ENVIRONMENTAL HEALTH TRUST

FDA Letter to Mother stating they do not have safety research on 5G.

Date: March 29, 2022 at 12:21:40 PM PDT

In follow-up to our initial conversation, FDA is responsible for protecting the public health from hazardous or unnecessary radiation from radiation emitting *electronic products.* The Federal Communication Commission (FCC) has jurisdiction over all radiofrequency transmitting structures in the United States. Therefore, the 5G tower you inquired about is under the authority of the FCC, not the FDA. I have copied Howard Griboff on this message so that he is aware of the limitation of FDA's authority.

When I inquired into your concerns I found that a few months ago the Deputy Director of FDA's Center for Devices and Radiological Health (CDRH) explained the scope of FDA's regulatory authority as well as responded to your questions. In addition, the Ombudsman for CDRH offered to be your contact if you had any new questions that had not been answered by the Center.

I understand that this issue is very important to you. I hope this information is helpful.

Laurie

Laurie Lenkel
FDA Ombudsman
https://www.fda.gov/about-**fda**/office-chief-scientist/**fda-ombudsman**

THIS DOCUMENT HAS EXCERPTS FROM EMAILS TO AND FROM A MOTHER AND AN FCC LAWYER

Key findings: The FCC could not find any recent reports by the WHO on 5G safety. It could not find any reports on long term effects of wireless and cell tower radiation to children.
Oct 27, 2021 FCC lawyer states, "If anyone has "studied what might happen to children if a cell tower is placed in front of their bedroom window," it's not here or anywhere else I'm aware of."

In January of 2023 the mother wrote to the FDA wanting to know about the safety of the cell tower on her street and Ellen Flannery of the Director of the Office of Policy Center for Devices and Radiological Health of the FDA stated, "We have reviewed the questions that you listed below. The Food and Drug Administration (FDA) does not regulate cell towers or cell tower radiation. Therefore, FDA has no studies or information on cell towers to provide in response to your questions."

On March 29, 2022 Laurie Lenkel FDA Ombudsman writes that the "FDA is responsible for protecting the public health from hazardous or unnecessary radiation from radiation emitting electronic products." and "The Federal Communication Commission (FCC) has jurisdiction over all radiofrequency transmitting structures in the United States. Therefore, the 5G tower you inquired about is under the authority of the FCC, not the FDA."

Links

- October 25, 2021 at 10:26:41 PM PDT shows the FCC lawyer realizing that the WHO has not put forward any updated report on RFR.
- Oct 24, 2021, at 9:55 PM there's no updated WHO study to send to you.
- Oct 27, 2021 FCC lawyer states, "If anyone has "studied what might happen to children if a cell tower is placed in front of their bedroom window," it's not here or anywhere else I'm aware of."
- October 19, 2021 Mother asks for Research and reports that the FCC was unable to provide to her showing safety
- January 7, 2022 FCC lawyer refuses to answer question about how he has determined FCC cell tower limits are safe.
- January 11, 2022 Ellen Flannery of the Director of the Office of Policy Center for Devices and Radiological Health of the FDA responds that the FDA does not regulate cell towers.
- January 18, 2022 at 5:48:46 AM PST FDA sends form letter saying the FCC regulates cell phone towers.
- January 24, 2022 FDA writes another email stating the FDA cannot provide information
- **Mother repeatedly writes asking for a response- Note- all of these emails are not included in this document as there are several**
- March 1, 2022 at 9:36:28 AM PST Abiy Desta CDRH Ombudsman writes to state her "continued emails on issues that have already been addressed have exceeded the limits of what the FDA can do in response."
- Mar 1, 2022, 5:43 PM Mother writes Mr. Abiy Desta CDRH Ombudsman with 3 questions
- March 29, 2022 Laurie Lenkel FDA Ombudsman writes that the "FDA is responsible for protecting the public health from hazardous or unnecessary radiation from radiation emitting electronic products." and "The Federal Communication Commission (FCC) has jurisdiction over all radiofrequency transmitting structures in the United States. Therefore, the 5G tower you inquired about is under the authority of the FCC, not the FDA."
- Communications between mother and CAL EPA: April 23, 2022 Linda Lye states the CAL EPA "respectfully declines" the mothers request for a meeting.
- April 21, 22 We do not recall seeing radiation exposure addressed in the air quality section of a CEQA document.
- April 23 and 25, 2022 Communications between Theodora Scarato and Linda Lye CAL EPA where she states that "This is what we call a "regulatory gap" and recommends contacting legislators.

Communications between Theodora Scarato and Linda Lye CAL EPA where she states that “This is what we call a “regulatory gap” and recommends contacting legislators.

--------- Forwarded message ---------
From: Lye, Linda@EPA <linda.lye@calepa.ca.gov>
Date: Mon, Apr 25, 2022 at 12:06 PM
Subject: RE: Questions
To: Theodora Scarato <Theodora.Scarato@ehtrust.org>

Good morning. I recommend you reach out to your legislators.
Best, Linda

From: Theodora Scarato <Theodora.Scarato@ehtrust.org>
Sent: Saturday, April 23, 2022 2:47 PM
To: Lye, Linda@EPA <linda.lye@calepa.ca.gov>
Subject: Re: Questions

EXTERNAL:

Thank You so much,
I understand it is a regulatory gap.
We have tried elected officials and we get no where. They refer to the FDA, even though the FDA does not address cell towers and has not evaluated the science for hazard.
How do we get this on the CAL EPA agenda.

Can you let me know the process please to start a process with the CAL EPA in light of the climate and insect implications.
Thanks,

On Sat, Apr 23, 2022 at 3:35 PM Lye, Linda@EPA <linda.lye@calepa.ca.gov> wrote:
Dear Ms Scarato, I do understand why this must be frustrating for you. This is what we call a “regulatory gap” when there is a problem the community is experiencing but no clear jurisdiction by regulatory agencies. The solution typically is a legislative one, meaning legislation that would give some agency authority to address the issue. Perhaps reach out to your Congressional rep?
Kind regards, Linda

Sent from my mobile. Please excuse brevity and/or typos.

From: Theodora Scarato <Theodora.Scarato@ehtrust.org>
Sent: Saturday, April 23, 2022 9:38:02 AM
To: Lye, Linda@EPA <linda.lye@calepa.ca.gov>

Subject: Questions

EXTERNAL:

Hello,
Thank you most respectfully for your response.
I had a few questions
1. How does an issue become under the authority of CAL EPA? What is the process?
2. What does a person do when each agency finger points to another? You referred to the EPA , which has been defunded from the issue. but they link to the FCC which has no health or environmental expertise. So what does one do regarding an issue with no oversight? like this?

Thank you

July 8, 202 Letter from EPA Director, Radiation Protection Division, Office of Radiation and Indoor Air to Theodora Scarato Executive Director of Environmental Health Trust

---------- Forwarded message ---------

From: Veal, Lee <Veal.Lee@epa.gov>
Date: Wed, Jul 8, 2020 at 11:32 AM
Subject: RE: Letter with specific Questions Related to the FDA review and to the EPA, CDC, NIOSH and FDA Jurisdiction on EMFs
To: Theodora Scarato <Theodora.Scarato@ehtrust.org>

Dear Director Scarato;

Thank you for sending us your questions and references regarding radiofrequency (RF) radiation. Up through the mid-1990s, EPA did study non-ionizing radiation. The Telecommunications Act of 1996 directs the Federal Communications Commission (FCC) to establish rules regarding RF exposure, while the U.S. Food and Drug Administration (FDA) sets standards for electronic devices that emit non-ionizing or ionizing radiation. EPA does not have a funded mandate for radiofrequency matters, nor do we have a dedicated subject matter expert in radiofrequency exposure. The EPA defers to other agencies possessing a defined role regarding RF. Although your questions are outside our current area of responsibilities, we have provided a response to each one as you requested.

1. What is your response to these scientists' statements regarding the FDA report and the call to retract it?

EPA Response: The EPA does not have a funded mandate for radiofrequency matters, has not conducted a review of the FDA report you cited or the scientists' statements, and therefore has no response to it.

2. To the FDA- What consultants were hired for the FDA review and report on cell phone radiation?

EPA Response: This is not an EPA matter. Please refer this question to the FDA.

3. What US agency has reviewed the research on cell phone radiation and brain damage? I ask this because the FDA only has looked at selected studies on cancer. If your agency has not, please simply state you have not.

EPA Response: EPA's last review was in the 1984 document Biological Effects of Radiofrequency Radiation (EPA 600/8-83-026F). The EPA does not currently have a funded mandate for radiofrequency matters.

4. What US agency has reviewed the research on damage to memory by cell phone radiation? If so, when and send a link to the review.

EPA Response: EPA's last review was in the 1984 document Biological Effects of Radiofrequency Radiation (EPA 600/8-83-026F). The EPA does not currently have a funded mandate for radiofrequency matters.

5. What US agency has reviewed the research on damage to trees from cell phone radiation? If so, when was it issued and send a link to the review. Note this study showing damage from long term exposure to cell antennas.

EPA Response: The EPA does not have a funded mandate for radiofrequency matters, and we are not aware of any EPA reviews that have been conducted on this topic. We do not know if any other US agencies have reviewed it.

6. What US agency has reviewed the research on impacts to birds and bees? If so, when and send a link to the review. I will note the latest research showing possible impacts to bees from higher frequencies to be used in 5G.

EPA Response: The EPA does not have a funded mandate for radiofrequency matters, and we are not aware of any EPA reviews that have been conducted on this topic. We do not know if any other US agencies have reviewed it.

7. What is a safe level of radiofrequency radiation? I ask this because the FDA and FCC both state they do not need to test cell phones at body contact and it is proven that phones will create exposure that are higher than FCC limits when phones are tested in these positions.

The Telecommunications Act of 1996 directs the FCC to establish rules regarding radiofrequency (RF) exposure. The U.S. Food and Drug Administration (FDA) sets standards for electronic devices that emit non-ionizing or ionizing radiation. The EPA defers to these regulatory authorities for the establishment of safe levels of radiofrequency radiation.

8. The FDA and FCC have been provided with information and published data showing the fact that cell phones create cell phone radiation exposures that violate FCC limits. What agency has the job of ensuring accountability that the American public is not exposed to RF radiation that exceeds FCC limits. The FCC has test protocols that say body contact tests are not needed. The FDA refers to the FCC. Yet the fact is that cell phones exceed FCC limits when tested in body contact positions. Are the FCC limits legitimate? These FCC limits are being violated. Who is the responsible agency that will ensure Americans are protected? The FCC says their rules are not being violated as their rules allow for a space between the phone or device and the body? The FDA says there is a safety factor so there is no need for them to act (and will not state what the safety factor for a cell phone is) . YET government limits are being exceeded. Are agencies fine with limits being violated? If so please explain at what level of cell phone radiation a federal agency will step in? If so, which agency has jurisdiction? (March 12, 2019 Publication on Om Gandhi's paper on radiation emissions violating FCC limits 11 times and August 21, 2019 Chicago Tribune cell phone testing data released)

EPA Response: The Telecommunications Act of 1996 directs the FCC to establish rules regarding radiofrequency (RF) exposure. The U.S. Food and Drug Administration (FDA) sets standards for electronic devices that emit non-ionizing or ionizing radiation. The EPA does not have a funded mandate for radiofrequency matters, and the questions you raise are outside of EPA's areas of responsibilities and current expertise. Please refer this question to the FCC and FDA.

9. The National Toxicology Program states clear evidence of cancer was found and the FDA disputes this because it was just an animal study. However birds fly and nest on cell antennas mounted on towers, bees fly in front of antennas and family pets (dogs, cats) will sit directly on or near Wi-Fi routers and smart speakers despite the fact that the manuals state humans should be at a minimum of 20 cm from wireless devices (far more from antennas of towers). What about the impact on these animals? What is the US government doing to ensure safety for wildlife and family pets?

EPA Response: The EPA does not have a funded mandate for radiofrequency matters, and the questions you raise are outside of EPA's area of responsibility and current expertise. We defer to FDA to provide a response regarding their findings.

10. Please send me the staff member of your respective agency who is on the Interagency Radiofrequency Workgroup as I have repeatedly tried to get this information and it is never provided to me.

EPA Response: The Radiofrequency Interagency Work Group (RFIAWG) is an informal forum for exchange of information and the group does not meet to set, or advise on, policy, rulemaking or guidance. The group has not met in more than two years.

11. The FDA only reviewed selected studies on cancer until 2018. Most recently, the American Cancer Society funded radiation in people with genetic susceptibilities. The National Toxicology Program published research showing DNA damage. Will the FDA be updating it's review with these studies? If not, then what agency is accountable to American public to ensure humans are not harmed?

EPA Response: The questions you raise are outside of EPA's areas of responsibilities and current expertise. Please direct questions about FDA activities to FDA.

12. What agency ensures safety related to extremely low frequency (ELF-EMF) electromagnetic fields- also non ionizing? Currently we have no federal limit, no federal guidelines and confirmed associations with cancer and many other health effects. Kaiser Permanente researchers have published several studies linking pregnant women's exposure to magnetic field electromagnetic fields to not only increased miscarriage and but also increased ADHD, obesity and asthma in the woman's prenatally exposed children. A recent large scale study again found associations with cancer. Please clarify which US agency has jurisdiction over ELF-EMF exposures?

EPA Response: There are no U.S. Federal standards limiting residential or occupational exposure to electric and magnetic fields (EMF) from power lines. The EPA does not have a funded mandate for radiofrequency matters.

13. When it comes to cell phone radiation SAR thresholds, what is your understanding of the "safety factor" in place?

EPA Response: EPA last commented on FCC proposals for SAR limits in the 1996 FCC 96-236. The Telecommunications Act of 1996 directs the FCC to establish rules regarding radiofrequency (RF) exposure. The U.S. Food and Drug Administration (FDA) sets standards for electronic devices that emit non-ionizing or ionizing radiation. The EPA defers to these regulatory authorities for the establishment of safe levels of radiofrequency radiation.

Sincere regards,
Lee Ann B. Veal
Director, Radiation Protection Division

Office of Radiation and Indoor Air
www.epa.gov/radiation

April 21, 22 We do not recall seeing radiation exposure addressed in the air quality section of a CEQA document.

From: Christine Asiata <Christine.Asiata@OPR.CA.GOV>
Sent: Thursday, April 21, 2022 11:24:43 AM
To: OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>;
Subject: RE: Where does CEQA stand with regards to wireless infrastructure and FCC regulations

Hello REDACTED

Thank you for your email.

CEQA is a self-executing statute. Public agencies are entrusted with compliance with CEQA and its provisions are enforced, as necessary, by the public through litigation and the threat thereof.

The Governor's Office of Planning and Research (OPR) does not have regulatory authority and does not enforce the California Environmental Quality Act (CEQA). The State Clearinghouse (SCH) collects CEQA documents to provide notice to the public, responsible agencies, and trustee agencies.

If you believe there are legal or environmental issues with a project that is subject to CEQA, please contact the Lead agency (agency proposing the project) to express your concerns. If you are in need of legal advice, consider contacting an attorney who specializes in land use and environmental law. OPR cannot provide legal advice.

We do not recall seeing radiation exposure addressed in the air quality section of a CEQA document. If radiation exposure were addressed in a CEQA document it may be analyzed in the Greenhouse Gas Emissions and/or Hazards section.

The following are resources:
https://www.califaep.org/docs/2022_CEQA_Statue_and_Guidelines.pdf (reference Chapter 1: Policy)

https://opr.ca.gov/planning/general-plan/guidelines.html (reference Chapter 10 CEQA)

Information compiled by Environmental Health Trust ehtrust.org

You may utilize the CalEPA environmental complaint system to report any environmental concerns.

You may check the CEQAnet to see what other agencies have mentioned in their projects on radiation.

Contacts that could possibly share some of their regulations are:
CA Air Resources Board: californiaenvironmentalqualityact@arb.ca.gov
CA Public Utilities Commission: lsw@cpuc.ca.gov
CA Department of Toxic Substances Control: CEQAReview@dtsc.ca.gov
CA Department of Fish and Wildlife: regulations@wildlife.ca.gov

Hope this helps.

**Note: No reply, response, or information provided constitutes legal advice.

Christine Asiata Rodriguez | SCH Manager
California Governor's Office of Planning & Research (OPR)
State Clearinghouse (SCH) Division
Christine.asiata@opr.ca.gov
1400 10th Street, Suite 113 | Sacramento, CA 95814
(916) 445-0613 Main | (916) 322-9847 Direct

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Communications between mother and CAL EPA: April 23, 2022 Linda Lye states the CAL EPA "respectfully declines" the mothers request for a meeting.

Excerpts

Dear Natalie,
I still have nothing to add to my prior response, and respectfully decline your request for a meeting.
Best,

Linda

From: Lin Residents <linresidents@gmail.com>
Sent: Friday, April 22, 2022 3:57 PM
To: Lye, Linda@EPA <linda.lye@calepa.ca.gov>
Cc: Hutzel, Michelle@EPA <Michelle.Hutzel@calepa.ca.gov>; Javid, Hasti@EPA <hasti.javid@calepa.ca.gov>; McKinley, Kristen@EPA <Kristen.McKinley@calepa.ca.gov>; Hutzel, Michelle@EPA <Michelle.Hutzel@calepa.ca.gov>; Theodora Scarato <Theodora.Scarato@ehtrust.org>; gilietzeela@gmail.com
Subject: Re: Renter left..

EXTERNAL:

Linda,

Good afternoon! If you can please answer my e-mail it will be greatly appreciated, we would like to set up a meeting to further discuss Lindley ave 5g issue and the adverse our community is experiencing.

Thanks,
Natalie K.

—-
On Tue, Apr 19, 2022 at 3:06 PM Lye, Linda@EPA <linda.lye@calepa.ca.gov<mailto:linda.lye@calepa.ca.gov>> wrote:
Dear Natalie,

I regret that I do not have anything further to add. CalEPA lacks authority over the issues you are raising. FDA sets standards for electronic devices that emit non-ionzing or ionizing radiation. FCC sets limits on exposure to the electromagnetic radiation from cell phones and towers.

https://www.epa.gov/radiation/radiation-resources-outside-epa#:~:text=The%20Federal%20Communications%20Commission%20(FCC,Devices%20and%20Health%20ConcernsExit<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.epa.gov%2Fradiation%2Fradiation-resources-outside-epa%23%3A~%3Atext%3DThe%2520Federal%2520Communications%2520Commission%2520(FCC%2CDevices%2520and%2520Health%2520ConcernsExit&data=05%7C01%7Clinda.lye%40calepa.ca.gov%7C3b5cc547e73a4db6b3a408da24b360b5%7Cfedfd73812164730a902fd41fa7f4dbc%7C0%7C1%7C637862651678457363%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=c97rfQF%2BLvmqRViWBhGCyqmz%2BlREL8IPPCCZ0yOnmgc%3D&reserved=0>

Best regards,

Linda

—

Dear Natalie,

(Please excuse the informality but I wasn't sure of your last name.)

I am the General Counsel of CalEPA and am familiar with the extent of our legal authority and unfortunately it does not extend to the radio frequency issues described in your email below. My colleague Hasti Javid referred you to the appropriate agencies for further inquiry. I regret that I must respectfully decline your request for a meeting with the Secretary as this issue does not fall within our agency's jurisdiction.

Best regards,

Linda Lye

Linda Lye

Deputy Secretary for Law Enforcement and General Counsel

Office of the Secretary

California Environmental Protection Agency

1001 I Street, 25th Floor

Sacramento, CA 95814

Work Cell: (916) 769-9285
[cid:image004.jpg@01D85691.370F35E0]
—

On Apr 12, 2022, at 1:27 PM, Javid, Hasti@EPA <hasti.javid@calepa.ca.gov<mailto:hasti.javid@calepa.ca.gov>> wrote:

The State agencies that CalEPA oversees have no legal regulatory authority over radio frequency fields or RF/MW exposure standards. Your questions and concerns would be better directed to the FCC's Enforcement Bureau: https://www.fcc.gov/enforcement<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fcc.gov%2Fenforcement&data=05%7C01%7Clinda.lye%40calepa.ca.gov%7C3b5cc547e73a4db6b3a408da24b360b5%7Cfedfd73812164730a902fd41fa7f4dbc%7C0%7C1%7C637862651678614362%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=q%2FsLDFTXBXdJTcQp8kMf3xNbagtuCe2eh5rIkrDzhWM%3D&reserved=0>. Since this topic is not within our area of expertise, I suggest asking the FCC to provide information on "what agency with health and science expertise is reviewing the science to ensure cell tower radiation limits are safe and that FCC limits are protective."

The U.S. EPA has information posted on their website that also directs citizens to the FCC. Please note that U.S. EPA is not the same agency as CalEPA.

U.S. EPA Website: Where can I find information about living near a cell phone tower?

https://www.epa.gov/radiation/where-can-i-find-information-about-living-near-cell-phone-tower<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.epa.gov%2Fradiation%2Fwhere-can-i-find-information-about-living-near-cell-phone-tower&data=05%7C01%7Clinda.lye%40calepa.ca.gov%7C3b5cc547e73a4db6b3a408da24b360b5%7Cfedfd73812164730a902fd41fa7f4dbc%7C0%7C1%7C637862651678614362%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=vhtCOji9QH0gG5L%2B0sUXI%2BzK1diuXYuxyEpQLNPCC4g%3D&reserved=0>

Hasti Javid, REHS

CalEPA Enforcement Officer

Office of the Secretary

California Environmental Protection Agency

1001 I Street, 25th Floor, Sacramento, CA 95814

Hasti.Javid@calepa.ca.gov<mailto:Hasti.Javid@calepa.ca.gov>

Information compiled by Environmental Health Trust ehtrust.org

Cell: (916) 708-3885

March 29, 2022 Laurie Lenkel FDA Ombudsman writes that the FCC has authority regarding the 5G tower.

March 29, 2022 Letter from Laurie Lenkel FDA Ombudsman

On March 29, 2022, at 12:21 PM, OC Ombudsman <Ombuds@oc.fda.gov> wrote:

Natalie,

In follow-up to our initial conversation, FDA is responsible for protecting the public health from hazardous or unnecessary radiation from radiation emitting *electronic products.* The Federal Communication Commission (FCC) has jurisdiction over all radiofrequency transmitting structures in the United States. Therefore, the 5G tower you inquired about is under the authority of the FCC, not the FDA. I have copied Howard Griboff on this message so that he is aware of the limitation of FDA's authority.

When I inquired into your concerns I found that a few months ago the Deputy Director of FDA's Center for Devices and Radiological Health (CDRH) explained the scope of FDA's regulatory authority as well as responded to your questions. In addition, the Ombudsman for CDRH offered to be your contact if you had any new questions that had not been answered by the Center.

I understand that this issue is very important to you. I hope this information is helpful.

Laurie

Laurie Lenkel
FDA Ombudsman
https://www.fda.gov/about-**fda**/office-chief-scientist/**fda-ombudsman**

In follow-up to our initial conversation, FDA is responsible for protecting the public health from hazardous or unnecessary radiation from radiation emitting *electronic products.* The Federal Communication Commission (FCC) has jurisdiction over all radiofrequency transmitting structures in the United States. Therefore, the 5G tower you inquired about is under the authority of the FCC, not the FDA. I have copied Howard Griboff on this message so that he is aware of the limitation of FDA's authority.

When I inquired into your concerns I found that a few months ago the Deputy Director of FDA's Center for Devices and Radiological Health (CDRH) explained the scope of FDA's regulatory authority as well as responded to your questions. In addition, the Ombudsman for CDRH offered to be your contact if you had any new questions that had not been answered by the Center.

I understand that this issue is very important to you. I hope this information is helpful.

Laurie

Laurie Lenkel
FDA Ombudsman
https://www.fda.gov/about-**fda**/office-chief-scientist/**fda-ombudsman**

Mar 1, 2022, 5:43 PM Mother writes Mr. Abiy Desta CDRH Ombudsman with 3 questions

Dear Mr. Abiy Desta CDRH Ombudsman,

Thank you so much for writing. I truly appreciate that the FDA is reading my letters. However I simply cannot understand how the FDA would refuse to answer these simple questions related to its posted information on cell phone radiation. After all, transparency is the most important aspect of good government.

I ensured my questions simply need a yes or no response or a page number so I respectfully ask that you at least provide a response. After all, I have a cell tower in my front yard and so far, no federal entity can provide me the safety assurances any mother or neighborhood would want. They all point to the FCC, who points to the FDA so in fact you are the correct agency. If you are not them you should clarify that you have not done any risk evaluations in regards to cell towers and then send me to the agency that I should look to for expertise please.

I am making an inquiry because:

1. I wrote the FCC who expressly sent me to you - the FDA
   I received an email from Ellen Flannery on January 11, 2022 stating that, “We have reviewed the questions that you listed below. The Food and Drug Administration (FDA) does not regulate cell towers or cell tower radiation. Therefore, FDA has no studies or information on cell towers to provide in response to your questions.”
2. I asked follow up questions that any mother and neighborhood would want to know the answer to but the FDA has not responded. My questions are the following:

So here are my 3 easy questions and I would like them responded to please.

1. Is the FDA literature review (link here) that you refer to in your emails to in your a proper “risk analysis” or “health effects evaluation” for wireless cell tower and cell phone radiation? (It looks like it just summarizes studies so im not sure how you calculated risk.) **Please respond yes or no.**

2. Are you saying this FDA literature review (according to your emails to me which repeatedly present this literature review) is an official “safety determination by the FDA” in regards to cell tower radiation? Cell towers create nonstop day and night full body exposures. Please confirm this literature review is or is not a safety evaluation. (and--- If it is just an evaluation for cell phones, please clarify, if it is for both phones and towers please clarify both. **Please answer simply yes or no.**

3. If it is a proper FDA safety evaluation or risk or hazard evaluation or determination of protection from FCC limits, please show me in the literature review where there is any evaluation of FCC human exposure limits for cell towers. What page please? I simply need you to share with me where the FDA evaluates this as again, the only report you have is a literature review but I see not comparison of the studies or any way you actually show you looked at the various studies and weighted them and calculated risk. **Please simply send the page number in the literature review (where you show an evaluation of the FCC cell tower maximum permissible levels and compare this to the scientific research findings).**

I ask these 3 important questions because the FDA attorney stated in its response to my question, “What US health agency has reviewed the totality of the research to ensure safety for my children?” that “As stated above EPA, NIOSH, OSHA, NCI and FDA post on their webpage each agency’s determination of the safety or radiofrequency energy exposure based on the available scientific evidence.” however the EPA, NIOSH, OSHA and NCI have not don any research review. In fact the FDA is the only agency that has any sort of documentation of even looking at the science. However all I see online is that literature review- now well outdated. Therefore I think it is only fair the FDA would answer me a simple yes or no answer.

March 1, 2022 at 9:36:28 AM PST Abiy Desta CDRH Ombudsman writes to state her “continued emails on issues that have already been addressed have exceeded the limits of what the FDA can do in response.”

From CDRH Ombudsman <CDRHOmbudsman@fda.hhs.gov>

Date: March 1, 2022 at 9:36:28 AM PST

To: Lindley Residents <lindleyresidents4869@gmail.com>

Cc: CDRH Ombudsman <CDRHOmbudsman@fda.hhs.gov>

Subject: RE: [EXTERNAL] Re: No response 5g tower e-mail

Dear Ms. K and others,

First please allow me to introduce myself, my name is Abiy Desta, and I am the Ombudsman for the Center for Devices and Radiological Health (CDRH). In my role as Ombudsman for CDRH, I have reviewed your communications with various FDA officials over the past several months and I have concluded the FDA has made every attempt to respond to your questions. However, your continued emails on issues that have already been addressed have exceeded the limits of what the FDA can do in response.
I have requested FDA staff to forward future communication without response to the Office of the Ombudsman. You may continue to communicate with the CDRH Ombudsman office by email (CDRHOmbudsman@fda.hhs.gov); however, please be advised only messages that contain inquiries that have not been previously addressed and are relevant to FDA's regulatory authority will receive a reply.

Best regards,
Abiy Desta

Abiy Desta
CDRH Ombudsman
Center for Devices and Radiological Health
Office of Policy
U.S. Food and Drug Administration

Mother repeatedly writes asking for a response- Note- all of these emails are not included in this document as there are several

To Whom it may concern,

This is beyond frustrating that over 30 people are on this e-mail from government agencies and NO one can answer a pleading neighborhood for answers.

We are begging for answers:

1. Is the FDA literature review (link here) you refer to a risk analysis or health effects evaluation for wireless cell tower and cell phone radiation? (It looks like it just summarizes studies so im not sure how you calculated risk.)

2. Are you saying this FDA literature review makes an official "safety determination by the FDA" in regards to cell tower radiation? Cell towers create nonstop day and night full body exposures. Please confirm this literature review **is** or **is not** a safety evaluation. (and--- If it is just an evaluation for cell phones, please clarify, if it is for both phones and towers please clarify both.

3. If it is a proper FDA safety evaluation or risk or hazard evaluation or determination of protection from FCC limits, **please show me in the literature review where there is any evaluation of FCC human exposure limits for cell towers. What page please?**

Sincerely,
Natalie K.

On Jan 24, 2022, at 6:09 AM, Flannery, Ellen <Ellen.Flannery@fda.hhs.gov> wrote:

Subject: RE: [EXTERNAL] Re: NO Response: 5g Tower e-mail

Dear Ms. K.

Please find the responses to your questions to FDA below:

"… which U.S. health and safety agency does have accountability on this issue- cell towers, small cells and 5G networks".
The Food and Drug Administration (FDA) is responsible for protecting the public from hazardous or unnecessary radiation exposure from radiation emitting electronic products. More information on FDA's radiological health program can be found here. The Federal Communication Commission (FCC) has jurisdiction over all radiofrequency transmitting structures in the United States (for additional information please see link here). The FCC is the U.S. government agency that is responsible for making sure radiofrequency transmitting structures meet radiofrequency energy exposure guidelines it adopted. The exposure guidelines are based on thresholds for known biological effects, and they incorporate prudent margins of safety. In adopting the current radiofrequency energy exposure guidelines, the FCC obtained input from the Environmental Protection Agency (EPA), the National Institute for Occupational Safety and Health (NIOSH), the Occupational Safety and Health Administration (OSHA) and FDA. EPA (link here), NIOSH (link here), OSHA (link here) and FDA (link here) all maintain websites to inform the public on the safety of radiofrequency energy exposure. In addition The National Cancer Institute also maintains a website on the safety of radiofrequency energy exposure (link here).

"What US health agency has reviewed the totality of the research to ensure safety for my children?"
As stated above EPA, NIOSH, OSHA, NCI and FDA post on their webpage each agency's determination of the safety or radiofrequency energy exposure based on the available scientific evidence.

"*Does the FDA issue a scientific literature review on cell phones and radiofrequency radiation (RFR) and cancer apply to cell towers?"*
While FDA's primary focus has been on devices emitting radiofrequency energy close to sensitive organs such as the human brain, FDA has reviewed a number of the animal studies that looked at life time exposure to radiofrequency energy. The length of radio frequency energy exposure in these studies is similar to exposure one may get from radiofrequency energy transmitting structures.

"…FDA's doctors, scientists and engineers monitor the scientific studies and public health data for evidence that radiofrequency energy from cell phones could cause adverse health effects." Where are the reports of such monitoring? Which studies do you look at? When you say monitor what does this mean? Do you have meetings or presentations? If so, where can I find the details of such monitoring?"
Please see FDA's review of published the literature between 2008 and 2018. This review was conducted in 2019 and published in February 2020 https://www.fda.gov/media/135043/download. This is the most current publication the FDA has put out on the safety of radio frequency energy.

"…*There is no consistent or credible scientific evidence of health problems caused by the exposure to radiofrequency energy emitted by cell phones." Please share with me where you and the FDA staff substantiate such a conclusion? Does the FDA have a report of the studies they evaluated to develop this conclusion of no evidence?"*
Please see report referenced above. Please note the conclusions reached by the FDA are consistent with the conclusions reached by other health agencies that have evaluated the available scientific literature.

"…Also why are these towers placed on our street without our knowledge? How is this acceptable?"
FDA does not have regulatory authority over the placement of radio frequency emitting structures. For additional information please see FCC's website on the topic here.

Ellen J. Flannery, J.D.
Deputy Center Director for Policy
Director, Office of Policy

Center for Devices and Radiological Health
Office of Policy
U.S. Food and Drug Administration
Tel: 301-796-5900
Ellen.Flannery@fda.hhs.gov





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https://www.research.net/s/cdrhcustomerservice?ID=5000&S=E

January 18, 2022 at 5:48:46 AM PST FDA sends form letter saying the FCC regulates cell phone towers.

From: DICE@fda.hhs.gov
Date: January 18, 2022 at 5:48:46 AM PST
To: lindleyresidents4869@gmail.com
Subject: Support at FDA/DICE Re:Re: NO Response: 5g Tower e-mail [ref:_00Dd0fegA._500t0wJKwF:ref]

Dear Ms. XXXREDACTED

Thank you for contacting the Division of Industry and Consumer Education (DICE) at FDA's Center for Devices and Radiological Health (CDRH) DICE@fda.hhs.gov e-mail account.

You are inquiring about cell phones and specifically cell towers.

The Federal Communications Commission (FCC) regulates systems such as cell phone towers. Exposure levels from cell phone towers must comply with the FCC's radiofrequency (RF) radiation exposure guidelines, which were developed to protect the public from RF-related health risks. You can find more information about cell phone tower siting on the FCC Tower and Antenna Siting Issues page.

Additionally, the FDA has some resources available for you related to cell phones online:

Information compiled by Environmental Health Trust ehtrust.org

Cell Phones
https://www.fda.gov/radiation-emitting-products/home-business-and-entertainment-products/cell-phones

Scientific Evidence for Cell Phone Safety
https://www.fda.gov/radiation-emitting-products/cell-phones/scientific-evidence-cell-phone-safety

Reducing Radio Frequency Exposure from Cell Phones
https://www.fda.gov/radiation-emitting-products/cell-phones/reducing-radio-frequency-exposure-cell-phones

Radio Frequency Radiation and Cell Phones
https://www.fda.gov/radiation-emitting-products/cell-phones/radio-frequency-radiation-and-cell-phones

Sincerely,
Consumer Team
Division of Industry and Consumer Education
Office of Communication and Education
Center for Devices and Radiological Health
U.S. Food and Drug Administration

January 11, 2022 Ellen Flannery of the Director of the Office of Policy Center for Devices and Radiological Health of the FDA responds that the FDA does not regulate cell towers.

January 11, 2022 at 3:59 PM
From Ellen.Flannery@fda.hhs.gov to XXX Mother redacted

Dear Ms. XXX Redacted

I have read your emails, and I appreciate your questions and concern for your family and neighbors.

We have reviewed the questions that you listed below. The Food and Drug Administration (FDA) does not regulate cell towers or cell tower radiation. Therefore, FDA has no studies or information on cell towers to provide in response to your questions.

Howard Griboff of the FCC previously explained to you (November 21) that RF exposure from a cell phone is higher than from a cell phone tower, which is why you are finding that studies focus on cell phone RF exposure.

As you are aware, FDA issued a scientific literature review on cell phones and radiofrequency radiation (RFR) and cancer, which can be found here: https://www.fda.gov/media/135043/download In that review, FDA stated: "Based on the studies that are described in detail in this report, there is insufficient evidence to support a causal association between RFR exposure and tumorigenesis. There is a lack of clear dose response relationship, a lack of consistent findings or specificity, and a lack of biological mechanistic plausibility."

Additionally, the FDA's doctors, scientists and engineers monitor the scientific studies and public health data for evidence that radiofrequency energy from cell phones could cause adverse health effects. There is no consistent or credible scientific evidence of health problems caused by the exposure to radiofrequency energy emitted by cell phones.

The people who are experiencing the symptoms you mentioned might wish to consult a physician about how best to address those symptoms.

Thank you for contacting FDA.

Sincerely,
Ellen

Ellen J. Flannery, J.D.
Deputy Center Director for Policy
Director, Office of Policy

Center for Devices and Radiological Health

Office of Policy

U.S. Food and Drug Administration

Tel: 301-796-5900

Ellen.Flannery@fda.hhs.gov





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https://www.research.net/s/cdrhcustomerservice?ID=5000&S=E

January 10, 2022 Letter from XXX mother to FDA

Kassiday, Daniel F. H. <Daniel.Kassiday@fda.hhs.gov>; Shuren, Jeff <Jeff.Shuren@fda.hhs.gov>; Flannery, Ellen <Ellen.Flannery@fda.hhs.gov>

Dear Mr. Shuren and Mr. Kassiday,

This my 2nd attempt to get some answers. I wrote with NO response!

I hope you can help desperate mothers/fathers looking for help! I have been looking for answers for the last two years with every institution transferring me over from place to place. With No answers or help!

[name of FCC lawyer] who works at the FCC, says you will be able to help me with the answers my neighborhood is seeking. If you can NOT then I want to understAnd your logic for allowing 5g towers in residential areas where children sleep and play. Will you take the liability if children get sick? I am also astonished you are allowing these up during an ongoing pandemic!

The FCC has stated that you are ensuring FCC limits are safe. However I do not see any reports on cell tower radiation on your website or on long term exposure of radiofrequency. I had some specific questions

1. Does the FDA have authority over cell tower radiation and "small" cells? If so please share where I can find this in the law.
2. Where is the FDA report that reviewed the research on cell tower radiation and included science beyond cancer- such as impacts to children's developing brains, DNA damage, fertility effects, headaches and oxidative stress.
3. Where is the FDA report that has reviewed FCC limits as all I see is a literature review on cell phones and cancer, but this is not an FCC limit review for cell tower network emission limits. Please send me the link.
4. Can you share research studies on cell phone towers and people that show long term exposure is safe please. Do any studies exist?
5. If the FDA is not the agency that ensures protections from cell tower radiation --then which U.S. health and safety agency does have accountability on this issue?
6. What US health agency has reviewed the totality of the research?
7. Who do I contact about the headaches and nosebleeds? Where do I submit a report on these symptoms clearly related to the cell antennas?

Thanks for your immediate help,
Sincerely,

XXX Mother

On Jan 7, 2022, at 1:41 PM, FCC lawyer redacted @fcc.gov> wrote:

XXX Redacted – we've covered your questions in multiple emails over the past year. Please ask the FDA your questions related to the FDA. I'm unable to engage in this back-and-forth further without new engineering data showing that the small cell on Lindley exceeds the maximum permissible exposure limits currently in effect for the transmitted frequencies, and will not further reply.

Have a great weekend –
XXX FCC Lawyer redacted

From: Mother-redacted
Sent: Friday, January 7, 2022 12:37 PM
To:FCC lawyer @fcc.gov>
Cc includes: ellen.flannery@fda.hhs.gov; Tonya.Wilbon@fda.hhs.gov; Michael Owens <michael.owens@lacity.org>; brad.sherman@mail.house.gov; garnet.hanley@fcc.gov; Donald Johnson <Donald.Johnson@fcc.gov>; Terri.Garvin@fda.hhs.gov; asa4@cdc.gov; CMcCurley@cdc.gov; KPollard@cdc.gov; jdbO@cdc.gov; Daniel.Kassiday@fda.hhs.gov; Bakul.Patel@fda.hhs.gov; Brian.Beard@fda.hhs.gov; Michael.OHara@fda.hhs.gov; Mary.Pastel@fda.hhs.gov; Robert.Ochs@fda.hhs.gov; Jeff.Shuren@fda.hhs.gov; byw3@cdc.gov; Mark@keepcellantennasaway.org; Eric <enk21@yahoo.com>
Subject: Re: Your latest email

Hi XXX redacted FCC Lawyer

Thank you for the response. However, the tower will never exceed the 10,000,000 m2 the U.S allows, because it is set so high. I have spoken to many engineers. Is that why you place the standards so high so you never have to look into these towers?

Why are our radiation set higher then any other country? Now, you have told me in numerous e-mails that you have NO data supporting the fact that these towers are safe?

How do you allow yourself as a LAWYER for the FCC to take the liability if you have NO research to back up that it safe for my kids to sleep near one of these?

Howard, you do NOT know me, but as a Mother, I will NOT stop and will get as many people involved till you prove to me this is safe (which you have NOT) and remove it!

You said "the Lindley small cell does not exceed the FCC's maximum permissible exposure limits that have been deemed by the FDA not to show adverse health effects in humans"

However the FDA has not reviewed the limit for cell towers.. or has it? You said their was NO report? So how can you be so sure? How can mothers sleep at night if you have no report to back up your statements?

Is NOSE BLEEDS, Headaches, people moving, nauticious not enough for you? What else would you need? Why wouldn't the FCC take the time to check this tower? Isn't that your job to keep us safe?

Can you please share:
1. Where the FDA has authority over cell tower radiation
2. The FDA report that reviewed the research (including)on cell tower radiation
3. The FDA report that has reviewed FCC limits.

Does the FCC have these FDA reports? **-as you are alluding to such FDA reports?**

Many from the FDA are on this e-mail.

If you do NOT have answers you should NOT allow these on residential streets. Howard I am not sure if you are a father but where is the empathy for us mothers who have to fight these towers while our kids are home 24/7 during a pandemic?

Have a great day,
-Mother Redacted

On Nov 9, 2021, at 6:21 AM, [FCC Lawyer@fcc.gov]> wrote:
[REDACTED NAME] –

Since base station exposure levels typically are much lower than the exposure from cell phones, the bulk of research in this area is on the cell phones. Thus, the lack of US government reports on the base stations.

In any case, debating what studies say and whether particular reports exist does not change the fact that the radiated power from the Lindley small cell does not exceed the FCC's maximum permissible exposure limits that have been deemed by the FDA not to show adverse health effects in humans. Unless you can show that the Lindley small cell is operating higher than the FCC's maximum permissible exposure specifications, we have no legal authority or ability to help you. That's the information we need to continue this conversation.

I'm sorry I can't engage in this back-and-forth any further without new engineering data.

Take care,
[FCC Lawyer@fcc.gov]

From: [REDACTED NAME] K. <[REDACTED EMAIL]>
Sent: Monday, November 8, 2021 11:35 AM
To: [FCC Lawyer@fcc.gov]>
Subject: [EXTERNAL]: Re: Wait wait wait. I need to correct a few things here before I sign off for good.

CAUTION: This email originated from outside of the Federal Communications Commission. Do not click on links or open attachments unless you recognize the sender and trust the content to be safe. If you suspect this is a phishing attempt, please use the 'Report Message' feature in Microsoft Outlook or forward the email to the NSOC.

[FCC Lawyer@fcc.gov],

Thank you for always taking the time to answer my questions. Hope you had a great weekend and Shabbat. I will get an engineer shortly to measure the tower again in the meanwhile I have a few unanswered questions:

1) First you are dismissing the European Parliament report because it focuses **more on cell phones**, yet the FDA report suffers from the same problem. Why not say the same thing about the FDA report? The FDA report says it is focused on cell phones but then generalizes to Radiofrequency in general.

Plusthe FDA report pages 89 DO NOT SHOW CELL TOWERS are safe .What is your point? These are little rat /mice/ and rabbit studies that did short term exposures. My neighborhood is getting long term exposure??

Where is the US government report that focuses on cell towers? That is what I have been asking for and the FCC should have access to such a thing right?

A carcinogen is bad if my family is saturated day and night. Even at a low level, it is non stop.
I am looking for any US report that shows safety if a cell tower is feet away from the home.

2. Both CDMA and GSM caused cancer in the NIH rats! Are you saying there is a difference? If so then how you even for a heartbeat say 4G and 5G are safe as they are new technologies???

Please help me [FCC Lawyer@fcc.gov],
MY neighbors and I have NOT slept in weeks worrying about this!!

Thanks,
[REDACTED NAME] K.

On Nov 5, 2021, at 3:01 PM, [FCC Lawyer@fcc.gov]> wrote:

Hi [REDACTED NAME] – that was a large document to digest – thank you for bringing it to our attention.

The document isn't quite on point to our discussion, as the bulk of the studies and discussion is concerned with wireless phones – not the small cell infrastructure in the wireless network that's the source of your concern. For example, see section 7.1 ("The source of RF emissions that seems at present to pose the greatest threat is the mobile phone. Though transmitting installations (radiobase masts) are perceived by some people as providing the greatest risk, actually the greatest burden of exposure in humans generally derives from their own mobile phones, and epidemiological studies have observed a statistically significant increase in brain tumours and Schwann cell tumours of the peripheral nerves, mainly among heavy cell-phone users.").

The only study related to base stations that I can find in the document, in section 5.1.2, is a study on 2448 rats reproducing the environmental exposure to RF-EMF generated by 1.8 GHz GSM antenna at radio-base stations. However, there's no detail on the data points we've discussed (the distance of the rats from the base station transmitter, the power of the transmitter, the MPE limits involved), and in any case, GSM is a European standard, not used in the U.S. with the proliferation of CDMA and LTE here, so there's no way to apply any of the GSM results to the U.S. standards. [Note that the U.S. carriers are planning to phase out CDMA in 2022]

As to your questions about the FDA report, I was referring you to the entirety of pages 89 through 113 (the entire list of References), not just pages 89 and 113.

Regarding the "cell towers or this 5G technology that I hear uses millimeter waves," you are referring to as-yet unused frequencies for wireless services. See Section 6.2 of the document you sent stating that there's little

literature exploring the possible adverse effects on health from use of the millimeter wave frequencies. These would not be the frequencies operating at the Lindley small cell.

Finally, although I'm glad to see you're doing your own research, sending studies to us will not change our ability to legally have the small cell on Lindley shut off. Again: if you can send us new engineering data showing that the small cell on Lindley exceeds the maximum permissible exposure limits currently in effect for the transmitted frequencies, I/we will be able to respond accordingly. I've enjoyed the challenge of thinking about and answering your questions while I've had the time to do so; now I need to focus on newly-assigned projects.

[FCC Lawyer@fcc.gov]

On Oct 27, 2021, at 2:14 PM, [REDACTED NAME] K. <[REDACTED EMAIL]> wrote:
Wait [FCC Lawyer@fcc.gov]. Page 89 of the FDA report literally nothing about cell towers or this 5G technology that I hear uses millimeter waves.
pls page 113 has a Swedish and Netherlands Report Why are you sending me this? I am looking for USA reviews by top experts.

Do you know what I just found! a report from the European Parliament saying this radio frequencies probably cause cancer! PROBABLY See it here please Health Impact of 5G!
https://www.europarl.europa.eu/RegData/etudes/STUD/2021/690012/EPRS_STU(2021)690012_EN.pdf

Our children should be safe and our government should be looking at this with its top health experts. What do I do now? If the EPA sends me to you. The FDA has nothing on cell towers?
I appreciate your help but there is a cell tower outside my children's bedroom window. How do I keep them safe? Please tell me your thoughts? I am assuming you are a father, what would you do?

Please tell me who to contact at the FCC please.

Thanks,
[REDACTED NAME] K.

On Oct 27, 2021, at 12:47 PM, [FCC Lawyer@fcc.gov]> wrote:
YOU asked me about the EPA so I recommended you reach out there, since we don't speak for another agency. If they send you back to the FCC, that means they rely on our expertise. You should too.

I sent you what we have from the FDA, a federal health and safety agency. Read the entire 113 page report. Review pages 89-113 for citations to all of the relevant studies on your topic. If what you're looking for isn't there, then the FDA doesn't have one.

We searched broadly at your request and did not find anything else beyond what we sent you >> it's entirely possible there's nothing else to find, and you need to be at peace with that.

We are not a health agency and we are not responsible for answering on behalf of a health agency. Stop asking us to do so.

I assure you that my supervisor knows less about this than I do, as my working with you has educated me on these issues more than any attorney in the Office of Engineering and Technology. For that, I thank you.

From: [REDACTED NAME] K. <[REDACTED EMAIL]>
Sent: Wednesday, October 27, 2021 2:52 PM
To: [FCC Lawyer@fcc.gov]>
Subject: [EXTERNAL]: Re: We've come to an end of our discussion

[FCC Lawyer@fcc.gov],

You have been amazing and very patient. I appreciate that. Even though I do not personally know you, I feel grateful for that! I hope to meet you one day!

[FCC Lawyer@fcc.gov], you need to understand before anything I am a mother and that comes before my other priorities. I am here to protect my children. As your mother did for U!

[FCC Lawyer@fcc.gov], I just wrote you an email stating that the EPA- **which you sent me to-** says to go to the FCC.
I asked you for a report by a federal health and safety agency on cell tower radiation and you so far have not been able to find it. Why is that??

Your agency- the FCC- is allowing this tower in front of my home and **its radiation emissions are penetrating into my home and my children's rooms-** so your agency is RESPONSIBLE to answer my questions as to what health agency has reviewed the science on safety.

If you cannot answer my questions on where the safety report is **then please tell me to whom I can write? Surely someone at the FCC can answer this question! Maybe your manager- who do you report to!? I have asked a few times!!!**

Thanks [FCC Lawyer@fcc.gov],
Appreciate the help
[REDACTED NAME] K

Oct 27, 2021 FCC lawyer states

"If anyone has "studied what might happen to children if a cell tower is placed in front of their bedroom window," it's not here or anywhere else I'm aware of."

On Oct 27, 2021, at 10:43 AM, [FCC Lawyer@fcc.gov]> wrote:
Well [REDACTED NAME], I've patiently sent you everything I possibly could to answer your questions. My colleagues and I have spent numerous hours, gone well beyond the FCC's files for you, and sent multiple documents and web pages, including detailed engineering studies and health policy statements, with experts backing up everything I have relayed to assure you that the FCC is on top of the issues, so that you'd know you and your neighborhood are safe from the small cell on Lindley. Read all of that material in its entirety. Research the

supporting footnotes. Anyone who refers this issue to us (for example, apparently the EPA) does so because our engineers can be relied on to protect the public. If anyone has "studied what might happen to children if a cell tower is placed in front of their bedroom window," it's not here or anywhere else I'm aware of. As you surmise, there may not be such studies. But it's now up to you. And based on all of the facts you have presented, and electrical engineering science in general, the FCC has no legal basis to have the small cell on Lindley turned off.

I won't waste any more of your time. Please stop contacting me or anyone else at the FCC unless you have ***new engineering data*** showing that the small cell on Lindley exceeds the maximum permissible exposure limits currently in effect for the transmitted frequencies. Then we'll have something to talk about. Otherwise, I will not be responding to your emails from hereon.

Good luck with your crusade,
[FCC Lawyer@fcc.gov]

From: [REDACTED NAME] K. <[REDACTED EMAIL]>
Sent: Wednesday, October 27, 2021 11:48 AM
To: [FCC Lawyer@fcc.gov]>
Subject: Re: Hi [REDACTED NAME] -

[FCC Lawyer@fcc.gov],

I think we have discovered something. No one studied what might happen to children if a cell tower is placed in front of their bedroom window! **What happened to the US government! Surely this CANNOT BE! How can my family and neighborhood feel safe, please tell ME????**

[FCC Lawyer@fcc.gov], **the EPA website just sends me to the FCC!**
See what the EPA says on their websites below- "go to FCC" . **So that's why I'm going to you.**Surely someone at the FCC knows where a report is by an American agency !

The FDA has no information on cell towers [FCC Lawyer@fcc.gov]! The EPA sends me to the FCC!
So exactly what US agency IS watching the research!

The EPA sends me to the FCC and you are an FCC expert! - And you can't even find a single report by a United States Agency to show cell towers are safe!!!!!!
Where is a report that looks at published science FROM THIS CENTURY on cell tower day and night radiation and kids brain development?

Where is the US government review of cell tower radiation?

Surely for me and my family, the FCC has a report by some American health agency that looked at children health and cell towers? Are you telling me you don't know where to find one? There is a 5G cell tower IN FRONTof my home and the US government has zero safety studies on 5G and on cell towers?

EPA website: "Where can I find information about living near a cell phone tower?"
https://www.epa.gov/radiation/where-can-i-find-information-about-living-near-cell-phone-tower
says--"The Federal Communications Commission (FCC) regulates systems such as cell phone towers. Exposure levels from cell phone towers must comply with the FCC's radiofrequency (RF) radiation exposure guidelines, which were developed to protect the public from RF-related health risks. You can find more information about cell phone tower siting on the FCC Tower and Antenna Siting Issues page."
EPA Website: "Where can I find information about cell phone safety concerns?"
https://www.epa.gov/radiation/where-can-i-find-information-about-cell-phone-safety-concerns
says--- "The Federal Communications Commission (FCC) has adopted exposure limits to RF energy with which all

cell phones legally sold in the United States must comply. These limits are expressed in Specific Absorption Rate (SAR), which is a measure of the amount of RF energy absorbed by the body while using a mobile phone. For more information, please visit the FCC Wireless Phone FAQs and the FCC Wireless Devices Health Concerns Consumer Facts webpage."
Why are you sending me *another* World Health Organization webpage! *They have not done any researc*h and not even looked at this issue or at least you can't find any report by them! If they are not scientifically studying this issue they certainly can't have an opinion. All I see are these cute little WHO webpages - like the 2006 page you sent- **but no research to back it up!!**

[FCC Lawyer@fcc.gov] at this point with everything that my engineer and I have presented, as I know you have the authority, if you don't please send me to SOMEONE who does? All agencies point to the FCC. I called the WH0 yesterday and they told me to contact the FCC. Please stop waisting my time- i have children to take care of. Once again Please turn this off Immediately. You have 0 research on the side affects and long term affects it will have on my children and grandchildren.

Thanks,

[REDACTED NAME] K.

Email October 25, 2021 at 10:26:41 PM PDT- FCC lawyer admits WHO has not reviewed research with any report he could find.

From: [FCC Lawyer@fcc.gov]>
Date: October 25, 2021 at 10:26:41 PM PDT
To: "[REDACTED NAME] K." <[REDACTED EMAIL]>
Subject: RE: Hi [REDACTED NAME] -

[REDACTED NAME], correction: I am an attorney. I am not an engineer.

I received your voicemail.

To answer the questions from your most recent email:

- **There is no currently-released WHO research report. The WHO is completing a study with a 2022 release date.**
- **I forwarded a pdf of the FDA report last week. That document, comprising 113 pages, reviews the published literature between 2008 and 2018 of relevance to radiofrequency radiation and cancer.**
- **I do not have any contacts at the WHO. I refer you to two links on its public website: https://www.who.int/about/contact-us; https://www.who.int/about/collaborations-and-partnerships/who-office-at-the-united-nations.**
- **The WHO uses ICNIRP material as well as IEEE material for the information presented on its website Q&A on the issue. I sent you a pdf of the ICNIRP's guidelines last night, which is in the *National Institute of Health* library. I also sent a pdf of IEEE's review paper.**
- **The ICNIRP material has references to health studies used to arrive at its guidelines.**
- **You may find the ICNIRP guidelines' discussion of protections for children, pregnant women, sick and elderly people informative.**

[REDACTED NAME], the FCC is not a health agency. You need to contact the other agencies directly for information on the specific investigations or public health reports you seek, if any.

The FCC is a technology and engineering agency. My colleagues and I have tried to help you understand how the FCC applied the data from your submitted engineering study to our rules. Unless you present us with new engineering data showing that the small cell on Lindley is operating above the maximum permissible exposure limits, there is nothing else I can do for you.

Good luck,
[FCC Lawyer@fcc.gov]

From: [REDACTED NAME] K. <[REDACTED EMAIL]>
Sent: Monday, October 25, 2021 2:18 PM
To: [FCC Lawyer@fcc.gov]>
Subject: Re: Hi [REDACTED NAME] -

Hi [FCC Lawyer@fcc.gov],

Thanks for writing, and as always thanks for your help. However, I feel as though mine and my engineers questions were NOT answered.

[FCC Lawyer@fcc.gov] I believe you are an engineer for the FCC
So [FCC Lawyer@fcc.gov], as I read your information yesterday, you are telling me there are no reports by the World Health Organization and FDA that you could find? No research reviews? I do not want an engineer report! I want public health reports. ***Are you telling me the WHO and FDA have not looked at this?***

- **I asked you "Can you please tell me where the study is that the World Health Organization did to make a determination on safety and to conclude there is no harm? "and you said "** ***let's go back to the WHO Q&A for "Radiation: 5G mobile networks and health," https://www.who.int/news-room/q-a-detail/radiation-5g-mobile-networks-and-health (link provided here again for your convenience). See the last question, which says "WHO is conducting a health risk assessment from exposure to radiofrequencies, covering the entire radiofrequency range, including 5G, to be published by 2022." So there's no updated WHO study to send to you. " [FCC Lawyer@fcc.gov]. How can the World Health Organization say on its website that cell towers are safe when they do not have a research report on the radiation?. Does this make sense to you? Is there anyone I can contact there? I need this done ASAP as time is of the essence.***
- **I asked you, "Can you share with me a US government report that shows they looked at risk to children? You say there are studies that show safety, but where is the big research report - a risk assessment- where they looked at the research to see if radiation can increase our children's risk of cancer and brain damage?" and you did not respond.** ***Is there an FDA or EPA investigation into cell tower radiation or children..or any US government report please that looked at brain damage to kids?***

Please Explain? As the lack of knowledge is very concerning.

Thank you,
[REDACTED NAME] K.

Oct 24, 2021, at 9:55 PM there's no updated WHO study to send to you.

On Oct 24, 2021, at 9:55 PM, [FCC Lawyer@fcc.gov]> wrote:
Hi [REDACTED NAME] –

Not hard to access. Hard to find time among my other projects.

First off, this link to a Dec 2020 report from Deloitte provides an excellent lay-person's summary of the issues that we've been discussing: https://www2.deloitte.com/xe/en/insights/industry/technology/technology-media-and-telecom-predictions/2021/5g-radiation-dangers-health-concerns.html.

Next, let's go back to the WHO Q&A for "Radiation: 5G mobile networks and health," https://www.who.int/news-room/q-a-detail/radiation-5g-mobile-networks-and-health (link provided here again for your convenience). See the last question, which says "WHO is conducting a health risk assessment from exposure to radiofrequencies, covering the entire radiofrequency range, including 5G, to be published by 2022." So there's no updated WHO study to send to you.

So we look at the answer to the prior question on the Q&A, which notes "Two international bodies produce exposure guidelines on electromagnetic fields. Many countries currently adhere to the guidelines recommended by: The International Commission on Non-Ionizing Radiation Protection (*ICNIRP*) and The Institute of Electrical and Electronics Engineers (*IEEE*), through the International Committee on Electromagnetic Safety."

***ICNIRP:* I'm sending the attached ICNIRP March 2020 guidelines for limiting exposure to electromagnetic field for the protection of humans exposed to radiofrequency electromagnetic fields in the range 100 kHz to 300 GHz. These guidelines cover many applications such as 5G technologies, WiFi, Bluetooth, mobile phones and base stations, and apply to any possible frequencies used by the small cell on Lindley. ICNIRP works with the WHO and this guidelines release is an example of the studies that WHO relies on for its answers on the above-referenced Q&A page. The ICNIRP homepage provides further information: https://www.icnirp.org/en/activities/news/news-article/rf-guidelines-2020-published.html. Moreover, the Frequently Asked Questions related to the ICNIRP RF Guidelines 2020 answer many of your questions, including protections for children, pregnant women, sick and elderly people. https://www.icnirp.org/en/rf-faq/index.html. It's important to point out here that ICNIRP acknowledges that non-ionizing radiation *can* harm humans and the purpose of the guidelines is to set the limits where no harm would occur through exposure. The FCC's limits are conservative and do not cause harm under these guidelines.**

***IEEE:* I already sent you the latest info from IEEE's Committee on Man and Radiation, but here is a link to the Aug 2020 published version of the article (I had sent you a pre-published version): https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7337122/. I'm attaching a new pdf for easy reading. As you see, this article appears on the website of the National Center for Biotechnology Information (NCBI), under PubMed Central® (PMC), an archive of biomedical and life sciences journal literature at the U.S. National Institutes of Health's National Library of Medicine (NIH/NLM).**
[REDACTED NAME], there's no more I can do for you here at the FCC. I have sent you more than enough information from various reputable sources to support the FCC's application of the RF exposure limits to your situation. Please take the time to carefully review with your engineers everything I've sent.

Kind regards,
[FCC Lawyer@fcc.gov]

October 19, 2021 Mother asks for Research and reports

From: [REDACTED NAME] K. <[REDACTED EMAIL]>
Sent: Tuesday, October 19, 2021 11:42 AM
To: [FCC Lawyer@fcc.gov]>
Subject: Re: Hi [REDACTED NAME] -

[FCC Lawyer@fcc.gov],

Good Morning! Thank you for always being kind and answering my questions. The engineer that I am working with has been explaining to me this new technology- always tells me that cancer is on the rise especially in young children because of these cell towers so close in proximity to the home. Please clarify where I can find and show him the below information:

1. **Can you please tell me where the study is that the World Health Organization did to make a determination on safety and to conclude there is no harm? Do they have a report like the FDA where they look at studies? If NOT how can we be sure these "small cells" are safe in close proximity to our homes?**
2. **Can you share with me a US government report that shows they looked at risk to children? You say there are studies that show safety, but where is the big research report - a risk assessment- where they looked at the research to see if radiation can increase our children's risk of cancer and brain damage? Research is key when making an argument [FCC Lawyer@fcc.gov]. You keep pointing me back to the FCC website- their research is from 1996, which in my opinion since it is 25 years old should be null and void!**

Please share that information as I am only reading reports of the harm it does. I want to see a physical report like LADWP can share when questions are asked. Please share as soon as you can as I really looking for some answers before pursuing my next move.

As always thank you,
[REDACTED NAME] K.
From: [FCC Lawyer@fcc.gov]>
Date: October 18, 2021 at 7:50:04 PM PDT
To: "[REDACTED NAME] K." <[REDACTED EMAIL]>
Subject: RE: Hi [REDACTED NAME] -
Hi [REDACTED NAME],

Yes, the county council has approved small cells to be installed throughout my neighborhood. I'm not concerned.

As friends do, we'll have to agree to disagree regarding the extent of my empathy and the months-long efforts of many FCC staff from different bureaus who have answered your questions respectfully - in some cases, multiple times - to no avail. G-d prefers I help you and your neighbors by unravelling the misinformation from the facts. For example, in the link you sent today, the doctors have no basis in fact or science to connect 5G small cells to "microbots" and radiation emitting from vaccinated people. In comparison, we refer you to the medical expertise of the World Health Organization, https://www.who.int/news-room/q-a-detail/radiation-5g-mobile-networks-and-health (from Sept 2020) ("[t]o date, and after much research performed, no adverse health effect has been causally linked with exposure to wireless technologies"). More info from 2020 is attached, from the Institute of Electrical and Electronics Engineers' Committee on Man and Radiation, and the FDA's Center for Devices & Radiological Health. As you see, there is plenty of recent peer-reviewed data generated worldwide that supports the FCC's current

approach.

So, as before, based on the facts and data you've presented, and the rules currently in effect, we have no legal grounds to have the small cell site on Lindley turned off. If, after all of your emails with the FCC through today, you still want to pursue your agenda, you'll need to continue with your next path.

...
[FCC Lawyer@fcc.gov]

From: [REDACTED NAME] K. <[REDACTED EMAIL]>
Sent: Monday, October 18, 2021 12:45 AM
To: [FCC Lawyer@fcc.gov]>
Subject: Re: Hi [REDACTED NAME] -

Hi [FCC Lawyer@fcc.gov],

I just thought of something since I consider you a friend I wanted to know if you have a small cell tower near your home? My neighbors feels like a higher up like yourself should live near one before us civilians do. Why should be expected to live near one and our children be guinea pigs?

Please look below, more evidence of doctors saying the exact symptoms my neighbors are getting. [FCC Lawyer@fcc.gov] please do the right thing? I would hope because you are big believer in G-D that HASHEM would lead you to make the right decision.
https://rumble.com/vnvarf-doctors-call-for-an-immediate-stop-of-5g.html

Thanks,
[REDACTED NAME] K
From: [REDACTED NAME] K. <[REDACTED EMAIL]>
Sent: Saturday, October 16, 2021 1:37 PM
To: [FCC Lawyer@fcc.gov]>
Subject: Re: Hi [REDACTED NAME] -

[FCC Lawyer@fcc.gov],

...

[FCC Lawyer@fcc.gov] who is your supervisor I would like to make the FCC aware of how I am turning blue in the face with NO care from the FCC. I would like my neighborhood heard. Who can i talk to? If you say NO one I will be sure to find someone on my own.

I am really upset that the FCC can care less that my neighbors are having symptoms and your only response is "I am sorry" [FCC Lawyer@fcc.gov], as a Federal organization , that reports to the Government that should not be allowed "ooo I am sorry" your neighbors are sick basically Tuff luck! What??? How is that acceptable?? You tell me?? Are you for the people or do you discriminate and are only for corporations that pay the FCC big $$$$? I am confused! Because Michael Owens from Bob Blumfield kept saying the same thing? He will also be held accountable for all the time of mine he waisted during an ongoing pandemic.

The FCC lost a lawsuit and refuse to take action, so someone in my eyes needs to be held accountable till the FCC can produce more up to date information? I am not arguing, I am explaining to you what I will use in

my court case.

I will continue with my next path…unless you will turn this site off till you can produce up to date knowledge on how it is safe?

[FCC Lawyer@fcc.gov] looking for a response immediately.

I hope you have a wonderful weekend,
[REDACTED NAME] K.
