



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Richard Blumenthal
United States Senate
702 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for inquiring about the Commission's work to ensure RF emission safety protocols for America's workers. I am pleased that the Commission's Office of Engineering and Technology (OET) Chief recently briefed your staff on this matter. I understand that they discussed some of the issues concerning our work with other agencies, general enforcement efforts, and the FCC's ongoing rulemaking related to RF radiation exposure. This is a very important issue for the Commission and we have been focused on ensuring the safety of those who work in proximity to RF emitters.

On March 29, 2013, the Commission adopted a *Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry*, based in part on the developing understanding of RF radiation issues since our prior inquiries. Since then, we have received nearly a thousand comments totaling more than 20,000 pages.

The current proceeding is complex and involves several other agencies with expertise in health, human RF radiation exposure, and safety issues. As you are aware, the Commission is not the expert subject matter agency for health and safety and, accordingly, we rely on our partner agencies to provide guidance on such matters. On February 4, 2015, the OET Chief sent letters to respective counterparts at regulatory health and safety agencies, including the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), and the Occupational Safety and Health Administration (OSHA), encouraging their contribution of comments to our record in response to the substantive issues we raised. These letters were in addition to the Commission's regular and ongoing staff-level communications with our partner agencies on RF issues.

Please be assured that I take the ongoing process very seriously and I have directed my staff to prioritize this proceeding. Last year, I was joined by Secretary of Labor, Thomas Perez, in conducting a workshop at the Commission to explore issues surrounding tower climber safety. In conjunction with OSHA, the Commission's workshop focused on injury prevention and fatalities involving work on communications towers. This working relationship with OSHA is ongoing and has led to successful, collaborative efforts to increase awareness and education and reduce on-the-job injuries for tower workers.

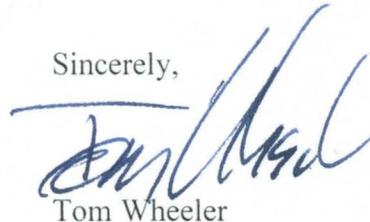
As you correctly identify in your letter, workers who are not routinely servicing the towers themselves, such as rooftop maintenance staff, electricians and painters, however, create a different set of job site concerns. Many of the safety issues in those cases are related to signage and devices to provide exposure warnings of towers that might otherwise be unseen or nearby. While the Commission is actively considering how its rules can better protect these other classes of workers, the Commission's Enforcement Bureau is instrumental in ensuring compliance with its existing safety rules.

As you note, in 2014 the Commission entered a consent decree with Verizon related to alleged violations of its safety rules, leading to a \$50,000 forfeiture and the carrier's agreement to implement a compliance plan to provide training and take other safety measures in order to protect its employees, contractors and others who may come into contact with RF emissions from its wireless facilities. I understand that Verizon Wireless has spent at least \$4.2 million to inspect all of its 5,000 rooftop antenna sites and to review and update RF exposure warning signage at access and antenna points. Also, employees at the company's two network operations centers have been trained on how to inform individuals working near transmitter sites on safety measures.

This is just one example of investigations that the Commission is conducting to enforce tower/RF safety rules. After the OET Chief briefed your staff, the Commission released two Notices of Apparent Liability proposing forfeitures of \$60,000 and \$25,000 against T-Mobile and WirelessCo, respectively, for failing to adequately prevent public access to areas near rooftop stations that exceeded general population radiofrequency emission limits. We are committed to continue the diligent enforcement of our rules so as to ensure worker safety.

Given your significant concerns about the current ongoing proceeding, I have directed our staff to add your letter to the docket to ensure that your views are considered as we move toward a formal resolution. Thank you again for your interest and the opportunity to brief your staff.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a horizontal line.

Tom Wheeler



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

November 24, 2015

The Honorable Anna G. Eshoo
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for inquiring about the Commission's work to ensure RF emission safety protocols for America's workers. I am pleased that the Commission's Office of Engineering and Technology (OET) Chief recently briefed your staff on this matter. I understand that they discussed some of the issues concerning our work with other agencies, general enforcement efforts, and the FCC's ongoing rulemaking related to RF radiation exposure. This is a very important issue for the Commission and we have been focused on ensuring the safety of those who work in proximity to RF emitters.

On March 29, 2013, the Commission adopted a *Report and Order, Further Notice of Proposed Rulemaking and Notice of Inquiry*, based in part on the developing understanding of RF radiation issues since our prior inquiries. Since then, we have received nearly a thousand comments totaling more than 20,000 pages.

The current proceeding is complex and involves several other agencies with expertise in health, human RF radiation exposure, and safety issues. As you are aware, the Commission is not the expert subject matter agency for health and safety and, accordingly, we rely on our partner agencies to provide guidance on such matters. On February 4, 2015, the OET Chief sent letters to respective counterparts at regulatory health and safety agencies, including the Environmental Protection Agency (EPA), the Food and Drug Administration (FDA), and the Occupational Safety and Health Administration (OSHA), encouraging their contribution of comments to our record in response to the substantive issues we raised. These letters were in addition to the Commission's regular and ongoing staff-level communications with our partner agencies on RF issues.

Please be assured that I take the ongoing process very seriously and I have directed my staff to prioritize this proceeding. Last year, I was joined by Secretary of Labor, Thomas Perez, in conducting a workshop at the Commission to explore issues surrounding tower climber safety. In conjunction with OSHA, the Commission's workshop focused on injury prevention and fatalities involving work on communications towers. This working relationship with OSHA is ongoing and has led to successful, collaborative efforts to increase awareness and education and reduce on-the-job injuries for tower workers.

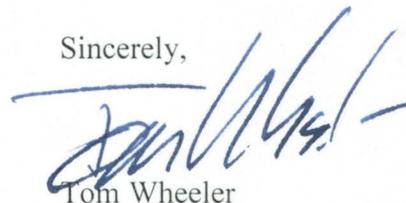
As you correctly identify in your letter, workers who are not routinely servicing the towers themselves, such as rooftop maintenance staff, electricians and painters, however, create a different set of job site concerns. Many of the safety issues in those cases are related to signage and devices to provide exposure warnings of towers that might otherwise be unseen or nearby. While the Commission is actively considering how its rules can better protect these other classes of workers, the Commission's Enforcement Bureau is instrumental in ensuring compliance with its existing safety rules.

As you note, in 2014 the Commission entered a consent decree with Verizon related to alleged violations of its safety rules, leading to a \$50,000 forfeiture and the carrier's agreement to implement a compliance plan to provide training and take other safety measures in order to protect its employees, contractors and others who may come into contact with RF emissions from its wireless facilities. I understand that Verizon Wireless has spent at least \$4.2 million to inspect all of its 5,000 rooftop antenna sites and to review and update RF exposure warning signage at access and antenna points. Also, employees at the company's two network operations centers have been trained on how to inform individuals working near transmitter sites on safety measures.

This is just one example of investigations that the Commission is conducting to enforce tower/RF safety rules. After the OET Chief briefed your staff, the Commission released two Notices of Apparent Liability proposing forfeitures of \$60,000 and \$25,000 against T-Mobile and WirelessCo, respectively, for failing to adequately prevent public access to areas near rooftop stations that exceeded general population radiofrequency emission limits. We are committed to continue the diligent enforcement of our rules so as to ensure worker safety.

Given your significant concerns about the current ongoing proceeding, I have directed our staff to add your letter to the docket to ensure that your views are considered as we move toward a formal resolution. Thank you again for your interest and the opportunity to brief your staff.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a horizontal line. The signature is stylized and cursive.

Tom Wheeler