

Press Release

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11,000 Pages of Evidence Filed in Landmark 5G Case Against the FCC, Hearing on Jan. 25

Washington, DC - Oral arguments are scheduled for Monday, January 25, 2021 at 9:30 am (EST) for the landmark case [Environmental Health Trust](#) (EHT), [Children's Health Defense](#) (CHD) et al vs. the Federal Communications Commission (FCC). The [appeal](#) seeks to have the court order the FCC to remand, vacate and update its 25-year-old exposure guidelines for radio-frequency radiation (RFR) from cellphones, cell towers, Wi-Fi, 5G and other wireless communication devices.

Arguments in the case will be [livestreamed](#) via audio. The presiding three-judge panel in the U.S. Court of Appeals for the District of Columbia includes the Honorable Karen Henderson, Patricia Millett and Robert Wilkins.

The court ordered that one attorney present the case for all the Petitioners allocating 10 minutes each for the Petitioners and the FCC. EHT and CHD have agreed to have CHD's attorney, Scott McCullough, former Assistant Texas Attorney General and telecom attorney, to present the Petitioners' joint argument. Robert F Kennedy, Jr., CHD's Chairman, is the organization's co-counsel.

EHT is represented by attorney Edward B. Myers, who intervened in the [successful case](#) of the Natural Resources Defense Council (NRDC) and several Native American Tribes when [the court upheld](#) the relevance of the National Environmental Policy Act (NEPA) in FCC's 5G proceedings. The NRDC filed an [amicus brief](#) in the Petitioners' case.

The Petitioners contend the FCC ignored extensive evidence submitted to the agency showing that non-thermal levels of pulsed and modulated RFR emitted by wireless technology are harmful to humans, wildlife and the environment, and its

order failed to provide a record of a reasoned decision making. Therefore, the Petitioners claim the FCC has violated the Administrative Procedure Act (APA), and its decision is capricious, arbitrary and not evidence-based. In addition, the Petitioners argue that the FCC violated NEPA because the Agency failed to consider the environmental impacts of its decision. It also violated the 1996 Telecommunications Act (TCA) because it failed to consider the impact of its decision on public health and safety.

The FCC ignored numerous submissions detailing injuries and rapidly growing illnesses such as Radiation Sickness from radiofrequency radiation. Petitioners argued that the inadequate FCC guidelines are used to deny accommodation in violation of the Americans with Disabilities Act. The [Petitioners filed 11,000 pages of evidence in support of their claims](#).

“Environmental Health Trust has worked for over a decade to protect the public from radiofrequency radiation, [testified](#) to Congress and published critical [research](#) on why children are more vulnerable,” said Devra Davis Ph.D., MPH, president and founder of Environmental Health Trust. “The FCC has ignored our [extensive submissions to the FCC](#) over the years which clearly document harm. As the legacies of lead, asbestos, and tobacco teach us, this issue deserves the immediate attention of our federal government in order to protect our children’s healthy future.”

“This is a landmark case and it is of the utmost importance to the [Children’s Health Defense](#) which works relentlessly to eliminate the epidemic of sickness in children,” said the organization’s chairman, Robert F. Kennedy Jr. “The American public has been poorly served by the FCC. The FCC’s guidelines are decades-old and are based on scientific assumptions that were proven false. Its failure and disregard of public health is evident in the growing and widespread conditions involving brain damage, learning disabilities, and a host of complex neurological syndromes.”

Kennedy added: “The overwhelming experimental and human evidence which the FCC has ignored leaves no doubt that wireless technology is a major contributory factor to this epidemic. The FCC has shown that its chief interest is protecting the [telecom industry](#) and maximizing its profits, and its position as put forward in its brief is simply indefensible.”