

HOUSE No. 105

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Duffy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act reducing non-ionizing radiation such as wireless from early to higher education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/17/2021</i>
<i>Kirstin Beatty</i>	<i>149 Central Park Drive</i>	<i>2/17/2021</i>

HOUSE No. 105

By Ms. Duffy of Holyoke, a petition (accompanied by bill, House, No. 105) of Patricia A. Duffy and Kirstin Beatty for legislation to require public schools to prioritize replacement of wireless broadband and telecommunications connectivity in favor of hard-wired access. Advanced Information Technology, the Internet and Cybersecurity.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act reducing non-ionizing radiation such as wireless from early to higher education.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The legislature finds and confirms all of the following:-

2 Whereas, FCC wireless guidelines fail to recognize harm from wireless, despite evidence
3 from credible institutions including the U.S. National Toxicological Program and the Ramazzini
4 Institute.

5 Whereas, high fields and poor power quality from electricity can injure electronics and
6 human health, the latter acknowledged in part by the International Agency for Research on
7 Cancer in 2010.

8 Whereas, problematic exposures of wireless and electricity are tied not just to cancer, but
9 to ADHD, miscarriage, asthma, Alzheimer's Disease, learning disabilities, obesity, multiple
10 sclerosis, congenital heart disease, etc.

Whereas, legal challenges have been filed or are in process with regards to non-ionizing radiation worker's compensation, personal injury, international treaties, agency obligations, consumer product warnings, and the American with Disabilities Act and Fair Housing Amendments Act. Worker's compensation cases have already been won.

Whereas, many countries have set non-ionizing exposures very far below the limit set by the U.S. Federal Communications Commission; several countries prohibit wireless in public schools; California and several countries limit high fields from electricity - yet Massachusetts has done nothing.

Whereas, the federal government forces wireless into public schools by subsidizing only wireless connectivity through its federal E-rate program.

Whereas, schools should have clearly set objectives and support from the department and board of elementary and secondary education to reduce non-ionizing radiation exposures.

Whereas, reducing non-ionizing radiation is feasible and recommended by many experts.

Whereas, the mission of the department and board of elementary and secondary education fails to acknowledge any role in fostering environmental health and a positive school culture in public schools.

SECTION 2. Chapter 71 of the General Laws is hereby amended by adding after section 97 the following new section:-

Section 98. (a) Definitions. As used in this section, the following words shall have the following meanings:

31 "Collocation" means the act of siting facilities on an existing structure without the need to
32 construct a new support structure and without a substantial change in the size of an existing
33 wireless service facility.

34 "Distributed antenna system" means a network system consisting of one or more nodes
35 connected by a fiber system to a wireless service provider's base transceiver station or other
36 location.

37 "Mobile service" means the same as defined in 47 U.S.C. § 153(33), as may be amended.

38 "Non-ionizing radiation" means electric and magnetic fields emitted from frequencies
39 ranging from 0 hertz through 300 gigahertz.

40 "Small cell network" means a network consisting of one or more nodes connected,
41 directly or indirectly, by fiber to a wireless service provider's mobile switching center or other
42 point of interconnection.

43 "Structure" means a pole, tower, base station, or other building, whether or not it has an
44 existing antenna facility, that is used or to be used for the provision of personal wireless service
45 (whether on its own or commingled with other types of services).

46 "Telecommunications service" means the offering of telecommunications for a fee
47 directly to the public, or to such classes of users as to be effectively available directly to the
48 public, regardless of the facilities used.

49 (b) To the extent possible and within its means, every public school shall eliminate man-
50 made non-ionizing radiation emissions known or likely to be harmful. To the extent possible and
51 within its means, every public school shall establish measures and take action to reduce man-

made non-ionizing radiation emissions which are (1) potentially harmful; (2) unintentional; or (3) of unknown effect.

(c) Initial measures. Every public or independent school shall insure, as long as any wireless antennas exist on school property and transmit, that such antennas are set to emit the minimum of power density possible for the minimum time necessary.

Every public school shall prioritize prompt replacement of wireless broadband and telecommunications connectivity in favor of hard-wired access, and shall educate its students and staff on reducing non-ionizing radiation exposures at school and at home for better health.

Upon resetting any existing wireless antennas to end or minimize transmissions, every public school shall establish routine monitoring systems to insure wireless transmissions do not restart.

(d) Continuing measures. Every public school shall set objectives to methodically reduce all non-ionizing radiation exposures, reasonable deadlines to meet these objectives, and shall keep public records of progress towards each objective as well as a public record of why any objectives have not been obtained.

(e) Wireless Infrastructure. All public public schools and associated school districts shall prohibit use of school property for construction of facilities to provide telecommunications service and other mobile services including, but not limited to, (1) site distributed antenna systems and small cell networks; (2) any structure; and (3) collocation of distributed antenna systems and small cell networks on existing wireless communications infrastructure. Where such facilities are preexisting the public school district shall seek, to the extent within its means, removal of such facilities.

(f) Accountability. Administration and good faith progress towards all of the objectives of this section shall be a component of any public school or district review.

SECTION 3. Chapter 15A of the General Laws is hereby amended by adding after Section 15 the following section:-

Section 15A. (a) Definitions. As used in this section, the following words shall have the following meanings:

"Collocation" means the act of siting facilities on an existing structure without the need to construct a new support structure and without a substantial change in the size of an existing wireless service facility.

"Distributed antenna system" means a network system consisting of one or more nodes connected by a fiber system to a wireless service provider's base transceiver station or other location.

"Mobile service" means the same as defined in 47 U.S.C. § 153(33), as may be amended.

"Non-ionizing radiation" means electric and magnetic fields emitted from frequencies ranging from 0 hertz through 300 gigahertz.

"Small cell network" means a network consisting of one or more nodes connected, directly or indirectly, by fiber to a wireless service provider's mobile switching center or other point of interconnection.

"Structure" means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or commingled with other types of services).

“Telecommunications service” means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(b) To the extent feasible, every public or independent institution of higher education located in the Commonwealth of Massachusetts and authorized to grant degrees pursuant to any general or special law shall eliminate exposures to man-made non-ionizing radiation known or likely to be harmful. To the extent feasible, every institution shall establish measures and take action to reduce exposures to man-made non-ionizing radiation which is (1) potentially harmful; (2) unintentional; or (3) of unknown effect.

(c) Initial measures. Institutions shall take the following initial steps. Every institution shall insure, as long as any wireless antennas exist on school property and transmit, that such antennas are set to emit the minimum of power density possible for the minimum time necessary.

Every institution shall prioritize prompt replacement of wireless broadband and telecommunications connectivity in favor of hard-wired access, and shall educate its students and staff on reducing non-ionizing radiation exposures at school and at home for better health.

Upon resetting any existing wireless antennas to end or minimize transmissions, every institution shall establish routine monitoring systems to insure wireless transmissions do not reset.

(d) Continuing measures. Every institution shall set objectives to methodically reduce all non-ionizing radiation exposures, reasonable deadlines to meet these objectives, and shall keep public records of progress towards each objective as well as a public record of why any objectives have not been obtained.

(e) Wireless Infrastructure. All institutions shall prohibit use of campus property for construction of facilities to provide telecommunications service and other mobile services including, but not limited to, (1) site distributed antenna systems and small cell networks; (2) any structure; and (3) collocation of distributed antenna systems and small cell networks on existing wireless communications infrastructure. Where such facilities are preexisting the institution shall seek, to the extent within its means, removal of such facilities.

SECTION 4. Chapter 71 of the General Laws is hereby amended by adding after section 97 the following section:-

Section 99. (a) Definitions. As used in this section, the following word shall have the following meaning:

“Building Biology electromagnetic radiation specialist” refers to an electromagnetic radiation specialist certified by the Building Biology Institute, a 501(c)(3) founded in Florida in 1987 based on the German principles of Building Biology.

(b) The department of elementary and secondary education, working with the board of elementary and secondary education, shall develop guidance and recommendations to assist schools in reducing man-made non-ionizing radiation exposures which are (1) known or likely to be harmful; (2) potentially harmful; (3) unintentional; or (4) of unknown effect.

(c) Development. Guidelines shall be based on current science independent of industry influence and shall adopt a cautionary stance. Guidelines shall provide varying approaches in order to account for the variable financial abilities and circumstances of school districts. The department shall consider practices that protect the health and safety of public school students and staff, and may consult with Building Biologist electromagnetic radiation specialists and

139 medical, scientific, and engineering experts provided the following conditions are met: (1) the
140 expert is acknowledged and named in publication of relevant findings; (2) the expert has an
141 appropriate professional and educational background for the expertise provided; and (3) the
142 expert is free of conflicts of interest and free of industry clients, the latter excepting experts
143 contracted with industry only to reduce non-ionizing radiation exposures.

144 The department shall annually review and update guidance affecting, but not limited to,
145 the purchase, installation, and use of broadband services, digital devices, electrical equipment,
146 lighting, and telecommunications services.

147 (d) Adoption. From the recommendations, the board of elementary and secondary
148 education shall select those which can quickly and easily be adopted without a financial burden
149 and require adoption as soon as can be arranged. For the remainder, the board of elementary and
150 secondary education shall set reasonable deadlines for adoption, and shall prioritize measures
151 which dramatically reduce detrimental exposures and improve health. The board of elementary
152 and secondary education shall annually review and update as necessary.

153 Regardless of board guidance, any school in the Commonwealth shall be allowed to set
154 more stringent goals to further reduce non-ionizing radiation exposures.

155 (e) The board of elementary and secondary education shall develop a procedure to
156 evaluate the administration and good faith efforts of public schools to reduce non-ionizing
157 radiation in accordance with state and federal law. The evaluation shall be designed in a manner
158 which limits the digital reporting requirements and bureaucratic burden.

159 (f) If financial or other obstacles block the intent of this section, the secretary of
160 education shall submit to the Governor and the state legislature an explanation.

SECTION 5. Chapter 15A of the General Laws is hereby amended by adding after section 44 the following section:-

Section 45. (a) Definitions. As used in this section, the following word shall have the following meaning:

“Building Biology electromagnetic radiation specialist” refers to an electromagnetic radiation specialist certified by the Building Biology Institute, a 501(c)(3) founded in Florida in 1987 based on the German principles of Building Biology.

(b) To assist public and independent institutions authorized to grant degrees pursuant to any general or special law, the board of higher education shall develop guidance and recommendations in reducing man-made non-ionizing radiation exposures which are (1) known or likely to be harmful; (2) potentially harmful; (3) unintentional; or (4) of unknown effect.

(c) Development. Guidelines shall be based on current science independent of industry influence and shall adopt a cautionary stance. Guidelines shall provide varying approaches in order to account for the variable circumstances of institutions. The board shall consider practices that protect the health and safety of public school students and staff, and may consult with Building Biologist electromagnetic radiation specialists and medical, scientific, and engineering experts provided the following conditions are met: (1) the expert is acknowledged and named in publication of findings; (2) the expert has an appropriate professional and educational background for the expertise provided; and (3) the expert is free of conflicts of interest and free of industry clients, the latter excepting experts contracted with industry only to reduce non-ionizing radiation exposures.

The board shall annually review and update guidance affecting, but not limited to, the purchase, installation, and use of broadband services, digital devices, electrical equipment, lighting, and telecommunications services.

(d) Adoption. From the recommendations, the board shall select those which can quickly and easily be adopted without a financial burden and require adoption as soon as can be arranged. For the remainder, the board shall set reasonable deadlines for adoption, and shall prioritize measures which dramatically reduce detrimental exposures and improve health. The board shall annually review and update as necessary.

Regardless of board guidance, any institution in the Commonwealth shall be allowed and encouraged to set more stringent goals to further reduce non-ionizing radiation exposures.

(e) Accountability. The board shall develop a procedure to evaluate the administration and good faith efforts of every public and independent institution of higher education in the Commonwealth to reduce non-ionizing radiation in accordance with state and federal law. The evaluation shall be designed in a manner which limits the digital reporting and bureaucratic burden.

SECTION 6. Chapter 15D of the General Laws is hereby amended by adding after section 11 the following section:-

Section 11A. (a) Definitions. As used in this section, the following word shall have the following meaning:

201 “Building Biology electromagnetic radiation specialist” refers to an electromagnetic
202 radiation specialist certified by the Building Biology Institute, a 501(c)(3) founded in Florida in
203 1987 based on the German principles of Building Biology.

204 (b) The board of early education and care shall develop early education guidance and
205 recommendations to reduce exposures to man-made non-ionizing radiation exposures which are
206 (1) known or likely to be harmful; (2) potentially harmful; (3) unintentional; or (4) of unknown
207 effect. The board of early education and care may choose to coordinate with the department of
208 elementary and secondary education.

209 (c) Development. Guidelines shall be based on current science independent of industry
210 influence and shall adopt a cautionary stance. Guidelines shall provide varying approaches in
211 order to account for the variable conditions of early education facilities. The board shall consider
212 practices that protect the health and safety of public school students and staff, and may consult
213 with Building Biologist electromagnetic radiation specialists and medical, scientific, and
214 engineering experts provided the following conditions are met: (1) the expert is acknowledged
215 and named in publication of relevant findings; (2) the expert has an appropriate professional and
216 educational background for the expertise provided; and (3) the expert is free of conflicts of
217 interest and free of industry clients, the latter excepting experts contracted with industry only to
218 reduce non-ionizing radiation exposures.

219 With respect to wireless, the board of early education and care shall prioritize
220 establishing hard-wired over wireless connections and elimination of wireless transmitters near
221 or in child care areas. With respect to fields from electricity, the board shall support measures to
222 limit proximity to children and minimizing field strength.

The board of early education and care shall annually review and update guidance affecting, but not limited to, the purchase, installation, and use of broadband services, digital devices, electrical equipment, lighting, and telecommunications services.

(d) Adoption. From the recommendations, the board shall select those which can quickly and easily be adopted without a financial burden and require adoption as soon as can be arranged. For the remainder, the board shall set reasonable deadlines for adoption, and shall prioritize measures which dramatically reduce detrimental exposures and improve health. The board shall annually review and update as necessary.

Regardless of board guidance, any early education facility in the Commonwealth shall be allowed to set more stringent goals to further reduce non-ionizing radiation exposures.

SECTION 7. Section 1 of chapter 69 of the General Laws is hereby amended by striking out the last sentence and inserting in place the following sentence:-

It is therefore the intent of this title to ensure: (1) that each public school classroom provides the conditions for all pupils to engage fully in learning as an inherently meaningful and enjoyable activity without threats to their sense of security or self-esteem, (2) a consistent commitment of resources sufficient to provide a high quality public education to every child, (3) a respectful process for attending to student academic needs and developing talents; (4) an effective system for supporting positive school climates, teacher quality, and professionalism; and (5) insuring the environmental health and safety of public school classrooms by supporting and developing policies and procedures designed to improve and monitor environmental health of public school buildings.