RESOLUTION

NO. 2020-\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF PENSACOLA, FLORIDA REQUESTING THE FLORIDA DEPARTMENT OF HEALTH TO REVIEW NEW STUDIES AND PEER-REVIEWED INDEPENDENT REPORTS ON THE ADVERSE IMPACTS OF INCREASED RADIO FREQUENCY RADIATION FROM SMALL CELL POLES AND MACROCELL TOWERS, OF EXPOSURE TO MICROWAVE RADIATION, AND ADVISE CITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, with the advent of 5G, wireless companies have submitted an unprecedented number of Small Cell applications with the City of Pensacola; and

**WHEREAS**, 5G frequency bands and infrastructure needs will require a Small Cell pole every 250 to 750 feet, in addition to Macrocell towers and other support equipment, primarily built in public right-of-way land; and

**WHEREAS**, Federal Communications Commission Order 18-133 frustrates the ability of cities to manage public land and balance competing interests while regulating public rights-of-way during the 5G infrastructure build-up; and

**WHEREAS**, FCC Order 18-133 is being challenged in federal court by dozens of local governments and supported by, among others, the U.S. Conference of Mayors, who insist the Order oversteps the FCC’s legal authority; and

**WHEREAS**, 5G infrastructure development was addressed by the Florida Legislature in HB 687, the “Advanced Wireless Infrastructure Deployment Act” (the “Small Cell Statute”), and subsequently amended in SB 1000, which further frustrates the ability of Florida cities to manage public land and balance competing interests while regulating public rights-of-way during the 5G infrastructure build-up; and

**WHEREAS**, Florida’s Small Cell Statute is being challenged in state court by the Florida League of Cities, Fort Walton Beach, Naples, and Port Orange, who assert the Statute violates the Florida Constitution; and

**WHEREAS**, wireless industry trade associations are attempting to further erode local authority and local decision-making by submitting Petitions for Declaratory Rulings and a Petition for Rulemaking at FCC WT Docket WT 19-250, FCC WC Docket 17-84, etc., petitioning the FCC to (a) modify the “substantial change” test, (b) allow “compound expansion” collocation, (c) impose new procedural requirements on local governments, and (c) alter remedies for noncompliance; and

**WHEREAS**, 5G technology will subject Pensacola residents and citizens to involuntary radiation and will expand the spectrum of radiofrequency (“RF”) exposure to include higher operating frequencies in addition to current operating frequencies; and

**WHEREAS**, new studies, explained in the United States National Toxicology Program (“NTP”) Report by the National Institute of Health and the Ramazzini Institute Report, and new published reports by independent researchers in peer-reviewed journals, and recent opinions expressed by oncologists in peer-reviewed journals, express concerns about the health and environmental impacts of this significant increase in RF radiation at high frequencies; and

**WHEREAS**, it can no longer be assumed current or future wireless technology, including 5G, is safe, without appropriate testing; and

**WHEREAS**, 5G technology will significantly increase the number of cell poles placed in the public rights-of-way and potentially leach toxic chemicals, such as pentachlorophenol, or other toxic chemicals, into the soil thereby creating ingestion and inhalation risks of harm; and

**WHEREAS**, the wireless industry aggressively pursued federal and state legislation to take away home rule from Florida cities whose primary job is to protect the health and safety of local residents and citizens; and

**WHEREAS**, the City is precluded from making zoning decisions on the basis of environmental effects of RF radiation because it is preempted by the Telecommunications Act, FCC Order 18-133 and the Florida Small Cell Statute.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA THAT:**

**SECTION 1**. That the City Council of the City of Pensacola requests the Florida Department of Health to review a recently published NTP report by the National Institute of Health and other independent reports on RF radiation, review peer-reviewed and independently funded scientific studies of the health effects of exposure to RF radiation and millimeter wave (“MMW”) radiation, including long-term exposure to non-ionizing radiation and non-thermal effects of such exposures, and consider RF radiation exposures that result from the densification of wireless network technologies in residential neighborhoods, schools, and similar environments, with the purpose of analyzing the advantages and risks associated with 5G technology, and a focusing on its environmental impact and potential health effects, particularly on children, fetuses, the elderly, and those with existing health compromises.

**SECTION 2**. That the City Council of the City of Pensacola requests the Florida Department of Health:

1. Report on the health and environmental impacts from RF radiation emitted in the planned 5G frequency spectrum, to include the sub-6 spectrum below 6 GHz, and the MMW spectrum between around 24 and 300 GHz which falls somewhere between microwaves and infrared waves, and which are planned with the rollout of 5G technology.
2. Report on the health and environmental impacts of 5G technology, which plans on small cell poles to be placed about 250 to 750 feet from each other at streetlight pole height and will operate in conjunction with 3G and 4G infrastructure.
3. Receive testimony from the scientific community, to include physicists and electrical engineers, the medical community, to include cellular and biochemistry experts and oncologists, the wireless industry to include cell phone businesses and businesses working on the development of autonomous vehicles and autonomous air taxis which will rely on 5G technology, as well as other organizations, and members of the public, with an interest in 5G technology.
4. Consider the following questions and the impact on Florida citizens and residents, cities, counties, and state government:
5. Why do cell phone manufacturers advise to keep the phone at least 5 mm from the body and to reduce RF radiation exposure in the legal notice section of wireless devices?
6. Why have thousands of peer-reviewed studies, including the recently published NTP Report, 16-year $30 million study, that show a wide-range of statistically significant DNA damage, brain and heart tumors, infertility, and many other ailments, been ignored by the Federal Communications Commission (“FCC”)?
7. Why does the insurance industry recognize wireless radiation as a leading risk and has the industry placed exclusions in policies not covering damages caused by the pathological properties of electromagnetic radiation?
8. Why are FCC-sanctioned guidelines for public exposure to wireless radiation based only on the thermal effect on the temperature of the skin and do they not account for the non-thermal, non-ionizing biological effects of wireless radiation?
9. Why are the FCC RF exposure limits set for the Unites States much higher than countries like Switzerland, most of Eastern Europe, and many other countries?
10. Why did the World Health Organization (“WHO”) determine wireless RF radiation a Group 2B (possibly carcinogenic to humans), a group that includes lead, thalidomide, and others (before the NTP Report results were released), and why are some experts who sat on the International Agency for Research on Cancer (“IARC”) of the 2011 WHO meeting now calling for RF radiation of frequencies 30 kHz – 300 GHz to be classified a Group 1 (known carcinogens), and why is such information not being considered by the FCC?
11. Why have more than 220 of the world’s leading scientists signed an appeal to the WHO and the United Nations to protect public health from wireless RF radiation, and why has nothing been done?
12. Why have the cumulative biological damaging effects of ever-growing numbers of pulse signals riding on the back of the electromagnetic sine waves not been explored, especially as the world embraces the Internet of Things, meaning all devices connected by electromagnetic waves, and the exploration of the number of such pulse signals that will be created by implementation of 5G technology?
13. Why have wireless infrastructure companies settled lawsuits over dioxin contamination from Pentachlorophenal-treated utility poles placed in the ground?
14. Prepare and publish an interim and final report of findings and recommendations, addressing:
15. Advantages and risks associated with 5G technology, running in conjunction with the 3G and 4G technology infrastructure.
16. Strategy, if deemed necessary, to limit RF radiation exposure from 5G or lesser generation technology relying upon electromagnetic waves.
17. Public policy on 5G wireless systems, which either declares the technology safe or outlines actions to protect the health and safety of citizens and the environment.
18. Precautionary principle approach for 5G policy-making.
19. Alternatives to 5G technology that will accelerate digital speed and improve volume capacity without the use of electromagnetic waves that emit high levels of radiation, such as fiberoptic underground cable wired to homes.
20. Recommendations for proposed county or city legislation, that achieve the greatest degree of protection for health, safety and welfare of citizens and residents, and to ensure the youngest and most vulnerable are safeguarded throughout their lifetimes.

**SECTION 3**. That a copy of this Resolution be provided to the Florida Department of Health, the Florida Senate President, the Florida Speaker of the House and members of the local Florida Legislative Delegation.

**SECTION 4.** All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

**SECTION 5.** If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

**SECTION 6.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, THIS \_\_\_ DAY of JANUARY, 2020.**

Adopted:

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Approved:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

President of City Council

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk