



February 5, 2025

The Honorable David A. Bennett
Chairman, House Environment and Natural Resources Committee
Rhode Island State House
82 Smith Street
Providence, RI 02903

RE: Opposition to H5217

Chair Bennett and Members of the Committee,

On behalf of CTIA, the trade association for the wireless communications industry, I write to respectfully oppose H5217. The legislation as drafted imposes new onerous requirements and potential penalties on wireless infrastructure deployments that could severely hamper the wireless industry's ability to provide enhanced wireless service to Rhode Island residents while providing no countervailing benefits. Numerous provisions of H5217 are also unlawful and conflict with federal law.

First, H5217 falsely assumes wireless technology is hazardous even when installed and operated in accordance with applicable regulations. Wireless infrastructure deployments must comply with structural, engineering and safety regulations as well as radio frequency (RF) emission regulations imposed by the Federal Communications Commission (FCC). 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 at, below, or even in some cases above, the RF limits set by the FCC.

Second, federal law preempts the proposals in this bill to the extent they seek to regulate FCC-certified wireless infrastructure. Federal law preempts H5217 because it seeks to regulate wireless infrastructure, by both requiring the state government and armed forces and Rhode Island State Police (RISP) to implement the bill's oversight provisions as well as determine when violations have occurred related to presumed "pollution" caused by RF waves from wireless infrastructure. Regulation based on the alleged environmental or health effects of wireless facilities is expressly prohibited under federal law. As set forth in Section 332(C)(7)(B)(iv) of the Communications 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."¹ Moreover, federal law preempts the proposals in this bill because state determinations about whether FCC-certified wireless infrastructure is safe directly conflicts with the FCC's determination that the FCC-certified wireless infrastructure is both compliant and safe. H5217 is also preempted because Section 332(c)(3)(A) provides that "no State or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile service or any private mobile service..."² The

¹ 47 U.S.C. sec. 332(C)(7)(B)(iv).

² 47 U.S.C. sec. 332(c)(3)(A).



restrictions of H5217 constitute the very “market entry” regulation that the Communications Act preempts.

For these reasons, we respectfully oppose H5217.

Sincerely,

Jeremy Crandall

Jeremy Crandall
Assistant Vice President
State Legislative Affairs