## RESPONSE TO COMMENTS FY 2025-2026 NATIONAL PROGRAM GUIDANCE OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION EPA PUBLICATION NUMBER - 730S24001

Comment	Location in Draft Guidance	Commenter(s)	National Program Offices Response	Action Taken in Final Guidance
The Office of Chemical Security and Pollution	Section I.	Fenceline Watch	OCSPP is continually seeking ways to	No changes
Prevention FY 2025-2026 National Program Guidance	Introduction	(Community	expand its outreach to interested	were made
fails to meet goals set out in EPA FY 2022-2026	pg. 3	Based EJ	partners and stakeholders. The	to NPG.
Strategic Plan. OCSPP's NPG does not provide a		Organization)	National Program Guidances (NPGs)	
comprehensive overview of how all offices and teams			set forth the strategies and actions	
within OCSPP is addressing incorporating goals set			the EPA and its state and Tribal	
out in EPA Strategic Plan. Entire offices and teams			partners will undertake to protect	
within OCSPP are not mentioned within the NPG,			human health and the environment.	
including OPPT and the International Team. This is of			This NPG for FY 2025-2026 supports	
crucial importance as currently OCSPP's International			the Administration's priorities and	
Team is advocating in international negotiations for			provides the roadmap for achieving	
positions that are detrimental to vulnerable			its mission, which are reflected in	
communities, increase exposure to toxic chemical			EPA's FY 2022-2026 Strategic Plan	
pollution that do not comport with environmental			and the Agency's FY 2025	
justice principles.			Congressional Justification.	
OCSPP's International Team is currently engaged in			With respect to the ongoing	
the United Nations Environmental Programme			negotiations to develop an	
Intergovernmental Negotiating Committee to			international legally binding	
develop an international legally binding instrument			instrument on plastic pollution, as	
on plastic pollution, including in the marine			noted above, EPA, including OCSPP,	
environment. The current position held by OCSPP			acts in support of the	
does not address the toxic harms faced by vulnerable			Administration's priorities. In	
environmental justice communities at the fenceline			addition, OCSPP does not take any	
of petrochemical production.			negotiating positions independent of	

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OCSPP has adopted positions that are directly opposed to goal 2 found in EPA FY 2022-2026 Strategic Plan to take decisive action to advance environmental justice and civil rights.			the federal interagency process led by the U.S. Department of State, which has the participation of all relevant federal agencies and departments.	
The National Program Guidance is intended to be a cross-cutting whole of office document detailing how EJ principles will be embedded into all sectors of OCSPP. The NPG should be amended to provide strategies and activities for all organizations housed within the Office of Chemical Security and Pollution Prevention.	Section I. Introduction pg. 3	Fenceline Watch (Community Based EJ Organization)	OCSPP's NPG has a regional focus and as such has concentrated on the work regional offices could further with the grants they support.	No changes were made to NPG.
OCSPP NPG fails to advance or take decisive action for Environmental Justice or Civil Rights. From the outset, in the introduction, OCSPP's NPG outlines outreach efforts during the development of the guidance. It states:  "OCSPP engaged in early outreach with states and federally recognized Indian Tribes (Tribes) and worked in collaboration and coordination with other National Program Managers (e.g., Office of Enforcement and Compliance Assurance (OECA), the Office of Water (OW)) and the regional offices to help identify the most important environmental and human health protection areas of work to be conducted by the regional offices in FY 2025-2026."  Critically missing from the outreach conducted by OCSPP regarding this guidance is any stakeholder engagement from fenceline and frontline	Section I. Introduction pg. 3	Fenceline Watch (Community Based EJ Organization)	OCSPP's NPG sets forth the strategies and actions the EPA and its state and Tribal partners will undertake to protect human health and the environment, specifically the work conducted by the regional offices with allocated funding and the grants they support, which are limited by the programs' statutory authority However, OPPT's core TSCA regulatory work, not described in NPG, does consider fenceline impacts and engages with stakeholders.	No changes were made to NPG.

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communities. In fact, the term "fenceline", "frontline", "disadvantaged community" or "environmental justice community" do not appear in any section of OCSPP's National Program Guidance. The NPG mentions federally recognized Tribes and impacted workers however it is well established that the needs, concerns and safeguards of fenceline and frontline communities are distinct from other impacted subpopulations and Vis versa. Other offices within EPA make clear distinctions between the needs of tribal and fenceline and frontline communities as evidence by outreach efforts by the Office of Environmental Justice and External Civil Rights Compliance (OEJCRC) who conduct specific, unique engagement with each community.	Section I.	Fenceline Watch	OCSPP's NPG focus is to identify the	No changes
OCSPP makes mention of Cross-Agency Strategy 2 in only one section of the NPG, G. Program Priority: Lead Risk Reduction. OCSPP does not provide any guidance on the impacts of chemicals on the health of children and other vulnerable populations. The detrimental impacts of chemical production on children, women, and other vulnerable populations is well studied and data on its impacts readily available, respiratory, reproductive, and genetic harms are a few of the known health effects of chemical manufacture yet OCSPP has not presented any strategy or office activity in FY 2025-2026 guidance that would address these impacts. Without establishing protective standards that ensure the health and	Introduction pg. 3	(Community Based EJ Organization)	most important environmental and human health protection areas of work to be conducted by the regional offices with allocated funding and the grants they support, which are limited by the program's statutory authority. The Lead Risk Reduction Program worked cooperatively with other federal agencies to develop the Federal Lead Action Plan to Reduce Childhood Lead Exposure to help EPA and other federal agencies work strategically and collaboratively to reduce exposure to lead with the aim of ultimately improving children's	were made to NPG.

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safety of children and other vulnerable populations in this area the NPG is not addressing Cross-Agency Strategy 2.			health. https://www.epa.gov/lead/federal- action-plan-reduce-childhood-lead- exposure	
OCSPP National Program Guidance does not address Objective 7.2: Promote Pollution Prevention of Chemicals. This is especially concerning because the work of the Office of Chemical Security and Pollution Prevention (OCSPP) directly impacts the health and safety of environmental justice communities along the Houston Ship Channel and the Greater Houston area. OCSPP houses the Office of Pollution Prevention and Toxics (OPPT), responsible for managing the Toxic Substances Control Act, Pollution Prevention Act, and community-right-to-know tools such as the Toxic Release Inventory. The relevance of work that the Office of Chemical Security and Pollution Prevention has upon fenceline communities along the Houston Ship Channel cannot be overstated. In Harris County alone there are 343 facilities that are regulated by the Toxic Substances Control Act (TSCA) and 378 facilities that report to the Toxic Release Inventory (TRI).	Section I. Introduction pg. 3	Fenceline Watch (Community Based EJ Organization)	OCSPP's NPG focus is to identify the most important environmental and human health protection areas of work to be conducted by the regional offices with allocated funding and the grants they support, which are limited by the programs' statutory authority. EPA's TRI program continually seeks to expand outreach to interested parties.	No changes were made to NPG.
OCSPP National Program Guidance does not provide a comprehensive overview of how the office is embedding EJ in office in accordance with Executive Order 14096.	Section II. Program Priorities, Strategies, And Activities	Fenceline Watch (Community Based EJ Organization)	OCSPP is working to issue risk management rules to address unreasonable risks to people and the environment, including fenceline communities. This work is core to	No changes were made to NPG.

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	pg. 4		OCSPP but is not emphasized as part	
			of the NPG because the NPG's	
			purpose is to give guidance to	
			states/regions on our grant funds.	
			We say at the start of the document:	
			Work in this NPG directly supports	
			Goal 7, Ensure Safety of Chemicals	
			for People and the Environment, in	
			the FY 2022 - 2026 EPA Strategic	
			Plan. OCSPP NPG also integrates the	
			Plan's goal to tackle climate change,	
			advance environmental justice, and	
			civil rights, and to consider the health	
			of children and other vulnerable	
			populations in implementing our	
			programs as detailed in the Plan's:	
			Goal 1: Tackle the Climate Crisis -	
			Cut pollution that causes climate	
			change and increase the adaptive	
			capacity of Tribes, states, territories,	
			and communities.	
			Goal 2: Take Decisive Action to	
			Advance Environmental Justice and	
			Civil Rights - Achieve tangible	
			progress for historically	
			overburdened and underserved	
			communities and ensure the fair	
			treatment and meaningful	
			involvement of all people regardless	
			of race, color, national origin, or	
			income in developing and	

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Section F of OCSPP NPG under strategy describes the TRI National Analysis and ad hoc data quality lists that identify questionable data reporting for TRI facilities. These lists are sent to EPA's 10 regional offices. These lists should be made available publicly on the TRI site, along with detailed notes on discrepancies as well as updates on what data was	F. Program Priority: Toxics Release Inventory: Strategy (TRI) pg. 17, 18	Fenceline Watch (Community Based EJ Organization)	implementing environmental laws, regulations, and policies.  • Cross-Agency Strategy 2: Consider the Health of Children at All Life Stages and Other Vulnerable Populations - Focus on protecting and improving the health of children at all life stages and other vulnerable populations in implementing our programs.  EPA's TRI data are reported by certain industrial and federal facilities. EPA makes these data available through multiple online tools including updates and corrections. EPA's TRI program conducts a review of TRI submissions and EPA may take enforcement action(s) when required TRI reporting forms are not filed and/or filed reporting forms have significant data quality issues.  https://www.epa.gov/toxics-release-inventory-tri-program/tri-data-quality-process	No changes were made to NPG.

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Under regional activities the fourth bullet point that reads:  "Assist state, Tribal, and local governments with access to, and understanding of TRI data for the purposes of being informed of the releases and other waste management practices of toxic chemicals in communities under their own authorities, particularly for community waste reduction and clean-up actions."	F. Program Priority: Toxics Release Inventory: Strategy (TRI) pg. 18	Fenceline Watch (Community Based EJ Organization)	information specifically for communities and tribes to learn about toxic chemicals that industrial facilities are using and releasing into the environment, and whether those facilities are doing anything to prevent pollution. Including provide assistance to state, tribal, and local governments and the public with	No changes were made to NPG.
This item should include fenceline, frontline, environmental justice, or disadvantaged communities as identified by EPA EJScreen and CJEST.			access to, and understanding TRI data.  https://www.epa.gov/toxics-release-inventory-tri-program/tri-site-map	
Under the Measures section it is stated that all that is required for a data quality check to be considered completed is confirmed receipt and response how a facility will address the check. This is not sufficient criteria to consider a data quality check to have been addressed. The current guidance as written provides no regulatory measures that assure that faulty data is corrected. As written a scenario exists in which a facility may send email confirmation of receipt, ask a question regarding the query, and as long as that question is answered OCSPP will consider the data check to have been complete.  The NPG should include the requirement that a facility that is contacted must include a detailed revision or provide an update.	F. Program Priority: Toxics Release Inventory: Strategy (TRI) pg. 19	Fenceline Watch (Community Based EJ Organization)	EPA's TRI program conducts a review of TRI submissions and the Agency may take enforcement action(s) when required TRI reporting forms are not filed and/or filed reporting forms have significant data quality issues.	No changes were made to NPG.

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A seventh NEA should be developed supporting Pollution Prevention in identified environmental justice, fenceline and frontline communities.  Additionally, mention of a new P2 Grant Program being developed to address EJ, climate change, and reduction of the use of toxic chemicals should include a stakeholder engagement period, with public notice and opportunity for public comment. Additionally, OPTT along with EPA regional offices should hold formal meetings with impacted EJ communities to develop prioritization for programmatic needs and goals of this new grant program, with a formalized process including response to comment from OCSPP/OPTT and regional offices.	F. Program Priority: Toxics Release Inventory: Strategy (TRI) pg. 19	Fenceline Watch (Community Based EJ Organization)	EPA's Pollution Prevention's new grant program was funded, and statutory authority provided by IIJA/BIL to be an expansion of the existing P2 grant program. The new P2 grant program is a competitive grant program. EPA's P2 program conducted three webinars when the notice of funding opportunity was open for competition and is intended to provide technical assistance to businesses in environmental justice communities. The P2 program intends to begin discussions regarding the NEAs for the next grant cycle and will seek input from regional offices and other stakeholders.	No changes were made to NPG.
In section H. OCSPP details its Pollution Prevention Act (P2) strategies. Environmental justice is mentioned only once stating:  "In addition, the P2 Program will support the Biden Administration priorities related to environmental justice (EJ) and climate change"  This provides no details on what specific strategies or actions OCSPP is conducting within in the P2 program that protects environmental justice communities. The NPG should explicitly detail how EJ priorities are related to the six National Emphasis Areas (NEAs).	H. Program Priority: Pollution Prevention (P2) pg. 28	Fenceline Watch (Community Based EJ Organization)	EPA's P2 grant program will support EJ and communities as described in the notice of funding opportunities. The P2 program expects that by having grantees focus technical assistance on the NEAs provides the opportunity for synergies among P2 grantees, businesses, and other partners/stakeholders affiliated with similar sectors or communities. By encouraging this collaborative engagement, information, expertise, lessons learned, training, and tools	No changes were made to NPG.

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Specifically, OCSPP should provide information how EJ principles are informing OCSPP's work on NEA #2 Chemical Manufacturing, Processing and Formulation and what activities are being undertaken to through the P2 program for the development and delivery of P2 information and tools, technical assistance, training to environmental justice communities.			can be more easily shared among grantees working in similar NEAs.	
A seventh NEA should be developed supporting Pollution Prevention in identified environmental justice, fenceline and frontline communities. This NEA should be focused on developing, expanding and strengthening P2 efforts in EJ communities and establishing strong linkages to other NEA's in order to create protective, preventative standards.	H. Program Priority: Pollution Prevention (P2) pg. 28	Fenceline Watch (Community Based EJ Organization)	EPA's P2 program works with the regional office and other interested stakeholders to identify future NEAs that would encourage applicants to emphasize P2 technical assistance that can address EJ concerns in underserved communities and climate change impacts.	No changes were made to NPG.
Section H mentions P2 Grants Funded by the Infrastructure Investment and Jobs Act detailing the creation of a new P2 Grant Program being developed to address EJ, climate change, and reduction of the use of toxic chemicals should include a stakeholder engagement period, with public notice and opportunity for public comment. Additionally, OPTT along with EPA regional offices should hold formal meetings with impacted EJ communities to develop prioritization for programmatic needs and goals of this new grant program, with a formalized process including response to comment from OCSPP/OPTT and regional offices.	H. Program Priority: Pollution Prevention (P2) pg. 28	Fenceline Watch (Community Based EJ Organization)	EPA's Pollution Prevention's new grant program was created by the statutory authority provided and funded by IIJA/BIL to be an expansion of the existing P2 grant program. The new P2 grant program is a competitive grant program. EPA's P2 program conducted three webinars when the notice of funding opportunity was open for competition and required applicants to emphasize P2 technical assistance to businesses that can address environmental justice communities.	No changes were made to NPG.
In "Activities" under "Nurture External Capacity to	H. Program	Fenceline Watch	EPA regional offices work	No changes

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Achieve Results" in Section H an emphasis is put on collaboration with regional offices to develop and provide technical assistance to address EJ concerns in underserved communities and toxic use reduction. This capacity building should not be externalized rather, should be put forth directly by OCSPP as EPA regional offices have failed to provide meaningful P2 programing to EJ communities to this point. Further, specific timelines, metrics and goals should be provided within this NPG detailing what technical assistance looks like for impacted communities.	Priority: Pollution Prevention (P2) pg. 30	(Community Based EJ Organization)	cooperatively with OCSPP headquarters P2 grant program in providing assistance to grant applicants to emphasize P2 technical assistance that can address EJ concerns in underserved communities. P2 grant applicants must describe environmental outputs (e.g., activities, products) and outcomes (results achieved from the outputs, e.g., reduction in pounds of hazardous material used and of hazardous substances, pollutants and contaminants released, reductions in gallons of water used) expected. Applicants must also provide an estimate of expected outputs and outcomes, as well as a plan for reporting outputs and outcomes during the grant period.	were made to NPG.
There is a lot of discussion of making things easier, more equitable, etc. as well as capacity building, etc. for communities. But it is critical to recognize and then provide for the need for ongoing education, workshops, training, and evaluation for the government workers including sensitivity and communication, recognizing systems of oppression and working to change them, as well as about how best to transparently and accountably engage with communities. It is critical to equip staff with the best understanding, language, formats, tools, and other	Overview (and all offices' Guidance: OAR, OW, OECA, OLEM, OCPP, OCIR, OITA, OCFC, OEJECR)	Global Alliance for Incinerator Alternatives (GAIA)	The EPA has embedded many of the suggested competencies into the draft "Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy", which guides the EPA staff to provide meaningful public involvement in all its programs and regions. Public comments on the draft policy closed on January 16, 2024. The EPA is considering the	Made no changes to NPG.

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skills to work in an inclusive and equitable way within a system that is designed in stark juxtaposition to those values.			comments provided by the public in developing the final policy. Once the policy is finalized, there are plans to develop and provide training to support policy implementation across the EPA. The public review draft of the policy is located on OEJECR's website:  https://www.epa.gov/system/files/documents/2023-12/final_meaningful-involvement-policy_eams_11.7.2023_508.pdf. Other recommendations within your comment will be reviewed and considered across the EPA.	
The Tribal Exchange Network Group (TXG) recommends a 10% increase for all EPA media-specific grants to Tribes that involve data collection, analysis, and reporting. This will allow Tribes to budget for ever-increasing costs related to the operations and maintenance of their data management systems and technology solutions which also help ensure continuity of Tribal data for local, regional, and national decision-makers.	n/a – general comment n/a – general comment	Tribal Exchange Network Group (TXG) Tribal Exchange Network Group (TXG)	NPGs implement funding decisions discussed in EPA's FY 2025 President's Budget. Program funding levels are determined through the budget process and not through the NPGs.	Made no changes to NPG.
The Tribal Exchange Network Group (TXG) recommends EPA media-program offices support the development and delivery of data management and analysis trainings and technical support resources that are specific to Tribal needs and concerns.	n/a – general comment n/a – general comment	Tribal Exchange Network Group (TXG) Tribal Exchange Network Group (TXG)	EPA often funds non-federal organizations through cooperative agreements/grants to support the development and delivery of data management and analysis training to Tribes. Some media program and regional offices also may provide	Made no changes to NPG.

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With regard to the program priority on pesticide	Page 5	Tribal Pesticide	training directly at national or more local Tribal events. OCSPP looks forward to continuing to work with Tribes and our Tribal Partnership Groups on this important issue. We also encourage the Tribal Exchange Network Group to continue working with EPA (the primary contact is EPA's Office of Mission Support) and the Tribal Partnership Groups to identify and address specific data management trainings that Tribal environmental professionals need to operate their environmental programs successfully.  Noted. OCSPP grant funds are	Made no
cooperative agreements with states and tribes, the TPPC strongly supports EPA prioritizing issuing grant funds in a timely manner once they become available. Failure to issue funds promptly (as sometimes happens) can cause problems, particularly for small programs that rely heavily on this funding for their day-to-day activities.		Program Council (TPPC)	distributed soon after funding decisions are made. However, we will work to fund grants as early as possible.	changes to NPG.
For the program priority on revised pesticides worker protection standard rule, the TPPC would like to see more frequent training for tribal inspectors on requirements of the revised WPS rule, especially including mock inspections where multiple people do their own inspections and then compare notes afterward.	Page 9	Tribal Pesticide Program Council (TPPC)	Noted. OCSPP staff will suggest this topic be covered by OECA's Pesticide Inspector Residential Training (PIRT) Program.	Made no changes to NPG.

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Regarding Section III. Implementing Tribal Work, the TPPC notes that while the low-cost training opportunities described are all good ones, there really needs to be sufficient and consistent funding provided for tribal cooperative agreements to support tribal pesticide programs in their important work.	Pages 31-32	Tribal Pesticide Program Council (TPPC)	NPGs implement funding decisions discussed in EPA's FY 2025 President's Budget. Program funding levels are determined through the budget process and not through the NPGs.	Made no changes to NPG.
Electromagentic Fields (EMFs) are a pollutant. EMFs are dangerous to human health and the environment, particularly emanating from wireless infrastructure and devices. EPA is doing nothing to protect either and must claim jurisdiction over these areas. See comments to NEJAC on 5-6-24 in Docket ID No. EPA-HQ-OEJECR-2024-0146 from Wired Broadband, Inc. et al at https://thenationalcall.org/wp-content/uploads/2024/05/NEJAC-Letter-of-5-6-24-with-7-6-22-Submission-Attached.pdf.  Radiation Safety: There is no one regulating safety of this EMF radiation — not the EPA, FDA, FCC or the CDC since the mid-1990s. See https://ehtrust.org/5g-and-cell-tower-radiation-caught-in-a-regulatory-gap/ and https://ehtrust.org/the-regulation-of-wireless-radiation-in-the-united-states-exemplar-of-a-regulatory-gap/. The EPA was involved in the research studying the safety of this radiation in the 1990s; after the research concluded that the radiation was dangerous producing biological effects, the EPA was defunded.		The National Call for Safe Technology	EPA sets protective limits on ionizing radiation in the environment resulting from human use of radioactive elements such as uranium. EPA does not regulate nonionizing radiation that is emitted by electrical devices such as cell phones and transmitters. The Federal Communications Commission (FCC) regulates radiofrequency (RF) emissions from FCC-regulated transmitters and devices, including for the purposes of considering significant environmental effects and human exposure. The FCC provides information on the potential hazards associated with RF electromagnetic fields through their website: www.fcc.gov/rfsafety, which among other things, has a FAQ that addresses common questions. For further information on RF safety,	Made no changes to NPG.

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The research was run by a Chief Scientist under			including site specific questions,	
Wireless Technology Research, LLC (WTR), an			inquirers may reach FCC directly via	
independent, non-profit entity, with \$28.5 million in			email at rfsafety@fcc.gov.	
funding from the wireless industry (sent into a blind				
trust) and with scientific oversight by both an				
independent Peer Review Board at the Harvard				
School of Public Health and a U.S. Government				
Interagency Working Group, chaired by the FDA, and				
including EPA, OSHA, NIOSH, CDC, FCC, and NIH. This				
remains the largest and most comprehensive, multi-				
disciplinary program looking into wireless technology				
health effects and risk management anywhere in the				
world to date. The results of this peer reviewed				
research were that wireless radiation is biologically				
active producing biological effects and potentially				
hazardous to human health. See Wireless Phones				
and Health II: State of the Science 2002 Edition,				
edited by George L. Carlo; Wireless Phones and				
Health: Scientific Progress, edited by George L. Carlo.				
Prior to the Telecommunications Act of 1996, cabinet-				
level regulatory agencies were responsible for the				
safety of those exposed to radio frequency radiation:				
FDA was responsible for devices including cell				
phones; EPA was responsible for emissions from				
wireless infrastructure including cell towers; OSHA				
was responsible for workplace exposures. In the				
Telecommunications Act of 1996, as a means of				
simplifying deployment of new digital wireless				

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phones and facilitating the first-ever spectrum				
auctions to the private sector, the FDA, EPA and OSHA				
were relegated to advisory roles and the full authority				
for public safety was vested in the non- regulatory				
agency, the politically structured FCC. The FCC had				
neither the competency nor the resources to carry				
out the regulatory responsibilities and as such,				
wireless technology remains to this date in a				
regulatory void where consumers, proximal residents,				
and the environment are largely un-protected.				
Therefore, the EPA must reclaim its jurisdiction to				
continue reviewing potential health effects of				
wireless radiation.				
The WHO'S International Agency for Research on				
Cancer (IARC) classified EMF (2G and 3G) as a possible				
human carcinogen in 2011, similar to lead, diesel fuel				
and gasoline engine exhaust. See				
https://www.iarc.who.int/wp-				
content/uploads/2018/07/pr208_E.pdf. The EPA				
regulates GHG from vehicles, then why not EMFs? A				
scientist in that working group, along with others, are				
now calling it a human carcinogen. See Prof. Miller's				
statement (former IARC Senior Epidemiologist and				
Senior Scientist) at 00:15:06 at				
https://www.youtube.com/watch?v=S16QI6-w9I8.				
Case studies recently show consistently that exposure				
to 5G is linked to injury. See				
https://mdsafetech.org/2023/11/20/5g-health-				

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effects-5-case- reports-of-health-symptoms-after-5g-cell-towers-placed-in-sweden/. There has been no pre-market testing of 5G for public safety, confirmed by US Sen. Blumenthal. See https://mdsafetech.org/2019/02/13/no-research-on-5g-safety-senator-blumenthal-question-answered/ A study in 2000 commissioned by one of the major telecom carriers found links to cancer, leukemia, neurological disorders and cognitive impairment. See https://ehtrust.org/wp-content/uploads/ecolog2000.pdf.				
A telecom company in Switzerland filed for a patent to reduce wireless radiation stating the reason being the high risk of DNA damage and cancer from wireless radiation, citing that injury occurs through non- thermal pathways. See https://www.dropbox.com/scl/fi/nwdfklq7r7j2wwsip v7ws/SwissCom-Patent-application-2003-2004-WO2004075583A1-1-1.pdf?rlkey=liuy6175hamj24lbuszpe7vux&st=5p2oy0ji &dl=0.				
Non-ionizing RF radiation has been shown by scientists and doctors to affect the structure of atoms or damage DNA, sharing similar traits to ionizing radiation. A renowned scientist, Dr. Golomb, clarifies that "much or most of the damage by ionizing radiation, and radiation above the thermal limit,				

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occurs by mechanisms also documented to occur				
without ionization, and below the thermal limit." See				
https://mdsafetech.org/wp-				
content/uploads/2017/09/golomb-sb649-5g-letter-8-				
22-20171.pdf.				
The National Toxicology Program in 2018 concluded				
clear evidence of cancer from EMFs. "Dr. John				
Bucher, Senior Scientist, at the National Toxicology				
Program stated, "We have concluded that there was				
clear evidence that male rats developed cancerous				
heart tumors called malignant schwannomas. The				
occurrence of malignant schwannomas in the hearts				
of male rats is the strongest cancer finding in our				
study.") https://stopsmartmeters.org.uk/wp-				
content/uploads/2019/03/On-the-Clear-Evidence-of-				
the-Risks-to-Children-from-Smartphone-and-WiFi-				
Radio-Frequency-Radiation_Final.pdf.				
Dr. Golomb also states: "The best and the brightest				
are among those whose lives – and ability to				
contribute to society –will be destroyed. High profile				
individuals with acknowledged				
electrohypersensitivity include, for instance, Gro				
Harlem Brundtland – the former 3-time Prime				
Minister of Norway and former Director General of				
the World Health Organization; [and] Matti Niemela,				
former Nokia Technology chief" Id.				

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Dr. Golomb cautions: " if you have a child, or a grandchild, his sperm, or her eggs (all of which she				
will already have by the time she is a fetus in utero),				
will be affected by the oxidative stress damage				
created by the electromagnetic radiation, in a fashion				
that may affect your future generations irreparably."  Id.				
See "Why Tech Leaders Don't Let Their Kids Use Tech," https://kidzu.co/health-wellbeing/why-tech-leadersdont-let-their-kids-use-tech/.				
New Hampshire Commission that studied the health				
impacts of wireless radiation found that levels below				
the FCC emission limits can be harmful. See				
http://www.gencourt.state.nh.us/statstudcomm/com				
mittees/1474/reports/5G%20final%20report.pdf.				
The Board of Health of Pittsfield, MA issued an				
emergency order to turn off a 4G cell tower that				
injured 17 residents many of whom who could afford				
to evacuated their homes. See				
https://ehtrust.org/cease-and-desist-order-against-				
verizon-cell-tower-by-board-of-health-pittsfield-ma/.				
Children were found vomiting in their beds, pets were				
vomiting and residents were becoming ill. See				
https://ehtrust.org/family-injured-by- cell-tower-				
radiation-in-pittsfield-massachusetts/. Three				

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residents recently died of cancer, suspected from this				
EMF exposure.				
Children are particularly vulnerable and are adversely				
affected by EMF radiation in their environment,				
homes and schools. See https://ehtrust.org/educate-				
yourself/children-and-wireless-faqs/. See also, Key				
Scientific Evidence and Public Health Policy				
Recommendations, Supplement 2012, at 21, David O.				
Carpenter, MD, Director, Institute for Health and the				
Environment University at Albany, Cindy Sage, MA,				
Sage Associates, https://bioinitiative.org/wp-				
content/uploads/pdfs/sec24_2012_Key_Scientific_Stu				
dies.pdf.https://bioinitiative.org/.				
Children absorb more EMF radiation than adults, and				
fetuses are at even greater risk. Children's "brain				
tissues are more absorbent, their skulls are thinner				
and their relative size is smaller." EMF radiation				
penetrates more deeply into the skulls of children				
compared to adults, as shown below in cell phone				
usage. See				
https://www.sciencedirect.com/science/article/pii/S2				
213879X14000583, https://ehtrust.org/research- on-				
childrens-vulnerability-to-cell-phone-radio-frequency-				
radiation/,				
https://pubmed.ncbi.nlm.nih.gov/21999884/.				
Exposure to RF radiation "can result in degeneration				
of the protective myelin sheath that surrounds brain				

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neurons" and "[digital dementia has been reported in				
school age children." It also increases the risk of				
childhood leukemia. See Why children absorb more				
microwave radiation than adults: The consequences,				
Morgan, Kesar and Davis, Journal of Microscopy and				
Ultrastructure, Vol. 2, Issue 4, December 2014, 197-				
204,				
https://www.sciencedirect.com/science/article/pii/S2				
213879X14000583 and Key Scientific Evidence and				
Public Health Policy Recommendations, 2007, at 19,				
David O. Carpenter, MD, Director, Institute for Health				
and the Environment University at Albany, Cindy				
Sage, MA, Sage Associates,				
https://bioinitiative.org/wp-				
content/uploads/pdfs/sec24_2007_Key_Scientific_Stu				
dies.pdf.				
Children's absorption of EMF radiation can be				
demonstrated by how deeply the EMF radiation from				
cell phones penetrates into their brains. See below				
diagram. See Exposure limits: the underestimation of				
absorbed cell phone radiation, especially in children,				
Gandhi, Morgan, Augusto de Salles, Han, Heberman,				
Davis, October 14, 2011,				
https://pubmed.ncbi.nlm.nih.gov/21999884/.				
[This image was submitted to EPA as part of a public				
comment. Please contact The National Call for Safe				
Technology for any questions regarding this image.]				

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EMF damage to the environment: There is no federal agency setting safety limits for trees, birds or bees, nor is there any funded mandate to do so.				
The consequences of RF emissions from wireless infrastructure on the public health and that of those already disabled by EMF and other vulnerable communities, including trees and pollinators and other flora and fauna, are not just a future concern, they are here. There may be an assumption built into climate change mitigation that our forests may provide large-scale carbon sequestration opportunities for emissions and that protecting forests is needed to achieve some level of carbon neutrality. See https://ehtrust.org/wp-content/uploads/Letter-National-Park-Service-Sept-2020-6.pdf.				
Note: EMF radiation and RF radiation are used interchangeably.				
[Also restated under climate change, below] However, any reliance on trees and forests as our carbon sink will not be valid if trees and forests are damaged by the increased proliferation of wireless infrastructure. RF radiation from wireless infrastructure is not only hazardous for the EMF disabled, but also for the flora and fauna. See Effects of non-ionizing electromagnetic fields on flora and fauna, part 1. Rising ambient EMF levels in the				

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environment, Levitt, Lai and Manville, March 28,				
2022, https://pubmed.ncbi.nlm.nih.gov/34047144/.				
It has been shown that trees are damaged by RF				
radiation from mobile phone base stations, with				
damage starting on one side and then "extending to				
the whole tree over time." See Radiofrequency				
radiation injures trees around mobile phone base				
stations, Aug. 24, 2016,				
https://pubmed.ncbi.nlm.nih.gov/27552133/. Tree				
damage was found with chronic exposure to radio				
frequency. See https://ehtrust.org/wp-				
content/uploads/tree-health-radiation-Schorpp-				
2011-02-18.pdf. Any hoped-for carbon sequestration				
from trees is not likely to occur if trees are damaged				
or die from the proliferation of wireless				
infrastructure.				
RF radiation also affects wildlife. Scientists have				
observed at "vanishingly low intensities" toxic effects				
on animals, including effects on "orientation and				
migration, food finding, reproduction, mating, nest				
and den building and longevity and survivorship" of				
wildlife. See Levitt BB, Lai HC, Manville AM. Effects of				
non-ionizing electromagnetic fields on flora and				
fauna, Part 3. Exposure standards, public policy, laws,				
and future directions. Rev Environ Health. 2021 Sep				
27. Doi: 10.1515/reveh-2021-0083. Epub ahead of				
print. PMID: 34563106.				
https://pubmed.ncbi.nlm.nih.gov/34563106/. See				

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also, Part 1 Rising ambient EMF levels in the environment. Rev Environ Health. 2021 May 27;37(1):81-122. doi: 10.1515/reveh-2021-0026. PMID: 34047144, https://pubmed.ncbi.nlm.nih.gov/34047144/; and Part 2 Impacts: how species interact with natural and man-made EMF. Rev Environ Health. 2021 Jul 8. doi: 10.1515/reveh-2021-0050. https://pubmed.ncbi.nlm.nih.gov/34243228/. Electromagnetic pollution from phone masts. Effects on wildlife, Alfonso Balmori, August 2009, https://www.sciencedirect.com/science/article/abs/pii/S0928468009000030?via%3Dihub. See also, The incidence of electromagnetic pollution on wild mammals: A new "poison" with a slow effect on nature? Alfonso Balmori, November 2009.				
Bees, as our primary source of pollination, are injured from RF radiation which means a decrease in pollination and, in turn, food production. A study showed that "every time a bee approaches a power line or a cell phone antenna, it becomes stressed and, therefore, its internal temperature increases and the pollination service decreases."  See Research confirms negative effects of power lines on bees, May 3, 2022, https://ehtrust.org/research-confirms-negative-effects-of-power-lines-on-bees/.				

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EHT Letter to US National Park Service on 5G, Cell				
Towers and Impacts to Pollinators, Trees and Wildlife,				
Sep 15, 2020, https://ehtrust.org/eht-letter-to-us-national-				
park-service-on-5g-cell-towers-and-impacts-to-pollinators-				
trees-and-wildlife/.				
Johansson O, "The Stockholm Declaration about 'Life				
EMC'", Bee Culture Magazine 2022; May issue: 56-61,				
https://safetechinternational.org/johansson-o-the-				
stockholm-declaration-about-life-emc-bee-culture-				
magazine-2022-may-issue-56-61/				
Stakeholder participation is key, particularly giving a				
voice to those disabled from EMF radiation (EMF				
disabled), other vulnerable communities and the				
public at large who do not want or need any				
unnecessary and hazardous wireless infrastructure.				
The EMF disabled are disadvantaged communities. As				
an environmental justice issue, the cumulative impact				
of environmental pollution caused by EMF radiation				
emissions has led to "negative public health effects				
for the EMF disabled who are significantly suffering				
from EMF radiation exposure.				
Wireless infrastructure is being forced onto residents,				
without notice, without their consent, without even				
an opportunity to be heard most of the time, and				
without any consideration to injuries to their health,				

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no matter how much they are injured and despite incontrovertible evidence of those injuries.				
Public health has meant "the health of the most sensitive members of the population," a guiding principle adopted by Congress in connection with setting any ambient exposure standards under the Clean Air Act. See https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2692&context=dlj. The EMF disabled are "the most sensitive members of the population" and their numbers are growing.				
RF radiation emissions are an environmental hazard for the EMF disabled. RF radiation emissions are also an environmental hazard for vulnerable populations such as children, pregnant women and the elderly, and for the unsuspecting public who have not been informed of the health hazards of RF radiation emissions. See https://ehtrust.org/research-on-childrens-vulnerability-to-cell-phone-radio-frequency-radiation/; see also, https://ehtrust.org/cell-towers-and-cell-antennae/compilation-of-research-studies-on-cell-tower-radiation- and-health/.				
It has been noted in likely the most progressive state law (NYS) on climate change in the U.S., that: "climate change especially heightens the vulnerability of disadvantaged communities, which bear environmental and socioeconomic burdens as well as				

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legacies of racial and ethnic discrimination." See https://www.nysenate.gov/legislation/bills/2019/S659 9.				
Those who have borne such burdens include the EMF disabled, who have been the unrelenting subject of discrimination, including digital discrimination and algorithmic bias, to belittle and deny the debilitating physical injuries of RF radiation exposure. The EMF disabled have borne the brunt of environmental exposure to RF radiation, and their debilitation from such exposure have led to an inability to participate in normal activities.				
And yet, the U. S. Access Board provided a designation of EMS disability going back to 2002. See U.S. Access Board, Advancing Full Access & Inclusion for All, "Indoor Environmental Quality Project," https://www.access-board.gov/research/building/indoor-environmental-quality/. In the Centers for Disease Control's (CDC) disease classification system, the diagnosis code for radiation sickness is T66, and the code for injury from				
"Exposure to Other Nonionizing Radiation" is W90. These codes would cover the EMF disabled. See https://icd10cmtool.cdc.gov/; also see, Brief of Children's Health Defense, and Building Biology Institute, et al as Amici Curiae in Support of Appellees/Cross-Appellants "Customers," at 21, Sept 14, 2021, https://childrenshealthdefense.org/wp-				

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content/uploads/Brief-and-Addendum-Submitted-9- 14.pdf.				
HUD has in 2024 recognized those impacted by electromagnetic sensitivities. https://www.govinfo.gov/content/pkg/FR-2024-05-09/pdf/2024-09237.pdf				
EMS involves severe physiological injuries directly associated with pulsed RF radiation exposure manifested as a constellation of symptoms. See Brief of Children's Health Defense, and Building Biology Institute, et al as Amici Curiae in Support of Appellees/Cross-Appellants "Customers," Sept 14, 2021, https://childrenshealthdefense.org/wpcontent/uploads/Brief-and-Addendum-Submitted-9-14.pdf. It is a "spectrum condition" ranging from discomfort, to neurological and immunological disorders to debilitation and life threatening impairments.				
Common EMS symptoms directly associated with pulsed RF radiation exposure include sleep disturbances, chronic fatigue, chronic pain, poor short-term memory, loss of immediate memory, difficulty concentrating (e.g., "brain fog"), mood disturbances (depression/ anxiety), skin problems (including skin lesions), dizziness, balance disorder, loss of appetite, heart palpitations, tremors, vision problems, tinnitus, nose bleeds, asthma, nausea,				

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reproductive problems and headaches, among				
others. See				
https://www.ncbi.nlm.nih.gov/pmc/articles/PMC713				
9347/. RF radiation exposure can also lead to blood-				
brain barrier leakage, damage to the immune system,				
chronic inflammation; impaired melatonin production				
and impaired blood flow to the brain. "A 2017 MRI				
(magnetic resonance imaging) study shows clear				
evidence of impaired blood flow in 10 electro-				
sensitive subjects." The symptoms are from the				
physiological injuries that individuals have sustained.				
See Letter by Dr. Beatrice Golomb, Professor of				
Medicine, UC San Diego School of Medicine, Aug. 22,				
2017, https://mdsafetech.org/wp-				
content/uploads/2017/09/golomb-sb649-5g-letter-8-				
22-20171.pdf. Functional brain MRI in patients				
complaining of electrohypersensitivity after long term				
exposure to electromagnetic fields, Heuser and				
Heuser, Sept. 26, 2017,				
https://pubmed.ncbi.nlm.nih.gov/28678737/.				
Studies show that non-ionizing EMF radiation, i.e.,				
below the level of thermal (heating) effects is also				
known to increase oxidative stress and damage				
mitochondria. Oxidative stress is caused by an				
imbalance in cells caused by the accumulation of free				
radicals which interferes with the ability of cells to				
detoxify. Mitochondria are the energy producing				
mechanisms of cells. It has been found that the				

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increase in oxidative stress and damage to				
mitochondria, along with many of the physiological				
injuries, are similar whether for ionizing or non-				
ionizing RF radiation. See https://mdsafetech.org/wp-				
content/uploads/2017/09/golomb-sb649-5g-letter-8-22-				
20171.pdf				
There needs to be meaningful participation by those				
who are affected or disabled by EMF radiation. See				
the Pittsfield situation cited above regarding a 4G cell				
tower that injured 17 residents including children				
vomiting in their beds. Many who could afford to				
evacuate their homes did so while others had no				
choice but to stay, still unable to return home				
because their homes have become toxic zones. They				
are still fighting the tower today and have not been				
able to return home.				
Those who are EMF disabled cut across age and socio-				
economic strata, ranging from professionals and				
social workers to children. See				
https://ehtrust.org/research-on-childrens-				
vulnerability-to-cell-phone-radio- frequency-				
radiation/; see also, https://ehtrust.org/cell-towers-				
and-cell-antennae/compilation-of-research-studies-				
on-cell-tower-radiation-and-health/. They include				
formerly high-functioning engineers, doctors and				
lawyers, a number of whom have became homeless				
from their RF radiation injuries and disabilities. A				
renowned doctor in this field, Dr. Golomb observed				

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that, although prior to their exposure they had no problem navigating in the world, after exposure their condition cost them up to 2 million dollars, many lost their homes and their access to basic services such as hospital care, post offices and libraries became restricted. She states the common refrain is that people were either not aware of, did not hear about, or gave no credence to any possible health hazards connected to wireless infrastructure, until they themselves were injured.  She states that: "The best and the brightest are				
among those whose lives – and ability to contribute to society –will be destroyed. High profile individuals with acknowledged electrohypersensitivity include, for instance, Gro Harlem Brundtland – the former 3-time Prime Minister of Norway and former Director General of the World Health Organization; [and] Matti Niemela, former Nokia Technology chief"				
Dr. Golomb further explains the plight of those unwittingly injured by EMF radiation, that: "their problems arose due to actions of others, against which they were given no control – and can be reversed, in most cases, if the assault on them is rolled back. See https://mdsafetech.org/wp-content/uploads/2017/09/golomb- sb649-5g-letter-8-22-20171.pdf.				

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In the case of a 59-year-old social worker in the				
United Kingdom, she was found by her medical				
practitioner to be permanently disabled from				
exposure to EMF radiation: "Mrs. Burns has a medical				
condition that renders her permanently incapable of				
undertaking any gainful work. There currently are no				
treatments available for her condition; avoidance of				
emissions is the only way to significantly reduce her				
symptoms." See https://phiremedical.org/wp-				
content/uploads/2022/06/Press-Release-EHS-Social-				
Worker-granted-long-term-ill-health-pension-UK-				
Named.pdf.				
Unfortunately, because this condition is not				
commonly understood, Mrs. Burns commented on				
the unrelenting discrimination that she has been				
exposed to: "I have worked in Health and Social Care				
for 35 years, supporting some of the most disabled				
and vulnerable members of our society and				
advocating to ensure their rights have been upheld.				
To have been on the receiving end of societal				
prejudice, discrimination, ignorance and				
misunderstanding, has been devastating." Id.				
That people are not being informed of the health				
hazards of EMF radiation, having it be forced upon				
them and their children without recourse, intruding				
into their homes, and then be discriminated against				
for the injuries they sustain as a result, should shock				

the conscience of any public official who took an oath to protect public health and welfare.  Mrs. Burns was granted accommodation only after a court battle. Her exposure to EMF radiation caused her such severe injury that she had to end her career and experiences headaches, dizziness, palpitations, and sleep disturbances. In 2022, a child in the UK was also recognized as having become disabled from EMF radiation granted accommodation again only after a court battle, which was ground-breaking as the school was required to accommodate her. See https://ehtrust.org/education-health-care-plan-ehcp-awarded-aug-2022-for-uk-child-on-the-basis-of-electromagnetic-hypersensitivity-ehs/.  However, in 2015, seven years prior to this decision, a 15-year-old girl in the U.K. who had developed headaches and bladder problems attributed to her exposure to Wi-Fi routers in her school not only failed to acknowledge her severe condition but punished the girl for leaving classrooms containing routers that were causing her condition. In an apparent cry for help, the girl then either accidentally or intentionally, hanged herself, as her mother describes she was driven to despair. See https://www.pressreader.com/uk/daily-mail/2015.1201/281904477099139.	Comment	Location in Draft Guidance	Commenter(s)	National Program Offices Response	Action Taken in Final Guidance
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However, in 2015, seven years prior to this decision, a 15-year-old girl in the U.K. who had developed headaches and bladder problems attributed to her exposure to Wi-Fi routers in her school did not experience a positive outcome. The school not only failed to acknowledge her severe condition but punished the girl for leaving classrooms containing routers that were causing her condition. In an apparent cry for help, the girl then either accidentally or intentionally, hanged herself, as her mother describes she was driven to despair. See https://www.pressreader.com/uk/daily-	awarded-aug-2022-for-uk-child-on-the-basis-of-				
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or intentionally, hanged herself, as her mother describes she was driven to despair. See https://www.pressreader.com/uk/daily-	routers that were causing her condition. In an				
describes she was driven to despair. See  https://www.pressreader.com/uk/daily-	apparent cry for help, the girl then either accidentally				
https://www.pressreader.com/uk/daily-	or intentionally, hanged herself, as her mother				
	describes she was driven to despair. See				
mail/20151201/281904477099139.	https://www.pressreader.com/uk/daily-				
, ·········,	mail/20151201/281904477099139.				

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These instances of EMF radiation harm Climate				
change: EMFs are air pollutants – electrosmog – even				
if you can't see them, and fall directly within the				
jurisdiction of the EPA. See 42 USC § 7602(g) "The				
term 'air pollutant' means any air pollution agent or				
combination of such agents, including any physical,				
chemical, biological, radioactive (including source				
material, special nuclear material, and byproduct				
material) substance or matter which is emitted into or				
otherwise enters the ambient air" EPA needs to				
investigate and monitor EMFs.				
In terms of climate change, 5G is an energy hog, a				
battery vampire (industry article term), expected to				
increase consumption 61x between 2020 and 2030.				
Ironically, it is not being considered in climate change.				
See https://ehtrust.org/science/reports-on-power-				
consumption-and-increasing-energy-use-of-wireless-				
systems-and-digital-ecosystem/.				
The installation of wireless infrastructure has been				
unconstrained, without the balancing of required				
local government oversight for public health and				
safety. Public health and safety have been entirely				
ignored. There has been no apparent benefit-cost				
analysis of the consequences of GHG emissions				
produced by wireless infrastructure on public health				
and safety or the high cost of wireless energy				
consumption. There continues to be unconstrained				

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proliferation of wireless infrastructure and the				
stampede of rubber-stamped permits and approvals.				
EMF radiation is anthropogenic and emissions from				
wireless infrastructure are expected to substantially				
increase the amount of greenhouse gases. The				
decarbonization of the atmosphere cannot occur				
without the decarbonization of electrosmog. Any				
perceived health benefits from reduction in fuel				
combustion or other air pollutants will likely not be				
realized with the proliferation of wireless				
infrastructure because of the associated health				
hazards of EMF radiation, which are likely to increase				
exponentially the health impacts on the public at				
large, rendering a steadily growing population of				
individuals disabled by EMFs.				
Any reliance on trees and forests as our carbon sink				
will not be valid if trees and forests are damaged by				
the increased proliferation of wireless infrastructure.				
RF radiation from wireless infrastructure is hazardous				
for flora and fauna. See Effects of non-ionizing				
electromagnetic fields on flora and fauna, part 1.				
Rising ambient EMF levels in the environment, Levitt,				
Lai and Manville, March 28, 2022,				
https://pubmed.ncbi.nlm.nih.gov/34047144/. It has				
been shown that trees are damaged by RF radiation				
from mobile phone base stations, with damage				
starting on one side and then "extending to the whole				
tree over time." See Radiofrequency radiation injures				

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trees around mobile phone base stations, Aug. 24,				
2016, https://pubmed.ncbi.nlm.nih.gov/27552133/.				
Tree damage was found with chronic exposure to				
radio frequency. See https://ehtrust.org/wp-				
content/uploads/tree-health-radiation-Schorpp-				
2011-02-18.pdf. Any hoped-for carbon sequestration				
from trees is not likely to occur if trees are damaged				
or die from the proliferation of wireless				
infrastructure.				
Radiation safety: The EPA was involved in the				
research studying the safety of this radiation in the				
1990s; after the research concluded that the				
radiation was dangerous producing biological effects,				
the EPA was defunded. The research was run by a				
Chief Scientist under Wireless Technology Research,				
LLC (WTR), an independent, non-profit entity, with				
\$28.5 million in funding from the wireless industry				
(sent into a blind trust) and with scientific oversight				
by both an independent Peer Review Board at the				
Harvard School of Public Health and a U.S.				
Government Interagency Working Group, chaired by				
the FDA, and including EPA, OSHA, NIOSH, CDC, FCC,				
and NIH. This remains the largest and most				
comprehensive, multi-disciplinary program looking				
into wireless technology health effects and risk				
management anywhere in the world to date. <i>The</i>				
results of this peer reviewed research were that				
wireless radiation is biologically active producing				

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biological effects and potentially hazardous to				
human health.				
The U. S. Access Board provided a designation of EMS				
disability going back to 2002. See U.S. Access Board,				
Advancing Full Access & Inclusion for All, "Indoor				
Environmental Quality Project," https://www.access-				
board.gov/research/building/indoor-environmental-				
quality/. In the Centers for Disease Control's (CDC)				
disease classification system, the diagnosis code for				
radiation sickness is T66, and the code for injury from				
"Exposure to Other Nonionizing Radiation" is W90.				
These codes would cover the EMF disabled. See				
https://icd10cmtool.cdc.gov/; also see, Brief of				
Children's Health Defense, and Building Biology				
Institute, et al as Amici Curiae in Support of				
Appellees/Cross-Appellants "Customers," at 21, Sept				
14, 2021, https://childrenshealthdefense.org/wp-				
content/uploads/Brief-and-Addendum-Submitted-9-				
14.pdf.				
Human health adversely affected by EMFs / Need for				
Radiation Protection: It is estimated that at least				
30% of population is afflicted from this radiation				
poisoning and about 1% is severely disabled that they				
can no longer work or live in areas that have this				
radiation. The disabled didn't see it coming. Exposure				
gives rise to a constellation of symptoms, some of				
which include: headaches, nausea, vomiting, tinnitus,				
hearing loss, heart arrythmia, tachycardia,				

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neurological disorders; oxidative stress; immune dysfunction; ADHD, and damage to the blood-brain barrier. See https://bioinitiative.org/conclusions/.				
Based on a population of 332.4 million people in the U.S., the numbers are shockingly high: Can't work – 0.65% - 2.16 million Severe symptoms – 1.5% - 4.99 million Moderate symptoms – 5% - 16.6 million Mild symptoms – 30% - 99.7 million. See 2019 Bevington study, https://mdsafetech.files.wordpress.com/2019/10/20 18-prevalence-of- electromagnetic-sensitivity.pdf.				
Access to work is critical for disadvantaged communities. The EMF disabled are most affected when they cannot work safely in environments containing RF radiation inside a building, such as Wi-Fi, or RF radiation coming from outside a building from nearby base station antennas. This is not a disability that only affects the EMF disabled, but given the estimated number of people with EMS symptoms in the U.S., it has the potential of adversely affecting America's workforce. EMS disability can be accommodated by creating RF radiation free zones that employ only wired facilities in the work and home environments.				
Disability from electromagnetic field (EMF) radiation is as silent and invisible as the toxin that creates the disability in the first place. Those suffering from EMF				

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exposure, however, cannot travel to Washington DC				
to potentially sit on the Capitol steps to advocate for				
themselves. EMF is so pervasive that any effort				
similar to the "Capitol Crawl" to raise awareness				
would put them at physical risk. These people have				
been silenced and rejected. They are isolated from				
play with other children, from study with fellow				
students, from advancement in the workforce and				
the financial means to support themselves in				
anything but subsidized housing. But even federally-				
subsidized housing is becoming inaccessible since				
those buildings appear to be a target for wireless				
tower leases because it is the path of least resistance				
in increasingly resistant communities.				
See History Series, "When the 'Capitol Crawl'				
Dramatized the Need for Americans with Disabilities				
Act," https://www.history.com/news/americans-with-				
disabilities-act-1990-capitol-crawl.				
The following chart shows a worsening of symptoms				
when closer to a cell tower but a lessening of				
symptoms when farther away from a cell tower.				
[This image was submitted to EPA as part of a public				
comment. Please contact The National Call for Safe				
Technology for any questions regarding this image.]				
Symptoms experienced by people near cellular phone				
base stations; RF radiation affects the blood, heart				

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and autonomic nervous system (Dr. Magda Havas,				
https://www.researchgate.net/figure/Symptoms-				
experienced-by-people-near-cellular-phone-base-				
stations-based-on-the-work- of_fig2_258313941.)				
Source: Santini, et al (France): Pathol Biol.				
2002;50:S369-73.				
Environmental Justice and Civil Rights				
Disability from EMFs is as silent and invisible as the				
EMF toxin that creates the disability in the first place.				
They are isolated from play with other children, from				
study with fellow students, from advancement in the				
workforce and the financial means to support				
themselves in anything but subsidized housing. But				
even federally-subsidized housing is becoming				
inaccessible since those buildings appear to be a				
target for wireless tower leases because it is the path				
of least resistance in increasingly resistant				
communities. Those suffering from EMFs, however,				
cannot travel to Washington DC to potentially sit on				
the Capitol steps to effectuate change. That is what it				
took to get the Americans with Disabilities Act of				
1990 (ADA) passed. The "Capitol Crawl" showed the				
disabled leaving their wheelchairs behind as they				
crawled the Capitol steps, including an 8-year-old				
disabled girl. EMF is so pervasive that any effort				
similar to the "Capitol Crawl" to raise awareness				

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would put those disabled by EMF at physical risk.				
These people have been silenced and rejected.				
This is particularly compelling since the DC Circuit				
Court of Appeals ruled against the FCC in 2021 and				
remanded its emission limits for its failure to review				
11,000 pp of scientific peer-reviewed studies showing				
harm below its limits, along with accounts of				
personal injury. See https://ehtrust.org/court-				
judgment-on- fccs-record-review-of-1996-wireless-				
radiation-standards/. See also, Wyoming Governor's				
letter to the FCC, https://ehtrust.org/letter-to-the-				
honorable-jessica-rosenworcel-chairwoman-federal-				
communications- commission-from-wyoming-				
governor-mark-gordon-children-and-fcc-wireless-				
radiation-safety-limits/.				
Therefore, these limits do not protect the public but				
provide a safe harbor for industry that shields it from				
liability for personal injury so long as the industry				
operates within the FCC exposure limits (the				
Telecommunications Act of 1996 provides this shield,				
heavily negotiated by industry at the time). To date,				
the FCC has failed to comply with the court order.				
Essentially, we're flying blind on public health and				
safety. See US Senator Blumenthal at				
https://mdsafetech.org/2019/02/13/no-research-on-				
5g-safety-senator-blumenthal-question-answered/.				

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To put this in perspective, Martin L. Pall, PhD, Professor Emeritus of Biochemistry and Basic Medical Sciences, Washington State University, had provided in the FCC's docket that the FCC's existing RF exposure limits "are approximately 7.2 million times too high." See https://ehtrust.org/appeals-court-tells-fcc-to-address-non-thermal-health-impacts-of-radiation-from-wireless-technology-on-children-the-public-and-the-environment/.				
The EMF disabled require equal access to web services in a manner that does not injure them and that does not otherwise put them in harm's way.  They cannot use a technology that is injuring them — EMF radiation.				
The digital divide is no less relevant for the EMF disabled who may not be able to use web-based services and who cannot use mobile devices. For the EMF disabled, being required to use mobile services and devices to access necessary medical programs and services would only guarantee the digital divide for the EMF disabled. HHS must promulgate rules to ensure that access to such necessary services does not require wireless connectivity on mobile devices.				
Mention has been made of the pandemic and the need for more web access. However, the best access is through wired connections. For instance, the National Telecommunications Information				

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Administration (NTIA) has prioritized fiber to the				
premises for the nation in order to bridge the digital				
divide, not mobile. See NTIA Official Acknowledges				
Clear Preference for Fiber in Infrastructure				
Deployment Program, June 13, 2022,				
https://broadbandbreakfast.com/2022/06/ntia-				
official-acknowledges-clear-preference-for-fiber-in-				
infrastructure-deployment-program/.				
Lest the EPA believes that mobile access will bridge				
the digital divide, it will not. So, to digress a moment				
on the benefits of fiber to the premises				
Underscoring the importance of fiber over wireless,				
former FCC Chairman, Tom Wheeler, in his March				
2021 Congressional testimony, described fiber as				
"future proof," and prioritized a "fiber first" policy for				
the nation. See Tom Wheeler's Testimony to				
Congress,				
https://energycommerce.house.gov/sites/democrats.e				
nergycommerce.house.gov/files/documents/Witness				
%20Testimony_Wheeler_FC_2021.03.22.pdf.				
Wheeler's statements point to the fact that wireless				
and fiber are not equivalent broadband media, and				
that wireless should be used only as a last resort.				
"Fiber is unmatched in its speed, performance [and]				
reliability" far exceeding the promise of any				
generation of wireless technology. See "Reinventing				
Wires: The Future of Landlines and Networks,"				
National Institute for Science, Law and Public Policy,				

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authored by Timothy Schoechle, PhD;				
https://electromagnetichealth.org/wp-				
content/uploads/2018/02/ReInventing-Wires-1-25-				
18.pdf.				
Wired connections, such as fiber and cable, to the				
premises provide the best capacity for remote				
learning for children and students, particularly those				
who are already EMF disabled, and more reliable				
access to medical and other services for the elderly				
and disabled during emergencies or severe weather				
when wireless service is more likely to be interrupted.				
Wired connections will also prevent the exclusion of				
the EMF disabled who cannot be near RF radiation				
emitted from mobile devices and equipment.				
Grants should be provided for accommodations for				
the EMF disabled. See below.				
ACCESSIBILITY RECOMMENDATIONS				
The importance of providing accommodation for the				
EMF disabled for medical programs and services is				
two- fold. First, exposure to RF / EMR / EMF / MW				
radiation in medical facilities can be life-threatening.				
Second, a "patient's vital signs or test results may				
vary dependent on EMF/EMR exposures at a specific				
location and at a specific moment (electrosmog can				
affect the autonomic nervous system, the blood, the				
heart and even blood sugar levels in some sensitive				

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applications and devices. To be clear, access to web				
content and services is not synonymous with a				
wireless connection, but would engage any				
technology which would provide access to a disabled				
individual so as to receive medical programs and				
services on an equal basis as others. Requiring access				
to wired technology, such as copper wires, cable or				
fiber optics, as well as providing paper alternatives,				
would help ensure that parity for the EMF Disabled.				
The National Institute for Science, Law and Public				
Policy published a report of hard-wiring broadband				
connections which would be of tremendous benefit				
for making accommodation for the EMF disabled.				
Federal agencies should ensure that providing mobile				
applications and promoting their use on mobile				
devices does not impair the EMF Disabled from				
accessing medical programs and services by more				
traditional means, i.e., wired connections (copper,				
cable and fiber), as well as by landline phone, human				
agents and paper communications via the U.S. Postal				
Service, by which many of the EMF Disabled are only				
able to access essential medical programs and				
services, including emergency care.				
For those EMF Disabled who are so disabled that they				
cannot even touch a computer to retrieve services via				
the web, it is essential that there be access to a				
staffed telephone information line. In effect, a				

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website or check-in device or kiosk by which a person				
would otherwise access medical programs and				
services becomes inaccessible to the extent that the				
EMF Disabled cannot even touch a computer or				
electronic device to access medical programs and				
services. Web-based services will never replace the				
need for an EMF Disabled person to speak to a live				
person. Cutting off access to a live person would cut				
off the life-line of the EMF Disabled who would be in				
dire need of medical services.				
Correct Wiring. Correct wiring, up to code, especially				
at the junction and breaker boxes in buildings, needs				
to be enforced. This should be certified by accredited				
entities. And for the EMF disabled, the electrical and				
magnetic fields need to be at the safe levels as per				
the Building Biology Institute standards. See				
https://buildingbiology.com/site/downloads/richtwer				
te-2015-englisch.pdf. Wiring errors are frequently				
made in buildings which increases the EMF's				
(electromagnetic fields) to unsafe levels. These can				
be prevented and many remedied. If an outlet is				
incorrectly wired, especially the grounding, the				
increased electric fields will travel through the air into				
the room and through the wire to any device plugged				
into it. Light switches and fixtures will have unsafe				
levels of electric and magnetic fields if incorrectly				
wired or grounded.				

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Creating Safe Zones. A zone should be designed to				
provide safe web access for the EMF disabled at the				
premises of public entities, so that a portion of each				
such public entity would not expose the EMF disabled				
to RF radiation. Wi-Fi/wireless free zones are areas in				
a building that do not have Wi-Fi or other wireless				
connectivity and are free of any RF radiation or				
wireless frequency of any kind, including, but not				
limited to, that generated by mobile devices such as				
cell phones, tablets, Wi-Fi routers, or any smart				
meters on the premises.				
Creating a Wi-Fi/wireless free zone would include a				
way to terminate all wireless transmitting signals				
originating from within the zone and attenuate all				
wireless receiving signals penetrating into the zone.				
Transmitting signals can be terminated with a				
combination of a hard wire shut-off, permanent Wi-Fi				
free software deactivation that does not reset itself				
or just by using fiber to the premises and cabled				
modems / routers / computer / telecommunications				
equipment. Received signals can be lowered with a				
combination of RF attenuation building materials,				
equipment and products that reduce the RFR				
penetrating into the zone. The objective is to create				
an "as low as reasonably achievable" level of RFR for				
receiving signals.				
All telecommunications access should be provided by				
telecommunications equipment (e.g., modems or				

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routers) connected only by copper wire, cable or fiber				
optics. Any connectors for fiber optics and other				
hard- wired alternatives must be secured and ensure				
a leak-free connection. The zone would have a means				
to terminate all wireless transmitting signals				
originating from within the zone and attenuate all				
wireless receiving signals penetrating into the zone.				
Transmitting signals can be terminated with a				
combination of a hard wire shut-off, permanent Wi-Fi				
free software deactivation that does not reset itself.				
Alternatively, telecommunications equipment could				
simply be permanently connected to fiber optics or				
cable for an even faster, more secure and healthier				
experience. Received signals can be lowered with a				
combination of radio frequency attenuation building				
materials, equipment and products that reduce the				
radio frequency penetrating into the zone. The				
objective is to create an "as low as reasonably				
achievable" level of radio frequency receiving signals.				
The zone could also be "flexible," by equipping it with				
an easily accessible and visible "off" switch and				
robust software that does not permit wireless signals				
and prohibits these software settings from being				
automatically overridden or reset. Those needing a				
connection for their cell phones would simply turn off				
their Wi-Fi and cellular connections and plug into the				
hardwired connections that would be made available				
to them at various locations within the zone, without				

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any attenuation in service and with the possible advantage of even faster and more reliable service without expense to their health.				
In order for the EMF disabled to reach a flexible zone, any wireless frequency within these public entities would require some form of wireless frequency attenuation (such as RF blocking, shielding or reduction device) over the wireless telecommunications equipment to significantly reduce the amount of wireless frequency emitting from that equipment without affecting wireless connectivity.				
The EMF disabled must have direct access through human agents, e.g., who are able to answer and respond to telephone calls and written correspondence conducted through the USPS first class mail.				
In addition, the EMF disabled require emergency services in case of any acts of God, access to which, incidentally, may also become interrupted with wireless infrastructure.				
Accommodation for Emergencies				
The EMF disabled require hardwired connections in the event of any emergency or natural disaster, such as heavy weather conditions or a tornado. An example of how fiber optics made possible the				

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restoration of service during an emergency is in				
Chattanooga, TN. In November 2012, a tornado				
ripped through Chattanooga. Because of the fiber				
optics installation, the system was able to either				
prevent or automatically restore service from 23,000				
customer outages. "Smart Grid Helps Keep Lights				
Burning," May 19, 2017 Editorial, Hamilton County Herald,				
https://www.hamiltoncountyherald.com/Story.aspx?id				
=8646&date=5%2F19%2F2017.				
Accommodation in Data Systems				
A web and app-based, mobile-only environment,				
utilized as a communications and information portal				
to access services, programs, and activities offered by				
public entities, is problematic. Sole reliance on				
technology for access creates additional barriers to				
access for the EMF disabled, whose disabilities would				
worsen from such access.				
The EMF disabled have severe health impairments				
and multiple disabilities that are cardiac,				
neurological, and sensory, including those with				
cognitive and processing disabilities, many of whom				
are at risk for further health impairments. It is critical				
for this information to be entered into data systems.				
Therefore, this information is often overlooked and				
omitted from government data systems because				
there is no mechanism for it to be created in the				

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drop-down menus of Title II public entities. These				
systems just throw these individuals into the "Other Health Impairment" category which is akin to a waste				
bucket in the IEP categorical data collection system.				
Therefore, a category for the EMF disabled should be				
created to properly account for their disabilities, so				
that theirs will also be considered "relevant" within				
the data systems.				
List of Accommodations				
The following is a short list of readily achievable,				
affordable modifications, submitted to the National				
Council on Disability in 2022 (Submitted to the Board				
of the National Council on Disability, May 12, 2022, by Susan Molloy, M.A., Snowflake, AZ.):				
- Daylight, skylights, or option of incandescent				
lightbulbs (no fluorescents or LEDS) in				
designated areas of the facility.  - Remove Fragrance Emission Devices ("FEDS")				
in designated restrooms, no fragrance				
distribution systems in Heating, Ventilation,				
Air Conditioning ("HVAC") systems, no				
scented products.				
- Do not use Wi-Fi to monitor indoor air				
pollutants.				
- Use no "smart" meters for electricity, gas, or				
water in or around public areas of a facility				

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unless they are thoroughly and effectively				
shielded.				
- Separate the electrical wiring and fiber optics				
for designated parts of the facility and install				
kill switches for designated areas, so that				
non-essential computers, printers,				
fluorescents, equipment can be shut down				
without impacting all areas of the facility.				
- Maintain landline telephones, re-install old-				
style payphones, in and around the facility.				
- Use independent variable fresh air ventilation				
system (fan and operable window) for				
designated areas that can be operated by the				
room occupant without assistance.				
<ul> <li>Use signage on and around the facility, in</li> </ul>				
pertinent formats, indicating where to find				
wheelchair- and otherwise accessible				
sidewalks, ramps, doors, restrooms, phones,				
conference rooms, parking, along with a				
posted schedule of recent maintenance				
materials.				
- Use signage to designate areas where wi-fi,				
pest control and maintenance chemicals, and				
recent remodeling are present to avert				
accidental exposures (to the degree possible).				
- Designate areas for re-charging wheelchair				
batteries, cell phones, computers, vehicles,				
others, using wired electrical outlets.				

Comment	Location in Draft Guidance	Commenter(s)	National Program Offices Response	Action Taken in Final Guidance
<ul> <li>Install hard-wired, wheelchair-accessible, buzzer or intercom outside the facility to summon building occupants such as the receptionist, doctor, your child, police, social service staff, grocer, shopkeeper.</li> <li>We request a Memorandum of Understanding ("MOU") available to us, on good stationery, explaining specifically that we are to be given safe® passage and accommodation.</li> <li>Study the California Building Standards "Cleaner Air Room" concept and language as per the Indoor Environmental Quality ("IEQ") Report, pages 47-55, 2005, posted on the U.S. Access Board's website.</li> <li>Request development of shielding or redesign of computers and other technology to block electromagnetic fields and wifi, at the point of manufacture.</li> <li>Parking and passenger-loading zones</li> </ul>		Commenter(s)	National Program Offices Response	
protected from EV battery re-chargers, wireless or 5G equipment, cell towers.  Other guidelines include those in the Indoor Environmental Air Quality report. In addition, for a facility to be safer for the public, as well as more accessible to the EMF disabled per Coloradans for Safe Technology:				

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<ul> <li>Use correct wiring, up to code, especially at</li> </ul>				
the junctions and breaker boxes in buildings.				
<ul> <li>Wiring errors are frequently made in</li> </ul>				
buildings, which increase the MW/EMFs to				
unsafe levels. If an outlet is incorrectly wired,				
or especially the grounding, the increased				
electric fields will travel out into the room				
and to any device plugged in. Light switches				
and fixtures will emit unsafe levels of electric				
and magnetic fields if incorrectly wired or				
incorrectly grounded (there does not appear				
to be a U.S. bio-safe standards for electrical				
and magnetic fields, other than those meant				
to prevent acute electrocution).				
<ul> <li>Units in multifamily buildings, for EMF</li> </ul>				
disabled residents, must be in areas away				
from large electrical sources like the elevator,				
mechanical room, laundry room, electric				
vehicle charging stations, and others. EMS				
safer units must include safe path of travel.				
- MW/EMF shielding of premises, using triple-				
pane Low-E windows, Faraday curtains and				
Faraday canopies for example, plus for				
outdoors: Faraday screens to protect parking,				
paths of travel, and yard areas.				
- When a single person who is EMF disabled				
needs to find a place to live, too often HUD				
restrictions that limit a person to one				
bedroom do not work. That individual may				

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need a standalone house if there are no other				
accommodation away from MW/EMFs.				
<ul> <li>Public entity facilities need wired internet,</li> </ul>				
phones, security systems in designated areas,				
if not throughout. They are a must for the				
EMF disabled along with non-electric				
appliances (office equipment, heaters), low				
EMF refrigerators or an electrical shut off for				
them so they can be opened without fear of				
them turning on, which would activate high				
electrical and magnetic fields.				
- Shielding screen made of protective metals				
on windows.				
- Safer public areas inside or adjacent to				
facilities are may best be placed at the end of				
the floor, with access to stairs rather than				
only to the elevator. Accurate RF-EMR meters				
for the facilities' managers and maintenance				
officials will help maintain safe areas and to				
determine if a part of a public facility might				
be safer for an EMF disabled member of the				
public to enter.				
There should be no grants for wireless infrastructure				
until the FCC has complied with the 2021 federal				
court order which remanded its wireless emission				
limits for its failure to review 11,000 pages of				
scientific studies showing harm below those limits.				
To date the FCC has failed to comply with that court				
order. Therefore, those limits can no longer be				

viewed as safety limits, but a safe harbor for industry to be shielded from liability from personal claims of injury or death so long as industry operates within the current limits.  Lest the EPA believes that mobile access will bridge the digital divide, it will not. So, to digress a moment on the benefits of fiber to the premises  Underscoring the importance of fiber over wireless, former FCC Chairman, Tom Wheeler, in his March 2021 Congressional testimony, described fiber as "future proof," and prioritized a "fiber first" policy for the nation. See Tom Wheeler's Testimony to Congress, https://energycommerce.house.gov/sites/democrats.e nergycommerce.house.gov/sites/democrats.e nergycommerce.house.gov/files/documents/Witness %20Testimony_Wheeler_FC_2021.03.22.pdf. Wheeler's statements point to the fact that wireless and fiber are not equivalent broadband media, and that wireless should be used only as a last resort.  "Fiber is unmatched in its speed, performance [and] reliability" far exceeding the promise of any generation of wireless technology. See "Reinventing Wires: The Future of Landlines and Networks," National Institute for Science, Law and Public Policy, authored by Timothy Schoechle, PhD; https://electromagnetichealth.org/wp-content/uploads/2018/02/Relnventing-Wires-1-25-	Comment	Location in Draft Guidance	Commenter(s)	National Program Offices Response	Action Taken in Final Guidance
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Wired connections, such as fiber and cable, to the premises provide the best capacity for remote learning for children and students, particularly those who are already EMF disabled, and more reliable access to medical and other services for the elderly and disabled during emergencies or severe weather when wireless service is more likely to be interrupted. Wired connections will also prevent the exclusion of the EMF disabled who cannot be near RF radiation				
emitted from mobile devices and equipment.  Water Infrastructure – no EMF-emitting, fee- collecting devices (e.g., "smart" water meters)  There is the case of a resident of North Carolina who had to evacuate her house because an EMF emitting, fee-collecting device was installed in her neighbor's house and was exposing her to such radiation that her skin was burning and she was about to feint. She now has no access to her water because she cannot enter her house with further injury.				