

To: FCC

From: Patricia Burke

Date: Dec 31, 2025

Re: Oppose FCC 25-276

I oppose the proposals in 25-276 and urge the FCC to preserve the authority of local governments to protect the health, safety, and character of their communities.

Until the 2021 court-ordered review is completed, the FCC and Congress should not advance any new rules or laws that accelerate wireless expansion.

The historical record demonstrates entrenched institutional negligence regarding the protection of human health and the environment.

The recklessness of this proceeding should trigger an overdue course correction, to assign the responsibility and authority for RFR exposure guidelines (which are not limits) to the nation's qualified health agencies, informed by experts operating independently of telecom industry and military objectives, and aligned with accurate science regarding the non-thermal effects of non-ionizing radiation.

## **Denying Sufficient Input from Communities and Residents**

The proposed shot clocks, automatic approvals, and "deemed granted" remedies would deny local governments and residents the time necessary to review complex cell tower applications, stripping communities of meaningful notice, safety oversight, and public participation. These measures prioritize **speed over public safety and democratic process.**

## **Exceeding Statutory Authority**

The FCC's proposal exceeds its statutory authority. The Telecommunications Act of 1996 explicitly preserves local zoning authority over the placement, construction, and modification of wireless facilities (47 U.S.C. § 332(c)(7)). Congress deliberately rejected federal control of land-use decisions and did not authorize the FCC to override local processes through rulemaking. Federal courts have repeatedly affirmed that land-use regulation is a core function of local government. Many cities with setbacks demonstrate that local regulations do not prohibit service, but ensure responsible deployment with flexibility where needed.

## **Environmental Stewardship and Expertise is Local**

**Local governments are best positioned to evaluate site-specific risks** because they understand local terrain, wildfire hazards, evacuation routes, environmental constraints, and historic and residential contexts. Setbacks and design standards are critical public-safety tools that reduce risks from tower

collapse, fire, falling ice, and structural failure, and protect homes, schools, and environmentally sensitive areas. Weakening these safeguards exposes communities to unnecessary risk and shifts liability onto local governments and taxpayers.

## **Human Health**

The FCC also cannot lawfully preempt local RF-related protections while it remains out of compliance with the U.S. Court of Appeals for the D.C. Circuit's 2021 decision in *EHT et al. v. FCC*. Until RF guidelines are updated, it must preserve local control and withdraw this NPRM.

The FCC still has not complied with the 2021 D.C. Circuit court order in *Envtl. Health Tr. v. FCC*, 9 F.4th 893 (2021) requiring it to review its RF exposure guidelines.

Until that court-ordered review is completed, the FCC and Congress should not advance any new rules or laws that accelerate wireless expansion.

## **The FCC is out of integrity Regarding its Statutory Mandate**

Deborah Lathen is the former head of the FCC Cable Services Bureau. She recently wrote,

*"The FCC's mandate is not to grant favors, waive statutory limits, or prioritize corporate ambitions. Its mandate is to safeguard the public []." "*

Source: <https://broadbandbreakfast.com/deborah-lathen-does-the-fccs-commitment-to-the-public-interest-withstand-scrutiny/>

## **The Telecom Act of 1996: Prioritizing Speed over Public Safety and Democratic Process**

Since 1996, the FCC has prioritized corporate ambitions, and has failed to safeguard the public interest.

*"The stated FCC goal of this restructuring of US Markets was to reduce the Monopoly AT&T had on the long distance market. The passage of the Telecom Act has however led to such significant deregulation that there is much more consolidation of radio and phone service with only a few carriers who essentially monopolize and control the industry with the help of a powerful industry association, CITA. The effort to pass the Telecom Act was led by the telecommunications industry and has incorporated protections for business, however, not for public or environmental health (nor for privacy or security). Section 704 of the Telecommunications Act dismissed the environment. The language was codified in Section 704 of the Telecommunications Act, prohibits discussion of environmental concerns or health concerns (by lack of substantial evidence) in the placement of cell towers. This is despite growing awareness and scientific confirmation of both environmental and health effects from exposure to cell tower radiation and all radiofrequency wireless devices." Source: <https://mdsafetech.org/legislation/>*

## **The 1999-2000 Judicial Challenge - A Missed Opportunity for a Necessary Course Correction Regarding the ADA**

*A the cities of Boston and Philadelphia noted in their testimony to the FCC: "The 1999-2000 judicial challenge to the FCC's 1996 rules never reached the issue of "electrosensitivity" as a cognizable disability under the Americans with Disabilities Act. ("ADA") Here again, an agency responsible for ADA implementation acknowledges that the impairment may be disabling but has promised merely further inquiry. After more than a decade, that investigation remains unopened. The dockets here have been updated with massive additional evidence of the crippling effects of RF radiation on an admitted minority – but a suffering minority – of U.S. citizens. This is one area where the FCC could lead in advice to electrosensitive persons about prudent avoidance."*

Source: <https://www.prlog.org/12245111-everything-you-wanted-to-know-about-cell-phone-radiation.html>, ET Docket No. 13-84 and ET Docket No. 03-137, <https://www.fcc.gov/ecfs/document/6017477376/1>

## **The National Academies, 2008 - A Missed Opportunity for a Necessary Course Correction Regarding an Inadequate Research Record**

The 2008 National Academies of Science (NAS) Report: Identification of Research Needs Relating to Adverse Health Effects of Wireless Communication (NAS Report at: [www.nap.edu/catalog.php?record\\_id=12036](http://www.nap.edu/catalog.php?record_id=12036)) recognized the holes – flaws - in the scientific research knowledge upon which the current FCC RF safety policy is based.

The NAS Report acknowledged the need to characterize specific aspects of real-life public exposure to wireless devices and technology (see pp. 13-44) that are not addressed in the scientific research record

**FROM THE REPORT, PAGE 2** *These needs and gaps are committee judgments derived from the workshop presentations and discussions, and the report does not necessarily reflect the views of the FDA, individual workshop speakers, or other workshop participants. The committee judged that important research needs included, in order of appearance in the text, the following:*

- *Characterization of exposure to juveniles, children, pregnant women, and fetuses from personal wireless devices and RF fields from base station antennas.*
- *Characterization of radiated electromagnetic fields for typical multiple element base station antennas and exposures to affected individuals.*
- *Characterization of the dosimetry of evolving antenna configurations for cell phones and text messaging devices.*
- *Prospective epidemiologic cohort studies of children and pregnant women.*
- *Epidemiologic case-control studies and childhood cancers, including brain cancer.*
- *Prospective epidemiologic cohort studies of adults in a general population and retrospective cohorts with medium to high occupational exposures.*
- *Human laboratory studies that focus on possible adverse effects on electroencephalography<sup>2</sup> activity and that include a sufficient number of subjects.*
- *Investigation of the effect of RF electromagnetic fields on neural networks.*
- *Evaluation of doses occurring on the microscopic level.*
- *Additional experimental research focused on the identification of potential biophysical and biochemical/molecular mechanisms of RF action*

**FROM THE REPORT, PAGE 5 DOSIMETRY AND EXPOSURE** 1. There is a need to characterize exposure of juveniles, children, pregnant women, and fetuses, both for personal wireless devices (e.g., cell phones, wireless personal computers [PCs]) and for RF fields from base station antennas including gradients and variability of exposures, the environment in which devices are used, and exposures from other sources, multilateral exposures, and multiple frequencies. 2. Wireless networks are being built very rapidly, and many more base station antennas are being installed. A crucial research need is to characterize radiated electromagnetic fields for typical multiple-element base station antennas and for the highest radiated power conditions with measurements conducted during peak hours of the day at locations close to the antennas as well as at ground level. 3. The use of evolving types of antennas for hand-held cell phones and text messaging devices need to be characterized for the Specific Absorption Rates (SARs) that they deliver to different parts of the body so that this data is available for use in future epidemiologic studies. 4. RF exposure of the operational personnel close to multi-element newer base station antennas is unknown and could be high. These exposures need to be characterized. Also needed are dosimetric absorbed power calculations using realistic anatomic models for both men and women of different heights

**FROM THE REPORT, PAGE 11 AND 12** The overarching issues were as follows: • Are there differences in health effects of short-term vs. long-term exposure? • Are there differences between local vs. whole-body exposures? • Can the knowledge of biological effects from current signal types and exposure patterns be extrapolated to emerging exposure scenarios?

**IDENTIFICATION OF RESEARCH NEEDS** • Are there any biological effects that are not caused by an increase in tissue temperature (nonthermal effects)? • Does RF exposure alter (synergize, antagonize, or potentiate) the biological effects of other chemical or physical agents? • Are there differences in risk to children? • Are there differences in risk to other subpopulations such as the elderly and individuals with underlying disease states?

Source: National Academy of Sciences. Identification of Research Needs Relating to Potential Biological or Adverse Health Effects of Wireless Communication <http://www.nap.edu/catalog/12036.html>

## **The Spectrum Act of 2012: Prioritizing Financial Growth over Public Safety and Democratic Process**

*The Spectrum Act, is an added section of the Payroll Deduction Act called the Middle Class Tax Relief and Job Creation Act of 2012, This Act facilitates the telecommunications industry's rapid deployment of wireless infrastructure by requiring local governments to approve any application by a carrier that asks to modify and existing cellular communication structure that does not "substantially change" the existing facility. Section 6409 states cities "'may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." (47 U.S.C. § 1455(a)(1).) Section 6409 defines "eligible facilities request" as "any request for modification of an existing wireless tower or base station that involves – (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment." Source: <https://mdsafetech.org/legislation/>*

## **2019: FCC [Proceeding Number 13-84](#) Ignoring Reported Harm, Prioritizing Financial Growth and Surveillance over Public Safety and Democratic Process**

*The FCC received more than 1,200 submissions regarding its cell phone radiation regulations. These documents reveal what we know about wireless radiation health effects, and why we need to strengthen regulations and provide precautionary warnings to the public.*

*“In response to the Federal Communications Commission's (FCC) request for input regarding its radio frequency radiation regulations adopted in 1996, individuals and organizations submitted thousands of documents, testimonials, research papers and scientific publications that are now available to the media and to the public.*

*These documents reveal what we know about wireless radiation health effects, and why we need to strengthen regulations and provide precautionary warnings to the public.*

*Although fifteen countries have issued precautionary health warnings about cell phone radiation and recommendations on how to reduce risks, the wireless industry in the U.S. has opposed precautionary warnings and wants to weaken our radiation standards instead of strengthen them.*

*In all, more than 1,200 submissions were made to the FCC between June 24, 2012 and November 1, 2019. Many submissions include multiple documents. To access these papers go to the FCC's web site for [Proceeding Number 13-84](#).*

***Part II** which appears below contains a list of key research papers and monographs submitted to the FCC and links to these documents which enable people to download the papers.*

*See [Part I](#) for key submissions to the FCC regarding cell phone radiation and its health effects, and cell phone testing procedures and regulatory standards.*

*See [Part III](#) for links to petitions signed by EMF scientists calling for stronger regulations of electromagnetic fields (EMF) including radio frequency fields. The International EMF Scientist Appeal was signed by more than 240 scientists who have published over 2,000 papers and letters in professional journals on EMF and biology or health.” Source: <https://www.saferemr.com/2019/>*

## **2021 Court Ruling, Federal Court Orders FCC to Explain Why It Ignored Scientific Evidence Showing Harm from Wireless Radiation - Ignoring Reported Harm, Prioritizing Financial Growth and Surveillance Over Public Safety, Democratic Process, and the Rule of Law**

*In 2021, the United States Court of Appeals for the District of Columbia Circuit ruled in the historic case *EHT et al. v. the FCC* that the December 2019 decision by the Federal Communications Commission (FCC) to retain its 1996 safety limits for human exposure to wireless radiation was “arbitrary and capricious.”*

*The court held that the FCC failed to respond to “record evidence that exposure to RF radiation at levels below the Commission’s current limits may cause negative health effects unrelated to cancer.” Further, the agency demonstrated “a complete failure to respond to comments concerning environmental harm caused by RF radiation.” The court found the FCC ignored numerous organizations, scientists and medical doctors who called on them to update limits and the court found the FCC failed to address these issues:*

*impacts of long term wireless exposure*  
*impacts to children,*  
*the testimony of people injured by wireless radiation,*  
*impacts to wildlife and the environment*  
*impacts to the developing brain and reproduction.*

Source: <https://ehtrust.org/in-historic-decision-federal-court-finds-fcc-failed-to-explain-why-it-ignored-scientific-evidence-showing-harm-from-wireless-radiation/>

## Emerging Science

Researchers in genetics have identified a predisposition in some individuals to vulnerability in the ion channels in the cell walls, in addition to an inability to repair DNA.

Oxidative stress and the production of super oxides follows in the progression towards a number of neurological diseases and premature deaths.

The United States neurological death rates have skyrocketed, especially for older women.

*In 2015, Bournemouth University (U.K) researchers Colin Pritchard and Emily Rosenorn-Lanng published their study, Neurological deaths of American adults (55–74) and the over 75's by sex compared with 20 Western countries 1989–2010: Cause for concern*

*The researchers showed that deaths due to neurological diseases like Alzheimer's and dementia were, in fact, rising in the twenty-one Western countries, with especially alarming increases for women in the United States. In August of 2015, the Washington Post reported, "The study [] found that the disease is now being regularly diagnosed in people in their late 40s and that death rates are soaring. [] The problem was particularly acute in the United States, where neurological deaths in men aged over 75 have nearly tripled and in women risen more than fivefold."*

*"Total Neurological Deaths include such disparate conditions as Parkinson's disease, motor neuron disease (MND), hereditary neuromuscular conditions, prion disorders, degenerative diseases, including Creutzfeldt Jacob's disease (CJD), and new variant CJD[50] though the incidence of the later appears to have relatively stabilized, returning close to pre-2000 levels.[9,30,41] Earlier research found that dementia morbidity was occurring earlier and had disproportionately increased in some Western countries in people aged 45–74 years, with relatively larger increases in women[26,38,40] as women's TND rates had risen relatively more than male rates in every country."*

*" [] apart from Portugal, over the 20 years the USA had statistically significant greater rises in Total Neurological Deaths than 16 other countries, indicating disproportionate changes in neurological morbidity and mortality in American adults (55–74) and the over 75's"*

*"Moreover, the extent of "early dementias," often seen in people under 60, was virtually unknown 30 or more years ago and the more than doubling of the over 75's Total neurological Deaths in the US within just 20 years, suggests that interactive multiple environmental and lifestyle factors are operating.*

*"Neurological diseases are considered to be "diseases of the elderly"[37] and that possibly the rises are essentially due to the "Gompertzian effect" -that is, that as people live longer, they have diseases that previously they would not have lived long enough to develop.[7,14,43] This appears to have some validity, but the question is whether such substantial changes, occurring over a relatively short period, are mainly due to the Gompertzian effect? However, international changes in regard to cancer deaths[41,42] do not accord with a Gompertzian prediction, nor does this explanation account for*

*changes between countries and gender especially in the USA, as other studies, while acknowledging an element of Gompertzian process, have suggested that environmental factors play a larger part.[2,24,25,”*  
*“CONCLUSIONS The Gompertzian explanation appears limited, not least because it does not explain the USA position, but we avoid the temptation to speculate but point toward a number of studies indicating possible epigenetic factors influencing neurological morbidity,[3-5,15,22,24-26,32,36,44] suggesting that possible nongenetic influences on gene expression, may be entertained.[4-6,10,12,13,16,20,32,41] The nature of any environmental factors are uncertain but there have been major environmental changes; including increased population, economic activity, substantial rises in road and air travel; increased home technology involving background electromagnetic fields (mobile phones, microwave ovens, computers), which are unique to these later years and these possible environmental factors cannot be ignored, especially as they probably interact.[6,10,27,28,33] This list of possible features might be described as “modern living” and the USA is the epitome of “modern living.””Source:*  
<https://surgicalneurologyint.com/wp-content/uploads/2015/07/6164/SNI-6-123.pdf>

In the study, death rates for cancer and cardio-vascular diseases were used as controls and compared with neurological deaths. (Note: Unfortunately, the World Health Organization modified their data categories to 20-year cohorts, instead of the previous practice of sorting by decades, further obscuring patterns of earlier neurological damage. There is a difference between dying of dementia at 55 vs. 74. He who controls the data controls the narrative.)

Additionally, the West has only recently discovered the existence of the blood brain barrier, which is another target area of risk and harm caused by unnatural, ubiquitous, manmade microwave and radiofrequency radiation, in addition to ion channels.

## **Malfeasance: A Regulatory Agency (Captured Agency) Ignoring Reported Injury and Enabling Further Harm**

AI and data centers will be of no use to humanity if the data is not accurate, and if the tech industry is enabled by captured agencies like the FCC to continue to go fast and break things.

The U.S. is trailing far behind other countries in responding to issues with inappropriate technology decisions including social media, smart phones, and TechEd when we could have pivoted decades ago to producing safer products and infrastructure.

In the background of these failed opportunities to address emerging issues regarding human health and the environment, for over a decade the FCC has been complicit in utilities and utility regulators promoting the opinions of mercenary liar-for-hire experts regarding smart meter safety.

This has resulted in inescapable ubiquitous exposures is association with access to essential services including water, electricity, and heat.

It has also resulted in green clean energy proponents being co-opted into embracing dominating narratives with a moral absoluteness about carbon and climate that have yet to recognize the impact of the polluted utility grid and the polluted electromagnetic environment.

The FCC has systematically ignored reports of harm caused by industrial-scale infrastructure (cell towers) and consumer products (cell phones including devices never being ‘tested’ for children).

The FCC has falsified the exchange of loss of human rights including privacy for the perception of safety, while enabling the marketplace to be dominated by unsafe choices, when we could be decades ahead in the course correction towards safe technologies.

This malfeasance poses tremendous risks to consumers, to investors, to the economy, to military personnel and diplomats, to the health care economy, and to the environment, including space.

The historical record demonstrates entrenched institutional negligence regarding the protection of human health and the environment, which has resulted in pain, suffering and disability in an unquantified, marginalized portion of the population.

This aggressive, ungrounded, unresponsive proceeding demonstrates clearly that the responsibility and authority for RFR exposure limits must be re-assigned to the nation's qualified health agencies, informed by experts operating independently of telecom industry and military objectives. The issue of safety demands a complete restructuring, and the immediate prevention of further escalation of risk and harm promoted in FCC 25-276.

Respectfully submitted,  
Patricia Burke