

RESOLUTION URGING REPEAL OF 47 USC 332 (c)(7)(B)(iv)

WHEREAS 47 USC 332(c)(7)(B)(iv), a part of the Telecommunications Act of 1996, limits the powers of state and local governments to control placement of cell phone towers or other transmitters by providing that "[N]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions;"

WHEREAS the term "environmental effects" in 47 USC 332(c)(7)(B)(iv) has been interpreted to include health effects of wireless emissions from cell phone towers or other transmitters;

WHEREAS according to an article in Int J Occup Environ Health, 2010 Jul- Sep; 16(3): 263-267 since the passage of the Telecommunications Act of 1996, there have been ten epidemiological studies of health effects on those living less than 500 meters (approximately 1500 feet) from cell towers, and "eight of those ten studies reported increased prevalence of adverse neurobehavioral symptoms or cancer in populations living at distances less than 500 meters from base stations. None of the studies reported exposure above accepted international guidelines...."

WHEREAS a study of cell phone towers in Netanya Israel found that the incidence of cancer in women living near cell phone towers was four times that of the general population, Wolf R, Wolf D. Increased incidence of cancer near a cell-phone transmitter station, Inter J Cancer Prev 1(2): 123-128 (2004);

WHEREAS a 2002 study indicated that there was a significant increase among people living in the vicinity of cell phone towers of fatigue (300 meters), headache, sleep disturbance (200 meters), and irritability, depression, loss of memory, dizziness, (100 meters), Santini, Study of the health of people living in the vicinity of mobile phone base stations: Influence of distance and sex, Pathol Biol(Paris) 50(6): 369-373(2002);

WHEREAS a 2006-2007 study in Kempton West, Germany of melatonin and serotonin in the blood of people living within 300 meters of a cell phone tower, before and after the installation of the tower, indicated that (1) daytime levels of melatonin increased fourfold, and nighttime levels decreased, after installation of the cell tower, which would lead to fatigue and drowsiness; and (2) in 84% of people serotonin levels decreased by an average of 46% after the installation of the tower, which would lead to depressive mood disturbances;

WHEREAS these studies and others--- see www.bioinitiative.org for a collection of studies of wireless--- indicate that people are adversely affected by living in close proximity to wireless transmitters such as cell towers, and that therefore it would be prudent to allow wireless transmitters only in areas that are as far from schools and residences as possible;

WHEREAS local governments have traditionally been allowed to consider the public health in making zoning decisions;

WHEREAS 47 USC 332(c)(7)(B)(iv) prevents local government from protecting the public health in zoning decisions that involve cell phone towers and other wireless transmitters;

WHEREAS other provisions of 47 USC 332 (c)(7) adequately protect the ability of the telecommunications industry to site cell phone towers;

BE IT RESOLVED that Congress is urged to restore their traditional powers to local zoning entities by repealing 47 USC (c)(7)(B)(iv).