



Federal Communications Commission
Washington, D.C. 20554

Brendan Carr
Commissioner

December 17, 2018

Dear Senator Blumenthal and Congresswoman Eshoo,

Thank you for your December 3, 2018, letter regarding the Senate Commerce Committee field hearing in Sioux Falls, South Dakota. I appreciated the chance to spend time outside of Washington, D.C., and hear directly from community leaders who are eager to see next-generation broadband deployed across the country. I welcome the chance to respond to your letter, which touches on topics discussed at the hearing.

Local governments are critical partners in building wireless infrastructure. As an order the Commission adopted in September affirms, localities play an important role in reviewing the placement of wireless facilities, applying reasonable aesthetic requirements that reflect the surroundings, and charging fees that allow localities to recover their costs. At the same time, Congress has prohibited localities from regulating wireless infrastructure based on radio frequency emissions, stating that, “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 Commission’s regulations concerning such emissions.” 47 U.S.C. § 332(c)(7)(B)(iv).

As indicated in my remarks, federal agencies that are experts in these health and safety issues monitor and evaluate the relevant science and stay up-to-date on scientific and medical studies. I also indicated that these experts consistently take new information into account.

The FCC sets the radiofrequency emissions limits for cell phones and other electronic equipment, relying on the scientific and medical expertise of our sister federal agencies. As Dr. Jeffrey Shuren, Director of the FDA’s Center for Devices and Radiological Health, recently explained, “The Food and Drug Administration is charged with ensuring cell phones—and any radiation-emitting electronic product—are safe for the public to use. Our scientific expertise and input, along with other health agencies, are used by the [FCC] to set the standards for exposure limits of radiation from cell phones”¹

¹ 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 (November 1, 2018), <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm624809.htm>.

The FCC indeed has set RF exposure limits. And those limits do not stop at 6 GHz. Rather, the FCC's rules apply up to 100 GHz.²

Your letter references a recent report from the National Toxicology Program (NTP). On February 2, prior to my remarks in Sioux Falls, the NTP released a draft report on radiofrequency energy exposure. After reviewing the draft report, Dr. Shuren of the FDA confirmed his agency's determination that, "the current safety limits for cell phone radiation remain acceptable for protecting the public health." That determination was based on, "hundreds of studies from which to draw a wealth of information about these technologies," and the FDA

pledged to continue to review, "many sources of scientific and medical evidence . . . as new scientific data are published," including the NTP's report.³

The NTP released the final version of its report on November 1, subsequent to my remarks in Sioux Falls. Dr. Shuren of the FDA again reviewed the report and again affirmed the current RF limits. "We have relied on decades of research and hundreds of studies to have the most complete evaluation of radiofrequency energy exposure. This information has informed the FDA's assessment of this important public health issue, and given us the confidence that the current safety limits for cell phone radiofrequency energy exposure remain acceptable for protecting the public health," wrote Dr. Shuren. He stated again that, "the FDA has reviewed, and will continue to review, many sources of scientific and medical evidence . . . and will continue to do so as new scientific data are published."⁴

Thank you again for contacting me about small cell deployment and 5G. I look forward to continuing to engage with you on these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "B Carr", with a long horizontal flourish extending to the right.

Brendan Carr

² See, e.g., 47 C.F.R. § 1.1310(e).

³ Statement from Jeffrey Shuren, M.D., J.D., Director of the FDA's Center for Devices and Radiological Health, on the recent National Toxicology Program draft report on radiofrequency energy exposure (February 2, 2018), <https://www.fda.gov/newsevents/newsroom/pressannouncements/ucm595144.htm>.

⁴ Shuren, *supra* note 1.