

# Video: Radio Frequency Radiation and 5G Impacts on Health. Massive Scientific Evidence Ignored by FCC

Environmental Health Trust et al. v. The FCC.

By [Environmental Health Trust](#)

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*“It was quite impressive to note how thoroughly the judges had read our brief in this complicated case. They asked pointed questions about what we have documented in our case to be the failure of the FCC to produce a record of reasoned decision making.*

*For example the judges zeroed in on the fact that there is a US inter-agency radio frequency working group with which there is no record of consultation on the record. Further they questioned the FCC regarding the fact that it’s own technical advisory group on electronic products had failed to weigh in on cell phones altogether.*

*The justices questioned how the agency could ignore the undeniable fact that the types of devices, wireless uses and users of wireless devices are radically different today than they were when the standards were first set,”* stated Devra Davis PhD MPH president of Environmental Health Trust.

## **Listen to oral arguments in the case in this video.**

Environmental Health Trust (EHT), the scientific think tank headed by award-winning scientist Devra Davis PhD, MPH is the lead petitioner in a landmark case against the Federal Communications Commission (FCC) in the U.S. Court of Appeals for the District of Columbia.

After consolidation of the cases by the Courts, the historic case is filed jointly with Children’s Health Defense, Consumers for Safer Phones and numerous other petitioners including Elizabeth Barris, Theodora Scarato MSW, Michelle Hertz, Petra Broken, Dr. David Carpenter, Dr. Toril Jelter, Dr. Paul Dart, Dr. Ann Lee, Virginia Farver, Jennifer Baran and Paul Stanley

M.Ed.

EHT et al. v. the FCC 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 cell phones, cell towers, Wi-Fi, 5G and other wireless communication devices.

### **Watch EHT's Press Conference:**

### **Oral arguments with a three judge panel was January 25, 2021 at 9:30 EST.**

The three-judge panel in the U.S. Court of Appeals for the District of Columbia that presides over the case includes the Honorable Karen Henderson, Patricia Millett and Robert Wilkins.

“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 PhD, 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.”

### **Links to the Scientific Evidence, Court Cases, Personal Testimony Presented in the Case**

#### **Briefs**

- [Full Opening Brief of Petitioners](#), August 14, 2020
- [FCC Reply Brief to Petitioners](#), September 22, 2020
- [Petitioner’s Reply to the FCC](#) and [Addendum to Petitioners Reply to the FCC](#), October 19, 2020
- [Link to all documents in case such as studies and court cases referenced](#)
- [Court Listener Link that has all filed documents.](#)

#### **Amicus Briefs**

- [Amicus of NRDC: Natural Resources Defense Council](#)
- [Amicus of Attorney Joe Sandri](#) including declaration of Dr. Linda Birnbaum, former Director of the National Institute of Environmental Health Sciences
- [Amicus of Catherine Kleiber](#)
- [Amicus of the Building Biology Institute](#)

### **Click on the Volumes Below to See the Links to the Massive Evidence Filed in EHT et al v. FCC Ignored by the FCC**

Petitioners filed 11,000 pages of evidence – 447 exhibits in 27 Volumes- in support of their claims. Environmental Health Trust researchers filed 60 of the 447 exhibits.

- **Download [Volume 1](#):** Volume 1 Includes FCC Resolution of Notice of Inquiry

#### Order and Notice of Inquiry

- **Download [Volume 2](#):** Includes FCC; Comments & reply of the CTIA The Wireless Association & Mobile Manufacturers Forum ET Docket No. 13-84
- **Download [Volume 3](#):** Research Compilation; Abstracts of over 2,100 studies published between 1990 – 2017; Prof. Henry Lai.(Tab 7 Part 2)
- **Download [Volume 4](#):** Includes Research Compilation; Abstracts of over 2,100 studies published between 1990 – 2017; Prof. Henry Lai.(Tab 7 Part 3)
- **Download [Volume 5](#):** Includes Research Compilation; Abstracts of over 2,100 studies published between 1990 – 2017; Prof. Henry Lai.(Tab 7 Part 4) Research Compilation; Abstracts of Over 600 Studies Published Between August 2016- August 2019, Dr. Joel Moskowitz; 2019 (Tab 8 Part 1)
- **Download [Volume 6](#):** Includes Research Compilation; Abstracts of over 600 Studies Published Between August 2016- August 2019, Dr. Joel Moskowitz; 2019 (Tab 8 Part 2) Research Compilation; Abstracts of 15 New Studies, Dr. Joel Moskowitz Ph.D., 2016, Research Compilation; Studies and Documents; City of Pinole, CA
- **Download [Volume 7](#):** Includes US Exposures Limits – A History of Their Creation, Comments and Explanations; Eng. Lloyd Morgan, Biosystem & Ecosystem; Birds, Bees and Mankind: Destroying Nature by ‘Electrosmog’: Effects of Mobile Radio and Wireless Communication.Dr. Ulrich Warnke, Ph.D., 2007, Cancer; IARC Monograph: Nonionizing Radiation Part 2: RF EMFs, 2013 (Tab 13 Part 1)
- **Download [Volume 8](#):** Includes BioInitiative Comments, Cancer; IARC Monograph: Nonionizing Radiation Part 2: RF EMFs, 2013 (Tab 13 Part 2), NTP; Commentary on the utility of the National Toxicology Program study on cell phone radiofrequency radiation data for assessing human health risks despite unfounded criticisms aimed at minimizing the findings of adverse health effects. Environmental Research. Dr. Ron Melnick; 2019 and [more...](#)
- **Download [Volume 9](#):** Includes BioInitiative-Modulation; Section 15:Evidence for Disruption by Modulation Role of Physical and Biological Variables in Bioeffects of Non-Thermal Microwaves for Reproducibility, Cancer Risk and Safety Standards, (2012 Supplement), Bioinitiative Working Group; Preliminary Opinion on Potential Health Effects of Exposure to Electromagnetic Fields (EMF); 2014, Organizations; Environmental Working Group Reply Comments and [more...](#)
- **Download [Volume 10](#):** BioInitiative-Mechanisms of Harm; Percent Comparison Showing Effect vs No Effect, DNA (Comet Assay), 2017 and Free Radical (Oxidative Stress), 2019, Bio Initiative Working Group; Epidemiological Studies, RF fields epidemiology, Comments by Drs. Lennart Hardell, Fredrik Soderqvist PhD. and Michael Carlberg, MSc. Section 3.5.1.1 Epidemiological Studies (Exhibit B); 2014, BioInitiative Author; Statement of Prof. Martin Blank PhD., PhD.; 2016, and [more...](#)
- **Download [Volume 11](#):** Dr. Paul Dart MD. (Petitioner) Comments, The Biological Effects of Weak Electromagnetic Fields, Problems and Solutions, Prof. Andrew Goldsworthy; 2012, Dr. Richard Meltzer Comments, Radio Frequency (RF) Exposure: A Cautionary Tale, Dr. Donald R. Maisch Ph.D. Comments, Biological Effects from RF Radiation at Low-Intensity Exposure, based on the BioInitiative 2012 Report, and the Implications for Smart Meters and Smart Appliances; Dr. Ron M. Powell, PhD.; 2013 and [more...](#)
- **Download [Volume 12](#):** Organizations – Cyprus National Committee on Environment and Children’s Health, Neurological and behavior effects of Non-

Ionizing Radiation emitted from mobile devices on children: Steps to be taken ASAP for the protection of children and future generations. Presentation Slides; 2016, Organizations; Austrian Medical Association, Environmental Medicine Evaluation of Electromagnetic Fields; Dr. Jerd Oberfeld MD.; 2007, Organizations; The American Academy of Pediatrics, Letter to the FCC; 2013 and [more...](#)

- **Download [Volume 13:](#)** Organizations; Appeal to the FCC Signed by 26,000 People and Organized by the Environmental Working Group, 2013 (Tab 68 Part 2), Organizations; Freiburger Appeal -Doctors Appeal; 2002, Organizations; Benevento Resolution, The International Commission for Electromagnetic Safety (ICEMS), 2006, Organizations; The Porto Alegre Resolution; 2009 and [more...](#)
- **Download [Volume 14:](#)** Mechanisms of Harm; Meta-Analysis, Oxidative mechanisms of biological activity of low-intensity radiofrequency radiation. Electromagn Biol Med (Yakymenko et al).; 2016, Mechanisms of Harm; Blood Brain Barrier; Increased Blood-Brain Barrier Permeability in Mammalian Brain 7 Days after Exposure to the Radiation from a GSM-900 Mobile Phone. Pathophysiology (Nittby, Salford et al); 2009, Mechanisms of Harm; DNA Damage; Microwave RF Interacts with Molecular Structures; Dr. Paul Dart MD.; 2013 and [more...](#)
- **Download [Volume 15:](#)** Prenatal & Children; Doctors and Scientists Letters on Wi-Fi in Schools, Dr. Devra Davis PhD., President of Environmental Health Trust (Petitioner) Comments, Children; Letter to Montgomery County Schools, Prof. Martha Herbert MD., PhD.; 2015, Neurological - Children; A Prospective Cohort Study of Adolescents' Memory Performance and Individual Brain Dose of Microwave Radiation from Wireless Communication. Environ Health Perspect. (Foerster et al); 2018, Prenatal & Children; Cell phone use and behavioral problems in young children. J Epidemiol Community Health. (Divan et al); 2012 and [more...](#)
- **Download [Volume 16:](#)** Prenatal & Children; "Cell Phones & WiFi - Are Children, Fetuses and Fertility at Risk?"; 2013, Prenatal & Children; Safe Schools 2012, Medical and Scientific Experts Call for Safe Technologies in Schools,Prenatal & Children - Stem Cells; Microwaves from Mobile Phones Inhibit 53BP1 Focus Formation in Human Stem Cells More Strongly Than in Differentiated Cells: Possible Mechanistic Link to Cancer Risk. Environmental Health Perspectives (Markova, Belyaev et al); 2010, Radiation Sickness - Children; Angela Tsiang Comments and [more...](#)
- **Download [Volume 17:](#)** 5G; FCC Chairman Tom Wheeler 'The Future of Wireless: A Vision for U.S. Leadership in a 5G World'; 2016, 5G; Letter to House Subcommittee on Communications and Technology; Tsiang; 2016, 5G; Ask Congress to Vote No, 2016, 5G; 5G Spectrum Frontiers -The Next Great Unknown Experiment On Our Children, Compilation of Letters to Congress; 2016, 5G;What You Need To Know About 5G Wireless and "Small" Cells and [more...](#)
- **Download [Volume 18:](#)** Cell Phones; Research Abstracts of Over 700 Studies Showing Health Effects from Cell Phone Radio Frequency Radiation; Prof. Henri Lai ,(Tab 142 Part 2), Cancer - Brain Tumors; Using the Hill viewpoints from 1965 for evaluating strengths of evidence of the risk for brain tumors associated with the use of mobile and cordless phones. Rev Environ Health. (Hardell and Carlsberg); 2013 , Cancer-Brain Tumors; Mobile phone use and brain tumor risk: early warnings, early actions? (Gee, Hardell Carlsberg) (Chapter 21 of Report: "Late lessons from early warnings: science, precaution"); 2013, Jullian Gehman Esq. Comments and [more...](#)

- **Download [Volume 19](#):** Dr. Joel Moskowitz PhD. Reply Comments, Why the FCC Must Strengthen Radiofrequency Radiation Limits in the U.S., Cancer - Children; Cell Phone Radiation: Science Review on Cancer Risks and Children's Health; Environmental Working Group; 2009, Cell Phones - Plants; Review: Weak Radiofrequency Radiation Exposure From Mobile Phone Radiation on Plants. Electromagnetic Biology and Medicine (Malka N. Halgamuge); 2016, Testing; Microwave Emissions From Cell Phones Exceed Safety Limits in Europe and the US When Touching the Body. IEEE Access. Prof. Om P. Gandhi PhD.; 2019, Testing - Children; Absorption of wireless radiation in the child versus adult brain and eye from cell phone conversation or virtual reality. Environmental Research. (C. Fernandez et al); 2018 and [more...](#)
- **Download [Volume 20](#):** Industry Influence; World Health Organization, Radiofrequency Radiation and Health - a Hard Nut to Crack (Review). International Journal of Oncology. Prof. Lennart Hardell MD. PhD.; 2017, Industry Influence; Business Bias As Usual: The Case Of Electromagnetic Pollution. Prof. Levis, Prof. Gennaro, Prof. Garbisa, Industry Influence; Prof. Martha Herbert MD PhD., Harvard Pediatric Neurologist Letter to Los Angeles Unified School District; 2013, Industry Influence; The Procrustean Approach: Setting Exposure Standards for Telecommunications Frequency Electromagnetic Radiation, Dr. Donald Maisch PhD.; 2009 (Tab 172 Part 1) and more.
- **Download [Volume 21](#):** Industry Influence; The Procrustean Approach: Setting Exposure Standards for Telecommunications Frequency Electromagnetic Radiation, Dr. Donald Maisch PhD.; 2009 (Tab 172 Part 2), Industry Influence; Illusion and Escape: The Cell Phone Disease Quagmire. Dr. George L. Carlo PhD., JD.; 2008, Industry Influence; Quote of Prof. Henry Lai PhD from NY Times Article about Percent of Negative, Studies Funded By Industry; 2013, Industry Influence; Warning: Your Cell Phone May Be Hazardous to Your Health. Christopher Ketcham, GQ; 2010 and [more...](#)
- **Download [Volume 22](#):** US Agencies; US Naval Medical Research Institute. Bibliography of Reported Biological Phenomena ("Effects") and Clinical Manifestations Attributed to Microwave and Radio-frequency, Radiation; 1971 (Tab 185 Part 2), US Agencies; US Department of Labor Comment, Radiation Sickness; Exemption for Fire stations, California Assembly Bill No. 57 (2015), codified at Cal. Gov. Code 65964.1, Radiation Sickness - Firefighters; Susan Foster Comments, Radiation Sickness; Electromagnetic Hypersensitivity, Dr. Erica MalleryBlythe; 2014 and [more...](#)
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Doctor's Diagnosis Letter for Steven Magee, European Manifesto in support of a European Citizens' Initiative (ECI) and [more...](#)

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- **Download [Volume 27](#):** Testing - Children; Exposure Limits: The underestimation of absorbed cell phone radiation, especially in children. Electromagnetic Biology and Medicine (Gandhi et al); 2011, BioInitiative Reply Comments, Environmental Health Trust INTERNATIONAL POLICY BRIEFING: Cautionary Policy on Radiofrequency Radiation Actions by Governments, Health Authorities and Schools Worldwide

## **Environmental Health Trust et al. v. the FCC**

Environmental Health Trust (EHT), the scientific think tank headed by Devra Davis PhD, MPH, filed the principal brief in the U.S. Court of Appeals for the District of Columbia on Wednesday in a landmark case against the Federal Communications Commission (FCC). The appeal is aimed at getting the FCC to reconsider, revise, and update its 24-year old exposure limits for radio-frequency radiation (RFR) from cellphones, cell towers, Wi-Fi networks, smart meters, and other wireless communication devices and facilities. The brief is filed jointly with Children's Health Defense and numerous individual petitioners.

### **The FCC Violated the Law**

The Petitioners contend the FCC ignored the 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 did not 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 and ignored calls such as those from the cities of Boston and Philadelphia to address the sickness. Petitioners argued that the inadequate FCC guidelines are used to deny accommodation in violation of the Americans with Disability Act. The Petitioners filed 11,000 pages of scientific evidence and comments ignored by the FCC in support of their claims.

### **Background**

The FCC opened an Inquiry into the adequacy of its exposure limits in 2013 after the Government Accountability Office issued a report in 2012 stating that the limits may not reflect current science and need to be reviewed. In response, hundreds of scientists and medical professionals submitted a wealth of [peer-reviewed studies](#) showing the consensus of the scientific community is that RFR is deeply harmful to people and the environment and

is linked to cancer, reproductive harm, and other biological ills to humans, animals, and plants. Notwithstanding the extremely well-documented record of these negative impacts from RFR, the FCC released an order in December 2019 deciding that nothing needed to be done and maintaining that the existing, antiquated exposure limits are adequate now and for the future.

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