Citizens for Safe Technology

ACTION REQUIRED: Microcell Resolution & Notice of Wireless Harm

Dear Mayors and Councillors,

At last month's UBCM, BC municipalities voted in favour of a Resolution mandating that land use authorities and the public be consulted when microcells are placed within 100 metres of schools, hospitals, and residences. This requested change to existing policy closes a federal loophole that allows microcells to be placed on existing structures with no public consultation whatsoever. Over the next several months, the FCM (*Federation of Canadian Municipalities*) will be discussing the content of the UBCM resolution with the federal government.

Microcell placement and municipal rights is a hot topic. While some individuals perceive microcells as benign or even benevolent transmitters that are essential to improving connectivity and achieving economic prosperity, a growing number of civic leaders are concerned about the many issues arising from installing microcells in the public right of way. (See Section 3: **Why Local Governments are Concerned about Microcells** below.) On October 15th 2017, SB 69 - a bill giving telecoms free rein to install microcells on California rights of way, which 300 Californian cities opposed - was vetoed by state Governor Jerry Brown.

High-speed connectivity is not dependent on microcells. Safe and data-secure technological options are available. (See Section 4: **Tech-Wise-Solutions for Connectivity** below.)

The material below summarizes the concerns about microcells and outlines important actions you may take **now** to insure that as a local government you are as fully engaged as current federal policy allows in the placement of microcells in your community.

Suggested Approach:

1) Put the brief **Notice of Wireless Harm** in Section 2 below on the agenda of your next council meeting.

2) Review all permits, antenna siting policies, and agreements currently in place between your government and telecommunication companies. (See Section 5: **Action Check List** below.)

3) Take a few moments to read the material below so that you may make informed telecommunications decisions. This letter and that material are also attached as a PDF,

With Best Wishes,

Citizens for Safe Technology
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Section 1: Overview

The Resolution that was passed:

> **WHEREAS** public consultation on the placement of cell towers is mandated; and
> **WHEREAS** new technology is moving away from these large towers to micro-transmitters which do not require local government or public consultation;
> THEREFORE BE IT RESOLVED that the AKBLG request the UBCM petition relevant provincial and federal governments to mandate consultation with the land use authorities and the public regarding microcell transmitter siting within 100 metres of residences, schools and hospitals.

Why this Resolution Matters

ISED (*Innovation, Science and Economic Development*, formerly *Industry Canada*) allows microcells, or small cell antennas, to be placed on existing structures without any public input or often knowledge. In their 2014 Guide to

Assisting Land-Use Authorities in Developing Antenna Siting Protocols, Industry Canada makes an assumption that: "certain proposals ... have minimal impact on the local surroundings and so are excluded from public and land-use consultations."

The UBCM's support for the microcell placement resolution shows that ISED has underestimated and overlooked the impact microcells have on municipalities and their residents.

Section 2: Microcells - Notice of Wireless Harm

Although there is no scientific research proving microcells are safe, the widespread installation of microcell technology is based on the misconception that wireless transmitters cause no harm. Thousands of independent scientific studies, however, link the RFR (radiofrequency radiation) microcells emit to increased cancer risk, neurological disorders, and infertility. Even low levels of RFR exposure over time have been linked to adverse effects on plants and insects, especially pollinators

- As of October 2017, 235 scientists from 41 countries have signed the International EMF Scientists Appeal urging world leaders to "protect mankind and wildlife from the dangers of EMFs and wireless technology."

ISED says microcells are safe as long as they comply with Health Canada's Safety Code 6. Health Canada, however, continues to ignore the non-thermal effects of artificial electromagnetic frequencies as well as the science which shows that exposure to these frequencies, even at levels lower than those deemed safe by Safety Code 6, cause potential biological harm.

- On September 28, 2014, over 50 Canadian physicians condemned Safety Code 6. On July 9, 2014, fifty-three scientists from eighteen countries called on Health Canada to intervene to "help avoid an emerging health crisis."

Microcells are establishing the infrastructure for "5G" (fifth generation) technology which the telecom industry is poised to install across the nation.

"5G" microwave frequencies have never been independently tested to prove they will not cause adverse biological and/or health effects. By allowing telecoms to install microcells, local governments currently have no recourse over how many transmitters are placed and if these microcells will be used to transmit "5G."

- On Sept. 13, 2017, over 180 scientists from 35 countries sent a declaration to the European Commission calling for a moratorium on the rollout of microcell transmitters and "5G" saying that fifth generation technology "could lead to tragic, irreversible harm"

In 1998, Canada adopted the Wingspread Precautionary Principle, which states: "When an activity raises threats of harm to human health or the environment, precautionary measures should be taken, even if some cause and effect relationships are not fully established scientifically."

Rethinking the indiscriminate installation of microcells in our communities supports this principle and protects local governments from being liable for damage and injury resulting from wireless harm.

Section 3: Why Local Governments are Concerned about Microcells

- **Public and Environmental Health and Safety** - as discussed in the above **Microcells - Notice of Wireless Harm**

- **Liability**

  Once a municipal government has been made aware that microcells may cause personal injury or environmental harm, (the **Notice of Wireless Harm** above informs you of this) permitting microcell transmitters to be installed in your ROWs may be deemed an act of negligence, and you may be held liable for any environmental damage or personal injury resulting from this equipment having been installed. Telecommunication workers ("linemen") are at particular risk.

In 2013, the *CRTC* and the *FCM* established this liability criterion in their **Model Municipal Access Agreement**, which may be downloaded here: http://crtc.gc.ca/cisc/eng/ciscmanu.htm.

- **Local Authority & Urban Planning**

The Antenna Siting Systems Protocol Template developed in 2013 by the FCM and the *Canadian Wireless Telecommunications Association* (CWTA) offers municipalities examples of how they may add their input to antenna siting in their communities, specifying design preferences, for instance, or naming preferred and discouraged locations for antenna siting. However, once a land use authority gives its permission for microcells to be installed, telecommunication companies have the final say in where microcells are placed.

This Lack of Local Authority over microcells negatively impacts:

- **Public Health and Safety** Transmitters in the public right of way are affecting pole integrity, creating increased distraction for drivers, and causing sidewalk and roadway crowding.
- **Urban Planning:** There is no limit to the number of small cells allowed per property, and no consideration for competing demands, noise, size, lighting, design, or fiscal impacts.
- **Aesthetics & Property Values**: Universal deployment of microcells degrades intentionally designed neighborhoods and historic buildings, and negatively affects property values.
- **The Public's Use and Enjoyment of the ROW:** Street-side gardening, block parties, neighbours visiting across the fence, children riding their bikes on the road by their homes... So many pastimes that add colour to a community and pleasure to life may be curtailed as citizens experience legitimate concern about lingering under the microcells and being exposed to radio frequencies.

Section 4: Tech-Wise - Solutions for Connectivity

Safe and data-secure technological options are available.

For mobile connectivity we could emulate Paris, France's pilot project and install small cells with signals that are adequate for mobile use but do not penetrate buildings or peoples' homes. For home and business internet access, wired networks of fiber optic and Ethernet cables or of fiber optic, copper wire and Ethernet cables (G-Fast) provide safe, fast, reliable, and cyber-secure connection, and will not blemish or obstruct local rights of way.

Section 5: Microcells - Municipal Rights and Responsibilities

Action Check List

- ☐ Have microcells been installed on existing structures in your municipality?
- ☐ If not, do you want to discuss other connectivity options with telecom providers before giving them access to your ROWs?
- ☐ Do you have an Antenna Siting Protocol in place? If so, does it require that notification is required for all new transmitters? If not, consider writing one that does, even for microcells being installed on existing structures.
- ☐ If microcells are installed in your ROWs:
    - ☐ Has written consent been given to the telecom by local land use authorities for each transmitter installed?
    - ☐ Have you asked the company who installed the microcell network for RF exposure level data?
    - ☐ Have you asked this company what strategies they have employed to keep the ambient RF radiation levels in residential areas as low as possible, and what strategies could still be implemented?

☐ Have you negotiated a Municipal Access Agreement with the telecom who has installed these microcells?

☐ Has the telecom submitted detailed before and after plans to your municipal engineer for each microcell installation?

The Model Municipal Access Agreement and You

The **Model Municipal Access Agreement** negotiated between the CRTC and the FCM in 2013 (http://crtc.gc.ca/cisc/eng/ciscmanu.htm) defines the parameters of local governments' current rights and responsibilities in relation to microcell placement. Most significantly:

1**. Consent:** Pursuant to section 43 of the Telecom Act a company must have a municipality's written consent prior to constructing equipment within the ROW.

2. **Permits:** Work within the ROWs by the company is subject to the authorization requirements established by the municipality. Municipalities determine if permits are required for each and every microcell.

3. **Plans:** Unless otherwise agreed to by the municipality, prior to installing microcells the company must submit the following to the municipal engineer:

- Construction plans of the proposed work showing the locations of the proposed and existing equipment and other facilities, and specifying the boundaries of the area within the municipality within which the work is proposed to take place;

And

- All other relevant plans, drawings and other information as may be normally required by the municipal engineer from time to time for the purposes of issuing permits.

4**. Refusal to issue Permits.** In case of conflict with any *bona fide* municipal purpose, including reasons of public safety and health and conflicts with existing infrastructure, the municipality may request amendments to the plans provided by the company or may choose to refuse to issue a permit.

5. **Utility co-ordination committee**. The company shall participate in a utility co-ordination committee established by the municipality and contribute to its equitable share of the reasonable costs of the operation and administration of the committee as approved by such committee.

6. **"As-built" drawings.** The municipality may request that, no later than a given number of days after completion of any work, the company shall provide the municipal engineer with accurate "as-built" drawings sufficient to accurately establish the plan, profile, and dimensions of the equipment installed within the ROWs.

7. **Liability.** The municipality is responsible for any damage to the natural environment and any injury to any person arising from the presence of electromagnetic radiation in connection with the company's use of the ROWs if such damage was caused directly or indirectly, in whole or in part, by the negligence of the municipality.