

**\*\*NOT YET SCHEDULED FOR ORAL ARGUMENT\*\***

**United States Court of Appeals  
For the District of Columbia Circuit**

No. 21-1075  
(FCC-86FR11432)

Petition for Review of Order Issued by the  
Federal Communications Commission

---

Children's Health Defense, Dr. Erica Elliot, Ginger Kesler, Angela Tsiang,  
Jonathan Mirin, Petitioners

v.

Federal Communications Commission and United States of America,  
Respondents

---

**BRIEF OF *AMICI CURIAE* IN SUPPORT OF PETITIONERS**

---

Stephen Díaz Gavin  
Rimôn, P.C.  
1717 K Street, N.W.  
Suite 900  
Washington, D.C. 20006  
stephen.diaz.gavin@rimonlaw.com  
TEL: 202-871-3772  
FAX: (202) 400-3846

*Counsel for Amici Curiae Safe Technology Minnesota and Wired Broadband, Inc.  
And other Amici Curiae*

***Amici Curiae* Support Reversal of Respondent Federal Communications  
Commission**

## **RULE 26.1 DISCLOSURE STATEMENT**

Pursuant to the United States Court of Appeals for the District of Columbia Rule 26.1 and Federal Rule of Appellate Procedure 26.1, the lead amici curiae state as follows.

Amicus Safe Technology Minnesota (“SafeTechMn”) respectfully states that it is a fiscally sponsored project of the non-profit corporation Minnesota Natural Health Coalition organized under the laws of the State of Minnesota. SafeTechMN has a Steering Committee which includes leaders Petra Brokken and Leo Cashman. SafeTechMn provides community support and crucial information to those seeking help protecting themselves from harmful wireless radiation. SafeTechMn has no parent companies, subsidiaries, or affiliates and has not issued shares to the public.

Amicus Wired Broadband, Inc. (“WBI”) respectfully states that it is a not-for-profit corporation organized under the laws of the State of New York. The President, Director and General Counsel is Odette Wilkens. The remaining directors are Susan Peters and Guy Vantresca, who are also officers. WBI was organized to educate members of the public and government officials about the dangers associated with Radio Frequency Radiation (“RFR”) caused by wireless facilities and to advocate for greater use of fiber optic cable as a safer, faster and

more secure solution to broadband deployment in New York City and throughout the United States. WBI has no parent companies, subsidiaries, or affiliates and has not issued shares to the public.

SafeTechMn and WBI are the co-principal amici curiae involved in the preparation and filing of this brief. Additionally, the following amici curiae are required to make disclosures under Rule 26.1 of this Court. Except as specifically noted in the description of each individual amicus, the amicus parties have no parent companies, subsidiaries, or affiliates. None of these additional amici have issued shares to the public.

A Voice for Choice Advocacy, Inc. is a 501(c)(4) non-profit corporation based in California that advocates for people's rights to be fully informed about the composition, quality, and short- and long-term health effects of all products that go into people's bodies, such as food, water, air, pharmaceuticals and cosmetics.

Alliance for Microwave Radiation Accountability, Inc. is a nonprofit corporation that seeks to improve public health and safety through the advocacy of tougher standards and safer technology.

Alliance for Natural Health, USA is a 501(c)(4), nonprofit corporation working to protect the right of all Americans to choose natural and regenerative health options for themselves and the planet. They have over a million members.

Americans for Responsible Technology, managed by Grassroots Communications, Inc. which is a New York [501(c)(4)] non-profit corporation, is a national coalition of grassroots organizations with a mission to stop the unconstrained proliferation of 5G small cell antennas and promote equitable access to technologies that benefit society and protect the health, safety, privacy, and property of Americans.

Bee Heroic LLC is a nonprofit, limited liability company located in Colorado. It is an adult focused pollinator and climate project focused on agrochemical threats, telecommunication/5G/IoT, geoengineering, and other environmentally and biologically destructive industries that contribute to the mass extinction of a key indicator species.

Building Biology Institute is a 501(c)(3) non-profit corporation, now in its thirty-fourth year (as of 2021), to enable professionals and the general public to create and live in healthy homes, schools, and workplaces free of toxic indoor air, tap-water pollutants, and hazards posed by electromagnetic radiation exposure.

Californians for Renewable Energy (CARE) is a 501(c)(3) non-profit corporation whose purpose is to offer legal advice and appear before administrative bodies to help enforce environmental laws through court actions.

Center for Electrosmog Prevention is a 501(c)(3) nonprofit corporation in California whose mission is the prevention and reduction of electromagnetic pollution.

DAMS, Inc. is a 501(c)(3) nonprofit corporation based in Minnesota whose mission is to educate about mercury, fluoride and other toxic pitfalls in dentistry. It is also concerned about the proliferation of wireless radiation causing biological harm. DAMS stands for Dental Amalgam Mercury Solutions.

Eco-Learning Legacies LLC is a corporation in Minnesota whose mission is to create educational tools and trainings that communicate the necessity and value of creating “eco-intelligent” lifestyles, and that serve to alleviate environmental illness which is now affecting all people and living things.

The Electromagnetic Safety Alliance, Inc. is a 501(c)(3) nonprofit corporation based in Arizona whose mission is to educate and advocate others about the health risks of electromagnetic fields. Their fiscal sponsor is Vitalyst Health Foundation.

EMF Wellness, LLC is a 501(c)(3) company in Arizona comprised of residents, business owners and members of the various communities within Pima County and the City of Tucson who are committed to working in partnership with

elected officials to enact a telecommunications ordinance that protects public safety, privacy, and property values.

5G Free California is a 501(c)(3) corporation based in California whose mission is to engage in education, outreach and advocacy on the health effects of wireless radiation and on support for safer technology, to enhance the vision that people have the right to be protected from harm and that those already injured are acknowledged, respected and supported, and that people have the right to make informed choices about exposure to radiation and health sovereignty.

Families Managing Media, Inc. (d/b/a SCREENSTRONG) is a 501(c)(3) corporation that educates and empowers families to develop a healthy digital lifestyle for their children away from screen dependency and believe in keeping the benefits of technology for kids while empowering parents to delay toxic tech – video games, smartphones, social media.

Kunze Productions, LLC is a for-profit company based in California which presents an investigative documentary called “Mobilize” that explores the potential long-term health effects from cell phone radiation, including cancer and infertility.

No Spray Coalition, Inc. is a non-profit corporation and an advocacy group against pesticides and for government to limit the use of pesticides and advocating

against 5G which is critical in reversing the horrors being inflicted on all life on the planet.

Santa Barbara Body Therapy Institute is a for-profit corporation whose mission is to prepare students for professional practice in massage and bodywork to enhance body function through holistic practices. It is concerned about how radio frequency radiation negatively affects body functions.

Toxics Information (TIP) is a 501(c)(3) nonprofit corporation based in California. TIP strongly opposes deployment of 5G systems and informs residents about the high radiation installations and their dangerous and unhealthy effects.

Virginians for Safe Technology LLC is limited liability company based in Virginia whose mission is to advocate for safe, accessible, affordable, and ethical technology for all. It provides information, education, resources, and support to empower consumers and lawmakers to make informed decisions and act as stewards of their communities.

Whole Family Chiropractic, LLC is a chiropractic office based in Minnesota that specializes in children and families and works with many children with stressed nervous systems and neurological challenges.

WJ Thom Company is a for-profit corporation based in Minnesota whose interest lies in protecting the health and safety of its workers from the impacts of

wireless technology, including that from 5G, and that it has had to shield its workplace from external RFR sources to protect its workers.

## **CERTIFICATE AS TO PARTIES, RULINGS, AND RELATED CASES**

Pursuant to D.C. Circuit Rule 28(a), Petitioners, through their undersigned counsel, submit this Certificate as to Parties, Rulings, and Related Cases.

### **I. Parties, Amici, and Intervenors**

#### **A. Petitioners**

Children’s Health Defense (“CHD”)  
Dr. Erica Elliot  
Ginger Kesler  
Angela Tsiang  
Jonathan Mirin

#### **B. Respondents**

Federal Communications Commission  
United States of America

#### **C. Intervenors**

No parties have moved for leave to intervene.

#### **D. *Amici***

No parties have been granted leave to file an *amicus* to date.<sup>1</sup>

---

<sup>1</sup> On June 29, 2021, Amici Curiae separately filed their Notice of Consent to Filing of Amicus Curiae.

## **II. Decision Under Review.**

*Updating the Commission’s Rule for Over-the-Air Reception Devices, WT Docket No. 19–71 (Report and Order)*, 36 FCC Rcd 537 (2021) (the “Report and Order”).<sup>2</sup>

## **III. Related Cases:**

This case has not been previously before this Court or any other court. Counsel is not aware of any other related case.

---

<sup>2</sup> 86 Fed. Reg. 11432 (Feb. 25, 2021).

## TABLE OF CONTENTS

TABLE OF CONTENTS.....	ix
TABLE OF AUTHORITIES.....	x
GLOSSARY .....	xi
RULE 29 STATEMENT OF IDENTITY, INTEREST, AUTHORITY, AUTHORSHIP, AND FINANCIAL CONTRIBUTION.....	xii
INTRODUCTION.....	1
SUMMARY OF ARGUMENT.....	5
ARGUMENT.....	6
CERTIFICATE OF COMPLIANCE.....	16
CERTIFICATE OF SERVICE.....	17
STATUTORY ADDENDUM	
EXHIBIT 1 – Declaration of Interest of Petra Brokken -- Safe Technology Minnesota	
EXHIBIT 2 – Declaration of Interest of Odette Wilkens – Wired Broadband, Inc.	
EXHIBIT 3 – List and Description of Additional Amici Curiae	

## TABLE OF AUTHORITIES

### Cases

<i>Action on Smoking &amp; Health v. CAB</i> , 699 F.2d 1209 (D.C. Cir. 1983). . . . .	7, 14
<i>Alabama Power Co. v. Costle</i> , 636 F.2d 323 (D.C. Cir. 1979). . . . .	8
<i>American Min. Congress v. U.S. E.P.A.</i> , 907 F.2d 1179 (D.C. Cir. 1990). . . . .	8
<i>City of Waukesha v. EPA</i> , 320 F.3d 228 (D.C. Cir. 2003). . . . .	8
<i>Greater Boston Television Corp. v. FCC</i> , 444 F.2d 841 (D.C. Cir. 1970). . . . .	6
<i>Home Box Office, Inc. v. FCC</i> , 567 F.2d 9 (D.C. Cir. 1976). . . . .	8
<i>Kristin Brooks Hope Center v. F.C.C.</i> , 626 F.3d 586 (D.C. Cir. 2010). . . . .	14
<i>Michigan v. EPA</i> , 576 U.S. 743, 135 S. Ct. 2699 (2015). . . . .	9
<i>Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Ins. Co.</i> , 463 U.S. 29 (1983)..	7, 8, 9
<i>National Lifeline Association v. F.C.C.</i> , 921 F.3d 1102 (D.C. Cir. 2019). . . . .	14
<i>NTCH, Inc. v. FCC</i> , 841 F.3d 497 (D.C. Cir. 2016). . . . .	15
<i>PSSI Global Services, L.L.C. v. FCC</i> , 983 F.3d 1 (D.C. Cir. 2020). . . . .	7
<i>Reytblatt v. Nuclear Regulatory Comm'n</i> , 105 F.3d 715 (D.C. Cir. 1997). . . . .	14
<i>Telocator Network of America v. FCC</i> , 691 F.2d 525 (D.C. Cir. 1981).....	8
<i>*United Keetoowah Band of Cherokee Indians in Okla. v. F.C.C.</i> , 933 F.3d 728 (D.C. Cir. 2019) . . . . .	6, 8, 9, 10

(Authorities upon which Amici chiefly rely are marked with an asterisk \*).

### Statutes and Regulations

5 U.S.C. § 553(c). (2021). . . . .	7
5 U.S.C. § 706(2). (2021). . . . .	7

## GLOSSARY

5G	Fifth Generation Wireless Services
EMS	Electromagnetic Sensitivity
FCC	Federal Communications Commission (Respondent)
OTARD	Over-the-Air Reception Device
RF	Radio Frequency
RFR	Radio Frequency Radiation
Report and Order	<i>Updating the Commission’s Rule for Over-the-Air Reception Devices, WT Docket No. 19–71 (Report and Order), 36 FCC Rcd 537 (2021)</i>
SafeTechMn	Safe Technology Minnesota (co- principal amicus)
WBI	Wired Broadband, Inc. (co-principal amicus)

**RULE 29 STATEMENT OF IDENTITY, INTEREST, AUTHORITY,  
AUTHORSHIP, AND FINANCIAL CONTRIBUTION**

Pursuant to Federal Rule of Appellate Procedure 29, subsections (a)(4)(D) and (a)(4)(E), the co-principal amici curiae, Safe Technology Minnesota (“SafeTechMn”) and Wired Broadband, Inc. (“WBI”), state the following:

SafeTechMn and WBI are authorized to file this brief pursuant to Circuit Rule 29(b), as all parties have consented to this *amicus* participation. SafeTechMn and WBI filed their notice of intent to participate as *amici* on June 30, 2021. *See* Not. of Intent to Participate as *Amicus Curiae* (Document #1904522).

No counsel for a party authored this brief in whole or in part; no party or party’s counsel contributed money to fund preparing or submitting the brief; and no person other than the *amicus curiae*, its members, or its counsel contributed money to fund preparing or submitting the brief.

## **INTRODUCTION**

In 2012, five citizens formed Safe Technology Minnesota as a fiscally sponsored project of Minnesota Natural Health Coalition, a 501(c)(3) tax-exempt, non-profit corporation. SafeTechMn grew out of a campaign in St. Paul, Minnesota in 2011 to educate the public about the dangers of electromagnetic radiation pollution coming from the “smart” water meters that the St Paul Water District was installing. The campaign was successful in obtaining an opt-out from the St. Paul Regional Water Services. Citizens could receive a wired, safe alternative. Since that time, SafeTechMN supported a movement in Minnesota for the right to have a safe, wired utility meter. This campaign was successful in over a half-dozen cities and suburbs. SafeTechMn has supported citizens seeking to stop cell towers from moving into their neighborhoods. SafeTechMn has helped citizens decrease the amount of wireless radiation in their homes to help lessen the health impacts of this radiation on individuals and families. More recently, SafeTechMn has provided information regarding Fifth Generation Wireless (“5G”) RF emissions as well as the revision of the OTARD rules adopted in the Report and Order through a meeting and follow-up with members of its community.

People assisted by SafeTechMn have included Tom Suttle, a SafeTechMn member and supporter, who has been severely impact by excessive RF radiation.

He has suffered "heart events, heart palpitations that have led to hospitalizations." Tom has been afflicted by ventricular tachycardia. His wife, Candace Cole, has also had symptoms caused by RF radiation but they are somewhat different, being neurological problems, disequilibrium and vertigo. SafeTechMn has also assisted Anna Ruud, of Maple Grove, who had smart meters, high dirty electricity and mold in her home when she first contacted SafeTechMn. She recounted that she was being "buzzed" by the higher radiation levels in her home. Now, the update is that at age 40, she has developed breast cancer, which was diagnosed about six months ago.<sup>3</sup>

Amicus WBI was organized in 2020 to educate members of the public and government officials about the dangers associated with Radio Frequency Radiation ("RFR") caused by wireless facilities and to advocate for greater use of fiber optic cable as a safer, faster and more secure solution for broadband deployment in New York City and throughout the United States. WBI's founders were moved to advocate against excessive RF emissions by examples of people such as Ms. Lora Mitchell, an 83-year old resident of the West Side of New York City who, since soon after several wireless transmitters were installed on the rooftop of her building directly above her apartment, has been suffering day and night for nearly

---

<sup>3</sup> See Declaration of Interest of Petra Brokken (Exhibit 1 hereto).

two years from severe electromagnetic symptoms: severe tinnitus, bilateral hearing loss, sleep deprivation, severe headaches, and persistent nausea and vomiting, among other symptoms, with no safe refuge in her studio apartment where she has lived for 44 years – in her own words, “It’s brutal”. The founders of WBI were similarly moved by the case of George Sinopidis, a New York/New Jersey Port Authority Police Lieutenant, who, otherwise healthy before exposure to RF emissions from wireless transmitters, had been suffering from heart arrhythmias and sleep deprivation from such exposure until he was compelled to leave his own home to live elsewhere in a safer environment, while still shouldering the financial burden of a substantial mortgage on the original house.<sup>4</sup>

In addition to SafeTechMN and WBI, the remaining *amici curiae* are sixty-six (66) organizations that represent hundreds of thousands of persons in the United States as well as Canada. These people are all concerned about the devastating health risks and health impact, as well as severe impact on the environment, arising from the proliferation of wireless technology that has accompanied the advent of not only 5G wireless systems but also the changes

---

<sup>4</sup> See Declaration of Interest of Odette Wilkens, President of WBI (Exhibit 2 hereto).

adopted by the FCC in the OTARD Report and Order. Many of these individuals have struggled with their own health because of this radiation.

These 66 additional amicus entities are: A Voice for Choice Advocacy, Inc.; Alliance for Microwave Radiation Accountability, Inc.; Alliance for Natural Health, USA; Americans for Responsible Technology; Arizonans for Safe Technology, Bee Heroic LLC, Social Justice Committee, Boyle Heights Community Garden, Building Biology Institute, California Brain Tumor Association; Californians for Renewable Energy; Canadians for Safe Technology; Center for Electrosmog Prevention; Center for Safer Wireless; Centerville Concerned Citizens; Citizens for 5G Awareness; Coloradans for Safe Technology; Converging Storms Action Network; Connecticut Residents for Responsible Technology; DAMS, INC. (Dental Amalgam Mercury Solutions); Eco-Learning Legacies LLC; The Electromagnetic Safety Alliance, Inc.; EMF Wellness LLC; 5G Free California; 5G Free Rhode Island; Families Managing Media Inc. (dba Screenstrong); Green Party of Alameda County; Keep Cell Antennas Away; Keep Your Power; Kunze Productions, LLC; Last Tree Laws; The Leto Foundation; Malibu Agricultural Society; Malibu for Safe Tech; Massachusetts for Safe Technology; Moms Across America; NAPA Neighborhood Association for Safe Technology; National Health Federation; National Toxic Encephalopathy

Foundation; Nevada City Telecommunications Ordinance Public Working Group; New Yorkers 4 Wired Tech; No Spray Coalition, Inc.; Oregon for Safer Technology; Patrons of the Planet; The People's Initiative Foundation; Plumas Wired!; Rhode Islanders for Safe Technology; Saint Croix Appraisals; Safe Tech for Santa Rosa; Safe Tech Santa Barbara County; Safe Tech Tucson; Santa Barbara Body Therapy Institute; Santa Barbara Green Sisters; Stop 5G Carlsbad; Stop 5G International; Stop 5G JAX; Stop 5G Sandy Springs; Stop Smart Meters!; Sustainable Upton; Toxics Information Project; Virginians for Safe Technology LLC; Whole Family Chiropractic, PLC; Wireless Radiation Education & Defense; Wire America <sup>TM</sup>; Wire Tucson; and WJ Thom Company.

These additional amicus parties are more fully described in Exhibit 3 to this Brief.

### **SUMMARY OF ARGUMENT**

Although an administrative agency like the FCC need not respond to every comment filed, it nevertheless must respond in a reasoned manner to the comments received. Dismissal of concerns, such as those of hundreds of commenters in this rulemaking about serious, adverse health effects on themselves, members of their families and friends from RFR, does not constitute reasoned decisionmaking. The comments themselves demonstrate the serious issues ignored by the FCC.

The Court should vacate the Report and Order and remand it for further consideration of the health impacts of the OTARD rules.

## ARGUMENT

### **The FCC’s Complete Failure to Consider Evidence of Actual Harmful Effects from RF Emissions Constitutes Arbitrary and Capricious Action**

What is striking about the OTARD Report and Order is what it does not contain: any meaningful response to the hundreds of comments filed by parties who advised the Commission that they themselves – or members of their families or friends – are suffering health effects as a result of RF emissions. The Report and Order dismisses in one sentence the health risks and conditions suffered by hundreds of people who filed comments regarding RF exposure levels.<sup>5</sup> This is certainly not the “‘hard look’ at the salient problems” required for reasoned decisionmaking. *Greater Boston Television Corp. v. FCC*, 444 F.2d 841, 851 (D.C. Cir. 1970). As this court held more recently in *United Keetoowah Band of Cherokee Indians in Okla. v. F.C.C.*, 933 F.3d 728, 744 (D.C. Cir. 2019), such summary dismissal of commenters concerns does not constitute reasoned decisionmaking.

---

<sup>5</sup> Report and Order, 36 FCC Rcd at 553 (¶ 34, n. 131) (J.A. \_\_\_).

The Report and Order was the product of a notice and comment rulemaking<sup>6</sup> and thus subject to the applicable provisions of the Administrative Procedures Act.<sup>7</sup> On judicial review in such cases, the Court must consider whether the Report and Order is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.”<sup>8</sup> In order to pass such a test, the FCC therefore must articulate a “rational connection between the facts found and the choice [of rules and policies] made.” *PSSI Global Services, L.L.C. v. Federal Communications Commission*, 983 F.3d 1, 7 (2020), *citing Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Ins. Co.*, 463 U.S. 29, 43 (1983).

This requires, however, that the FCC address significant comments submitted in the rulemaking process. In notice and comment rulemaking, this court has held that an agency need not respond to every comment filed, but it must respond in a reasoned manner to the comments received. *Action on Smoking and Health v. C.A.B.*, 699 F.2d 1209, 1216 (D.C. Cir. 1983), *supplemented* 713 F.2d

---

<sup>6</sup> *Updating the Commission’s Rule for Over-the-Air Reception Devices*, WT Docket No. 19–71, Notice of Proposed Rulemaking, 34 FCC Rcd 2695 (2019) (NPRM) (J.A. \_\_\_).

<sup>7</sup> 5 U.S.C. § 553(c) (“After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data [and] views ...”)

<sup>8</sup> 5 U.S.C. § 706(2).

795 (1983). An administrative agency, in this case the FCC, must “address ... significant comments made in the rulemaking,” *Telocator Network of America v. FCC*, 691 F.2d 525, 537 (D.C. Cir. 1981), and “respond in a reasoned manner to those that raise significant problems,” *City of Waukesha v. EPA*, 320 F.3d 228, 258 (D.C. Cir. 2003). *See also, American Min. Congress v. U.S. E.P.A.*, 907 F.2d 1179, 1187-88 (D.C. Cir. 1990) (agency need respond only to those comments which, if true, would require change in agency's proposed rule). Otherwise, the opportunity to comment is meaningless. *Alabama Power Co. v. Costle*, 636 F.2d 323, 384 (D.C. Cir. 1979) (citing *Home Box Office, Inc. v. FCC*, 567 F.2d 9, 35-36 (D.C. Cir. 1976)).

As this Court held recently in the *United Keetoowah* case, “although ‘a court is not to substitute its judgment for that of the agency,’ the arbitrary and capricious standard demands that the agency ‘examine the relevant data and articulate a satisfactory explanation for its action including a rational connection.’” *United Keetoowah, supra.*, 933 F.3d at 738, *citing State Farm, supra.*, 463 U.S. at 43. “An agency action is arbitrary and capricious where the agency has ‘entirely failed to consider an important aspect of the problem’ or ‘offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible

that it could not be ascribed to a difference in view or the product of agency expertise.” *Id.*, citing *State Farm at 43*.

Yet that is precisely what the FCC has done in the OTARD Report and Order. The FCC simply dismissed the evidence of actual harm currently being caused to commenters as “generalized concerns about the Commission’s RF safety limits.”<sup>9</sup> This Court has recently cautioned the Commission against such wholesale disregarding of concerns raised by commenters. In *United Keetoowah*, the Court admonished the FCC for such an artifice. “Characterizing a concern as ‘generalized’ without addressing that concern does not meet the standard of ‘reasoned decisionmaking.’” *United Keetoowah, supra*, 933 F.2d at 744, citing *Michigan v. EPA*, 576 U.S. 743, 751, 135 S. Ct. 2699, 2706 (2015). The Report and Order summarily dismissed comments that the revised OTARD rule “would somehow violate people’s right to bodily autonomy or their property-based right to “exclude” wireless radiation emitted by third parties from their home.”<sup>10</sup> What is worse, as to the comments outlining serious health conditions caused and/or aggravated by RF emissions, the Commission dismissed these as “general health-

---

<sup>9</sup> Report and Order, *supra*, at 553 (¶ 34) (J.A. \_\_\_).

<sup>10</sup> *Id.*

related RF exposure issues, which are outside the scope of this proceeding.”<sup>11</sup>

Significantly, none of the commenting parties cited by the Commission in footnote 131 of the Report and Order in support of the FCC’s position that “general health-related RF exposure” was beyond the scope of the rulemaking asserted that they were themselves victims of RF emission maladies.<sup>12</sup> The Commission simply ignored those hundreds of comments. Thus, not only were comments addressing a significant issue ignored, but also the evidence of serious health risks and adverse effects in the rulemaking record is unrebutted by the Commission. This is precisely the kind of gamesmanship that the Court criticized in *United Keetoowah*.

A review of even a few of the comments filed illustrates the important public health risks and adverse effects that the Commission failed to consider before adopting the Report and Order.

Commenter Jennifer Page advised the Commission that “I get very sick when around WiFi, cellphones, smart meters and all RF radiation. It causes me heart palpitations, TIA ministrokes, headaches, dizziness, burning and itching skin

---

<sup>11</sup> Report and Order, *supra*, at 553 n. 131. (J.A. \_\_\_\_).

<sup>12</sup> See Comments of Lora Chamberlain, filed Oct. 7, 2019; Comments of Kimberly Modesitt, filed Jun. 10, 2019; and Comments of Judy Kosovich.

and a whole list of other horrible symptoms. I need my home to be a safe place where I do not have to suffer.”<sup>13</sup>

In comments that she filed in the OTARD proceeding, Shelley Masters noted that “I have been disabled by wireless electromagnetic technology. EMS - Electromagnetic Sensitivity (EMS) is a condition recognized by the US Access Board of the Americans with Disabilities Act.”<sup>14</sup> She continues, “EMF emissions from wireless devices cause me disabling health effects - vertigo, massive hair loss, high-pitched ringing in my ears, heart racing palpitations, memory problems, anxiety and depression, sleeping problems, and inflammation so bad in some places I am unable to walk. This [wireless broadband] deployment is a horrific thing for me.”<sup>15</sup>

Chuck Hinz filed comments about the impact of RF emissions on his wife: “My dear wife was severely injured by exposure to a massive 4G tower when she was assigned a beautiful window office overlooking the tower which was just 150 feet away.”<sup>16</sup> After being bombarded on a daily basis by RFR, “within a year it

---

<sup>13</sup> Comment of Jennifer Page, filed Jun. 18, 2019 (J.A. \_\_\_\_).

<sup>14</sup> Comments of Shelley Masters, filed Jun. 17, 2019 (J.A. \_\_\_\_)

<sup>15</sup> *Id.*

<sup>16</sup> Comments of Chuck Hinz, filed Jun. 18, 2019 (J.A. \_\_\_\_)

crippled her, full on microwave illness. Then the other people in her office who had window offices also became sick - nosebleeds, miscarriages, unexplained anxiety, sleeplessness, hair falling out, Vertigo, etc. Proximity is everything when it comes to these macro and small cell towers.”<sup>17</sup>

Dan Kleiber noted in his comments: “My family has already experienced harm from the rapidly rising ambient levels of [Radio Frequency Radiation, “RFR”]. The rising ambient RFR levels ... are already causing my family to experience symptoms of Radiofrequency Sickness. My sons get cardiac arrhythmias. My wife is functionally impaired by RFR in multiple ways. I experience high blood sugar and increased insulin resistance when I am exposed to RFR, in addition to other symptoms.”<sup>18</sup> RFR has also had an economic impact on Mr. Kleiber and his family. “The rapidly increasing RFR levels is impacting our ability to earn a living. I used to vend at farmers markets in Madison, Wisconsin and I am no longer able to do so due to the rising ambient RFR levels causing serious neurological symptoms suggestive of incipient Amyotrophic lateral sclerosis (“ALS”). The symptoms disappeared at the end of market season when I was able to spend time at my shielded home in much lower ambient RFR levels.

---

<sup>17</sup> *Id.*

<sup>18</sup> Comments of Dan Kleiber, filed Jun. 17, 2019, at 4 (J.A. \_\_\_)

(The levels outside our home are hundreds to thousands of times lower than ambient Madison levels. Even so, I can tell the improvement in my health when I am inside my shielded home where the levels are a third to a tenth the ambient outside levels and peaks are reduced by over half.)<sup>19</sup>

The record also includes comments from medical professionals expressing alarm over excessive RFR exposure. In his comments, Dr. Daniel Kindelherer, a licensed physician, recounted his experience with patients suffering the effects of excessive electromagnetic frequency.<sup>20</sup> Dr. Kindelherer, who is also certified by the American Board of Internal Medicine, noted that: “There is substantial evidence of the harmful effects of EMFs on nervous system and endocrine function[.] EMFs cause oxidative stress and free radical damage which have central roles in the pathology of all chronic illnesses including cardiovascular disease and also result in damage to DNA[.] EMFs are associated with an increased risk of childhood leukemia and perhaps other cancers.”<sup>21</sup> Dr. Kindelherer commented that he has “patients who are sensitive to EMFs resulting

---

<sup>19</sup> *Id.*

<sup>20</sup> Comments of Dr. Daniel Kindelherer, filed Jun. 4, 2019 (J.A. \_\_\_\_).

<sup>21</sup> *Id.*

in headaches, fatigue and cognitive dysfunction; these symptoms are even worse when there is proximity to 5G antennas.”<sup>22</sup>

These are only five of the hundreds of comments submitted in the rulemaking regarding these adverse health issues. The Commission, however, has not even addressed a single party’s comments that detail actual harm from RF emissions. The agency “need not address every comment, but it must respond in a reasoned manner to those that raise significant problems.” *Reytblatt v. Nuclear Regulatory Comm’n*, 105 F.3d 715, 722 (D.C.Cir.1997) (citing *Action on Smoking & Health v. CAB*, 699 F.2d 1209, 1216 (D.C.Cir.1983)). Health is part of the FCC’s public interest remit. *See generally, Kristin Brooks Hope Center v. F.C.C.*, 626 F.3d 586 (D.C. Cir. 2010). The Report and Order’s failure to address in any meaningful way the significant health issues that were raised by commenting parties fails to meet the standard of reasoned decisionmaking and requires that the Court at a minimum remand the Report and Order for further consideration of the health impacts of its expansion of wireless broadband facilities. *National Lifeline Association v. F.C.C.*, 921 F.3d 1102, 1115 (D.C. Cir. 2019) (By failing to “examine the relevant data,” the Commission’s adoption of the Tribal Rural

---

<sup>22</sup> Id.

Limitation was arbitrary and capricious, *citing NTCH, Inc. v. FCC*, 841 F.3d 497, 502 (D.C. Cir. 2016)).

WHEREFORE, SafeTechMN, WBI and the remaining amici curiae respectfully request that the Court vacate the Report and Order and remand it for further consideration of the health risks and impacts of the OTARD rules.

**SAFE TECHNOLOGY MINNESOTA  
WIRED BROADBAND, INC.  
AND ADDITIONAL AMICI CURIAE**

*/s/ Stephen Díaz Gavin*

Stephen Díaz Gavin

Rimon, P.C.

1717 K Street, N.W.

Suite 900

Washington, D.C. 20006

Phone: 202-871-3772

[stephen.diaz.gavin@rimonlaw.com](mailto:stephen.diaz.gavin@rimonlaw.com)

Counsel for Amici Curiae

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this brief complies with requirements of Federal Rule of Appellate Procedure 32(g)(1) and this Court's Order dated April 30, 2021, because it contains 3,086 words according to the count of Microsoft Word.

/s/ Stephen Díaz Gavin  
Stephen Díaz Gavin

**CERTIFICATE OF SERVICE**

I hereby certify that, on June 30, 2021, I filed the foregoing in the United States Court of Appeals for the District of Columbia Circuit via the CM/ECF system. I further certify that all parties are registered CM/ECF users, and that service will be accomplished via electronic filing.

/s/ Stephen Díaz Gavin  
Stephen Díaz Gavin

## **STATUTORY ADDENDUM**

**5 USC 553: Rule making**

Text contains those laws in effect on June 29, 2021

**From Title 5-GOVERNMENT ORGANIZATION AND EMPLOYEES**

PART I-THE AGENCIES GENERALLY  
 CHAPTER 5-ADMINISTRATIVE PROCEDURE  
 SUBCHAPTER II-ADMINISTRATIVE PROCEDURE

**Jump To:**[Source Credit](#)[Miscellaneous](#)[Codification](#)[Executive Documents](#)**§553. Rule making**

(a) This section applies, according to the provisions thereof, except to the extent that there is involved-

- (1) a military or foreign affairs function of the United States; or
- (2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.

(b) General notice of proposed rule making shall be published in the Federal Register, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include-

- (1) a statement of the time, place, and nature of public rule making proceedings;
- (2) reference to the legal authority under which the rule is proposed; and
- (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

Except when notice or hearing is required by statute, this subsection does not apply-

- (A) to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or
- (B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(c) After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose. When rules are required by statute to be made on the record after opportunity for an agency hearing, sections 556 and 557 of this title apply instead of this subsection.

(d) The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except-

- (1) a substantive rule which grants or recognizes an exemption or relieves a restriction;
- (2) interpretative rules and statements of policy; or
- (3) as otherwise provided by the agency for good cause found and published with the rule.

(e) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule. ( Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 383 . )

## HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
	5 U.S.C. 1003.	June 11, 1946, ch. 324, §4, 60 Stat. 238 .

In subsection (a)(1), the words "or naval" are omitted as included in "military".

In subsection (b), the word "when" is substituted for "in any situation in which".

In subsection (c), the words "for oral presentation" are substituted for "to present the same orally in any manner". The words "sections 556 and 557 of this title apply instead of this subsection" are substituted for "the requirements of sections 1006 and 1007 of this title shall apply in place of the provisions of this subsection".

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

**EDITORIAL NOTES**

**CODIFICATION**

Section 553 of former Title 5, Executive Departments and Government Officers and Employees, was transferred to section 2245 of Title 7, Agriculture.

**EXECUTIVE DOCUMENTS**

**EXECUTIVE ORDER No. 12044**

Ex. Ord. No. 12044, Mar. 23, 1978, 43 F.R. 12661, as amended by Ex. Ord. No. 12221, June 27, 1980, 45 F.R. 44249, which related to the improvement of Federal regulations, was revoked by Ex. Ord. No. 12291, Feb. 17, 1981, 46 F.R. 13193, formerly set out as a note under section 601 of this title.

**5 USC 706: Scope of review**

Text contains those laws in effect on June 29, 2021

**From Title 5-GOVERNMENT ORGANIZATION AND EMPLOYEES**

PART I-THE AGENCIES GENERALLY

CHAPTER 7-JUDICIAL REVIEW

**Jump To:**[Source Credit](#)[Miscellaneous](#)**§706. Scope of review**

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall-

- (1) compel agency action unlawfully withheld or unreasonably delayed; and
- (2) hold unlawful and set aside agency action, findings, and conclusions found to be-
  - (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
  - (B) contrary to constitutional right, power, privilege, or immunity;
  - (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
  - (D) without observance of procedure required by law;
  - (E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or
  - (F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

( Pub. L. 89-554, [Sept. 6, 1966](#), 80 Stat. 393 .)

## HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
	5 U.S.C. 1009(e).	<a href="#">June 11, 1946, ch. 324, §10(e)</a> , 60 Stat. 243 .

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface of this report.

**STATUTORY NOTES AND RELATED SUBSIDIARIES****ABBREVIATION OF RECORD**

Pub. L. 85-791, [Aug. 28, 1958](#), 72 Stat. 941 , which authorized abbreviation of record on review or enforcement of orders of administrative agencies and review on the original papers, provided, in section 35 thereof, that: "This Act [see Tables for classification] shall not be construed to repeal or modify any provision of the Administrative Procedure Act [see Short Title note set out preceding section 551 of this title]."

**ADDENDUM EXHIBIT 1**  
Declaration of Interest of Petra Brokken

## **Declaration of Interest of Petra Brokken**

I, Petra Brokken, declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am a Board Member of Minnesota Natural Health Coalition (“MNHC”) and a founding member of Safe Technology Minnesota (“SafeTechMn”), a fiscal project of MNHC. SafeTechMn is one of the two co-principal *amici curiae* entities responsible for the preparation of the foregoing Amicus Brief in the case of *Children’s Health Defense v. F.C.C.*, Case No. 21-1075.

2. The foregoing brief was not authored in whole or part by counsel for a party. No party or counsel for a party, and no person other than the *amici curiae* or their counsel, contributed money intended to fund its preparation or submission of the amicus curiae brief.

3. SafeTechMn acts to support citizens of Minnesota but also those in other states. As a member of SafeTechMn, I have, *inter alia*, received calls from people who planned to move to Minnesota, and wanted help finding a city that did not have many cell towers. I did research and gave advice on how to find such a city. I have helped a woman in Minneapolis prepare for a meeting with her City Council Member to secure an opt-out for smart water meters. I then accompanied her to the meeting. I have helped someone who was embroiled with a school district that was not allowing

her child to have reasonable accommodations for his illness from wireless radiation at the school. I have participated in open meetings for the public that SafeTechMn organized on the harms of wireless radiation. I have gone to approximately 30 individual's homes, to help them find ways to shield from the radiation. I participated in meeting with the Minnesota Attorney General regarding the health hazards of Wi-Fi in the schools.

4. People assisted by SafeTechMn have included Tom Suttle, a SafeTechMn member and supporter, who has been severely impact by excessive RF radiation. He has suffered heart events, heart palpitations that have led to hospitalizations. Tom has been afflicted by ventricular tachycardia. His wife, Candace Cole, has also had symptoms caused by RF radiation but they are somewhat different, being neurological problems, disequilibrium and vertigo.

5. SafeTechMn has also assisted Anna Ruud, of Maple Grove, who had smart meters, high dirty electricity and mold in her home when she first contacted SafeTechMn. She recounted that she was being "buzzed" by the higher radiation levels in her home. Now, the update is that at age 40, she has developed breast cancer, which was diagnosed about six months ago.

6. SafeTechMn has helped citizens of other states. One example is a citizen of Colorado who was helped in attempting to fight Starry Internet which uses 5G technology from coming onto her building.

7. From all of these meetings and telephone conversations over the years, I have gathered information about the large number of citizens of Minnesota who are already suffering from the results of the saturation of radiofrequency radiation coming from wireless sources near their homes. Many of these individuals have stated to me that they are deeply concerned about the small cell antennas and how these small cell antennas will adversely affect their health.

8. In my opinion, the OTARD rule revision has ignored evidence of sickness in the people I speak with and help. One person I have helped lives in Minneapolis where there are currently the new “5G” antennas on her street. Since they were installed, she has been ill, with constant sinus problems, and difficulties breathing. When she goes to the country, in areas with low RF, she is better, and her symptoms subside. With OTARD, there will be fewer and fewer places to go.

9. I became interested in the importance of filing an *amicus* brief in this OTARD proceeding in part because of the accounts of physical harm caused by RFR detailed in the *amicus* brief lodged earlier in this case by the Building Biology Institute. (Document No. #1891257).<sup>1</sup> These included the case of Natalie Sadler, a psychiatrist practicing in North Carolina for over 28 years who recounted her experience over the past 10 years of patients injured by the effects of Electromagnetic Fields (EMF)

---

<sup>1</sup> Building Biology Institute is one of the 66 parties that have joined co-principals SafeTechMn and WBI.

including Radio Frequency Radiation (RFR) causing psychiatric and physical symptoms. Dr. Sadler recounted that one half of her patients were electrohypersensitive, that is have psychiatric and health problems due to exposure to Wi-fi and wireless.

10. Equally impactful was the report in that filing by Building Biology Institute professional Oram Miller. He recounted the experience of his client, Mary Catherine Miller and her daughter, a victim of a traumatic brain injury. Ms. Miller reported that when her daughter was near a person using smartphones, “she would pass out, stop breathing (requiring CPR from her caregiver), lose speech ability when she came to, have excruciating head pain, be unable to walk, struggle to breathe, and more. In a few hours, her skin would turn red, she would vomit and have diarrhea. She felt painful burns and chills, like a severe sunburn. It would take weeks to recover from one incident.” These symptoms dovetail with my own experience with wireless radiation. Before I shielded my home, I fainted several times from the high levels of radiation, ending up on the floor. I have seen children who bleed from the backs of their hands when exposed to Wi-Fi or cell towers. I personally know three such children, all living within 15 miles of each other here in Minnesota, which tells me it is likely not uncommon across the country.

11. Such reports convinced me of the need to organize an amicus brief in this case.

12. As a member of one of the two lead *amici*, I personally contacted nearly all of

the different organizations that signed on to this Amicus Brief. Many of the members I spoke with told me similar stories; either they or someone they knew had been injured or otherwise suffered from exposure to RFR. These organizations represent hundreds of thousands of individuals who are concerned with the proliferation of this technology and the impact that it has on the health of many people. These organizations are aware of the revision of the OTARD Rule, and are afraid of how this will harm the individuals represented by their organizations.

Dated: June 30, 2021

/s/ Petra Brokken  
Petra Brokken

**ADDENDUM EXHIBIT 2**  
Declaration of Interest of Odette Wilkens

## **Declaration of Interest of Odette Wilkens**

I, Odette Wilkens, declare under penalty of perjury that the following is true and correct to the best of my knowledge:

1. I am President, a Director and General Counsel of Wired Broadband, Inc. (“WBI”), a not-for-profit corporation organized in 2020 under the laws of the State of New York. The remaining directors are Susan Peters and Guy Vantresca, who are also officers of WBI.

2. WBI has no parent companies, subsidiaries, or affiliates and has not issued shares to the public.

3. WBI is one of the two co-principal amici curiae entities responsible for the preparation of the foregoing Amicus Brief in the case of *Children’s Health Defense v. F.C.C.*, Case No. 21-1075.

4. The foregoing brief was not authored in whole or in part by counsel for a party. No party or counsel for a party, and no person other than the *amici curiae* or their counsel, contributed money intended to fund its preparation or submission of the amicus curiae brief.

5. WBI was organized to educate members of the public and government officials about the dangers associated with Radio Frequency Radiation (“RFR”) caused by wireless facilities and to advocate for greater use of fiber optic cable as a

safer, faster and more secure solution to broadband deployment in New York City and throughout the United States.

6. WBI's founders were moved to advocate against excessive RF emissions by examples of people such as Ms. Lora Mitchell, an 83-year old resident of the West Side of New York City who, soon after several wireless transmitters were installed on the rooftop of her building directly above her apartment, began suffering day and night for nearly two years from severe electromagnetic symptoms: severe tinnitus, bilateral hearing loss, sleep deprivation, severe headaches, and persistent nausea and vomiting, among other symptoms, with no safe refuge in her studio apartment where she has lived for 44 years – in her own words, “It’s brutal”.

7. WBI was also urged on to advocate by the story of George Sinopidis a New York/New Jersey Port Authority Police Lieutenant, who, otherwise healthy before exposure to RF emissions from wireless transmitters, had been suffering from heart arrhythmias and sleep deprivation from such exposure until he was compelled to leave his own home to live elsewhere in a safer environment, while still shouldering the financial burden of a substantial mortgage on the original house. There were at least four small wireless transmitters in front of the home of Lt. Sinopidis.

Dated: June 30, 2021

/s/ Odette Wilkens  
Odette Wilkens

**ADDENDUM EXHIBIT 3**  
List of Additional Amici Curiae

## EXHIBIT 3

### LIST OF AMICI CURIAE

1. A VOICE FOR CHOICE ADVOCACY, INC. is a 501(c)(4) non-profit corporation based in California that advocates for people's rights to be fully informed about the composition, quality, and short- and long-term health effects of all products that go into people's bodies, such as food, water, air, pharmaceuticals and cosmetics.
2. ALLIANCE FOR MICROWAVE RADIATION ACCOUNTABILITY, INC. is a nonprofit corporation that seeks to improve public health and safety through the advocacy of tougher standards and safer technology.
3. ALLIANCE FOR NATURAL HEALTH, USA is a 501(c)(4) nonprofit corporation working to protect the right of all Americans to choose natural and regenerative health options for themselves and the planet. They have over a million members.
4. AMERICANS FOR RESPONSIBLE TECHNOLOGY, managed by Grassroots Communications, Inc. which is a New York 501(c)(4) non-profit corporation, is a national coalition of grassroots organizations whose mission is to stop the unconstrained proliferation of 5G small cell antennas and promote equitable access to technologies that benefit society and protect the health, safety, privacy, and property of Americans.
5. ARIZONANS FOR SAFE TECHNOLOGY is a group seeking to protect Arizona neighborhoods through better, safer technologies.
6. BEE HEROIC LLC is a nonprofit, limited liability company located in Colorado. It is an adult focused pollinator and climate project focused on agrochemical threats, telecommunication/5G/IoT, geoengineering, and other environmentally and biologically destructive industries that contribute to the mass extinction of a key indicator species.
7. SOCIAL JUSTICE COMMITTEE is a faith-based committee of the Berkeley Fellowship of Universalist Unitarians, a 501(c)(3) non-profit organization based in California, whose mission is to support inclusion and diversity,

environmental stewardship, fair labor practices, and general peace, democracy, and human rights in the U.S. and abroad.

8. BOYLE HEIGHTS COMMUNITY GARDEN is a grassroots organization based in California whose mission is to create more green spaces to counter environmental injustice.

9. BUILDING BIOLOGY INSTITUTE is a 501(c)(3) non-profit corporation, now in its thirty-fourth year (as of 2021), to enable professionals and the general public to create and live in healthy homes, schools, and workplaces free of toxic indoor air, tap-water pollutants, and hazards posed by electromagnetic radiation exposure.

10. CALIFORNIA BRAIN TUMOR ASSOCIATION is a 501(c)(3) non-profit organization whose mission is to educate the public about health and safety information regarding environmental health threats.

11. CALIFORNIANS FOR RENEWABLE ENERGY (CARE) is a 501(c)(3) non-profit corporation whose purpose is to offer legal advice and appear before administrative bodies to help enforce environmental laws through court actions.

12. CANADIANS FOR SAFE TECHNOLOGY is a not-for-profit organization based in Ontario, Canada whose mission is to promote the use of biologically safe and fiscally responsible technology in our homes, schools, communities and workplaces.

13. CENTER FOR ELECTROSMOG PREVENTION is a 501(c)(3) nonprofit corporation in California whose mission is the prevention and reduction of electromagnetic pollution.

14. CENTER FOR SAFER WIRELESS is a 501(c)(3) nonprofit organization based in Virginia whose mission is to educate parents, children, health providers, educators, and governments about the risks and safer use of wireless technology.

15. CENTERVILLE CONCERNED CITIZENS is a grassroots advocacy group in Massachusetts focused on advancing environmental health and protecting the community of Centerville. It was founded to stop the powering of a telecommunications cell tower in the historic village of Centerville. After starting with only nine neighbors, they now have hundreds of supporters to keep the community free of dangerous, untested wireless technology. “We have children

and grandchildren that will one day look to us and be grateful we fought so strongly for their future health and well-being.”

16. CITIZENS FOR 5G AWARENESS is a grassroots organization in New York which was created when wireless facilities were cropping up in their neighborhoods. Their mission is to educate Long Island communities and advocates for safer technological solutions and to contact local, state, and federally elected officials to reject 5G infrastructure in order to ensure the health and well-being of all citizens and the environment that such officials have sworn to protect.

17. COLORADANS FOR SAFE TECHNOLOGY is an advocacy group based in Colorado whose mission is to educate the public and public representatives of the risks and downsides of wireless technology and to promote the implementation of safe, efficient alternatives.

18. CONVERGING STORMS ACTION NETWORK is an advocacy group based in California that advocates sustainable alternatives -- healthy, humane, just, and economically and politically democratic.

19. CONNECTICUT RESIDENTS FOR RESPONSIBLE TECHNOLOGY is a grassroots organization based in Connecticut consisting of 1500 members, most of whom have suffered from RF and whose mission is to increase community awareness of the negative health effects of having macro cell towers in close proximity to homes, schools, health centers and workplaces, and to stop the irradiation of citizens.

20. DAMS, INC. is a 501(c)(3) nonprofit corporation based in Minnesota whose mission is to educate about mercury, fluoride and other toxic pitfalls in dentistry. It is also concerned about the proliferation of wireless radiation causing biological harm. DAMS stands for Dental Amalgam Mercury Solutions.

21. ECO-LEARNING LEGACIES LLC is a corporation in Minnesota whose mission is to create educational tools and training that communicate the necessity and value of creating “eco-intelligent” lifestyles, and that serve to alleviate environmentally caused illness now affecting all people and living things.

22. THE ELECTROMAGNETIC SAFETY ALLIANCE, INC. is a 501(c)(3) nonprofit corporation based in Arizona whose mission is to educate and advocate to others about the health risks of electromagnetic fields. Their fiscal sponsor is

Vitalyst Health Foundation.

23. EMF WELLNESS LLC is a 501(c)(3) company in Arizona comprised of residents, business owners and members of the various communities within Pima County and the City of Tucson who are committed to working in partnership with elected officials to enact a telecommunications ordinance that protects public safety, privacy, and property values.

24. 5G FREE CALIFORNIA is a 501(c)(3) corporation based in California whose mission is to engage in education, outreach and advocacy on the health effects of wireless radiation and on support for safer technology, to enhance the vision that people have the right to be protected from harm and that those already injured are acknowledged, respected and supported, and that people have the right to make informed choices about exposure to radiation and health sovereignty.

25. 5G FREE RHODE ISLAND is a group of private individuals with a common interest in protecting humans and the environment from the harms of wireless radiation. Its mission is to continue to actively educate communities and public officials at the city, state, and federal levels. It takes action in furtherance of the foregoing by holding their cities and towns accountable for protecting all residents and stopping the 5G rollout.

26. FAMILIES MANAGING MEDIA INC. (DBA SCREENSTRONG) is a 501(c)(3) corporation that educates and empowers families to develop a healthy digital lifestyle for their children away from screen dependency and believe in keeping the benefits of technology for kids while empowering parents to delay toxic tech – video games, smartphones, social media.

27. GREEN PARTY OF ALAMEDA COUNTY is an organization in California and is committed to the Ten Key Values of the Green Party of California: ecological wisdom, sustainability, social justice, grassroots democracy, respect for diversity, decentralization, community-based economics, non-violence, feminism and local and global responsibility.

28. KEEP CELL ANTENNAS AWAY is an informal group of residents in California, united by a common goal of keeping cell antennas away from homes and whose mission is to influence what their city does on 5G by building a large and active movement of residents.

29. KEEP YOUR POWER is an advocacy group in Hawaii that consists of a coalition of educated, concerned citizens whose mission is to stop harmful wireless technologies from being deployed in the Hawaiian islands and to advocate for safe technology.

30. KUNZE PRODUCTIONS, LLC is a for-profit company based in California which presents an investigative documentary called “Mobilize” that explores the potential long-term health effects from cell phone radiation, including cancer and infertility.

31. LAST TREE LAWS is an informal group for advocacy based in Massachusetts and is also organized as a Massachusetts state ballot question committee, focusing on lobbying and ballot question work. Its mission is to lobby for environmental and social justice, as well as reducing wireless exposures.

32. THE LETO FOUNDATION is a private non-operating 501(c)(3) foundation based in Massachusetts whose mission is to engage in children's health advocacy on various environmental issues.

33. MALIBU AGRICULTURAL SOCIETY is an organization that consists of a community of people who share a love of gardening, growing food and homesteading through cultural gatherings, simple ceremonies and skill sharing. Its mission is to enact an environmentally sustainable, spiritually fulfilling, socially just human presence on the planet.

34. MALIBU FOR SAFE TECH is an organization in California that consists of active local residents fighting to protect the community and environment from the threats of wireless telecommunication. Its mission is to raise awareness of these immediate issues and actively participate in local government to stop the spread of 5G before the effects of 5G become detrimental to residents.

35. MASSACHUSETTS FOR SAFE TECHNOLOGY is a public interest advocacy group based in Massachusetts and is a project under the 501(c)3 nonprofit Concerned Citizens for the Appropriate Placement of Telecommunications Facilities, Inc., which serves as its fiscal agent. Its mission is to educate citizens, public servants, lawmakers and health care professionals on the risks of wireless radiation exposure to children, adults and our environment and to promote the use of biologically safe and fiscally responsible technology in our homes, schools, communities, and workplaces.

36. MOMS ACROSS AMERICA is a 501(c)(3) nonprofit organization with national networks based in North Carolina which reaches millions of people every month. Its mission is to educate and empower mothers and others with actions and solutions to create healthy communities.

37. NAPA NEIGHBORHOOD ASSOCIATION FOR SAFE TECHNOLOGY is an organization based in California whose mission is to inform others about the negative health and environmental effects of wireless radiation, citing the thousands of scientific studies available, and the benefits of using wired connections instead.

38. NATIONAL HEALTH FEDERATION (NHF) is a 501(c)(3) nonprofit organization in California whose mission is to educate consumers, producers, healthcare professionals, government and other leaders regarding freedom of choice and informed consent in healthcare, and to protect the health rights and freedom of individuals and healthcare practitioners regarding freedom of choice and true informed consent in all matters concerning healthcare.

39. NATIONAL TOXIC ENCEPHALOPATHY FOUNDATION is a 501(c)(3) organization whose mission is to provide education and services to the growing segment of the population who are adversely affected by everyday chemicals and toxins in our environment, and to provide education on cell phone safety that is showing a correlation with the increase of brain tumors and cancer.

40. NEVADA CITY TELECOMMUNICATIONS ORDINANCE PUBLIC WORKING GROUP is a group of individuals in Nevada, California whose mission is to amend the city's telecommunication ordinance and strengthen the City's legal authority to protect residents and the quiet enjoyment of their streets.

41. NEW YORKERS 4 WIRED TECH is a group of grassroots advocates in New York whose mission is to alert the public to the serious biological harm caused by wireless communications infrastructure's pulsed-modulated microwave radiation, and support municipally-owned and controlled wireline solutions -- fiber optic broadband direct to homes and businesses as a basic public infrastructure, a public necessity and a public good — in the public rights-of-way. It advocates for the preservation and maintenance of existing legacy copper, switched telephone landlines.

42. NO SPRAY COALITION, INC. is a non-profit corporation and an advocacy group against pesticides and for government limits on the use of pesticides, and

advocating against 5G as critical to reversing the harms being inflicted on all life on the planet.

43. OREGON FOR SAFER TECHNOLOGY was developed to educate people about safer uses of their wireless technology and to advocate for stronger legislation against cell tower/small cell (5G) antennae.

44. PATRONS OF THE PLANET is an environmental group in Connecticut working to bring awareness and information to residents about the importance of protecting the lands, water, insects and air from the harmful effects of “small cells,” cell towers and smart meters, and advocated against a bill that would extend the rollout of “small cells.”

45. THE PEOPLE’S INITIATIVE FOUNDATION is a 501(c)(3) nonprofit charity dedicated to educating the public and exposing the health effects from wireless radiation emitting devices and infrastructure -- a threat not only to humans, but also to animals, plants, insects, birds, bees and trees, and now with the onset of 5G, a threat to the very oxygen that individuals need to breathe. It is committed to helping make real change by educating the public on how to change the laws, bringing their own lawsuits and educating legislators.

46. PLUMAS WIRED! is an advocacy group of Plumas County residents in California, with hundreds of members, whose mission is to support safer, affordable, wired telecommunications for the public.

47. RHODE ISLANDERS FOR SAFE TECHNOLOGY is an organization based in Rhode Island that envisions a world in which computer and telecommunications technology is safer. Its mission is to educate the public regarding wireless health risks and best practices.

48. SAINT CROIX APPRAISALS is an organization that offers appraisal services for residential homes and educates people about the destructive effects of Wi-Fi and electromagnetic energies in their homes.

49. SAFE TECH FOR SANTA ROSA is an advocacy group in California whose mission is to post relevant information about current and planned wireless transmission facilities and "small" cell sites in Santa Rosa, California and provide resources on the biological effects of microwave radiation as supported by scientific studies.

50. SAFE TECHNOLOGY MINNESOTA, a project of the 501(c)(3) nonprofit corporation Minnesota Natural Health Coalition, has as its mission to educate and support the public regarding the health and environmental hazards of electromagnetic radiation, especially from wireless technology.

51. SAFE TECH SANTA BARBARA COUNTY is an unincorporated association and advocacy group whose mission is to educate the community about the adverse cumulative effects of invisible wireless Radio Frequency Radiation (RFR) and advocate for safe technology.

52. SAFE TECH TUCSON is comprised of residents, business owners and respected members of the various communities within Pima County and the City of Tucson who are committed to working in partnership with elected officials to enact a telecommunications ordinance that protects public safety, privacy and property values.

53. SANTA BARBARA BODY THERAPY INSTITUTE is a for-profit corporation whose mission is to prepare students for professional practice in massage and bodywork to enhance body function through holistic practices. It is concerned about how radio frequency radiation from wireless technology negatively affects body functions.

54. SANTA BARBARA GREEN SISTERS is a Facebook Group of women who support one another in the name of environmental protection, and they stand for social, economic, climate and environmental justice.

55. STOP 5G CARLSBAD is a grassroots movement of residents in Carlsbad, California who are deeply concerned about the pending construction of 5G “small cell” towers every 300-500 feet throughout their neighborhoods.

56. STOP 5G INTERNATIONAL is a coalition and advocacy group located in Maryland whose mission is to support the global effort to stop 5G because it poses an immediate threat to life on earth.

57. STOP 5G JAX is an activist group of citizens whose mission is education and opposition to 5G in Jacksonville, FL and in the rest of Florida.

58. STOP 5G SANDY SPRINGS is a citizens’ action group based in Georgia which provides information on news, recent lawsuits, legislation, and health risks

pertaining to wireless technology.

59. STOP SMART METERS! is based in California and their fiscal sponsor is California for Renewable Energy. It is an advocacy, media outreach and direct action network providing activism, consultation and advice to dozens of local groups who are opposing wireless smart utility meter deployments for health, privacy, safety and other reasons.

60. SUSTAINABLE UPTON is an environmental group based in Massachusetts which informs the residents of Upton, Massachusetts of issues that impact their community and works towards a sustainable future. It meets regularly with the Town Manager to advise the Town Manager on environmental issues, including water issues and safe technology.

61. TOXICS INFORMATION PROJECT (TIP) is a 501(c)(3) nonprofit corporation based in California which strongly opposes deployment of 5G systems and informs residents about the high radiation installations and their dangerous and unhealthy effects.

62. VIRGINIANS FOR SAFE TECHNOLOGY LLC is based in Virginia. Its mission is to advocate for safe, accessible, affordable, and ethical technology for all and provide information, education, resources, and support to empower consumers and lawmakers to make informed decisions and act as stewards of their communities.

63. WHOLE FAMILY CHIROPRACTIC, PLC is a chiropractic office based in Minnesota that specializes in children and families and works with many children with stressed nervous systems and neurological challenges.

64. WIRED BROADBAND, INC. is a nonprofit corporation in New York whose mission is to educate the public and government officials about the dangers associated with radio frequency radiation from wireless facilities and to advocate for the use of fiber optics as a safer, faster and more secure solution to broadband deployment in New York City and throughout the United States.

65. WIRELESS RADIATION EDUCATION & DEFENSE is a grassroots non-profit organization based in California and composed of concerned scientists, educators, parents, and activists. This organization is a fiscal project of Ecological Options Network (EON), which is a 501(c)(3) non-profit corporation. Its mission is to empower the public to regain the public's autonomy and rights against

interference by adverse telecommunications' interests.

66. WIRE AMERICA™ is a citizen journalist and advocacy organization in California, working to preserve local control over wired broadband and wireless telecommunications infrastructure. Local communities must retain the freedom to integrate the best broadband options for their residents. It has worked at the federal, state and local levels to tame the unnecessarily dense deployment of 4G/5G so-called “small” wireless telecommunications facilities (sWTFs) in residential neighborhoods.

67. WIRE TUCSON is a dedicated group of Tucson, Arizona residents, working with the city to define workable solutions to the problems of 4G/5G so-called “small” wireless telecommunications facilities (sWTFs) in residential neighborhoods -- BIG DATA via fiber optics and only calls and texts via wireless. The group works with physicians, scientists, attorneys, and researchers all over the country to educate and protect communities from the proven public harms to safety, privacy and property value caused by excessive effective radiated power emitted from wireless telecommunications facilities (WTFs) of any size or any “G”. It is seeking to ensure that the residents’ rights to privacy and the quiet enjoyment of streets (and homes) are preserved. The group is working to convince the Mayor and City Council that it is in the City’s best interest to protect their neighborhoods, schools and businesses from sWTFs and WTFs — to the fullest extent of the law.

68. WJ THOM COMPANY is a for-profit corporation based in Minnesota whose interest lies in protecting the health and safety of its workers from the impacts of wireless technology, including that from 5G, and that it has had to shield its workplace from external RFR sources to protect its workers.