

June 1, 2016

Advocates for the Environment

A non-profit public-interest law firm
and environmental advocacy organization



Los Angeles City Council
c/o City Clerk
200 North Spring Street, Room 360
Los Angeles, CA 90012

Via U.S. Mail and email to Michael.Espinosa@lacity.org

Re: CityLinkLA Project, City Council File 13-0953

Dear Los Angeles City Council:

I write concerning the CityLinkLA Project, the goal of which is to provide WiFi coverage throughout the City of Los Angeles. I write on behalf of our client, Wireless Education Action, a non-profit advocacy organization (WEA), as well as my organization, Advocates for the Environment. WEA and Advocates for the Environment object to the CityLinkLA Project (the **Project**).

WEA Submissions Prove Adverse Health Effects of WiFi Radiation

Wireless Education Action (WEA), on May 5, 2016, submitted five documents for Council File 13-0953. Those five documents are letters objecting to the CityLinkLA Project (the **Project**) from the following experts:

- Wireless Education Action, a Portland, Oregon non-profit group whose purpose is to educate the public regarding the adverse health effects of microwave-frequency radiation such as WiFi and cellular-telephone radiation. WEA has members who are residents of the City of Los Angeles.
- Dr. Olle Johansson, PhD, Associate Professor of Neuroscience at the Karolinska Institute in Stockholm.
- Dr. Martin Blank, PhD, special lecturer in the Dept. of Physiology and Cellular Biophysics, Columbia University in New York City
- Dr. Martin L. Pall, PhD, Professor Emeritus of Biochemistry and Basic Medical Sciences, Washington State University.
- Martha R Herbert, PhD, M.D., Pediatric Neurologist and Neuroscientist, Harvard Medical School.

Each letter, supported by dozens of attached scientific studies, makes the case that WiFi radiation is harmful to human health.

The FCC, in setting maximum allowable levels for WiFi and cellular electromagnetic radiation has focused on “thermal effects” i.e. radiation of sufficient intensity that it can materially heat up human flesh, like a microwave oven. The FCC wrongly assumes that radiation at lower intensities in cellular and WiFi frequency ranges cannot cause deleterious health effects in humans. Another type of radiation that is universally acknowledged to cause health effects is ionizing radiation, which is electromagnetic radiation with very high frequency such as X-rays. We are not claiming that WiFi and cellular radiation is ionizing—its frequency is much too low.

What the submitted letters, papers, and articles establish is that WiFi/cellular radiation at sub-thermal levels, and sub-ionizing frequencies, has substantial, well-documented adverse health effects. These effects have been established by clinical studies, some of which are included in the submission. Many other such studies are referenced in the submission. The letter included in the WEA submission from Dr. Martin Blank, a former Columbia University professor, shows, based on Dr. Blank’s research, that electromagnetic radiation, even at low-intensity exposure levels, causes cells to synthesize stress proteins and damages their DNA. This is a mechanism by which sub-thermal, non-ionizing radiation affects human cells and human health.

The published research of Dr. Martin Pall, a Professor Emeritus at Washington State University, established another mechanism by which radio-frequency radiation, such as that used for WiFi transmission, affects human health. It opens up the voltage gated calcium channels (VGCCs) in our cells, resulting in an increase in free-radical damage, which can lead to cancer. The VGCC effects also impair cellular functioning in general, and are thought to be the scientific basis for electrohypersensitivity.

The WEA submissions also document the existence of electrohypersensitive persons, those who develop neurological symptoms when exposed to even low levels of WiFi/cellular radiation. The City of Los Angeles is already difficult for these people to navigate, because WiFi/cellular radiation is already present in many areas of the city. The CityLinkLA project would blanket the city with WiFi/cellular radiation, requiring electrohypersensitive persons to move to a location with lower radiation intensity. CityLinkLA project would violate the civil rights of electrohypersensitive persons by preventing them from using public spaces, their homes and workplaces, and preventing them from moving freely around the City. The added radiation from the Project would also cause more people to become electrohypersensitive.

Substantial Evidence of Adverse Health Effects Requires an EIR

The Wireless Education Action submissions are substantial evidence of adverse health effects of WiFi radiation. These effects are adverse environmental effects under the California Environmental Quality Act (Pub. Res. Code §§ 21000–21189.3, CEQA) because CEQA Guidelines define the “environment” to mean the physical conditions which exist within the area which will be affected by a proposed project. It includes “ambient noise,” which is similar to electromagnetic radiation, as well as man-made conditions. (14 CCR § 15360.)

The WEA submissions raise a fair argument that the CityLinkLA Project may have a substantial adverse effect on the environment, which means that CEQA requires the City to prepare an Environmental Impact Report (EIR) for the Project.

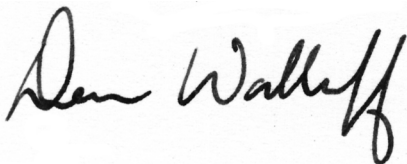
The City can't use a CEQA categorical exemption for the Project because of two exceptions contained in CEQA Guidelines § 15300.2. The first of these exceptions is for cumulative impacts: a categorical exemption may not be used "when the cumulative impact of successive projects of the same type in the same place, over time is significant." (CEQA Guidelines § 15300.2(b).) The CityLinkLA project is not the only source of harmful RF radiation in the City of Los Angeles. There are numerous cellular-telephone towers, microwave relay facilities, and other WiFi sources that already create a stew of toxic radiation throughout the City. CityLinkLA would significantly add to this harmful mix. Its effects would be cumulative, of the same type, and in the same place—the City of Los Angeles. A categorical exemption therefore cannot be used for the Project.

The second applicable exception to any proposed categorical exemption is the "unusual circumstances" exemption in CEQA Guidelines § 15300.2(c). This subsection prohibits the use of a categorical exemption "for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." The harmful effects of WiFi/cellular radiation are "unusual circumstances," i.e. a feature that distinguishes it from others in the exempt class. (*Berkeley Hillside Preservation v. City of Berkeley* (2016) 60 Cal.4th 1086, 1105.) That, coupled with the virtual certainty that the Project will have substantial harmful effects on City residents, qualifies the Project for the unusual-circumstances exception, also precluding the use of a categorical exemption.

The City Should Not Approve the CityLinkLA Project.

If the City prepares an EIR that properly properly analyzes the radiation effects of the CityLinkLA project—including an analysis of its non-thermal effects—the City Council will realize that the City should not proceed with the project, because the adverse health effects outweigh the Project's benefits.

Best Regards,



Dean Wallraff
Attorney at Law

Cc: Los Angeles Information Technology Agency
Innovation, Grants, Technology, Commerce and Trade Committee