



July 16, 2020

The Honorable Aaron Chung
Chair, Hawaii County Council
25 Aupuni Street, Suite 1402
Hilo, HI 96720

The Honorable Karen Eoff
Vice Chair, Hawaii County Council
25 Aupuni Street, Suite 1402
Hilo, HI 96720

RE: Opposition to Anti-5G Resolution 678-20

Dear Chair Chung and Vice Chair Eoff,

On behalf of CTIA, the trade association for the wireless communications industry, I am writing to respectfully oppose resolution 678-20 (“Resolution” hereafter). We have concerns that the Resolution will severely hamper the industry’s ability to meet our customer’s expectations for superior wireless service and to deploy the latest technology to the residents of Hawaii County. For all the reasons outlined herein, we respectfully request that this Resolution be rejected.

First, the resolution conflicts with federal law. The Federal Communications Commission (FCC) has declared that state or local moratoria on deployment of facilities that would provide wireless services are clearly unlawful.¹ Concluding that “moratoria limit the provision of service, harm competition, and impose significant costs that impede the deployment of telecommunications infrastructure and thereby exacerbate the digital divide.”²

Furthermore, the Resolution is based on the alleged health effects of 5G wireless facilities. Such action is expressly prohibited under federal law. As outlined in Section 332(C)(7)(B)(iv) of the Telecommunications Act, “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC]’s regulations concerning such emissions.” In December 2019, the FCC unanimously reaffirmed its existing limits for radio frequency exposure noting, “After reviewing the extensive record submitted

¹ See: Third Report and Order and Declaratory Ruling, FCC 18-111 (Aug. 3, 2018)

² The Resolution purports to be a moratorium but, in fact, contains no legally enforceable mandate.



in response to that inquiry, we find no appropriate basis for and thus decline to propose amendments to our existing limits at this time.”³

In addition, we note that several of the cited justifications for the Resolution are based on inaccurate scientific claims. The consensus among health experts, including the American Cancer Society, the World Health Organization, and the U.S. Food and Drug Administration, is that the weight of scientific evidence shows no known adverse health effects to humans from exposure to wireless antennas or devices. Further, the Hawaii State Department of Health also recently published a fact sheet on the issue as well.⁴

- “... there is no convincing scientific evidence that the weak RF signals from base stations [cell towers] and wireless networks cause adverse health effects.” – World Health Organization⁵
- “Based on our ongoing evaluation of this issue, the totality of the available scientific evidence continues to not support adverse health effects in humans caused by exposures at or under the current radiofrequency energy exposure limits.” – The Food and Drug Administration (FDA)⁶
- “... although many studies have examined the potential health effects of non-ionizing radiation from radar, microwave ovens, cell phones, and other sources, there is currently no consistent evidence that non-ionizing radiation increases cancer risk in humans.”—National Cancer Institute⁷

Moreover, the need for connectivity has been thrust into the spotlight in recent months due to the ongoing COVID-19 crisis that has impacted us all, including the residents of Hawaii County. Specifically, this public health emergency has highlighted just how important it is for wireless communications to be reliable, fast and prepared to handle increased demand without any hiccups.

Strong wireless networks enable distance learning for students separated from teachers; telehealth for patients and doctors; employees to work from home; small businesses to shift online; older adults to stay in touch with family and combat social isolation; public safety personnel to utilize the best resources for their, and our safety; and so much more.

³ See <https://docs.fcc.gov/public/attachments/FCC-19-126A1.pdf>, last accessed 7/16/2020.

⁴ See: <https://health.hawaii.gov/irhb/files/2019/10/RF5GFactSheet2019-10.pdf> last accessed 7/16/2020.

⁵ World Health Organization, “Electromagnetic Fields and Public Health,” <https://www.who.int/peh-emf/publications/facts/fs304/en/>, last accessed 7/16/2020.

⁶ FDA Statement, Statement from Jeffrey Shuren, M.D., J.D., Director of the FDA’s Center for Devices and Radiological Health on the National Toxicology Program’s report on radiofrequency energy exposure, Nov. 1, 2018, <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm624809.htm>, last accessed 7/16/2020.

⁷ National Cancer Institute, “Cell Phones and Cancer Risk” Factsheet (2019), <https://www.cancer.gov/about-cancer/causes-prevention/risk/radiation/cell-phones-fact-sheet>, last accessed 7/16/2020.



To localize it for Hawaii: there are now more wireless devices than there are people in Hawaii.⁸ In addition, more than half of Hawaii residents live in wireless-only households.⁹ These demands from customers, which includes the residents and businesses of Hawaii County, require that wireless networks be updated to meet existing demand and readied for the next generation of wireless services. However, passage of the Resolution has the opposite effect. The Resolution will hamper the industry's ability to meet our customer's expectations for superior wireless service and to deploy the latest technology to the residents of Hawaii County.

In closing, it is important to note that the wireless industry wants to meet the needs of its customers – who are also your constituents. However, in order to ensure that the wireless industry can continue to meet this demand, the industry's investment must be met with forward-looking infrastructure regulations that promote rapid and efficient deployment. Policy guided by misinformation does not reflect such forward-looking regulation. As such, we respectfully request the Resolution be rejected.

Sincerely,

Bethanne Cooley
Assistant Vice President, State Legislative Affairs

cc: Members, Hawaii County Council

⁸ FCC, Voice Telephone Services Report: Status as of June 30, 2017, at <https://www.fcc.gov/voice-telephone-services-report>, last accessed 7/16/2020.

⁹ CDC, National Center for Health Statistics, https://www.cdc.gov/nchs/data/nhis/earlyrelease/Wireless_state_201912-508.pdf, last accessed 7/16/2020.