

HB 1644-FN - AS INTRODUCED

2022 SESSION

22-2632

12/11

HOUSE BILL            ***1644-FN***

AN ACT                relative to the placement of telecommunication antennae and establishing a registry for residents who are experiencing biological symptoms from wireless radiation exposure.

SPONSORS:            Rep. Abrami, Rock. 19; Rep. Woods, Merr. 23; Sen. Ricciardi, Dist 9

COMMITTEE:          Science, Technology and Energy

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ANALYSIS

This bill requires telecommunication antennas be placed at least 1,640 feet from residentially zoned areas, parks, playgrounds, hospitals, nursing homes, day care centers, and schools. This bill also creates a registry for anyone experiencing symptoms of radiation exposure.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT                    relative to the placement of telecommunication antennae and establishing a registry for residents who are experiencing biological symptoms from wireless radiation exposure.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Legislative Findings and Purpose.

2            I. The New Hampshire commission to study the environmental and health effects of evolving  
3 5G technology concluded on November 1, 2020, after reviewing thousands of peer reviewed studies  
4 and listening to months of testimony from experts, that there is a significant public health risk  
5 associated with the cumulative effects of radio frequency radiation which is growing every day with  
6 the proliferation of cell tower transmitters.

7            II. The Federal Communication Commission has used a specific absorption rate safety limit  
8 for the past three decades to manage the risks associated with wireless emissions based on the fact  
9 that wireless radiation is bioactive and can cause health effects. There is clear evidence of biological  
10 effects from radio frequency radiation exposure, such as that from wireless devices and  
11 infrastructure emissions. The World Health Organization, International Agency for Research on  
12 Cancer categorized wireless emissions as a class 2B carcinogen in 2011 after reviewing the science  
13 worldwide. In 2018, the United States National Institute of Health, National Toxicology Program  
14 completed the largest study of its kind focused on the question of whether cell phone radiation is  
15 capable of inducing adverse health effects at low intensity, non-thermal levels, which are especially  
16 important because our current federal safety guidelines only protect against thermal exposures.  
17 This study found clear evidence of carcinogenicity and DNA damage in animals from non-thermal,  
18 long term exposures. The type of cell phone radiation tested was typical of 2G and 3G cell phones;  
19 3G is still currently in use.

20            III. On August 13, 2021, the United States Court of Appeals for the District of Columbia  
21 Circuit ruled, in a case brought by the Environmental Health Trust and Children's Health Defense,  
22 that the Federal Communication Commission's decision in 2019 that their radio frequency emission  
23 safety guidelines dating back to 1996 were adequate to protect the public was arbitrary and  
24 capricious in its failure to respond to record evidence, and in violation of the Federal Administrative  
25 Procedures Act. Specifically, the court held, "that failure undermines the Commission's conclusions  
26 regarding the adequacy of its testing procedures, particularly as they relate to children, and its  
27 conclusions regarding the implications of long term exposure to [radio frequency] radiation, exposure  
28 to [radio frequency] pulsation or modulation, and the implications of technological developments that  
29 have occurred since 1996, all of which depend on the premise that exposure to [radio frequency] at

1 levels below its current limits causes no negative health effects. Accordingly, we find those  
2 conclusions arbitrary and capricious as well. Finally, we find the commission's order arbitrary and  
3 capricious in its complete failure to respond to comments concerning environmental harm caused by  
4 [radio frequency] radiation."

5 IV. The legal history of New Hampshire is similar to other states in that there is no question  
6 that New Hampshire local and state governments are responsible for protecting the health and  
7 safety of our residents, particularly in the case of our most vulnerable children and the matter of  
8 schools and particularly in the case of the elderly and the matter of hospitals and nursing homes.  
9 The examples of New Hampshire taking action to protect the health and safety of its residents are  
10 too numerous to list herein.

11 V. In light of all these facts, we conclude that wireless technology radio frequency radiation  
12 emissions are bioactive and are currently being poorly managed; therefore, we should manage them  
13 more carefully moving forward and lower emissions to a level as reasonably achievable. Based on  
14 the commission's work, we do not believe that the current Federal Communication Commission  
15 safety limits for radio frequency exposure are adequate to protect public health, especially when it  
16 comes to exposure to children, long term exposures, and taking into account pulsation and  
17 modulation.

18 VI. Unfortunately, the Federal Communication Commission and Food and Drug  
19 Administration have not engaged in adequate risk management when it comes to managing wireless  
20 emissions, like has been done with other agents that expose the public to possible harm such as  
21 medications, medical procedures, and food. As a result, New Hampshire residents are exposed to  
22 unacceptable levels of risk given the widespread adoption of wireless devices and infrastructure.  
23 This bill seeks to begin to take basic steps towards regaining the confidence of New Hampshire  
24 residents that their safety in the case of wireless emissions exposure is being adequately addressed  
25 and they are being protected.

26 VII. To be clear, the commission favors technology that provides a high data rate, capacity,  
27 security, sustainability, energy efficiency, privacy, and safety possible and when considering plans,  
28 use and deployment for new state or federal broadband funds, we are in favor of New Hampshire  
29 having the best possible technology to deliver broadband to its citizens.

30 VIII. But in New Hampshire, we are not willing to take chances with the health and safety  
31 of our workers, families, children and elderly. Because the health and safety of New Hampshire  
32 residents is of the utmost importance, this bill is establishing a common distance that all new cell  
33 tower transmitters whether large or small must be located from any living person – a distance of  
34 1,640 feet from residentially zoned areas, parks, playgrounds, hospitals, nursing homes, day care  
35 centers, and schools. Given the large body of scientific evidence documenting the adverse biological  
36 effects from wireless emissions and given the vast range of biological sensitivities within any

1 population, this mandated distance will significantly reduce the risk of biological effects and thus the  
2 probability of health effects within this distance of 1,640 feet.

3 IX. Public health and safety is the primary responsibility of local and state government.

4 2 New Paragraph; Placement of Telecommunication Antennas. Amend RSA 374:34-a by  
5 inserting after paragraph VIII the following new paragraph:

6 IX. The placement of telecommunication antennas on any existing structure, existing pole,  
7 new pole, or tower constructed after the enactment of this paragraph shall be placed at least 1,640  
8 feet from residentially zoned areas, parks, playgrounds, hospitals, nursing homes, day care centers,  
9 and schools.

10 3 New Subdivision; Radiation Exposure Registry. Amend RSA 126-A by inserting after section  
11 97 the following new subdivision:

12 Radiation Exposure Registry

13 126-A:98 Radiation Exposure Registry.

14 I. The department of health and human services shall establish an online registry that  
15 allows residents who are experiencing biological symptoms from wireless radiation exposure to list  
16 their relevant information, including:

- 17 (a) The resident's name, address, email, phone number;  
18 (b) The address and location of the wireless transmitter in question;  
19 (c) The type of cell transmitter or other wireless source in question if known;  
20 (d) When symptoms began;  
21 (e) The range of biological symptoms experienced;  
22 (f) The frequency of biological symptoms and severity; and  
23 (g) If there is a change in these symptoms with a change in proximity to the transmitter  
24 and length of time exposed.

25 II. The registry, and all relevant information, shall be posted online in its entirety, easily  
26 accessible to the public on the department's website with a link to the registry easily accessible to  
27 the public on the home page of the website. The published information shall not include the name,  
28 address, email, or phone number of the person reporting. The department shall include a  
29 conspicuous notice to the public regarding how their information shall be used.

30 III. The department, in consultation with the department of energy, shall establish fees to  
31 ensure the cost of establishing, maintaining, and advertising the online registry established in this  
32 section shall be borne by the operators of wireless antennas in the state.

33 4 Effective Date. This act shall take effect January 1, 2023.

**HB 1644-FN- FISCAL NOTE  
 AS INTRODUCED**

AN ACT relative to the placement of telecommunication antennae and establishing a registry for residents who are experiencing biological symptoms from wireless radiation exposure.

**FISCAL IMPACT:**     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Fee Revenue from operators			

**METHODOLOGY:**

This bill requires telecommunication antennas be placed at least 1,640 feet from residentially zoned areas, parks, playgrounds, hospitals, nursing homes, day care centers, and schools. This bill also creates a registry for anyone experiencing symptoms of radiation exposure.

The Department of Health and Human Services indicates it would, in consultation with the Department of Energy, establish fees to fund the cost to establish, maintain and advertise the registry. Operators of the wireless antennas would pay the fees. It is not known whether the Department can purchase an “off-the-shelf” product or if the project would require a custom design and build. The costs associated with purchasing a database system, software licensing and implementing the required security provisions are estimated at \$500,000. There would be additional costs to develop a vendor contract, a data system, to pay for resources of Department of Information Technology, and the Department's own resources for business and data system analysis. These costs are estimated at \$250,000. The Department estimates the total cost to create and implement the new data system will be \$750,000 with an ongoing maintenance cost of \$50,000 per year. In addition, the Department assumes it will require two new staff; a Data Base Administrator, (LG28, Step 5) and a Data Processing Supervisor III (LG28, Step 5). The estimated costs for these positions, including benefits and associated operating expenses is \$124,000 in FY 2023, \$226,000 in FY 2024 and \$232,000 in FY 2025.

The Department of Energy indicates it would have to adopt or modify rules governing attachments made to public utility owned poles and structures. The cost of this rulemaking would be negligible. The Department has no expertise regarding the development or cost of implementing an online registry, and the Department has no funding to hire such expertise.

**AGENCIES CONTACTED:**

Departments of Energy and Health and Human Services