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RESOLUTION NO. 09-38

A Resolution of the Albany City Council Requesting the Federal Government to Update Studies on Potential Health Effects of Radio Frequency Wireless Emissions in Light of Proliferation of Wireless Use.

WHEREAS, state and local governments, including the City of Albany, are preempted by federal law from considering health concerns in the regulation and placement of wireless facilities, so long as such facilities otherwise comply with applicable federal law; and

WHEREAS, the Federal Communications Commission (FCC) has jurisdiction over non-federal wireless facilities, authorizing and licensing all non-federal devices, transmitters and facilities that generate Radio Frequency (RF) radiation; and

WHEREAS, the FCC has historically relied on federal agencies with health and safety expertise, such as the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA) the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA) who each have assigned roles in monitoring and investigating issues related to RF exposure; and

WHEREAS, the Government Accounting Office (GAO) in 2001 prepared a report of its investigation into safety concerns related to mobile phones and concluded that further research into wireless technology is needed, recommending the FDA take the lead in monitoring research results; and

WHEREAS, the FCC in 2003 last updated guidelines for human exposure to RF electromagnetic fields from wireless facilities, based primarily on recommendations of other federal agencies after reviews of prior scientific literature related to RF biological effects, primarily from the 1990s; and

WHEREAS, a survey released in May 2009 from the Centers for Disease Control and Prevention shows that for the first time the number of households in the U.S. who only have cell phones exceeds the number of households who only have landlines;

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NOW THEREFORE BE IT RESOLVED that the Albany City Council requests the FCC to work in cooperation with the FDA and other relevant federal agencies to revisit and update studies on potential health concerns arising from RF wireless emissions in light of the national proliferation of wireless use; and

BE IT FURTHER RESOLVED that the City Clerk shall cause a copy of this Resolution to be sent to all members of the FCC Board, to the FDA Commissioners, to all members of the California Congressional Delegation and to Albany's State Representatives.

MARGE ATKINSON
MAYOR