

**RESOLUTION NO. 2020-226**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, IMPLORING THE U.S. CONGRESS TO ALLOCATE FUNDING AND DIRECT A CROSS-DISCIPLINE FEDERAL AGENCY STUDY OF THE EFFECTS CAUSED BY EXPOSURE TO CURRENT AND PROPOSED ELECTROMAGNETIC SPECTRUM AND RADIOFREQUENCY EMISSIONS ON HUMAN HEALTH AND THE ENVIRONMENT IN LIGHT OF THE RECENT IMPLEMENTATION OF FIFTH GENERATION (5G) TECHNOLOGY; AND TO USE THOSE FINDINGS TO CREATE SCIENCE-BASED LAWS OR RULES REGARDING LIMITING HUMAN AND ENVIRONMENTAL EXPOSURE TO SAME; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR DISTRIBUTION TO THE PRESIDENT, ALL MEMBERS OF THE U.S. CONGRESS, AND OTHER LAWMAKERS WHO HAVE EXPRESSED INTEREST IN SUCH A STUDY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Coconut Creek has been active in the telecommunications arena over the past several years by virtue of its five (5) owned and managed macro towers located throughout the City, and has sought to preserve its role, and the role of all local governments in general, in the process of implementing the fifth generation (“5G”) technology; and

**WHEREAS**, in 2017, City staff faced tremendous pushback from the telecommunications industry and its lobbyists when it tried to update the City’s local Code of Ordinances on this subject; and

**WHEREAS**, by mid-2018, the City Commission adopted new ordinances to ensure, despite its limited permit authority, that wireless and wireline communications facilities met the City’s standards (see generally Ordinances 2018-012 and 2018-009); and

**WHEREAS**, in addition, the City Commission has authorized the City’s participation in two (2) nationwide legal challenges to the Federal Communications Commission’s (“FCC”) newly promulgated rules pertaining to accelerating small cell

deployment to enable 5G and expanding the mandatory approval requirement for existing infrastructure under FCC docket numbers 18-133 and 19-250, in large part because the FCC has not balanced the need for this technological advancement against its potentially adverse effects on human health and the environment; and

**WHEREAS**, since the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. at 152 (1996), 47 U.S.C. 332(c)(7)(B)(iv), explicitly prohibits any state or local regulation on the placement of these facilities based on the environmental effects of radio frequency emissions, and vests full authority in the FCC to establish rules regarding those environmental effects, the City is hamstrung and powerless to act in this space despite many requests to do so from its residents; and

**WHEREAS**, currently several non-profit organizations, joined by medical professionals and individuals as named parties in the lawsuit, have challenged the FCC's latest refusal to update its emissions exposure rules in light of new medical research and technological advances in a pending petition for review of the FCC's order in docket number FCC 19-126; and

**WHEREAS**, in that case, the petitioners pointed out several deficiencies in the current FCC rules, including that: 1) they only prevent thermal effects from short-term exposures to one source, with extensive averaging; 2) they do not protect against the biological effects of long-term exposure or exposure from multiple sources 3) they do not protect against pulsation or modulation; and 4) they do not provide for sensitive or vulnerable populations (see Petitioners' Joint Opening Brief in *ENVIRONMENTAL HEALTH TRUST; Consumers for Safe Cell Phones; Elizabeth Barris; Theodora Scarato Children's Health Defense; Michele Hertz; Petra Brokken; Dr. David O. Carpenter; Dr. Paul Dart; Dr. Toril H. Jelter; Dr. Ann Lee; Virginia Farver, Jennifer Baran; Paul Stanley, M.Ed.,* Petitioners, v. *FEDERAL COMMUNICATIONS COMMISSION; United States of America*, Respondents, 2020 WL 4383740 (C.A.D.C.); and

**WHEREAS**, in fact, the petitioner's opening brief goes on to summarize three (3) major peer-reviewed scientific studies and reports, as well as thirty (30) scientific,

medical, and health appeals and recommendations from health and environmental associations comprised of thousands of doctors, whom have opined that these emissions lead to cancer, reproductive aberration, neurological effects, prenatal and perinatal complications through teenage years, and radiation sickness (see *Id. at 20-32*); and

**WHEREAS**, on that very same issue, the City submitted comments on May 15, 2020, to the FCC pursuant to its rulemaking proceeding in ET docket number 19-226, wherein the City emphasized the need for further examination into these exposure issues and that the findings of the FCC, stating that negative impacts are “highly unlikely,” was based on very little, if any, contemporary medical study and/or research, see Exhibit 1, attached hereto and made a part hereof; and

**WHEREAS**, it takes looking at a chart published in 2016 by the U.S. Department of Commerce, National Telecommunications and Information Administration, Office of Spectrum Management, to see the compounding layers of use within the radio spectrum existing at that time, to understand the delicate balance required here, see Exhibit 2, attached hereto and made a part hereof; and

**WHEREAS**, despite all of the City’s activism in this arena, the dial has not moved in favor of local governments and the many interests that local governments are charged with protecting; and

**WHEREAS**, it is time to narrow the focus and unify all stakeholders upon one common goal, the most important issue of all, and that is, unquestioningly, the health and safety of human life and future generations in the United States; and

**WHEREAS**, this resolution implores the federal government, specifically the U.S. Congress, to allocate appropriate funds and direct a cross-discipline federal agency study, based upon objective clinical and research-based evidence, of the effects caused by exposure to current and proposed electromagnetic spectrum and radiofrequency emissions on human health and the environment in light of the recent implementation of 5G technology, and to use those findings to create new laws or rules promulgated through

the appropriate federal agency to establish proper limits on human and environmental exposure to radiofrequency electromagnetic fields; and

**WHEREAS**, this is not an issue of “if” – it is a matter “when” – as recent as February 11, 2020, a Verizon spokesperson confirmed completion of a neighborhood installation that included seven (7) new thirty-four (34) foot poles in Sandy Springs, Georgia (see [https://www.mdjonline.com/neighbor\\_newspapers/northside\\_sandy\\_springs/news/sandy-springs-residents-riled-up-about-verizon-s-mini-cell/article\\_2696a506-42f5-11ea-8961-5f80f6a07c67.html](https://www.mdjonline.com/neighbor_newspapers/northside_sandy_springs/news/sandy-springs-residents-riled-up-about-verizon-s-mini-cell/article_2696a506-42f5-11ea-8961-5f80f6a07c67.html), last viewed on 10/19/2020); and

**WHEREAS**, the City readily accepts the FCC’s authority to adopt relevant exposure limits; however, with respect, the FCC’s Office of Engineering and Technology—the office responsible for establishing such exposure limits—is not comprised of medical doctors or other cross-disciplined experts that are essential to seeing the full picture that emissions densification issues present to humans and the environment; and

**WHEREAS**, due to the nature of this subject matter, specifically the challenge to strike a proper balance between protecting the public from dangerous emissions exposure and promoting robust telecommunications services, the next step must be to achieve bipartisan support for laws and regulations based on comprehensive clinical and research-based evidence in order to protect human life and the environment from current and proposed microwave/radio frequency emissions; and

**WHEREAS**, the City Commission finds and determines that this resolution has a clear public purpose to serve the best interests of the residents, and desires to unify all stakeholders on this essential topic and, as a nation, avoid repeating mistakes of the past by plowing forward possibly inciting the third industrial revolution without factoring in the clear warning signs along the way.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

**Section 2:** That the City Commission implores the federal government, specifically the U.S. Congress, to allocate appropriate funds and direct a cross-discipline federal agency study, based upon objective clinical and research-based evidence, of the effects caused by exposure to current and proposed electromagnetic spectrum and radiofrequency emissions on human health and the environment in light of the recent implementation of 5G technology, and to use those findings to create new laws or rules promulgated through the appropriate federal agency to establish proper limits on human and environmental exposure to radiofrequency electromagnetic fields.

**Section 3:** That the City Clerk, or designee, is hereby directed to distribute a copy of this resolution to the President of the United States, all members of the United States Congress, and other lawmakers who have expressed interest in such a study.

**Section 4:** That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

**Section 5:** That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 12<sup>th</sup> day of November, 2020.

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Louis Sarbone, Mayor

Attest:

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Leslie Wallace May, City Clerk

Sarbone	<u>Aye</u>
Rydell	<u>Aye</u>
Tooley	<u>Aye</u>
Belvedere	<u>Aye</u>
Welch	<u>Aye</u>