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**Testimony of
Gerard Keegan
Director, State Legislative Affairs
CTIA – The Wireless Association®
In Opposition to Proposed Senate Bill 463
February 22, 2011**

Before the Connecticut General Assembly General Law Committee

Chairman Doyle, Chairman Taborsak, and members of the committee, I am Gerry Keegan, Director of State Legislative Affairs for CTIA-The Wireless Association®. CTIA is the international trade association representing wireless carriers, device manufacturers, and Internet service providers. I am here today to speak in opposition to Proposed Senate Bill 463, which would require “appropriate and prominent labeling detailing the proper use of cellular phones.”

In 1996, the Federal Communications Commission (FCC), after consultation with the Environmental Protection Agency, the Food and Drug Administration, the Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health, adopted safety standards governing radiofrequency (RF) energy from cell phones and determined that all cell phones that comply with those standards are safe for use by the general public. The FCC asserted that its standards represent the “best scientific thought and are sufficient to protect the public health.”¹ No wireless device may be offered for sale or lease in the United States unless the cell phone has been authorized in accordance with the FCC’s RF regulations.

The FCC has expressly evaluated the potential biological effects of RF from FCC-licensed devices and adopted specific standards designed to ensure safety. These standards eliminate the need for labels because the devices are deemed safe by federal safety limits. Leading national and international health and safety organizations have concluded that there are no known adverse health risks associated with the use of wireless devices.

¹ The FCC has explained that its RF testing, certification, and emissions standards “protect the public health with respect to RF radiation from [all] FCC-regulated transmitters,” including wireless phones. In re Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, Release No. 96-326, 11 F.C.C.R. 15123, 15184 ¶ 169 (1996) (“FCC First Order”).

In fact, the Food and Drug Administration concludes that, “[t]he scientific evidence does not show a danger to any users of cell phones from RF exposure, including children and teenagers.”² Additionally, the FCC states in its consumer fact sheet on the issue of wireless devices and health concerns that, “[r]ecently, some health and safety interest groups have interpreted certain reports to suggest that wireless device use may be linked to cancer and other illnesses, posing potentially greater risks for children than adults. While these assertions have gained increased public attention, currently no scientific evidence establishes a causal link between wireless device use and cancer or other illnesses.”³

The National Cancer Institute also states that concerns about the potential health effects of using cellular phones – “and specifically the suggestion that using a cell phone may increase a person's risk of developing brain cancer – are not supported by a growing body of research on the subject.”⁴ Moreover, the World Health Organization finds that, “[a] large number of studies have been performed over the last two decades to assess whether mobile phones pose a potential health risk. To date, no adverse health effects have been established for mobile phone use.”⁵

Any labeling mandate on cell phones would act as a consumer product warning. When the Maine Legislature debated and voted down a warning label bill last year, Dr. Dora Anne Mills, director of the state Center for Disease Control and Prevention, summarized it best when she said, “to warn against something, there should be a defined risk. Our [Maine CDC and Department of Health and Human Services] reading of the research, including numerous studies and analyses, does not indicate there is a defined cancer risk to warn against.”⁶ Moreover, Dr. Mills found that issuing warnings based on

² See Children and Cell Phones, available at <http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/CellPhones/ucm116331.htm> (last visited Feb 11, 2011).

³ See Wireless Devices and Health Concerns, available at <http://www.fcc.gov/cgb/consumerfacts/mobilephone.html> (last visited Feb 11, 2011).

⁴ U.S. National Cancer Institute, NCI Cancer Bulletin, “Cell Phones and Brain Cancer: What We Know (and Don’t Know)” (2008), available at http://www.cancer.gov/ncicancerbulletin/NCI_Cancer_Bulletin_092308/page7 (last visited Feb 11, 2011).

⁵ See Electromagnetic fields and public health: mobile phones, available at <http://www.who.int/mediacentre/factsheets/fs193/en/index.html> (last visited Feb 11, 2011).

⁶ Testimony of Dora Anne Mills, M.D., Ph.D., Director, Maine Center for Disease Control and Prevention, in Opposition to Maine LD 1706, Cell Phone Warning Label Legislation, 03/02/2010 at page 1.

undefined risks would result in an “over-warned and turned-off public as well as a lack of credibility in the warnings themselves.”⁷

As the Maine CDC found, mandating cell phone labeling is unnecessary and would result in consumers doubting the efficacy of warning labeling generally, thereby lessening the impact of labels on other consumer products where they serve to protect consumers from defined risks and true harm. Rather than providing information to inform consumers about products, Senate Bill 463 contradicts the clear message of the federal regulatory agencies that have carefully considered this issue, which is that devices compliant with the federal standards are safe for consumer use. As such it simply does not meet the threshold to invoke the “Precautionary Principle” nor does it meet the fundamental purpose of consumer product information: to better inform the consumer about the product. Instead, it constitutes a contradiction to established RF safety levels and, more specifically, challenges the efficacy of the U.S. government’s determinations of the safety of wireless products. Such a result will not benefit consumers.

Finally, any attempt by state governments to regulate cell phone labeling based on alleged safety concerns is preempted by federal law. The federal government’s exclusive jurisdiction over radio communications is predicated on a finding that national regulation is not only appropriate, but it is essential to the operation of a seamless, interstate telecommunications network because radio waves operate without regard to any state lines. In light of the federal government’s primacy over wireless communications in general and RF in particular, state government authority to regulate in this area is severely constrained.

In closing, the wireless industry believes Proposed Senate Bill 463 is unnecessary, ignores the conclusion of the FDA that “[t]he scientific evidence does not show a danger to any users of cell phones from RF exposure, including children and teenagers,” and conflicts with federal law. I want to thank you for the opportunity to testify in opposition to this bill and respectfully request that you not move forward with this legislation.

⁷ Id at page 4.