



PUBLIC NOTICE

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OFFICE OF ENGINEERING AND TECHNOLOGY ANNOUNCES MAY 3, 2021 AS THE EFFECTIVE DATE FOR RF EXPOSURE RULE CHANGES AND BEGINNING OF THE TWO-YEAR REVIEW PERIOD FOR EXISTING PARTIES

ET Docket No. 19-226

This Public Notice announces that the rule modifications governing the Commission's radiofrequency (RF) exposure standards will become effective on May 3, 2021, and that the two-year period for existing parties to ensure compliance with the new rules will also begin on that date.

As part of its comprehensive evaluation of its RF exposure standards, the FCC adopted a Report and Order, Notice of Proposed Rulemaking, and Memorandum Opinion and Order in December 2019.¹ The *RF Report and Order* changed the methods parties use to determine and achieve compliance with the Commission's limits on human exposure to RF electromagnetic fields.² The FCC modified the process for determining whether a particular device or deployment is exempt (i.e., so clearly compliant that the manufacturer or licensee need not undertake a more thorough RF exposure analysis) by replacing a service-specific list of transmitters, facilities, and operations for which evaluation is required with new streamlined formula-based criteria that are service-agnostic. The *RF Report and Order* also addressed how to perform the evaluation for transmitters for which the exemption does not apply and how to mitigate exposure for fixed facilities and operations.

In the *RF Report and Order*, the Commission anticipated that few parties would have to conduct reevaluations under the new rules and that such evaluations will be relatively straightforward. It nevertheless adopted a two-year period for parties to verify and ensure compliance under the new rules.³

A. Effective Date of Rules

Several rules adopted in the *RF Report and Order* required approval by the Office of Management and Budget (OMB).⁴ Modifications to the information collections associated with these

¹ *Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields; Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies*, ET Docket No. 19-226, Resolution of Notice of Inquiry, Second Report and Order, Notice of Proposed Rulemaking, and Memorandum Opinion and Order, 34 FCC Rcd 11687 (2019) (*RF Report and Order*).

² The limits themselves—and the requirement to prepare an Environmental Assessment (EA) if the limits are exceeded—remained unchanged. *See id.*, 34 FCC Rcd at 11695, para. 13.

³ *Id.*, 34 FCC Rcd at 11740-41, paras. 115-117. The *RF Report and Order* referred to this as a transition period. Current and historical versions of the Commission's rules are available electronically at www.ecfr.gov.

⁴ Changes to section 1.1307 of the rules, 47 CFR § 1.1307, required modifications to information collection 3060-0004. Changes to sections 2.1091 and 2.1093 of the rules, 47 CFR §§ 2.1091 and 2.1093, required modifications to information collection 3060-0057. *See* Federal Communications Commission, Human Exposure to Radiofrequency Electromagnetic Fields and Reassessment of FCC Radiofrequency Exposure Limits and Policies, 85 Fed. Reg.

(continued...)

rules were submitted to OMB for review under 47 U.S.C. § 3507(d) and were recently approved.⁵ We previously stated that the rules will become effective on the date specified in a notice that the Commission will publish in the Federal Register.⁶ By this Public Notice we establish this date as May 3, 2021, and are in the process of publishing notice of this date in the *Federal Register*.

B. Two-Year Review Period

By this Public Notice, we also confirm that the clock for the two-year review period will begin running on May 3, 2021 – the date that all of the rules adopted in the *RF Report and Order* will have become effective.

Facilities and Operations. As of May 3, 2021, all new facilities and operations (e.g., broadcast facilities, wireless base stations) will be subject to compliance with the new rules. “New facilities” means facilities authorized on a site-specific basis on or after the effective date of the new rules or, for facilities deployed and operating under existing license authorization or rule part (such as a geographic area license or unlicensed or licensed by rule), facilities whose construction and operation is completed on or after that date. We emphasize that such a facility will still be “new” for these purposes even if it is located on an existing, registered antenna structure. In addition, any facility or operation that is modified in a way that could affect RF exposure beginning on May 3, 2021 also must comply with the new rules no later than the time at which it is modified.

All other licensees and operators of existing facilities and operations will have two years from May 3, 2021 to ensure that they are in compliance with the new rules. This includes parties whose licenses are renewed during the two-year period and those who make modifications that would not affect RF exposure (such as administrative updates). These parties will have to determine whether any of their existing facilities and operations that were previously excluded under the old rules qualify for an exemption under the new rules. If they do not qualify for an exemption, they must perform an evaluation. Facilities and operations that require mitigation must come into compliance with the new, detailed requirements for signage, access control, etc. While these parties may rely upon their compliance with the rules as they existed prior to the *RF Report and Order* during the two-year period, they must comply with the new rules no later than May 3, 2023 – i.e., the end of the two-year period. There are no additional filing requirements for these parties other than those associated with their regularly scheduled renewals and any modifications they may undertake.

Equipment. Our RF exposure rules also govern the use and approval of transmitting equipment.⁷ There is no renewal process for equipment once the Commission issues a grant of certification. Parties may continue to rely upon their compliance with the rules as they existed prior to the *RF Report and Order* as long as certified equipment is not modified in a way that could affect RF exposure; a two-year review period is not needed for such equipment. Certification applications for new and modified equipment must follow the Commission’s current equipment authorization procedures.

33578 (June 2, 2020). All of the other rule modifications adopted in the *RF Report and Order* went into effect on June 1, 2020. See 85 Fed. Reg. 18131 (April 1, 2020).

⁵ Both collections were approved by OMB on March 1, 2021. <https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3060-0004> and <https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3060-0057>.

⁶ *Proposed Changes in the Commission’s Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields; Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies*, ET Docket No. 19-226, Second Erratum (OET 2020).

⁷ Our rules apply to RF sources widely, including Commission-regulated equipment and devices. See *RF Report and Order*, 34 FCC Rcd at 11691, para. 8 & n.18.

Further information about the Commission's RF exposure standards is available at <https://www.fcc.gov/rfsafety>.

By the Acting Chief, Office of Engineering and Technology.

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