Diana McDonnell, Ph.D, Gene Kazinets, Ph.D.
Center for Family and Community Health, School of Public Health
University of California, Berkeley

January 26, 2010

Our research group at the UC Berkeley School of Public Health, in conjunction with researchers from South Korea and Taiwan, conducted a quantitative synthesis of 23 case-control studies of mobile phone use and tumor risk. The studies investigated use of cordless or cell phones and the risk of benign and malignant tumors among 38,000 participants. Most studies examined cell phone use and brain tumor risk. Our review paper was published last October in the *Journal of Clinical Oncology*.¹

Although we found no tumor risk overall, we conducted subgroup analyses to explain why the results varied across studies. In the ten studies with higher quality research, we found a harmful association between mobile phone use and tumor risk. In contrast, the lower quality studies, which were primarily industry-funded, displayed a protective association. This latter finding has been attributed by the researchers to a biased research design.²

The most interesting results came from the 13 studies that investigated mobile phone use of ten years or longer. Overall, we found a harmful association between mobile phone use and tumor risk. Greater risks were found in the higher quality studies, the studies that examined brain tumors, the studies that examined benign tumors, and for both analog and digital phone use. Our results were supported in three other recently published reviews of the research.^{3 4 5}

The research conducted to date gives us ample reason for concern that long term cell phone use may increase brain tumor risk.⁶ Public health research often identifies risk factors before we understand the causal mechanisms (e.g. cigarette smoking). Although more research is needed, we cannot afford to wait given the prevalence of mobile phone use in the U.S. – 277 million subscribers⁷ including 2/3 of children over the age of seven.⁸

At least nine nations have issued precautionary warnings about cell phone use, especially among children.⁹ Moreover, the major manufacturers recommend in many of their instruction manuals that users keep their cell phones 15-25 millimeters (i.e., 0.6–1.0 inch) away from their bodies for safety reasons.¹⁰ However, such recommendations are generally buried within the manuals and follow statements about cell phone safety and compliance with Federal regulations. Hence, it is time for our government to mandate precautionary warnings as the public has a right to know the potential risks of mobile phone use and the steps to reduce harm.

¹ S-K Myung, W Ju, DD McDonnell, YJ Lee, G Kazinets, C-T Cheng, JM Moskowitz. Mobile phone use and risk of tumors: A meta-analysis. *Journal of Clinical Oncology*. 20(27):5565-5572. 2009. URL: <http://www.ncbi.nlm.nih.gov/pubmed/19826127>

² M Vrijheid, L Richardson, BK Armstrong, A Auvinen, G Berg, M Carroll, Chetrit A, Deltour I, Feychting M, Giles GG, Hours M, Iavarone I, Lagorio S, Lönn S, McBride M, Parent ME, Sadetzki S, Salminen T, Sanchez M, Schlehofer B, Schüz J, Siemiatycki J, Tynes T, Woodward A, Yamaguchi N, Cardis E. Quantifying the impact of selection bias caused by nonparticipation in a case-control study of mobile phone use. *Annals of Epidemiology*. 19(1):33-41. 2009. URL: <http://www.ncbi.nlm.nih.gov/pubmed/19064187>

³ VG Khurana, C Teo, M Kundi, L Hardell, M Carlberg. Cell phones and brain tumors: A review including the long-term epidemiologic data. *Surgical Neurology*. 72(3):205-214. 2009. URL: <http://www.ncbi.nlm.nih.gov/pubmed/19328536>

⁴ L Hardell, M Carlberg, KH Mild. Epidemiological evidence for an association between use of wireless phones and tumor disease. *Pathophysiology*. 16(2-3):113-122. 2009. URL: <http://www.scribd.com/doc/13196661>

⁵ M Kundi. The Controversy about a Possible Relationship between Mobile Phone Use and Cancer. *Environmental Health Perspectives*. 117(3):316-324. 2009. URL: <http://www.ncbi.nlm.nih.gov/pubmed/19337502>

⁶ BioInitiative Working Group. *BioInitiative report: A rationale for a biologically-based public exposure standard for electromagnetic fields (ELF and RF)*. August, 2007. URL: <http://www.bioinitiative.org/report/docs/report.pdf>

⁷ CTIA—The Wireless Association. Wireless Quick Facts: June, 2009. URL: http://www.ctia.org/media/industry_info/index.cfm/AID/10323

⁸ VJ Rideout, UG Foehr, DF Roberts. *Report: Generation M²: Media in the Lives of 8- to 18-Year-Olds*. Menlo Park, CA: Kaiser Family Foundation, January 2010. URL: <http://www.kff.org/entmedia/upload/8010.pdf>

⁹ Finland, France, Germany, India, Israel, Russia, Sweden, Thailand, United Kingdom.

¹⁰ Includes Apple, HTC, Motorola, Nokia, Research in Motion (i.e., Blackberry) and Samsung.



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January 25, 2010

Ms. Debbie Raphael
Ms. Monica Fish
Department of the Environment
City of San Francisco
11 Grove Street
San Francisco, CA 94102

Ms. Raphael and Ms. Fish:

I am writing in response to the San Francisco Environmental Commission's proposed "Draft Resolution File 2009-06-COE recommending measures for educating the public on and reducing exposure to radiation from cell phones, including disclosure of radiation information at point of sale."

My company, Phone Labs Technology Company Inc., is a leading provider of technology and products that allow for the integration of wireline and wireless services. My purpose in writing you today, in advance of tomorrow's hearing, is to inform you and all interested parties that there are indeed technological solutions available to completely remove any risk – real or perceived – of radiation exposure due to cell phone use.

While we have been following the issue closely and have been studying the reports coming from the University of Pittsburgh and North Carolina's Research Triangle, we of course do not have any particular insights as to the validity of any concerns raised.

Nor do we have any reason to doubt any of the arguments offered in its January 21 letter to you by CTIA (of which Phone Labs is a member). However, the CTIA letter, through its language, raises important questions: Its discussion of what is an "adequate" level of protection for cell phone users from "potential adverse health effects from RF emissions" clearly implies there are levels which could cause harm. Can any organization specify what level of direct radiation is completely safe? No, indeed both the FCC regulations and the CTIA letter would seem to allow for the possibility that there is a level of RF emissions which would be unsafe.

We would never attempt to make a judgment or take a position as to proper safety levels. What we do know is that any potential health risk associated with cell phone radiation exposure is reduced to completely zero by using our docking station products that completely detach the user from all direct cell phone radiation exposure without compromising their daily use of their cell phone service. We feel the record on this issue would be incomplete were this not noted.

For example, the Phone Labs Dock-N-Talk, first introduced in 2004, enables users to "dock" their cell phone and talk using their normal land line home or business telephones to make and receive cell phone calls in the home or office. By using regular traditional handsets, there is absolutely no radiation exposure to the individual and the cell phone can be placed as far away as 30 feet from the docking

station. Users can be speaking on their cell phone service from telephones located in different room or different floors from where the cell phone is located.

Use of cell phones in the home and office – in lieu of traditional landline service – has grown significantly. According to the Centers for Disease Control December 2009 study, 23 percent of U.S. homes have only cell phones, up from 11 percent in 2006. Among the poor, the proportion of wireless-only households has grown from 16 percent in 2006 to 33 percent this year. During that same period, the number of cell-only homes has grown from 14 percent to 27 percent among the “near-poor” and from 9 percent to 19 percent among those who are not poor, per the CDC.

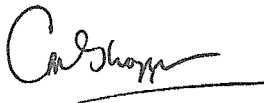
Most all wireless carriers are offering unlimited calling plans which encourage consumers to continue to move to the wireless home. It is also being reported that smartphones account for 30-40% of cell phone sales which many individuals are speaking on all day long as their business telephone. In addition, parents are giving their children cell phones at earlier and earlier ages. Neither the CTIA or FCC will say with 100% certainty that radiation from cell phones poses no health threat. Neither will those in the scientific community say with 100% certainty that radiation from cell phones will cause serious health problems. However we can say with 100% assurance that you will never have a health issue from cellular radiation if you use a Phone Labs cellular docking station to access your cellular service.

Phone Labs actively promotes the idea that households should go wireless and use cellular technology, but we have created a way to keep it 100% safe no matter how long you talk or the age of the user. We agree with the CTIA the discussion of how much radiation is too much radiation to pose a health risk is difficult to prove in the near term. However, zero radiation means zero health risk. So while it may take decades to decide which of the two camps is correct, we believe that radiation-warning labeling that mentions 100% completely safe ways of using your cellular service should be included. In that way, both the cellular industry is protected from consumers becoming unnecessarily fearful of using cell phones and consumers can be educated about ways they can eliminate potential health risks.

If you have any questions please do not hesitate to contact me at (212) 481-8125 or email me at cglopp@phonelabs.com.

Thank you for considering our letter for your proceedings.

Cordially,

A handwritten signature in black ink, appearing to read 'Carl G. Lopp', with a horizontal line underneath.

Carl G. Lopp
President

Public Comment Received January 5, 2010

Hi SF Environment Board,

Thanks for the policy recommendations on Cell Phones. I want to suggest one other Cell Phone related policy for consideration.

Please consider a cell phone free zone on MUNI (trains and buses). People use their cell phones to make calls or surf the internet on very crowded trains and buses. It is well known that cell phones increase emissions when at high speeds and inside glass or metal, and exposure is increased when cell phones are used simultaneously. There is no way to escape being exposed to several cell phone streams each time we get on a crowded (rush hour) MUNI.

I would suggest simply making one part of each rush-hour train or bus cell phone free. (the first car, for example). New York and New Jersey have implemented cell phone free zones already, and they call these zones "quiet zones".

Thanks for listening.

Sally Loveland

