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


COMMITTEE: Science, Technology and Energy

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.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in bracketed and struck through.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
HB 1644-FN - AS INTRODUCED

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 Legislative Findings and Purpose.

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

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

III. On August 13, 2021, the United States Court of Appeals for the District of Columbia Circuit ruled, in a case brought by the Environmental Health Trust and Children's Health Defense, that the Federal Communication Commission's decision in 2019 that their radio frequency emission safety guidelines dating back to 1996 were adequate to protect the public was arbitrary and capricious in its failure to respond to record evidence, and in violation of the Federal Administrative Procedures Act. Specifically, the court held, “that failure undermines the Commission’s conclusions regarding the adequacy of its testing procedures, particularly as they relate to children, and its conclusions regarding the implications of long term exposure to [radio frequency] radiation, exposure to [radio frequency] pulsation or modulation, and the implications of technological developments that have occurred since 1996, all of which depend on the premise that exposure to [radio frequency] at
levels below its current limits causes no negative health effects. Accordingly, we find those conclusions arbitrary and capricious as well. Finally, we find the commission's order arbitrary and capricious in its complete failure to respond to comments concerning environmental harm caused by
radio frequency] radiation.”

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

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

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

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

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

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

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

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

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

Radiation Exposure Registry

126-A:98 Radiation Exposure Registry.

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

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

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

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

4 Effective Date. This act shall take effect January 1, 2023.
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: [X] State [ ] County [ ] Local [ ] None

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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