

Testimony before the Zoning Commission, March 19, 2007
Roundtable on proposed revision of Order 587 regulations

Submitted on behalf of the D.C. Statehood Green Party
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Summary: Zoning regulations governing radiofrequency antennas must consider each application not in terms of site-specific impact, but of incremental impact on residents' cumulative exposure to electromagnetic fields.

On behalf of the D.C. Statehood Green Party, I thank the Commission for holding this roundtable and for hearing perspectives based on concern for environmental justice, corporate accountability and D.C. taxpayer assets.

At the first session of this roundtable, several lobbyists for the wireless industry told you that you do not have the authority to protect my health. The industry asserts that this Commission's mandate is in conflict with the FCC's; that is a question to be resolved by the judicial branch. That prospect should not deter you from protecting D.C. residents.

You also heard FCC staff, in a video documentary, report that the FCC does not have the means to enforce its own public health standards governing radiofrequency antennas. It is, therefore, especially important that local regulations at least require certification that any proposed antenna would comply with exposure limits codified in federal law — which cannot be determined if applications are considered on the basis of site-specific impact; each application must be evaluated on the basis of its *incremental* impact on residents' *cumulative* exposure to electromagnetic fields.

We realize that there are many unanswered questions about the apparent correlation between electromagnetic fields and high rates of brain cancer and other serious health problems; therefore, we believe common sense dictates a regulatory framework that reflects caution, prudence, and a presumption in favor of public health in any case in which that interest might conflict with the special interests of corporations.

Until there is scientific consensus — among independent academic scientists, not those funded by the wireless industry — that new antennas pose no incremental risk to public health, there is no reason why We the People, who own the license rights to the spectrum, should approve any regulations that do not lay the burden of proof on the applicant that a special exception would not pose any incremental hazard to our health; and there is certainly no reason why we should approve any regulations that allow any new antennas “as a matter of right.”

Commendably, the NCPC “Guidelines and Submission Requirements for Antennas on Federal Property in the National Capital Region” provide for licensing review every five years, requiring a statement of continued need; that principle should be applied to all sites and the license period should be reduced in order to enable the public to ensure continuing compliance with the best and latest peer-reviewed scientific guidance available. As one of the industry lobbyists testified before you on March 5, in the wireless industry, even two years is a long time.

Finally, even in cases where a proposed antenna does demonstrably cause no incremental hazard to public health, there is no reason why We the People should be bound by any regulatory presumption in favor of any construction in our parks or in violation of aesthetic concerns raised by any Advisory Neighborhood Commission.

This Commission is being asked to extend broad special rights accorded an industry that relies on significant concessions from the public. As the wireless industry asks you to adopt regulations that give blanket approval to whole categories of antennas, we would remind you that many of the affected neighborhoods flourished for generations, even centuries, before wireless phone service existed. No permanent harm will come to anybody if antenna regulations err on the side of caution; but there is reason to believe there is an avoidable risk that many District residents could get sick and die if the regulations err on the side of this new industry.

ZONING COMMISSION
CASE NO. 00021A
District of Columbia
CASE NO. 00021A
EXHIBIT NO. 22