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Principal Brief Filed in Landmark Case Against FCC on 5G and Wireless Health Impacts

WASHINGTON, DC—JULY 30, 2020—Children’s Health Defense, the children’s health advocacy group headed by Robert F. Kennedy, Jr., [filed Wednesday a landmark principal brief](#) in the U.S. Court of Appeals for the District of Columbia in [its case](#) against the Federal Communications Commission (FCC). The case is challenging the [agency’s refusal to review](#) its 25-year-old obsolete wireless “health guidelines” and adopt scientific, biologically based radio frequency emissions rules that adequately protect public health. The brief was filed jointly with [Environmental Health Trust](#).

Children’s Health Defense’s brief proves that scientific and human evidence of harm from wireless and 5G was presented to the FCC, but the agency ignored it. Therefore, its decision not to review the “health guidelines” is capricious, arbitrary, not evidence-based and an abuse of discretion.

“The most important evidence is the human evidence,” said Dafna Tachover, director of 5G and Wireless Harms Project at Children’s Health Defense. “Those who have been injured and died because of the FCC’s abuse of power, have been invisible to the FCC like the wireless radiation that harms them. The purpose of our case is to make this invisible problem visible.”

Children’s Health Defense’s principal brief cites thousands of studies and medical reports, including those conducted by U.S. government agencies, and references hundreds of testimonials by people who have been injured. The brief shows [clear evidence of harm](#) from wireless radiation from exposure to wireless radiation sources such as cell phones, Wi-Fi and cell towers at levels well below current FCC emission limits.

The petitioners include parents of children injured by wireless, a mother whose son died from brain cancer from wireless radiation, physicians who see the epidemic of sickness in their clinics and Dr. David Carpenter, a renowned professor, scientist and public health expert.

“Children’s Health Defense is committed to protecting children from toxic exposure. This case seeks justice for parents of kids who have suffered health impacts from wireless radiation,” said Robert F. Kennedy, Jr., chairman and chief legal counsel at Children’s Health Defense. “We are committed to making our government accountable, and giving a voice to injured children, their parents and doctors, and the scientists who have spoken out for justice on this issue.”

The FCC guidelines ignore human biology and are based on an obsolete, false and disproven scientific assumption, promoted by physicists and engineers that wireless radiation is not harmful unless causing thermal change in tissue.

“The scientific consensus is that the FCC guidelines have no validity and are causing widespread illness and death,” said Prof. David Carpenter, petitioner in the case, director of the Institute for Health and Environment at the University of Albany and co-editor of the [BioInitiative Report](#), the most extensive review of the science on wireless health impacts written by 29 of the world’s leading scientists.

These false guidelines have enabled the uncontrolled proliferation of wireless technology, including 5G. The fast-tracked deployment of 5G will exponentially increase the forced exposure to this proven harmful radiation with 800,000 more cell towers, 50 billion devices that will be wirelessly interconnected and 1,000,000 on the ground antennas to communicate with [50,000 satellites](#).

In its decision not to review the guidelines, the FCC astoundingly dismissed the results of the U.S. Food and Drug Administration’s funded [National Toxicology Program](#) study, a \$30 million, 10-year study that was supposed to give the American people the final answer as to whether or not wireless is harmful. This study, the largest of its kind, found “[clear evidence](#)” of cancer and [DNA damage](#). The results should have put to rest the notion that [non-ionizing radiation cannot break DNA](#). The World Health Organization [already classified](#) wireless radiation as a “possible” (2B) carcinogen in 2011. The National Toxicology Program study is the “missing link” needed to classify it as a human carcinogen. Courts, including [Italy’s Supreme Court](#), already determined that cell phones cause brain tumors.

Scott McCollough, attorney at Children’s Health Defence, wrote in the brief that: “The refusal to recognize that real people — those the FCC is required to protect — are suffering, and the withholding of any promise of relief clearly violated its responsibilities ... was an abuse of discretion. The commission owed an apology but delivered a gut-punch.”

Background on FCC’s Safety Guidelines:

In 1996, the FCC adopted safety guidelines which only protect consumers from thermal levels of radiation emitted by wireless devices and infrastructure, ignoring [substantial evidence](#) of profound harm from non-thermal levels. The FCC has not reviewed these guidelines since then, despite [clear scientific evidence](#) and growing [rates of radio frequency-related sickness](#). In 2012, the Government Accountability Office of Congress published a [report](#) recommending that the FCC re-assess its guidelines. As a result, in 2013, the FCC opened [docket 13-84](#) asking for public comment. Despite overwhelming evidence submitted by hundreds of individuals and scientists, which indicated an urgent need for new, biologically based rules, the FCC decided not to review its guidelines. Consequently, on Feb. 3, Children's Health Defense [filed a lawsuit](#) challenging the FCC's decision.

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[Children's Health Defense](#) is devoted to the health of people and our planet. Our mission is to end the childhood health epidemics by working aggressively to eliminate harmful exposures, hold those responsible accountable, and establish safeguards so this never happens again.