

Health Issues and Cell Tower Application Proceedings

What NOT To Do

Although it seems counterintuitive, raising health concerns during public discourse about cell towers will likely do more harm than good. Your concerns will be swiftly ruled out of order and you will likely be giving a Telecom company grounds to sue the Village should the Zoning Board of Appeals (ZBA) reject the applicant's cell tower application.

Why Is This?

The Telecommunications Act of 1996, bars state and local governments from objecting to the placement of cell towers on environmental or health grounds unless the FCC's exposure guidelines are exceeded.

Not only will your comments be categorically dismissed, but you may well risk inciting a lawsuit from a telecom company against our municipality, down the road. Why? If a Telecom company suspects that your ZBA rejected an application based on health concerns, they can charge that your Trustees were unduly influenced by these concerns. The Telecom Act of 1996 deems references to human health and harm to the environment an unlawful reason to reject a cell tower permit.

In other words, a local government cannot regulate the location of a cell tower based on the effects of radio frequency (RF) emissions **when the facility complies with the FCC's regulations on the issue**.

(Reference: Telecommunications Act of 1996, Section 704 Facilities Siting; Radio Frequency Emission Standards, page 117.)

FCC Standards

Unfortunately, the FCC's current standards are very out of date. Many experts agree that the current FCC emissions standards regarding radio frequencies from cell towers are too lenient, are not based on current science, and consequently do not protect public health and safety.

One would think the FCC would diligently enforce its own emission standards, but this does not appear to be the case. Once a tower is built, the FCC does not require regular testing, nor do the site developers or carriers provide it. RF engineers report that regular evaluations of radiation emitted by cell towers are not the norm,

unless this provision is specifically written into a local Municipal code. It's common for the antennas on these towers to emit 600% or more above allowed FCC exposure levels, and for these levels to continue unchecked for years. In fact, the FCC standard for RF emissions is currently under question.

Environmental Health Trust Challenge

In response to multiple concerns regarding the accuracy and safety of current FCC guidelines regarding RF emissions, in 2020, the Environmental Health Trust challenged the efficacy of the guidelines in a case before the US Court of Appeals for the DC Circuit. In addition to stating the FCC 1996 RF emission guidelines were capricious, arbitrary, and not evidence-based, the Court's ruling stated that the FCC must:

- Re-examine the health and safety guidelines for 5G and other wireless-based technologies.
- Provide a reasoned explanation for its decision to retain the current testing procedures used to determine whether cell phones and other portable electronic devices comply with its guidelines.
- Address the impacts of RF radiation on children.
- Address the health implications of long-term exposure to RF radiation.
- Address the impacts of RF radiation on the environment.

Our Current Code

Our current code does not make provision for regular RF emissions testing of a cell tower, while our new proposed draft code does. This is only one of the several good reasons a code update is needed for our community.

Conclusion

We are certainly free to educate ourselves on risks of health concerns, and to discuss them in unofficial settings. But when it comes to public discourse, please remember that if you raise these concerns you will be shut down, and you will likely be giving a Telecom company a reason to sue the Village should the ZBA reject a cell tower application.

Simply put, if you come to meetings, and we hope you will, bear in mind that bringing up health or environmental issues during open discourse could derail our entire effort.