From:	John Saia
To:	Morgan Hunte
Subject:	Public Comment 11/26/2024, file #431-24
Date:	Tuesday, November 26, 2024 3:43:47 PM
Attachments:	image.png image.png image.png

Dear Malden City Clerk,

Please accept this public comment for Tuesday's city council meeting in opposition to councilor MacDonald's proposal, file # 431-24:

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The Malden city council should be warned that the FCC lost a ruling to the Environmental Health Trust in 2021, with the court of appeals having issued the following decisions:

[1] FCC's order arbitrarily and capriciously determined that guidelines adequately protected against harmful effects of exposure to RF radiation unrelated to cancer.

[2] FCC's conclusions regarding adequacy of its testing procedures were arbitrary and capricious.

[3] FCC's conclusions regarding impact of RF radiation on children were arbitrary and capricious.

[4] FCC's conclusions regarding long-term exposure to RF radiation, pulsation, or modulation, and implications of recent technological developments were arbitrary and capricious.

In light of this ruling, I would have to believe that Malden's city council is incapable of determining that the installation of wireless infrastructure in Malden could be deemed in the public interest. Sufficient information to make an informed decision is not available, and if the council were to claim otherwise, then that decision should also be questioned as arbitrary and capricious.

If the city council pretends that it is informed enough to determine that additional small cell equipment is in the public good, that could subject the city to additional threats of litigation, both from utility companies and from the public. It would also further jeopardize public health, over and above the 100-plus small cell antenna that have already been approved and tax the health of Malden residents, many of which aren't even aware.

Furthermore, just on a technical side, wireless technology is less secure and very energy inefficient compared to wired data transmission. We are literally bathing ourselves in wasted energy. One way or another, all of our bodies are paying a price for that.

Both the city's map of small cell equipment and a map that I have generated based on posted agendas and minutes are attached to this email. Please vote no to councilor McDonald's proposal if I have not misunderstood the language. I did send him an email with questions but did not receive a response.

Sincerely,
John Saia
37 Pierce Street
Malden MA 02148

City of Malden - File #: 431-24
"Be it ordained by the Malden City Council that the Code of the City of Malden (MCC) Title 11 Chapter 24 Section 020 Subsection C SITING AND INSTALLATION OF WIRELESS COMMUNICATIONS EQUIPMENT is hereby amended as follows:-- Striking "herein" in the last sentence and inserting in its place the following: "in city ordinance" Inserting at the end of the subsection the following sentence: "Notwithstanding this section, the City Council may approve petitions for licenses with exceptions to the provisions of this ordinance if the City Council determines the proposed equipment or installation is otherwise in the public interest."

Environmental-Health-Trust-v-Federal-Communications-Commission.pdf

2021 WL 3573769
Only the Westlaw citation is currently available.
United States Court of Appeals,
District of Columbia Circuit.

ENVIRONMENTAL HEALTH TRUST, et al., Petitioners
v.
FEDERAL COMMUNICATIONS COMMISSION and United States of America, Respondents

No. 20-1025 Consolidated with
20
-
1138
|
Argued January 25, 2021
|
Decided August 13, 2021

Synopsis
Background: Environmental advocacy organization, consumer protection organizations, and individuals petitioned for review of order of Federal Communications Commission (FCC), 2019 WL 6681944, terminating notice of inquiry requesting comment on whether rulemaking should be initiated to modify FCC's guidelines for exposure to radiofrequency (RF) radiation, allegedly in violation of Administrative Procedure Act (APA) and National Environmental Policy Act (NEPA).

Holdings: The Court of Appeals, Wilkins, Circuit Judge, held that:

[1] FCC's order arbitrarily and capriciously determined that guidelines adequately protected against harmful effects of exposure to RF radiation unrelated to cancer.

[2] FCC's conclusions regarding adequacy of its testing procedures were arbitrary and capricious;

[3] FCC's conclusions regarding impact of RF radiation on children were arbitrary and capricious;

[4] FCC's conclusions regarding long-term exposure to RF radiation, pulsation, or modulation, and implications of recent technological developments were arbitrary and capricious;

[5] FCC's complete failure to respond to comments concerning environmental harm caused by RF radiation was arbitrary and capricious; but

[6] FCC adequately responded to record evidence that exposure to RF radiation at levels below current limits could cause cancer; and

[7] FCC did not violate NEPA by not issuing environmental assessment (EA) or environmental impact statement (EIS).

Petitions granted in part and remanded.

Henderson, Circuit Judge, filed opinion dissenting in part.

Procedural Posture(s): Review of Administrative Decision.

West Headnotes (35)

[1] **Environmental Law** Duty of government bodies to consider environment in general
NEPA and its implementing regulations require federal agencies to establish procedures to account for the environmental effects of their proposed actions. National Environmental Policy Act of 1969 § 102, 42 U.S.C.A. § 4332(C); 40 C.F.R. §§ 1500.4(a), 1501.4(a), 1501.5(a), 1501.5(c)(1).

[2] **Environmental Law** Major government action
Under NEPA, not every agency action requires the preparation of a full environmental impact statement (EIS). National Environmental Policy Act of 1969 § 102, 42 U.S.C.A. § 4332(C).

[3] **Environmental Law** Necessity
If it is unclear whether a proposed federal action will significantly affect the quality of the human environment, as would require an agency

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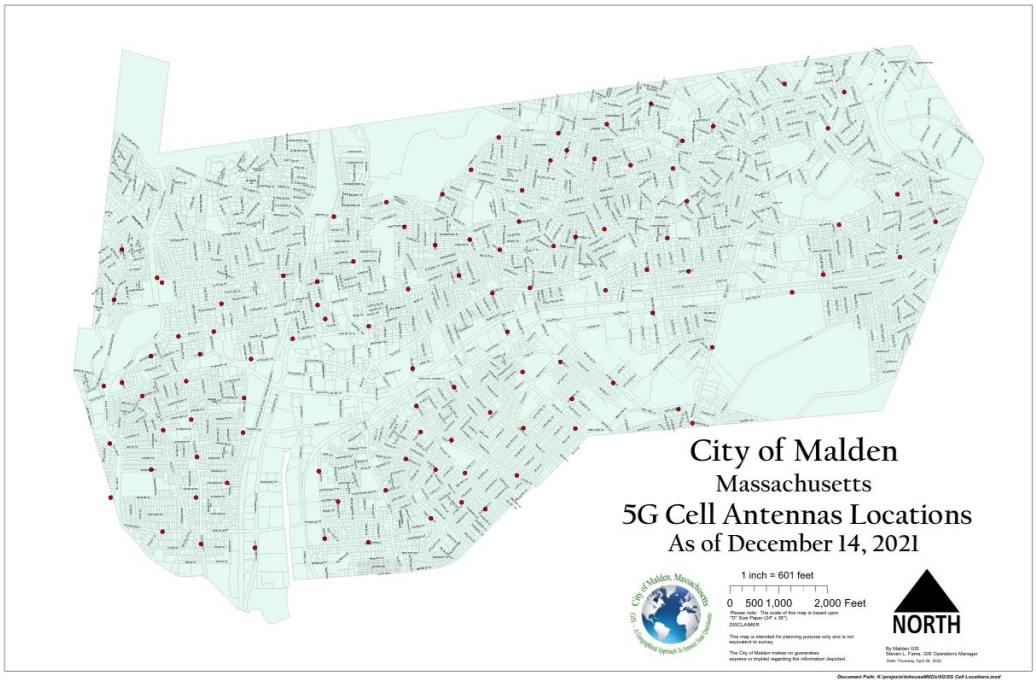
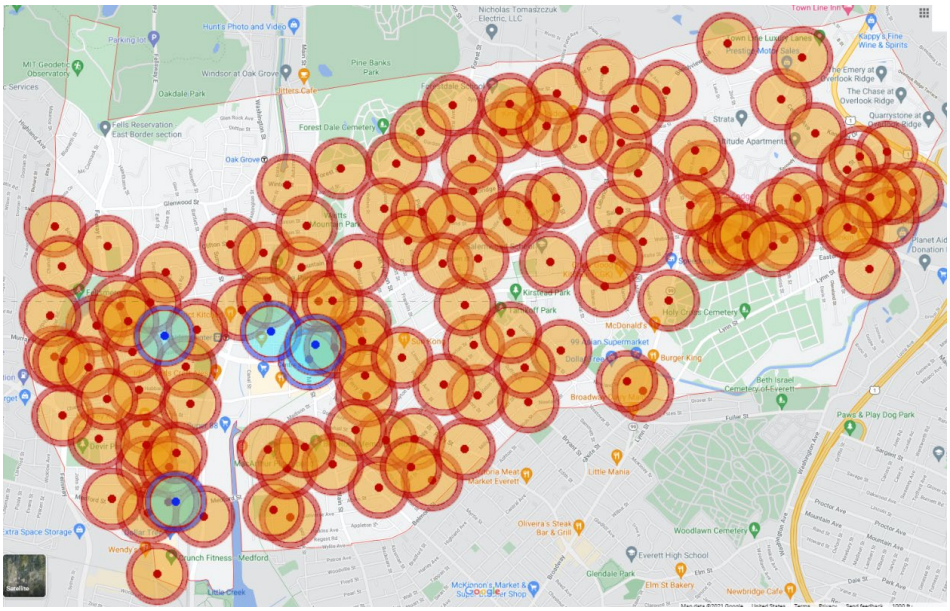
5G-Cell-Locations



This is a map that I generated based on previous small cell antenna approvals in Malden, factoring in that each piece of equipment produces an area of emf pollution/disturbance around it.