



GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Advisory Neighborhood Commission 2E

Representing the communities of Burleith, Georgetown, and Hillandale

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August 23, 2019

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### RE: Review of the Current Status of Small Cells and 5G in DC

Dear Director Wells, People's Counsel Mattavous-Frye, Chairman Phillips, Dr. Nesbitt, and Attorney General Racine,

On July 1, 2019 ANC 2E held its regularly scheduled public meeting, which was properly noticed and attended by six commissioners, constituting a quorum. At this meeting the Commission adopted the following resolution by a vote of (6-0-0) with regard to the above-referenced matter:

WHEREAS, ANC 2E understand that the Federal Communications Commission ("FCC"), in its "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure" ruling, report, and order ("order"), seeks the increased use of high-bandwidth and low-latency applications and the growth of the Internet of Things ("IoT"),

#### COMMISSIONERS:

Kishan Putta, District 1    Joe Gibbons, District 2    Rick Murphy, District 3  
Anna Landre, District 4    Lisa Palmer, District 5    Gwendolyn Lohse, District 6  
Elizabeth Miller, District 7    Matias Burdman, District 8

with the introduction and nationwide rollout of advanced wireless services of small cells and 5G,

WHEREAS, ANC 2E understands that the FCC order seeks to allow providers to deploy almost 1,000,000 neighborhood wireless small cell and 5G sites nationwide,

WHEREAS, ANC 2E understands that the FCC order seeks to urgently remove any barriers to such deployment, whether caused by federal law, FCC processes, local and state reviews, or otherwise,

WHEREAS, ANC 2E understands that the FCC order removes one such barrier by preempting the National Environmental Policy Act (“NEPA”) to the disadvantage of state and local municipalities,

WHEREAS, ANC 2E understands that under federal law, state and local governments have no authority to regulate potential health impacts of radiofrequency (“RF”) emissions from small cell and 5G wireless transmitters, and instead that responsibility lies solely with the FCC,

WHEREAS, ANC 2E understands that NEPA was created by Congress to protect state and local municipalities by demanding that the FCC conduct environmental analyses of the RF standards and emissions and potential small cell and 5G health and safety risks,

WHEREAS, ANC 2E understands that many other municipalities have filed federal lawsuits that are challenging the FCC order that has preempted NEPA,

WHEREAS, ANC 2E understands that the federal lawsuits were filed to protect the plaintiffs’ communities from the FCC’s existing RF exposure standards, which are now almost 25 years old,

WHEREAS, ANC 2E understands that the lawsuits were filed as the FCC order is speeding the widespread deployment of small cell and 5G transmitters without conducting any scientific studies to confirm whether the 25-year old RF standards will adequately protect public health and safety,

WHEREAS, ANC 2E understands that because the FCC order does not require the FCC to conduct any new scientific studies, the FCC has no knowledge that the RF health issue is not restricted to 5G. Rather, RF is a small cell concern, which is the foundation for IoT, and the health issues are primarily posed by the low- and mid-level radiation frequencies used for both 4G and 5G,

WHEREAS, ANC 2E understands that the FCC order denies that technology has changed in the last 25 years and will be exposing our nation to significant health and safety issues as the IoT requires extensive RF radiation and power emissions,

WHEREAS, ANC 2E understands that the District of Columbia must develop processes for providers to install wireless communications facilities, including small cells and 5G, on poles throughout the District in order to comply with the FCC order,

WHEREAS, ANC 2E understands that the District of Columbia needs to start this process through the District Department of Transportation's ("DDOT") Public Space Committee,

WHEREAS, ANC 2E understands that the Public Space Committee's commitment to this process is through the creation and implementation of the "Small Cell Design Guidelines," which require providers to file applications through DDOT's Transportation Online Permitting System ("TOPS") for permits which, when approved through TOPS, will result in the issuance of a permit to install small cells and 5G on poles,

WHEREAS, ANC 2E understands that the Small Cell Design Guidelines set forth requirements and specifications for the placement and design of small cell and 5G infrastructure within the District's public right of way ("ROW") to address engineering, safety, and aesthetic concerns,

WHEREAS, ANC 2E understands that the Public Space Committee has declared it has no jurisdiction or authority over the health and safety of small cell and 5G RF standards and radiation and power emissions and therefore there are potential small cell and 5G health and safety risks to our community,

WHEREAS, ANC 2E does not understand why the DC Government has not requested that the Department of Energy and Environment, the DC Office of the People's Counsel, DC Health, and the Public Service Commission of the District of Columbia study the environmental, health, and safety effects of small cell and 5G technology and report the findings to the public,

WHEREAS, ANC 2E does not understand why the Office of Attorney General for the District of Columbia has not joined existing lawsuits or filed a lawsuit to have a federal court declare that the FCC violated NEPA and to vacate and remand the FCC order for further agency proceedings.

WHEREAS, ANC 2E does not understand the reluctance of every DC Government agency to assert jurisdiction to protect our community,

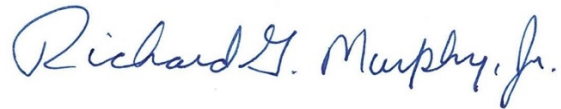
WHEREAS, ANC 2E does not understand the reluctance of the DC Council to demand studies to determine the environmental, health, and safety effects of small cell and 5G technology and to report the findings to the public, and

WHEREAS, ANC 2E does not understand the reluctance of Mayor Bowser to demand studies to determine the environmental, health, and safety effects of small cell and 5G technology and to report the findings to the public.

THEREFORE, BE IT RESOLVED that ANC 2E requests that the entire DC Government urgently undertakes a full and comprehensive study of all the environmental, health, and safety effects of small cell and 5G technology to be installed, by the thousands, in our neighborhoods and makes the study findings public, as the failure to act now may result in problems for years to come.

Commissioners Joe Gibbons ([2E02@anc.dc.gov](mailto:2E02@anc.dc.gov)) and Rick Murphy ([2E03@anc.dc.gov](mailto:2E03@anc.dc.gov)) are the Commission's representatives in this matter.

Respectfully submitted,

A handwritten signature in blue ink that reads "Richard G. Murphy, Jr." in a cursive script.

Rick Murphy  
Chair, ANC 2E