

Chair Ruggiero and Members of the House Committee on Innovation, Internet, and Technology:

My name is Sheila Resseger, and I strongly oppose H6151, the Wireless Telecommunications Act. I will now explain the reasons why I cannot support this bill. Frankly, the only good thing I see about it is that it crosses out the entire 2017 Small Cell Siting Act. But this bill does nothing to protect Rhode Island residents and our environment from the harms of the pulsed, modulated radiofrequency/microwave radiation from the streamlined rollout of the "small cell" antennas for 5G and the Internet of Things. Though it appears to give municipalities a role in approving applications for installations, the Bill only adds bureaucratic red tape to the process, while not giving the cities and towns the actual authority to deny the installations based on the harmful effects on human, animal, and tree health.

As I explained in my written testimony to the Broadband bill H5148, which I supported, I did object that this bill left a loophole for the telecoms to plow through, which they are using here in H6151. Here is part of my testimony for H5148:

I pointed out one observation related to point 3 in the Legislative Findings:

"(3) The telecommunications industry has been using fiber-optic cable for the past forty (40) years. Any effective fifth generation (5G) wireless network requires a fiber-optic backbone."

While this statement is accurate, it offers a loophole for the continued rollout across RI of the "small cell" antennas for 5G and the Internet of Things. With fiber-to-the-premises (FTTP), each home and business would be connected to the Internet with the full benefits of access, and none of the harms of the wireless systems.

Here is a summary of the reasons that FTTP is superior to wireless. Fiber-optics to the premises:

- Runs directly to the home or business and allows data rates up to 1,000 times faster than wireless.
- Allows for more secure and private transmission (as wireless communications can be hacked or surveilled).
- **No** harmful pulsed, modulated radiofrequency/microwave radiation emissions.
- More resilient as it continues to work in case of a power emergency (wireless will not run without power for the "small cell" transmitters and towers).

- Capable of transmitting tremendous amounts of data.
- Infinitely upgradable for up to 40-50 years. As the end-point electronics improve, can swap out the electronics to increase the data rate transmitted over the fiber-optic cable.
- Is **not** an energy guzzler, as is wireless. Wireless radiation used to connect devices uses 10 times the energy that wired connections do, according to the Institute of Electrical and Electronics Engineers.

Below is a chart that summarizes the harms to human health and security, as well as environmental health, from 5G wireless and the Internet of Things that 5G enables:

Nine ways 5G and the IoT will harm humans, the environment, and Earth

- **Health** – The robust and growing *independent science* shows harms to our health from microwave radiation
- **Privacy** – The invasion of our privacy from the collection and mining of our digital data
- **Cyber Security** -The fast growing and devastating cyber security risks
- **Environment** – The harms to wildlife, particularly bees, butterflies and other pollinators
- **Energy** – The huge energy consumption to produce and power a wireless Internet of Things
- **Brains and Humanity** – The effects on our brains and humanity from humans increasingly inhabiting the cyber world
- **E-Waste** – The astronomical e-waste that will be generated from connecting virtually every “thing” to the Internet
- **Conflict Minerals** – 5G and the IoT will vastly grow our dependence on conflict minerals, which have brought about the death of close to 6 million people
- **Ethics** – Ethical issues arising from the IoT. New human rights laws are being considered; how should humans relate to robots and AI? The blurring of what was once a clear delineation between technology and humans

<https://whatis5g.info/?fbclid=IwAR1k4RjBrdc7mGkTeegvUSXliDBpfVc6eHMfTsdTI3OP4udkT6tN3eetITE>

Here are the many points in H6151 that I find problematic:

page 1 –This bill’s intent is stated as:

39-33-2. Legislative Intent. It is the intent of the legislature to preserve and advance universal wireless telecommunication service.

This makes an assumption that there is a consensus that universal wireless telecommunication service needs to be preserved and advanced. My contention is that wired broadband is the superior way to provide universal access to the internet. Wired broadband (e.g. fiber-to-the-premises) is more secure, less invasive, and less energy consuming than wireless. In addition, extensive peer-reviewed studies have confirmed that wireless radiation causes health damage to humans, animals, insects, and trees. For information on that, see <http://5gfreeri.com/>

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(3) "Authority" means a city, town, or municipal government subdivision, agency, or governmental entity that is authorized by law to regulate or control the use of the public rights-of-way or the construction or installation of poles or wireless facilities or **that owns or controls public property suitable for collocating small wireless facilities;** or is responsible for regulation of zoning or land use.

Doesn't this mean that Verizon and the new owners of National Grid can still collocate the sWTFs (small Wireless Telecommunication Facilities) wherever they own public property? And they do own most of the utility poles in RI.

(12) "Person" means an individual, corporation, limited-liability company, partnership, association, trust, **or other entity or organization,** including an authority.

(14) "Search ring" means the area within which a wireless facility must be located in order to **meet service objectives of the wireless service provider** using the wireless facility or wireless support structure.

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For purposes of this chapter, **public safety shall not include requirements relating to radio frequency emissions of wireless facilities.**

Telecom lawyers will claim that the 1996 Telecommunications Act prohibits using health effects as a reason to deny permits for "small cell" installations. However, many other lawyers claim that this is an inaccurate reading of the federal law. Shouldn't the primary responsibility of any public official at the local, state, or federal level be to protect the health and well-being of their constituents? All of us have rights under the federal Constitution and the RI State Constitution that guarantee our right to live securely in our homes.

In reviewing an application, the authority may not require information on or evaluate an applicant's business decisions about its designed service, **customer demand for its service**, or quality of its service to or from a particular area or site.

So even if the residents do not need or want the service, the applicant can force it into the neighborhood.

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(h) The authority may not require the placement of wireless support structures or wireless facilities on authority owned or leased property, but **may develop a process to encourage the placement of wireless support structures or facilities on authority owned or leased property, including an expedited approval process.**

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The historic district commission may waive one or more standards upon showing that the standard(s) are not reasonably compatible with the particular location of a small wireless facility, or that the standard(s) impose an excessive expense.

and same for decorative poles, in the next section

(k) All permits regarding the collocation of small wireless facilities shall be of **unlimited duration.**

What would happen if there were documented problems in the future?

(l) Small wireless facilities **may be classified as permitted uses in all zoning districts and may be subject to zoning review or approval.**

may, not must be subject to zoning review or approval

(n) All agreements between authorities and wireless service providers that are in effect on the effective date of this chapter and that relate to the collocation of small wireless facilities in the public right-of-way or on authority poles or structures **shall remain in effect**, subject to any termination provisions in such agreements.

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(b) Applications for collocation entitled to streamlined processing under the provisions of this section shall be reviewed for conformance with applicable site plan and building

permit requirements **but shall not otherwise be subject to zoning requirements, including design or placement requirements, or public hearing review.**

The superior court shall have jurisdiction to determine all disputes arising under this chapter. The superior court shall hear any appeal by a person adversely affected by a final action or failure to act by an authority, on an expedited basis.

So the aggrieved applicant can appeal if their application is denied, but human beings who are being harmed cannot.

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39-33-8. Compliance with federal law. The placement, construction, or modification of wireless communications facilities shall be in conformity with the federal Telecommunications Act of 1996, 47 U.S.C. § 332 as amended, and in accordance with the rules promulgated by the Federal Communications Commission.

But it has been determined that the FCC is a captured agency, and their 1996 guidelines are deficient and allow harm. See Captured Agency: How the Federal Communications Commission Is Dominated by the Industries It Presumably Regulates by Norm Alster, published by the Edmond J. Safra Center for Ethics, Harvard University. On the deficiency of the FCC's guidelines, see: <https://ehtrust.org/5g-wireless-harms-lawsuit-against-the-fcc-ehf-et-al-v-fcc/>

39-33-10. **No prohibition on wireless telecommunication services. (a) No provision of this chapter shall be construed to authorize any authority to adopt any rule, regulation, ordinance or procedure that operates as a prohibition on wireless telecommunication services. (b) Any rule, regulation, ordinance or procedure adopted by an authority which operates as a prohibition on wireless telecommunication services shall be void.**

In other words, no city or town can decide, after investigation and public hearings, to prevent these "small cell" antennas from being installed in their jurisdiction. How can public officials perform their duty to protect and preserve the well-being of their constituents and their families when this right to pass regulations is abrogated?

[emphasis added in bold throughout]

Words in italics are my comments on the quotes from the Bill.

This bill provides the telecom companies an easy path to carry out their objective, which is to saturate the environment with these “small cell” installations that emit noxious radiation, ignoring the other drawbacks of this technology, and refusing to consider a plan to augment the fiber-optic cable already in Rhode Island to provide fiber-to-the-premises to every residence and business. As stated in the Legislative Findings of H5148:

“Because of the size of Rhode Island, the state has more fiber-optic cable per square mile than any other state in the country. Over forty-eight (48) strands of fiber-optic cable run on telephone poles throughout the state, yet less than ten (10) strands are being used and only by hospitals, colleges, universities, libraries, and schools.”

For all of these reasons, I object to bill H6151, the Wireless Communications Act. I hope that you will give serious attention to re-writing this bill in order to provide Rhode Islanders with a safe, secure, and actually even faster means of connecting to the Internet—wired broadband rather than wireless. RI does not have to reinvent the wheel. Please see the recent extensive report from the state of New Hampshire that documents harm from wireless technology and offers recommendations for how to protect the public. <https://ehtrust.org/new-hampshire-state-report-on-health-and-environmental-effects-of-5g-and-wireless-radiation/>

Thank you for considering my views. I hope you will agree that this bill does not meet the needs of Rhode Islanders, and that you will draft a new bill that will truly provide protection to the public and also will educate them about the harms of this “innovative” technology, as well as relating the good news that wireless is not the only way to provide access to the internet. Wired fiber-to-the-premises is in fact a superior method, in that it is more secure from hacking or surveillance, much faster, more reliable, and uses much less energy. Full authority to control the public-rights-of-way and to regulate or deny the placement of these “small cell” antennas must be given back to the cities and towns. You have the power to give this authority back to the cities and towns. Please do so!

Sincerely,

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