MICRO WAVE NEWS

A Report on Non-Ionizing Radiation

What's Up at the FCC?

Cell Phone Radiation Limit Will Be Reviewed, But Why Is It News Now?

June 19, 2012
Last updated August 15, 2012

Bloomberg News caught a lot of people by surprise last Friday morning with a story announcing that the Federal Communications Commission (FCC) would review its rules on radiation exposures from cell phones. As Bloomberg's Todd Shields pointed out, the move was long overdue: The FCC's current exposure standard was set in 1996.

Just as interesting is a question no one seems to be asking: Why was this in the news?

The FCC did not issue a press release. The chairman of the FCC, Julius Genachowski, had indeed written to the other commissioners seeking to put the RF rules on the FCC's agenda, but that was not announced until much later Friday afternoon and in a place —the Weekly Circulation Agenda— that is so obscure, few people even know it exists or how to find it. Genachowski's request will most likely be approved and the review will move forward but that will not be official for more than a month.

When the FCC staff is given the go ahead, the commission will publish a Notice of Inquiry (NOI), which is the first baby step towards a new set of rules. The public will be given time to comment (a couple of months or so), and then will be given a chance to comment on the comments (that will take another few weeks). After that the commission staff will have to review and digest all the submissions and then it may —or may not— issue some proposed rules. If it does, another comment and reply-comment period will follow. And, then, just maybe, the FCC might issue a final rule.

The commission is under no obligation to take any further action after issuing the NOI, or any other step along the way. To put the process in perspective, the last time the FCC proposed amending

its RF rules was back in 2003 and that was to fine-tune some relatively non-controversial issues like measurement protocols. In other words, the FCC's 2003 amendments are still pending nearly ten years after they were first proposed. Nearly completed drafts of what will soon be issued have been languishing on the FCC's back burner for about five years. And those were refinements on the original rules released in 1996 when the number of cell phone subscribers in the U.S. was a tenth of what it is today and people used them, on average, less than four minutes a day.

Bloomberg's Shields declined to disclose how he came to the story, but, most likely, the FCC tossed it into his lap. In doing so, Tammy Sun, an FCC press officer, issued a short statement saying that everything is OK and no one should expect a major revision of the exposure limits. "We are confident that, as set, the emissions guidelines for devices pose no harm to consumers," she wrote.

Another possibility, of course, is that the FCC might decide to loosen its exposure standard. Its current limit is the tightest in the world. If the commission were to follow the other standard-setting groups (IEEE and ICNIRP), it would increase exposures from cell phones by a factor of two or three or more. All it would take would be a minor, if arcane, change in the averaging volume for the SAR from 1 g to 10 g (see *MWN,* J/A00, p.8 and M/J03, p.4). Needless to say, the industry would be thrilled.

What was left out of the Bloomberg story is that the NOI is a small piece of the FCC package. The rest are those amendments that have been languishing in FCC limbo for many years. One part finalizes some of the 2003 proposed rules; and another proposes a new set of revisions —these were deemed to be too major to be issued without allowing the public and industry an opportunity to file another set of comments and reply comments. The cycle continues.

The take-home lesson is that the FCC often moves at glacial speed. The first and only rules governing cell phones, issued back in 1996, were a rare exception. In that case, the FCC was forced to move quickly by Congress: the Telecommunications Act of 1996 mandated that the FCC act within six months (see *MWN,* J/A96, p.1).

As Bob Weller, the chief of the Technical Analysis Branch in the FCC's Office of Engineering and Technology (OET) told us, the NOI is "just the beginning."

The other thing to bear in mind is that the FCC does not do biology. It's hard to set standards without biology. The commission has long deferred the medical and scientific issues related to radiation effects to the government health agencies. The EPA, FDA, NCI, NIOSH and OSHA all consult with the FCC through the RF Interagency Working Group.

Julius Knapp, the chief of the OET, explained how the system works at a hearing convened by Rep. Denis Kucinich (D-OH) back in 2008:

> Typically, what happens, we will … ask for advice from [the] health agencies as to is there something we should be

> doing, should we have a standard that is adopted, should it be changed. … [W]e really don't have the expertise to tell which level causes which effects and which studies are valid on the medical side.

All this brings us back to why FCC wanted some press coverage on an action that it had not yet approved, that will take years to complete, that it says will likely not lead to any major changes and that will be made by other federal agencies.

Cecilia Kang of the *Washington Post* no doubt made the right connection in her blog yesterday afternoon: "FCC Takes Up Safety Ahead of GAO Report," she wrote.

The Government Accountability Office (GAO) has been looking into the adequacy of the cell phone standard for over a year now, at the request of three members of Congress who called for an investigation last May following IARC's decision to classify mobile phone radiation as a possible human carcinogen. The GAO has been circulating a list of questions including a number about what the FCC has been and should be doing.

Kang revealed that the GAO report would be released on July 24 —probably before the FCC's NOI becomes official. It's a good bet that the FCC has already seen a copy since the GAO routinely circulates a draft for comment before making its reports public.

So maybe the FCC wants to look busy even if it has been treading water for years. It's an example of an age-old bureaucratic strategy, best known in military circles as CYA.

July 23

The GAO will release its report to the three members of Congress who requested it sometime this week, a GAO spokesperson told *Microwave News.* But it will not be available to the public until mid-August.

August 3

The *Washington Post* picked up this story today with "Cellphone-Safety Advocate Hopes Congess Forces the FCC To Update Its Regulations."

August 7

The GAO released its report today. As expected, it told the FCC to reassess its RF limits for cell phones. For more, see our news item.

August 15

On September 1, India will adopt the same SAR limit for cell phones as that of the FCC, according to the *Times of India*.

FCC, Robert Weller, Julius Knapp, GAO, Washington Post, Bloomberg, India,

© Copyright Microwave News 2003-2026. All Rights Reserved.