

No. _____

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

In Re
**CHILDREN'S HEALTH DEFENSE, PETRA BROKKEN, DAVID O.
CARPENTER, MICHELE HERTZ,**

ENVIRONMENTAL HEALTH TRUST,

PETITIONERS

PETITION FOR WRIT OF MANDAMUS

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GLOSSARY

2013 NOI: *In re Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies*, 28 FCC Rcd 3498, 3570-3588 (2013)

2019 Order: *Resolution of Notice of Inquiry, Second Report and Order, Notice of Proposed Rulemaking, and Memorandum Opinion and Order*, 34 FCC Rcd 11,687, 11,689-90 (2019)

CHD: Children's Health Defense

Commission or FCC: Federal Communications Commission

EHT: Environmental Health Trust

EHT v. FCC: *Envtl. Health Trust v. FCC*, 9 F.4th 893 (D.C. Cir. 2021)

EMR-S: Electromagnetic Radiation Syndrome

Guidelines: 47 C.F.R. §§ 1.1307(b), 1.1310, applied to equipment authorizations in 47 C.F.R. Part 2, Subpart J

ICBE-EMF: International Commission on the Biological Effects of Electromagnetic Fields

ICNIRP: International Commission on Non-ionizing Radiation Protection

RF radiation: Radiofrequency radiation

TRAC: *Telecommunications Research & Action Ctr. v. FCC*, 750 F.2d 70, 79 (D.C. Cir. 1984)

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I. INTRODUCTION AND OVERVIEW

This Petition is on behalf of individuals and organizations suffering ongoing harm as a result of the Federal Communications Commission’s stubborn refusal to fully and lawfully assess whether it should update its 1996 limits for exposure to radiofrequency (RF) radiation.¹ These exposure limits, which are applied to wireless facilities and devices through equipment authorizations and operational rules, are designed to protect against short-term thermal effects of RF radiation but do nothing to protect against well-documented, widespread non-thermal effects on human and environmental health.²

Over four and a half years ago, in *Envtl. Health Trust v. FCC*, 9 F. 4th 893 (D.C. Cir. 2021) (“*EHT v. FCC*”), this Court found that the Commission failed to provide a reasoned explanation for its conclusion that the 1996 limits adequately protect against such harmful effects by, among other things, not responding to a mountain of evidence that exposure to RF radiation at levels below the maximum

¹ See 47 C.F.R. §§ 1.1307(b), 1.1310.

² RF radiation is “non-ionizing” and is said to not be sufficiently energetic to strip electrons from atoms. All agree that non-ionizing radiation can, however, lead to harmful tissue heating. The current guidelines are based on avoiding this “thermal” effect. The problem is that non-thermal exposures also clearly evoke both beneficial and harmful biological responses, yet the FCC has consistently refused to meaningfully acknowledge or address harmful non-ionizing, non-thermal effects.

allowed under the thirty-year-old exposure limits can cause negative health effects.

The Court ordered the FCC to:

- (i) provide a reasoned explanation for its decision to retain its testing procedures for determining whether cell phones and other portable electronic devices comply with its guidelines,
- (ii) address the impacts of RF radiation on children, the health implications of long-term exposure to RF radiation, the ubiquity of wireless devices, and other technological developments that have occurred since the Commission last updated its guidelines, and
- (iii) address the impacts of RF radiation on the environment.

EHT v. FCC, 9 F4th at 914.

Wireless facilities and devices have continued to massively proliferate. RF radiation exposure has skyrocketed and evidence of harms from RF radiation—especially from pulsed or modulated signals—has continued to accumulate since the Court issued the mandate. Petitioners and others affected daily by the inadequacy of the 1996 limits have submitted petitions, motions, and requests that the Commission comply with the *EHT v. FCC* mandate.

The FCC, however, has ignored the mandate. Instead of taking *any* steps to comply with the order, the Commission has taken *significant* steps to hasten nationwide buildout of wireless infrastructure, notwithstanding the serious, ongoing harm to individuals, communities, *flora*, and *fauna* that flows from these growing exposures.

By refusing to act, the Commission has nullified the mandate, insulated its unlawful decision regarding the 1996 limits from review, and perpetuated a

regulatory regime the Court has already found deficient. Petitioners seek a Writ of Mandamus ordering the Commission to comply with the mandate but this time with specific instructions. The Commission has a clear duty to act; the delay in acting is egregious; the six “*TRAC* factors” heavily favor issuance of the Writ; and no alternative remedy for relief exists. Mandamus is not merely appropriate; it is essential.

II. JURISDICTIONAL STATEMENT

The All Writs Act, 28 U.S.C. § 1651(a) grants jurisdiction to issue the requested writ in order to “effectuate or prevent the frustration of orders previously issued.” *NetCoalition v. S.E.C.*, 715 F.3d 342, 354 (D.C. Cir. 2013) (internal quotation marks, citation omitted); *see also United States v. New York Tel. Co.*, 434 U.S. 159, 172 (1977). Additionally, the Court has jurisdiction under the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*, which provides authority to compel agency actions unreasonably delayed or unlawfully withheld. 5 U.S.C. § 706.

III. RELIEF SOUGHT

Petitioners respectfully request that this Court issue a Writ of Mandamus directing the Commission to comply with the *EHT v. FCC* mandate by providing the required reasoned explanation within 90 days. The Court should provide specific instructions, using the language set forth in Part VIII, below.

IV. ISSUES PRESENTED

1. Whether the FCC unreasonably delayed complying with this Court's Order in *EHT v. FCC*, warranting issuance by this Court of a Writ of Mandamus.
2. What relief should be provided through the Writ.

V. FACTS

A. The FCC's duty to set limits on RF emissions and the 2021 *EHT v. FCC* mandate regarding the Commission's 1996 human exposure limits

The Commission issued the current RF radiation human exposure limits in 1996 pursuant to Congressional directive. *EHT v. FCC*, 9 F.4th at 901. Significantly, these limits “are designed to protect against ‘thermal effects’ of exposure to RF radiation, but not ‘non-thermal’ effects.” *Id.* Although the human exposure limits were originally promulgated to meet “purely procedural” requirements in the National Environmental Policy Act,³ they have been applied to substantive effect beyond just environmental assessment for major federal action, including to equipment authorizations in 47 C.F.R. Part 2, Subpart J. Some courts have construed them to reflect implementation of the FCC's 47 U.S.C. § 303(e) substantive “purity and sharpness” rules and part of its overall substantive rulemaking power in § 303(r). *See, e.g., Cohen v. Apple Inc.*, 46 F.4th 1012, 1017

³ 42 U.S.C. §§ 4321, *et seq.* The U.S. Supreme Court reaffirmed NEPA's “purely procedural” nature in *Seven Cty. Infrastructure Coal. v. Eagle Cty.*, 145 S. Ct. 1497, 1507 (2025).

(9th Cir. 2022). Every person who is exposed to RF radiation from a wireless facility or device is affected by the 1996 limits, whether or not the exposure is consensual.

In March 2013, the Commission issued *In re Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies*, 28 FCC Rcd 3498, 3570-3588 (2013) (“2013 NOI”) to determine whether there was a need to reassess the 1996 limits “in response to changes in the ubiquity of wireless devices and in scientific standards and research since 1996.” *EHT v. FCC*, 9 F.4th at 902.

The 2013 NOI acknowledged the Commission’s “fundamental” regulatory responsibility to “provide for the appropriate protection of consumers, workers, and other members of the public.” 2013 NOI ¶¶209, 210. However, the Commission decided to not update the 1996 limits, and in 2019 issued a final order terminating the 2013 NOI. *Resolution of Notice of Inquiry, Second Report and Order, Notice of Proposed Rulemaking, and Memorandum Opinion and Order*, 34 FCC Rcd 11,687, 11,689-90 (2019) (“2019 Order”).

Petitioners challenged the 2019 Order in separate petitions consolidated in this Court. *EHT v. FCC*, 9 F. 4th at 902. On August 13, 2021, the Court found, under a “highly deferential standard of review,” that:

the Commission’s [2019] order [was] arbitrary and capricious in its failure to respond to record evidence that exposure to RF radiation at levels below the

Commission’s current limits may cause negative health effects unrelated to cancer. . . . 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 RF radiation, exposure to RF pulsation or modulation, and the implications of technological developments that have occurred since 1996, all of which depend on the premise that exposure to RF radiation 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 RF radiation.

EHT v. FCC, 9 F.4th at 903.

The Court pointed to voluminous record evidence submitted in response to the *2013 NOI* but ignored in the *2019 Order*, including multiple studies and reports published after 1996, “purporting to show that RF radiation at levels below the Commission’s current limits causes negative health effects unrelated to cancer, such as reproductive problems and neurological problems that span from effects on memory to motor abilities” (*id.* at 903); “approximately 200 comments submitted by individuals who advised the Commission that either they or their family members suffer from radiation sickness, a constellation of mainly neurological symptoms that manifest as a result of RF exposure” (*id.* at 904 (internal punctuation omitted)); and “substantive evidence of potential environmental harms.” *Id.* at 909.

The Court found that the evidence before the FCC “challenge[d] a fundamental premise of the Commission’s decision to terminate its *2013 NOI*—

namely, the premise that exposure to RF radiation at levels below the Commission's current limits does not cause negative health effects." *Id.* at 907. The Court observed that "the Commission's order remains bereft of any explanation as to *why*, in light of the studies in the record, its guidelines remain adequate." *Id.* at 906 (emphasis in original). It added, "an agency cannot simply ignore evidence suggesting that a major factual predicate of its position may no longer be accurate." *Id.* at 907.

B. Continuing human and environmental harm and mounting scientific evidence that the 1996 exposure limits are inadequate

During the years since the *EHT v. FCC* mandate issued, the harms from RF radiation to human beings and the natural environment have continued unabated, while the scientific evidence that current limits are inadequate to protect health has advanced far beyond "purport" and is now undeniable.

The individual Petitioners' Declarations detail some of their own and their family members' ongoing suffering due to RF radiation, describing symptoms such as extreme fatigue, brain fog, memory loss, shortness of breath, blurry vision, eye pain, fainting, nosebleeds, skin cracking/bleeding, headaches and shooting head pain, cardiac arrhythmia, insomnia, and Grave's disease, *See* Brokken@¶¶4, 11-12, 19-21; Hertz@¶¶12-16 (Addendum 6).

Petitioners are far from alone in their suffering. For additional evidence of ongoing health effects on human beings, the Court need look no further than the

FCC's own proceedings, where individuals experiencing adverse health consequences from EMF exposure continue to detail their experiences, to deaf ears. Docket WT 25-276 contains comments discussing health effects from RF exposures including myriad neurological, cardiovascular, pulmonary, and other ongoing effects, along with efforts taken by individuals to improve their conditions by reducing or eliminating those exposures. *See Reply Comments of CHD et al*, <https://www.fcc.gov/ecfs/document/1011524866943/1>, pp. 13-15 (linking comments); *see also* comments of [Hank Allen](#), [Shannon Bishop](#), [Thea Becker](#), [Deanna Bernhard](#), [Mark Blossom](#), [Patricia Buckelew](#), [Scott Bauer](#), [Beth Bauer](#), [Julie S. Calderwood](#), [Earis Corman](#), [Margot DesBois](#), [Gary Feltman](#), [Heather Hahn](#) and [Roxanne Huffman](#) for another sampling.

Similarly, in GN 22-69, numerous comments detail suffering by individuals whose lives have been turned upside down by the debilitating effects of wireless radiation. *See [Reply Comments by Advocates for the EMS Disabled, pp. 6-11](#); [Addendum: Stories of the EMS Disabled In Their Own Words](#)*. As one individual explains, “[i]ntolerable symptoms prevent me from accessing essential services or participating fully in society.” *Id.* Many other comments in that proceeding describe similar experiences.

In addition to individual instances of suffering, the body of scientific articles and other publications detailing the ill effects of RF radiation and the inadequacy

of current exposure limits has continued to grow. Addendum 2 provides a short list of representative post-2019 publications, including several addressing the issues specifically remanded by the Court, such as the mechanisms of harm, laboratory studies, clinical studies, epidemiological and population data, effects on children, and RF radiation effects on *flora* and *fauna*.⁴

Recent science on wireless radiofrequency electromagnetic fields has solidified a range of critical biological impacts in plants, insects, experimental animals, animal and human cell cultures, and human beings. Reported effects reinforce the prior evidence of oxidative stress, DNA damage, altered calcium signaling, membrane and mitochondrial disruption, reproductive and developmental effects, sperm damage, neurobehavioral changes, immune and endocrine effects, altered gene expression, blood–brain barrier changes, and increased cancer-related signals in some animal and epidemiologic datasets. These non-thermal biological effects flow from chronic and simultaneous exposure and ever-more intense modulation. They especially impact vulnerable populations, something the guidelines and testing procedures completely ignore.

Environmental evidence has also strengthened. [Levitt, Lai, Manville, and Scarato \(2025\)](#) argue that anthropogenic EMF should be treated as an ecosystem-

⁴ See *Health and Environmental Impacts of RF radiation (2019-2026)*, Addendum 2.

level stressor, especially for species relying on geomagnetic cues for migration, orientation, mating, feeding, and territorial behavior. New dosimetry by [Jeladze et al.](#) found substantial frequency-dependent absorption in insects including honeybees, wasps, ladybugs, and mantises. Together, these findings support far more protective and biologically based exposure limits, especially before further wireless densification.

C. Increasing RF exposure

Even as evidence of harm continues to mount, wireless facilities have proliferated at lightning speed. Wireless exposures at home, at work, and at school continue to increase. Addiction to social media fuels increased daily use of wireless devices, thereby increasing users' duration and proximity to devices and the resulting radiation.⁵ New technologies with untested modulation techniques roll out at an increasing pace. This has led to unprecedented exposure levels and patterns.

⁵ In 2025, 35 State Attorneys General filed litigation against social media companies concerning addiction to their products. As of April 1, 2026, 2,407 civil cases were consolidated under the MDL. *People of the State of California v. Meta Platforms, Inc.*, No. 4:23-cv-05448 (N.D. Cal., filed Oct. 24, 2023); *In re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL No. 3047 (N.D. Cal., filed Oct. 24, 2023); see <https://cand.uscourts.gov/cases-e-filing/cases/423-cv-05448-ygr/people-state-california-v-meta-platforms-inc-et-al?utm>.

There were approximately 24,800 cell towers in the United States in 1996.⁶ By 2025, there were 254,850 large “macro” cell sites, 198,100 outdoor “small” cells, and 830,350 indoor small cell nodes.⁷

The amounts, types, and uses driving RF radiation exposure have exponentially grown in every age group from infancy to adult, and in every setting from homes to workplaces to schools since 1996. According to a survey of 8,000 U.S. internet households, “the average U.S. household with internet access had 17 connected devices in 2023.”⁸

Children use cell phones and other wireless devices in ways and for durations that the Commission did not anticipate when it set the 1996 limits. According to Common Sense Media, 40% of children today have a tablet by age two, and nearly one in four have a personal cellphone by age eight.⁹ For children under two, average daily screen use is approximately one hour, whereas two to four year-olds average over two hours per day.¹⁰ Children between five and eight

⁶ Katie Dean, [*Cell Towers Take Root on Farms*](#), WIRED (Jan. 10, 2000).

⁷ Benton Institute for Broadband & Society, “[Wireless Infrastructure By the Numbers: 2025 Key Industry Statistics](#),” (Mar. 18, 2026).

⁸ Park Assocs., [Parks: Average U.S. Internet Home Had 17 Connected Devices in 2023 \(Jan. 10, 2024\)](#).

⁹ Common Sense Media, [The 2025 Common Sense Census: Media Use by Kids Zero to Eight](#) (Feb. 26, 2025).

¹⁰ *Id.* at 1.

years old average almost 3.5 hours per day.¹¹ A 2024 CDC data brief concluded that, during July 2021 through December 2023, 50.4% of teenagers ages twelve to seventeen had four hours or more of daily screen time.¹² According to Pew research, 96% of U.S. teens now say they use the internet every day, and since 2014-15, the share of teens who report being online “almost constantly” has nearly doubled, from 24% to 46%.¹³

D. Ongoing FCC failure to comply with the mandate

Despite requests by Petitioners and other individuals and groups, the Commission has ignored the *EHT v. FCC* mandate. The Commission has not provided *any* explanation for its 2019 termination of the *2013 NOI*, let alone a reasonable one. Similarly, the Commission has not reopened the terminated proceeding, nor has it issued any notices to reassess RF exposure limits or proposed any substantive changes or additions to existing RF exposure limits.

There is no indication this will change any time soon. The Commission’s “Unified Agenda” published at 90 Fed. Reg. 45888-45642 (Sept. 22, 2025) does not list anything related to “exposure,” nor does the list of [Executive Order](#)

¹¹ *Id.*

¹² Benjamin Zablotzky, et al, July 2021, [Daily Screen Time Among Teenagers: United States December 2023](#), NCHS Data Brief No. 513 (Oct. 2024).

¹³ Pew Research Center, [Teens and Internet, Device Access Fact Sheet](#), (July 10, 2025).

[Submissions under Review](#). The FCC issued a Notice of Proposed Rulemaking (NPRM) *In re Modernizing the Commission’s Nat’l Env’tl. Policy Act Rules*, 40 FCC Rcd 6377 (Aug., 2025) that would largely exempt wireless facility licensing from NEPA review. However, this NPRM expressly states in ¶ 51 & n. 153 (40 FCC Rcd at 6397) that “we do not propose changes to [the exposure limit] rule sections as part of this proceeding.” The Commission’s apparent intent is to continue to do nothing in response to the *EHT v. FCC* mandate.

Petitions and other requests urging the Commission to comply with the mandate include the following:

- On November 30, 2021, EHT formally asked the FCC to reopen and refresh the RF exposure dockets with up-to-date scientific evidence after the D.C. Circuit’s remand.¹⁴
- In June 2022, the Environmental Working Group petitioned to reopen RF exposure dockets.¹⁵
- On April 4, 2023, CHD petitioned the FCC to honor the mandate.¹⁶
- On August 6, 2025, EHT petitioned the FCC to honor the mandate.¹⁷

¹⁴ See [EHT 11/30/21 Request to Reopen and Refresh the RF Exposure Record in ET Docket Nos 03-137 and 13-84](#).

¹⁵ See [EWG 6/30/22 Petition to Reopen RF Exposure Dockets filed in ET Dockets 13-84 and 03-137](#).

¹⁶ See [CHD Petition to Proceed and Honor Mandate and CEQ NEPA Procedures](#).

¹⁷ See [EHT v. FCC PETITION AND ATTACHMENTS](#).

- On November 25, 2025, CHD joined the EHT August 6, 2025 Petition and renewed CHD’s earlier April 2023 petition.¹⁸
- In late 2025, over three thousand formal comments from organizations, individuals, and governmental entities were submitted opposing the proposals in WT 25-276, *Build America: Eliminating Barriers to Wireless Deployments*. Many comments demanded that the FCC deal with the *EHT v. FCC* remand before promoting further wireless deployment.¹⁹

The Commission has not formally responded to any of these entreaties.

E. FCC effort to hasten deployment of new wireless facilities

During the four and a half years that the FCC has ignored the *EHT v. FCC* mandate, the Commission has busied itself with ensuring that wireless telecommunication companies are able to enjoy frictionless rollout of wireless facilities in communities across the nation, regardless of whether the facilities are wanted or needed in those communities.

The Commission’s website announces: “[FCC Aims to Accelerate Wireless Infrastructure Buildout](#),” and the Commission’s Notice of Proposed Rulemaking

¹⁸ See [Joinder In Environmental Health Trust Petition To Implement D.C. Circuit Judgment And Mandate, Reopen Notice Of Inquiry And Perform Tasks Ordered By The Court, And Request For Prompt Administrative Action And Renewed Separate Motion For Similar Relief](#).

¹⁹ For just a small sample, see comments of the [International Commission on Biological Effects of EMFs \(ICBE-EMF\)](#), 5-6; [Local Communities Wireless Coalition](#), 35-37; [West Montgomery County Citizens Association](#), 2; [City of Phoenix](#), 6-7. See also [ICBE-EMF May 14, 2026 Ex Parte](#).

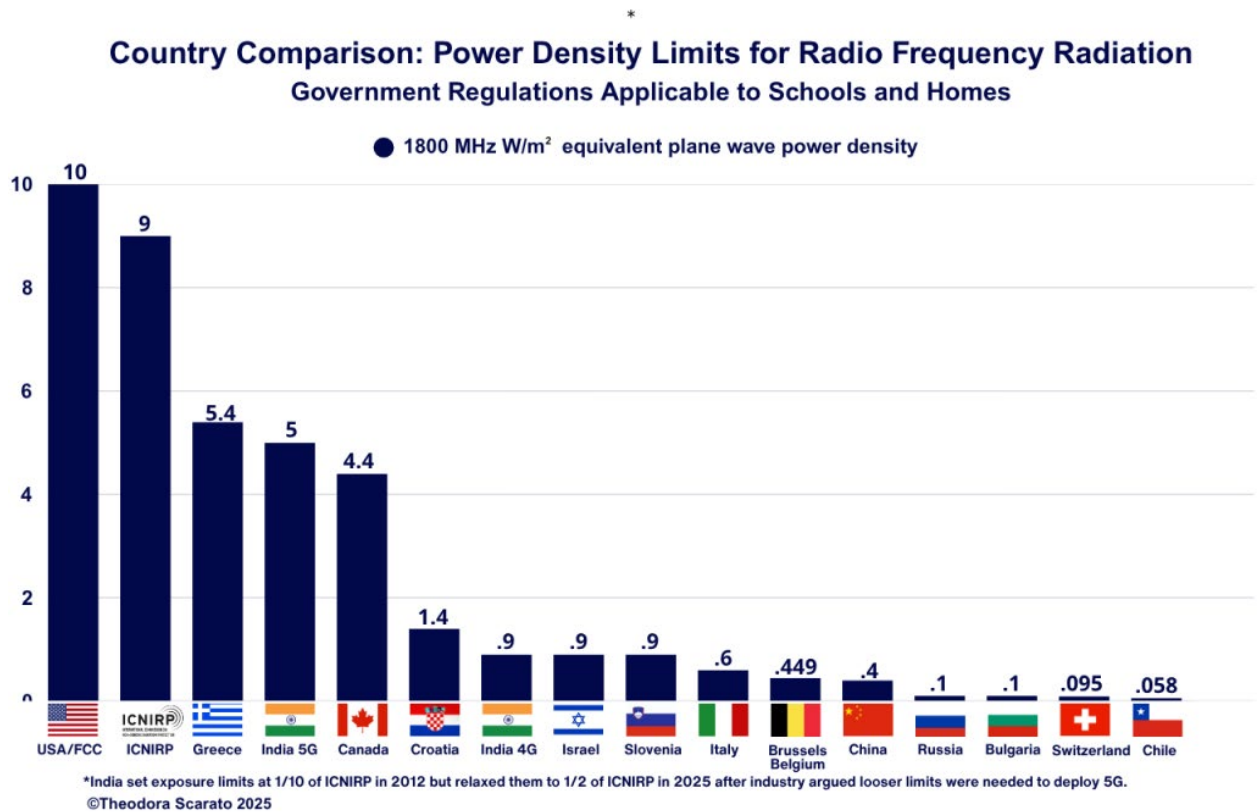
(“NPRM”) in WT 25-276, *Build America: Eliminating Barriers to Wireless Deployments*,²⁰ proposes to fast-track wall-to-wall wireless facility deployment.

The Telecommunications Act of 1996 (“TCA”) *already* preempts state and local governments from considering environmental effects of RF radiation when regulating placement, construction, and modification of personal wireless service facilities, and this preemption has been broadly interpreted to preclude regulation based on human health effects as well. *See* 47 U.S.C. § 332(c)(7)(B)(iv). If enacted, the rules and other actions contemplated in the NPRM would virtually eliminate remaining state and local zoning authority over wireless facilities, effectively transferring that traditional authority to private telecommunication companies. Communities would be forced to accept new and expanded wireless facilities in locally-unwanted settings: residential neighborhoods and parks, on top of schools, in rural and historic districts, in woodlands and on mountaintops and other locations held in high value by communities, even though that buildout under the 1996 exposure limits will further harm human and environmental health.

²⁰ The NPRM was released on September 30, 2025, and published in the Federal Register on December 1, 2025. 90 FR 55066.

F. Protective exposure limits in other countries

The FCC’s 1996 exposure limits are the highest in the world, making the U.S. an outlier. By contrast, most developed nations have adopted substantially lower limits, with the majority having limits less than 20% of the FCC’s.²¹



Russia and Switzerland have the lowest exposure limits in the world but still maintain robust and reliable mobile connectivity.²² Switzerland’s limits are about

²¹ National Spectrum Management Association, 2026 Annual Conference, “*Your Radiation Weather Report*”: *National RF Emission Map & Monitoring Networks: Real Time, Prior Measured & Predictive*, (hereinafter NSMA 2026) (May 13, 2026). See, Addendum 3.

²² [EHT v. FCC Petition \(2025\)](#) at 23.

3% of the FCC's. Switzerland started with the International Commission on Non-ionizing Radiation Protection (ICNIRP) recommendations as the base but adds strict precautionary installation limits (ILV) for base stations, especially near sensitive areas (homes, schools, etc.). For networks operating in the 900 MHz spectrum band, the radiation limit is roughly 1/10 to 1/100 of ICNIRP (~4.6 V/m or ~0.04–0.1 W/m²).²³

G. FCC concealment of systematic testing and operational exposure limit violations

The Court remanded for a reasoned explanation for the decision to retain current testing procedures, but this too remains unaddressed. One potential reason is that the Commission knows its testing regime's failures allow non-compliant devices to flow into commerce, thereby harming consumers, and it prefers to keep that information out of public view.

In 2019, Commission engineers tested selected devices and determined they exceeded limits when within 2 mm of the body.²⁴ The Commission tried to

²³ [Federal Office for the Environment \(FOEN/BAFU\), Topic: Electrosmog, Health and Environment](#); For specific, see NSMA 2026 at pp 9-19 (Addendum 3); See generally, [EHT Switzerland Policy Recommendations for Cell Phone Radiation Health](#).

²⁴ EHT, *EHT v. FCC* Petition (2025) at 68, citing [Press Release: Concealed FCC Cell Phone Radiation Tests Show Human 'Exposure Limits Were Exceeded', Environmental Health Trust \(Apr. 22, 2024\)](#) (Addendum 4).

suppress disclosure of this event, but the records were finally produced under FOIA in 2023.²⁵

Other independent tests using standardized equipment and FCC-compliant procedures have revealed that certain devices placed into general commerce are non-compliant.²⁶ These devices had previously cleared the FCC registration process, which demonstrates that the testing regime fails to properly catch violating equipment at the front end.

Cellular antennas also routinely cause exposure zones exceeding general population limits. The Commission rules require “positive access control”²⁷ restricting access to those areas, but violations are common and the rules are not

²⁵ [EHT v. FCC Petition \(2025\)](#) at 9. citing EHT, [Federal Communications Commission \(FCC\) Release of 11 Records to the Environmental Health Trust \(EHT\) in response to a Freedom of Information Act \(FOIA\)](#), Apr. 21, 2024. See also, [Press Release: Concealed FCC Cell Phone Radiation Tests Show Human ‘Exposure Limits Were Exceeded](#), EHT, (Apr. 22, 2024) (Addendum 4).

²⁶ FCC-certified lab results from tested mobile phones revealed exposures exceeding FCC limits. See Addendum 5, *Certificate of Testing: R&D SAR Evaluation*, RF Exposure Lab (Oct. 13, 2025). This report documented exceedances at 5mm from the body for the Samsung Galaxy S, Nokia 5165, Motorola MicroTAC, Nokia 101, Nokia 1000, and Motorola StarTAC.

²⁷ See 47 C.F.R. § 1.1307(b)(2) (definition of “positive access control”), (b)(4)(iii) (Mitigation actions).

actively policed. The FCC instead relies on complaints by property owners or other members of the public.²⁸

In sum, the public evidence indicates that testing for compliance with even the overly-permissive rules is wholly inadequate and non-compliance may well be systemic, which means the public is currently being widely exposed to RF radiation at levels even the FCC agrees is harmful.²⁹

VI. REASONS THE WRIT SHOULD ISSUE

A Writ of Mandamus is warranted when the petitioner demonstrates “(1) a clear and indisputable right to relief, (2) that the government agency or official is violating a clear duty to act, (3) and that no adequate alternative remedy exists.” *Am. Hosp. Ass’n v. Burwell*, 812 F.3d 183, 189 (D.C. Cir. 2016). Mandamus is appropriate when a Court finds “compelling equitable grounds.” *In re Medicare Reimbursement Litigation*, 414 F.3d 7, 10 (D.C. Cir. 2005) (internal quotation marks and alteration omitted). “On the equities, the central question is whether the agency’s delay is so egregious as to warrant mandamus.” *In re Ctr. for Biological Diversity & Ctr. for Food Safety*, 53 F.4th 665, 670 (D.C. Cir. 2022) (internal quotation marks and citation omitted).

²⁸ See, e.g., *In the Matter of T-Mobile License, LLC, Licensee of Stations WQGB378, WQGA745, WQQQ249, Phoenix, Arizona*, Notice Of Apparent Liability For Forfeiture, 30 FCC Rcd 12677 (2015).

²⁹ [EHT v. FCC Petition \(2025\)](#) at 20, 26, 34, 68-73.

Here, the Court is faced with an FCC failure to obey a judicial mandate over four and a half years old, and a failure to lawfully address safety guidelines that are thirty years old. As in *Ctr. for Biological Diversity*, “[t]he mandamus petition in this case arises from relatively unique circumstances that implicate two distinct sources of mandamus jurisdiction under the All Writs Act: [the Court’s] power to compel unreasonably delayed agency activity and [the Court’s] power to require compliance with [the Court’s] previously issued orders.” *Id.* Where, as here, an agency has failed to act on a remand from this Court, this failure is the “decisive factor.” *Id.* at 671 (internal punctuation and citation omitted).

By ignoring the *EHT v. FCC* mandate for years, the Commission has effectively nullified this Court’s determination that the *2019 Order* was erroneous, because the remand without *vacatur* left the 1996 human exposure limits in place. Until the FCC states its explanation for the decision to terminate the *2013 NOI* in a final order, Petitioners cannot mount a challenge to the decision or the rules in issue. *See id.* at 670-71.

While the FCC has been ignoring the mandate, human and environmental harms from ever-increasing exposure to RF radiation have continued to mount. Moreover, as wireless facilities proliferate and become ubiquitous, individuals who suffer health effects from RF radiation find it ever more difficult to escape involuntary exposure, in part because federal preemption eliminates communities’

ability to consider or do anything about health and environmental effects from wireless facilities.

The FCC’s delay in acting is egregious and the equities are compelling. All conditions are met for the Writ to issue.

A. The Commission is violating a clear duty to act.

The Commission’s charge is to regulate facilities, equipment and devices that emit RF radiation “in the public interest, *including in regard to public health.*” *EHT v. FCC*, 9 F.4th at 906 (internal citation omitted, emphasis added). Consistent with this responsibility, this Court’s *EHT v. FCC* mandate requires the FCC to act, by—among other things—dealing with the voluminous scientific evidence that the 1996 exposure limits do not protect human or environmental health. The FCC has a “crystal-clear legal duty” to act, *see In re Nat’l Nurses United*, 47 F.4th 746, 752 (D.C. Cir. 2022), but is violating that duty through its wholesale disregard of this Court’s mandate.

B. The Commission’s delay is egregious.

To determine “whether the agency’s delay is so egregious as to warrant mandamus,” the Court considers six factors:

(1) the time agencies take to make decisions must be governed by a rule of reason; (2) where Congress has provided a timetable or other indication of the speed with which it expects the agency to proceed in the enabling statute, that statutory scheme may supply content for this rule of reason ; (3) delays that might be reasonable in the sphere of economic regulation are less tolerable when human health and welfare are at stake; (4) the court should

consider the effect of expediting delayed action on agency activities of a higher or competing priority; (5) the court should also take into account the nature and extent of the interests prejudiced by delay; and (6) the court need not find any impropriety lurking behind agency lassitude in order to hold that agency action is unreasonably delayed.

Telecommunications Research & Action Ctr. v. FCC (“TRAC”), 750 F.2d 70, 79-80 (D.C. Cir. 1984) (internal quotation marks and citations omitted); *see also, In re Public Emples.*, 957 F.3d 267, 273 (D.C. Cir. 2020); *In re Core Communs., Inc.*, 531 F.3d 849, 855 (D.C. Cir. 2008).

Where, as here, an agency ignores a court order, “although the *TRAC* factors are ‘not unimportant,’ a lesser showing is necessary to justify mandamus.” *Ctr. for Biological Diversity*, 53 F.4th at 671 (internal quotation marks and citation omitted). However, even under a more stringent analysis, the Commission’s failure to take any action on the Court’s order for over four and a half years is egregious, and the *TRAC* factors weigh heavily in favor of mandamus.

1. Delay and the rule of reason

The first and most important *TRAC* factor is the “rule of reason.” *In re Core Commc’ns*, 531 F.3d at 855. While “[t]here is no *per se* rule as to how long is too long to wait for agency action . . . a reasonable time for agency action is typically counted in weeks or months, not years.” *In re Am. Rivers & Idaho Rivers United*, 372 F.3d 413, 419 (2004) (internal quotation marks and citations omitted); *see also Midwest Gas Users Assoc. v. Federal Energy Regulatory Com.*, 833 F.2d 341, 359

(D.C. Cir. 1987) (a reasonable time for an agency decision could encompass months, occasionally a year or two, but not several years or a decade); *MCI Telecommunications Corp. v. FCC*, 627 F.2d 322 (D.C. Cir. 1980) (four-year delay in determining a just and reasonable tariff was unreasonable); *Public Citizen Research Health Grp. v. Auchter*, 702 F.2d 1150, 1157 (D.C. Cir. 1983) (three years); *Air Line Pilots Ass’n, Int’l v. C.A.B.*, 750 F.2d 81, 86 (D.C. Cir. 1984) (five-years). Importantly, lack of a hard deadline “does not give government officials *carte blanche* to ignore their legal obligations.” *In re Public Empl.*, 957 F.3d at 274 (internal quotation marks, citation omitted).

Here, the FCC has not even begun to act on a Court mandate that is over four and a half years old. Moreover, the subject of the mandate—the *2019 Order*—was issued seven years ago, based on the now thirteen-year-old *2013 NOI*, questioning thirty-year-old exposure limits. There is no justification for this delay, especially given the ongoing and increasingly widespread harm. The Commission’s rush to hasten ever more wireless deployments while the 1996 limits are still in place makes the delay all the more egregious.

2. Congressional direction

Under the second *TRAC* factor, the Court considers whether Congress provided a “timetable or other indication of the speed with which it expects the agency to proceed.” Congress has not provided an express deadline for the actions

sought in this Petition, but given the significant health and environmental concerns involved, there is considerable force to the proposition that the FCC has the legal duty to regularly revisit the human exposure limits, just as it does its other significant rules. First, the FCC implicitly acknowledged a duty to update in the *2013 NOI*³⁰ and the *2019 Order*.³¹ Second, 47 U.S.C §§ 332(a)(1), 151, 154(n), 254(c)(1)(A), 324, 332(a)(1), 336(h)(4)(B), 925 (b)(2)(C), 1455(a)(3) each appear to impose an ongoing public health and safety obligation. *See also Mozilla Corp. v. FCC*, 940 F.3d 1, 59 (D.C. Cir. 2019).

The Commission has recently been identifying other wireless related rules it deems “outdated, obsolete, unlawful, anticompetitive, or otherwise no longer in the public interest” to “eliminat[e] outdated rules, reduc[e] unnecessary regulatory burdens, accelerat[e] infrastructure deployment, promot[e] network modernization, and spur[] innovation.” *In re Delete, Delete, Delete*, 40 FCC Rcd 8686 ¶¶ 1-2 (Oct. 28, 2025). In contrast, it is consciously and conspicuously ignoring the exposure limits and their severe deficiencies as part of its rush to push ever more wireless infrastructure that will create even more involuntary exposure.

³⁰ 28 FCC Rcd at 3571, ¶¶209, 210.

³¹ 34 FCC Rcd at 11693, ¶10.

3. Effects on human health and welfare

The third *TRAC* factor weighs heavily in favor of mandamus, because “delays that might be reasonable in the sphere of economic regulation are less tolerable when human health and welfare are at stake.” *TRAC*, 750 F.2d at 80. *See, e.g., Ctr for Biological Diversity*, 53 F.4th at 671; *Pub. Citizen Health Research Grp. v. Auchter*, 702 F.2d 1150, 1157 (D.C. Cir. 1983).

Here, “human health and welfare” are undeniably at stake, given ongoing and mounting exposure to RF radiation under regulatory assumptions the Court has already found inadequately justified. RF radiation exposure at or under the 1996 limits harms human beings. Additionally, RF radiation exposure at or under the 1996 limits harms the environment upon which all human life depends. *Cf. In re Bluewater Network*, 234 F.3d. 1305, 1316 (D.C. Cir. 2000). Moreover, the threat to human health and welfare posed by RF radiation is magnified by the fact that exposure is becoming increasingly unavoidable, regardless of consent.

The threat to human health and welfare is broader and less attenuated than threats that this Court has previously found to weigh heavily in favor of mandamus. For example, in *Pub. Citizen Health Research Grp. v. Auchter*, the court found that OSHA’s three-year delay in updating exposure standards for a work-place chemical was unreasonable. The principal focus was “exposure of workers who work near sterilizing equipment in the health care industry.” 702 F.2d

at 1152. The principal focus of *this* case is significantly broader: wireless facilities and devices have proliferated to such an extent that almost every man, woman, and child in the country is exposed to RF radiation on an ongoing basis, unless deliberate (and often drastic) steps are taken to avoid exposure, while the *flora* and *fauna* on which we all depend cannot avoid exposure at all.

The threat here is less attenuated than that in *Ctr for Biological Diversity*, where the Court considered EPA's failure to determine adverse effects of a new pesticide on an endangered species. 53 F.4th at 671. Here, the FCC's failure to act directly threatens human health and welfare across the Nation.

4. Effects on important agency activities

Under the Fourth *TRAC* factor, the Court considers "the effect of expediting delayed action on agency activities of a higher or competing priority." *TRAC*, 750 F.2d at 80. Here, the FCC is not just nullifying the judicial mandate; it is strategically prioritizing activities that make noncompliance worse. But this Court's remand order elevates rather than reduces the importance of FCC action. The FCC's foot-dragging stymies Petitioners' ability to obtain judicial review, and it is clear that the Commission "never intends to resolve the issue at all." *See In re Monroe Commc'ns Corp.*, 840 F.2d 942, 946-47 (D.C. Cir. 1988).

5. Nature and extent of interests prejudiced by the delay

The fifth *TRAC* factor concerns the nature and extent of the interests prejudiced by agency delay. Here, the FCC's ongoing failure to act on the *EHT v. FCC* mandate prejudices the interests of Petitioners and of the general public because of ongoing health and environmental effects, while also preventing judicial review of the Commission's inaction.

6. Bad faith

Mandamus does not require that the agency's delay be driven by improper conduct or motive, *TRAC*, 750 F.2d at 80; egregiousness of the delay is itself sufficient. Here, even if not in bad faith, the FCC's rush to accelerate wireless buildout while doing nothing to address the remand strongly implies an intent to take advantage of the lack of a *vacatur* since action on the remand might complicate deployment and operation.

C. Petitioners have no adequate alternative remedy at law.

When, as here, a case "is simply remanded, and the agency drags its feet, the winning party's only recourse is to bring a mandamus petition and clear all the hurdles such actions entail." *Citizens for Resp. & Ethics in Washington v. Fed. Election Comm'n*, 316 F. Supp. 3d 349, 414–15 (D.D.C. 2018), *aff'd*, 971 F.3d 340 (D.C. Cir. 2020) (internal punctuation and citation omitted). Because the Commission has failed to act on the *EHT v. FCC* mandate, there is no final order to

challenge, and judicial review is unavailable. *Cf. Ctr. for Biological Diversity*, 53 F.4th at 67. This lack of remedy is compounded by judicial decisions holding the Communications Act expressly or impliedly preempts all state and local authority over RF exposures and all remedies for personal and property injuries. Many courts have held that there is no private right of action for violation of several of the underlying provisions in the Communications Act. The FCC has also decided that there is no private cause of action at the FCC for violation of the relevant FCC regulations. If and to the extent those decisions are correct, Petitioners have no other means to challenge the application of the 1996 exposure limits to them even though exposures are often involuntary.

Indeed, private relief through adjudication is not available even at the FCC. Commission rules do not contemplate specific relief to individuals harmed by wireless facilities or user devices. There is no statutory provision for, and no FCC rule allows, complaints about wireless licensee actions that cause personal injury when the licensee is operating in accordance with applicable rules but harm nonetheless results, as would often be the case here.

Petitioners are left with FCC rulemaking as the only source of relief and the remanded proceeding is the only proceeding where that can occur. The statutory limitations period for petitions for review of the *2019 Order* has long passed, so a new action is not available. The *EHT v. FCC* petitioners took a timely petition for

review and prevailed but the FCC refuses to honor the mandate. Mandamus is the only possible remedy.

VII. STANDING

Petitions for mandamus do not have to address standing. Petitioners, however, acknowledge that Article III standing is required. *United States v. Straker*, 800 F.3d 570, 586 (D.C. Cir. 2015). Thus, we briefly discuss why the individual and organizational Petitioners have standing, supported by standing declarations submitted with this Petition.

Addendum 6 contains a Declaration by each Petitioner in support of standing. Importantly, all Petitioners in this filing were named plaintiffs in *EHT v. FCC*, and on that basis alone have standing to enforce the *EHT v. FCC* mandate to protect interests that continue to be harmed by the Commission's inaction.

A. Individual petitioners' standing

Two of the individual Petitioner are members of Petitioner CHD, and the third individual is a longtime supporter. Each has injury in fact, causation, and redressability. *See In re Public Empl.*, 957 F.3d at 272.

1. Injuries in fact

For individual Petitioners, illness from toxic environmental agents and harmful exposures from inadequate safety limits provide standing. *NRDC v. EPA*, 464 F.3d 1, 7 (D.C. Cir. 2006); *Nuclear Energy Inst., Inc. v. EPA*, 373 F.3d 1251,

1265-66 (D.C. Cir. 2004); *Mountain States Legal Found. v. Glickman*, 92 F.3d 1228, 1234-35 (D.C. Cir. 1996).

Two petitioners suffer from Electromagnetic Radiation Syndrome (“EMR-S”) and related conditions. Brokken@¶¶4-13; Hertz@¶¶7-8, 12-16. These injuries are both particularized and concrete: they have had to, *inter alia*, quit jobs and school, avoid public spaces, stop traveling by air, and spend money to shield themselves from RF/EMF emissions and to minimize future exposures, (*e.g.*, buying shielding to block radiation, moving homes). Brokken@¶¶14-18, 27; Hertz@¶¶9, 12, 16-17, 20. The financial harm from these expenditures also provides standing. *Czyzewski v. Jevic Holding Corp.*, 580 U.S. 464 (2017); *see also Twin Rivers Paper Co. LLC v. SEC*, 934 F.3d 607, 616 (D.C. Cir. 2019).

Standing arises from the violation of a procedural right that threatens a concrete interest. *City of Dania Beach v. FAA*, 485 F.3d 1181, 1185 (D.C. Cir. 2007). One need not, however, show that “correcting the procedural violation would necessarily alter the effect of the agency’s action on the plaintiffs’ interest.” *Mendoza v. Perez*, 754 F.3d 1002, 1010 (D.C. Cir. 2014). Here, the Communications Act requires the FCC to protect citizens from unnecessarily harmful RF/EMF exposures. The APA obligates the FCC to consider relevant materials indicating that human health and environment may be adversely affected or that the FCC’s cellphone testing procedures are inadequate. All individual

Petitioners have alleged that the FCC's refusal to comply with the *EHT v. FCC* mandate concretely and significantly harms their interests, and the harm is ongoing and reasonably expected to continue absent this Court's intervention. *See e.g.*, Brokken@¶¶27-29; Carpenter@¶¶60-65; Hertz@¶¶23-24.

Scientists and physicians have a legally-protected interest in the ability to engage in their chosen professions, in accordance with ethical and other duties imposed by law or custom. Agency action that significantly undercuts their ability to do so is a "professional injury," that provides standing. The FCC's refusal to honor the *EHT v. FCC* mandate has caused reputational harm to and frustrated the professional Petitioner's ability to effectively practice public health.

Carpenter@¶¶61-65.

2. Causation and redressability

The injuries here are caused by FCC's inaction in response to the *EHT v. FCC* remand, which renders the Petitioners' court win in that case meaningless. The FCC's "do nothing" response to the mandate is functionally no different than termination of the *2013 NOI*—the outcome found unlawful and remanded by the Court. The *EHT v. FCC* Court intended to provide redress, but the Commission is functionally denying the fruits of Petitioners' victory by ignoring the mandate.

The same causation and redressability that were present in *EHT v. FCC* remain to this day. Moreover, as discussed above, there is additional, continuing

and accumulating injury from the Commission's refusal to set meaningful, biologically based exposure limits. The Court must act to ensure its original effort to provide redress comes to fruition, but it should also act to deal with all the additional harm caused by the FCC's continued and ongoing misadministration of its statutory duties.

When the FCC finally acts by adapting its rules to biological responses other than tissue heating, all regulated entities will respond by bringing themselves into compliance with any changes by adjusting their behavior, thereby providing relief to the Petitioners. If the result is, once again, no changes to the regulations but only a more reasoned explanation for the decision, the Petitioners will have an opportunity to challenge the reasoning and justification before this Court or in a regular APA appeal. Petitioners will at least finally get the "reasoned justification" the Court properly held was required and appropriate.

B. Associational standing

An association has standing to bring suit on behalf of its members when: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit. CHD and EHT are appropriate representatives for their members and constituents.

1. Member standing

Two of the individual Petitioners in this case are CHD members and have standing to sue in their own right. Brokken@¶1; Hertz@¶1; *see also* Eckenfels@¶8. As for EHT, many of EHT's members and supporters are individuals who are directly and continuously exposed to RF radiation from wireless devices, infrastructure, and related technologies. Sandri@@¶5. These individuals suffer concrete and particularized injuries in the form of heightened health risks, including potential biological effects documented by peer-reviewed scientific evidence, such as impacts on neurological development, reproductive health, and other physiological systems. *Id.* These injuries are actual or imminent, traceable to the challenged agency action, and redressable by a favorable court decision. *Id.*

2. Organizational purpose and interests

The interests CHD and EHT seek to protect through this Petition are germane to each organization's interest.

CHD's mission is to end childhood health epidemics by eliminating the toxic exposures that underlie them, including exposure to harmful RF radiation. CHD's priorities and initiatives are shaped by members of the CHD community, who belong to chapters around the country through which they impact CHD's policies, advocacy, actions, and lawsuits. Eckenfels@¶¶3-6. Through its EMR & Wireless

program, CHD responds to and provides legal and other assistance to members and communities who have concerns about wireless facilities, including their health and environmental effects. Eckenfels@¶9. Additionally, CHD leads a nationwide initiative involving over 100 safe-tech organizations and many thousands of individuals seeking to restore state and local control over siting of wireless facilities. Eckenfels@¶10. On behalf of its members and constituents, CHD was a lead plaintiff in *EHT v. FCC* and has filed comments in various FCC proceedings involving wireless standards and facilities. Eckenfels@¶¶11-12.

EHT's mission is to identify emerging environmental hazards, advance research on their health effects, and formulate proactive preventative solutions. EHT champions environmental health research, policy advice and support, and public education on emerging environmental health hazards and their impact on the health of humans and all living things. Supporters include a global network of scientific, business, and legal advisors. Its leadership team comprises public health professionals, clinicians, scientists, engineers and community outreach professionals. EHT conducts and supports independent scientific, engineering and clinical research and then applies the results to educate the public and advocate for and achieve science-based effective public policy. Sandri@¶¶3, 6.

3. Participation of individual members

CHD's and EHT's claims and requested relief do not demand individualized proof for every affected member; a showing for some—and specifically for the individual Petitioners—more than suffices. Relief for them and each organization will also remedy the needs and interests of the organizations' other members.

Sandri@¶7; Eckenfels@¶17.

VIII. CONCLUSION; RELIEF REQUESTED

Petitioners respectfully request that this Court issue a writ of mandamus directing the Commission to comply with the *EHT v. FCC* mandate within 90 days by issuing a Commission-level order that confronts the evidence, provides a reasoned explanation for the *2019 Order* and is judicially reviewable. The explanation must, in particular, address the specific issues identified by the Court:

- (i) the decision to retain the then-current testing procedures for determining whether cell phones and other portable electronic devices comply with its guidelines;
- (ii) the impacts of RF radiation on children, the health implications of long-term exposure to RF radiation;
- (iii) why retention is appropriate given the ubiquity of wireless devices, and other technological developments that have occurred since the Commission last updated its guidelines in light of the extensive record evidence; and

(iv) address the impacts of RF radiation on the environment and specifically impacts on *flora* and *fauna*.

As part of its order the Court should prohibit the Commission from issuing a final order in any of the several other proceedings where the FCC is trying to further accelerate wireless facility deployment and device utilization before it responds to the order in this case.

Finally, the Court should retain jurisdiction to ensure compliance and require a 45-day status update. *See Ctr for Biological Diversity*, 53 53 F.4th at 673.

Respectfully Submitted,

/s/ W. Scott McCollough
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CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES

Pursuant to D.C. Circuit Rule 28(a)(1), counsel for Petitioners certifies as follows:

A. Parties and *Amici*

The Petitioners are Children’s Health Defense (“CHD”), Environmental Health Trust (“EHT”), two CHD members and one CHD supporter. Respondents are the Federal Communications Commission and the United States of America. No *Amici* are currently known.

B. Rulings Under Review

There are no rulings under review. Petitioners seek a writ of mandamus to order the Federal Communications Commission to comply with a prior decision, judgment and mandate before this court, *Env’tl. Health Trust v. FCC*, 9 F. 4th 893 (D.C. Cir. 2021) (“*EHT v. FCC*”) requiring a reasoned explanation for a 2019 decision to terminate and close the *2013 NOI*.

C. Related Cases

There are several pending Commission proceedings where the underlying issues have been raised by many commentators. *In re Modernizing the Commission’s Nat’l Env’tl. Policy Act Rules*, 40 FCC Rcd 6377 (Aug., 2025) would largely exempt wireless facility licensing from NEPA review. This NPRM expressly states in ¶ 51 & n. 153 (40 FCC Rcd at 6397) that “we do not propose changes to [the

exposure limit] rule sections as part of this proceeding.” Many commentators, however, have contended that the Commission should not take the proposed action until it complies with the *EHT v. FCC* mandate.

Similarly, the Commission’s Notice of Proposed Rulemaking (“NPRM”) in WT 25-276, *Build America: Eliminating Barriers to Wireless Deployments*,” proposes to fast-track wall-to-wall wireless facility deployment. Once again, many commentators have contended that the Commission should not take the proposed action until it complies with the *EHT v. FCC* mandate.

One of the FCC dockets from which the *2019 Order* issued is ongoing. *Targeted Changes to the Commission’s Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields*, ET No. 19-226. Two have been terminated. *In the Matter of Proposed Changes in the Commission’s Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields*, ET 03-137 (Terminated) and *Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies*, ET 13-84 (Terminated). The Court remanded the decision to terminate ET 13-84 in *EHT v. FCC*.

/s/ W. Scott McCollough

DISCLOSURE STATEMENTS

Pursuant to Circuit Rule 26.1, Petitioner associations respectfully submit this Corporate Disclosure Statement as follows:

1. Children’s Health Defense (“CHD”) is a national non-profit 501(c)(3) organization whose mission is to end the epidemic of children’s chronic health conditions by working aggressively to eliminate harmful exposures to environmental toxins via education, obtaining justice for those already injured and promoting protective safeguards. CHD has no parent corporation, and no publicly-held company has a 10% or greater ownership interest in the organization.

2. Environmental Health Trust (“EHT”) is a non-profit 501(c)(3) scientific and educational organization whose mission is to safeguard human health and the environment by publishing scientific research, empowering people with state-of-the-art information, and working directly with various constituencies to mitigate health and environmental risks. EHT has no parent corporation, and no publicly-held company has a 10% or greater ownership interest in the organization.

3. The other Petitioners are all individuals with no corporate identity.

/s/ W. Scott McCollough

CERTIFICATE OF COMPLIANCE

With Type-Volume Limit, Typeface Requirements and Type-Style Requirements

1. This document complies with the type-volume limit of Fed. R. App. P. 21 (d)(1). This document contains 7727 words.
2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Times New Roman, 14 point.

/s/ W. Scott McCollough

CERTIFICATE OF SERVICE

I hereby certify that on this May 18, 2026, a copy of the attached Petition for Writ of Mandamus was filed with the Clerk of the Court for the U.S. Court of Appeals for the D.C. Circuit through the CM/ECF System and overnight mail and was separately served on Respondents.

To FCC, by email (by consent; *see* 47 C.F.R. § 1.1.13(b)):

LitigationNotice@fcc.gov

To the Department of Justice by email and overnight mail:

USADC.ServiceCivil@usdoj.gov

Civil Process Clerk
U.S. Attorney's Office for D.C.
601 D Street, NW
Washington, DC 20530

/s/ W. Scott McCollough