

MOTION BY SUPERVISORS ZEV YAROSLAVSKY AND  
MICHAEL D. ANTONOVICH

June 2, 2009

There is an ongoing debate within the scientific community and among governing bodies throughout the world regarding how thoroughly the long-term health effects of low-frequency electromagnetic and radio-frequency emissions are understood. In particular, questions have been raised regarding how well the existing regulations established by the Federal Communications Commission protect more vulnerable populations such as school-aged children, and how well they protect against the cumulative effect of radio-frequency emissions on people who live or work in close proximity to multiple cellular facilities.

Unfortunately, Section 704 of the Federal Telecommunications Act of 1996 prevents local governments, including the County of Los Angeles, from opposing the placement of personal wireless service facilities on the basis of the environmental or health effects of radio-frequency emissions to the extent that the proposed facilities comply with the Federal Communications Commission regulations concerning such emissions. In addition, the California Public Utilities Code unfairly limits the authority of local governments to regulate wireless facilities in public rights of way.

As long as questions exist as to the adequacy of these federal regulations, local

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governments should have the ability to include a consideration of the health and environmental effects of these facilities when deciding whether or not to approve the construction or modification of a cellular communications facility. The County should also have expanded discretion to decide how, when and where cellular facilities should be sited within the road right of way due to the unique aesthetic and safety issues that these facilities raise.

**WE, THEREFORE, MOVE** that the Board of Supervisors instruct the County's legislative advocates to actively seek and support federal legislation to repeal limitations on state and local authority imposed by the Telecommunications Act of 1996 that infringe upon the authority of local governments to regulate the placement, construction, and modification of telecommunications towers and other personal wireless services facilities on the basis of the health and environmental effects of these facilities, and to submit comments on the National Broadband Policy in furtherance of these policy goals prior to the June 8, 2009 comment deadline.

**WE FURTHER MOVE** that the Board of Supervisors instruct the County's legislative advocates to actively seek and support state legislation that would give local governments greater flexibility to regulate the placement of cellular facilities within the road right of way given the unique aesthetic and safety issues that these facilities raise.

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MOTION BY SUPERVISOR MARK RIDLEY-THOMAS

JUNE 2, 2009

**RELATED TO ITEM #3**

While local planning agencies should have the authority to regulate the placement, construction, and modification of telecommunications towers and other personal wireless services facilities, such agencies should be positioned to do so based on the most protective standards and guidelines that address the health impacts of this infrastructure.

However, diverging guidelines have been promulgated for limiting human exposure to radio-frequency radiation worldwide, leading to a persistent and publicly expressed lack of confidence in radiofrequency-exposure standards. The rationales adopted by the International Commission on Non-Ionizing Radiation Protection and the Institute of Electrical and Electronic Engineers are divergent, and the Federal Communication Commission’s adopted limits are substantially less protective than the standards of many of the individual nations within Europe, Asia and other regions of the world.

As our communities become increasingly more reliant on wireless technology, it is incumbent upon this Board to call for the continued analysis and critique of the health impacts of telecommunications towers.

**I, THEREFORE, MOVE that the Board of Supervisors:**

Instruct the County’s legislative advocates to actively seek and support federal legislation that would direct the Federal Communications Commission to pursue a comprehensive global analysis of best practices and scientific evidence in order to update their existing standards and to adequately measure the health impacts of telecommunications towers.

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