

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Duffy, (BY REQUEST)

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 halting close proximity antennas and higher frequencies to enforce RadLimits.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------|--|------------------|
| <i>Kirstin Beatty</i> | <i>149 Central Park Drive, Holyoke, MA 01040</i> | <i>1/16/2025</i> |

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act halting close proximity antennas and higher frequencies to enforce RadLimits.

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, federal telecommunications law recognizes the right of states to “impose, on a
3 competitively neutral basis” requirements to protect public safety and welfare (47 U.S. Code §
4 253).

5 Whereas, “promoting safety of life and property” is one purpose of the Federal
6 Communications Commission (FCC) in supporting wire and radio communication service, the
7 other being national defense (47 U.S. Code § 151).

8 Whereas, the FCC lost a procedural case highlighting its failures in pronouncing current
9 wire and radio communication service safe despite substantive research and docket commentary
10 to the contrary (Environmental Health Trust, et al. v. Federal Communications Commission,
11 Nos. 20-1025 and 20-1138), yet has snubbed the court directive by refusing to respond to
12 scientific criticism.

13 Whereas, non-ionizing radiation exposures have exponentially increased since 2010 from
14 FCC new frequency band auctions, fast-track approval of tens of thousands of 5G satellites,
15 regulations designed to bypass municipal zoning, outdated exposure guidelines, and allowances
16 for cell tower antennas on street lights and other nearby installations.

17 Whereas, NASA, the Department of Defense, scientists, and other stakeholders have
18 warned that the use of new higher frequency bands risks destroying functionality of weather
19 forecasting, GPS, railroads scheduling, critical astronomy, aviation, cybersecurity, and utility
20 infrastructure communications.

21 Whereas, scientific experts warn that the FCC has failed to recognize that new
22 technologies and permitted uses are causing extremely high exposures that can exceed the FCC's
23 own guidelines to limit heating.

24 Whereas, heating of bees and other insects rises alongside higher frequencies beginning
25 from 6 GHz – hence, the use of millimeter waves and other high frequencies for 5G is harmful to
26 pollination, soil, and life (Thielens et al., Exposure of Insects to Radio-Frequency
27 Electromagnetic Fields from 2 to 120 GHz, Scientific Reports, 2018).

28 Whereas, scientists have confirmed millimeter waves and other high frequencies can heat
29 and damage skin even at levels within FCC guidelines (Neufeld and Kuster, 2018; Betzalel et al.,
30 2017, 2018).

31 Whereas, the U.S. and other countries have used millimeter waves at high power to
32 painfully disable opposition – hacking software systems could turn residential 5G antennas into
33 weapons targeted at individuals or groups.

34 Whereas, even without including millimeter waves or high power density heating
35 considerations, peer-reviewed research on pre-existing ambient non-thermal radiation shows
36 increased cancer, dementia, learning disability, depression, infertility, autoimmune disease, pain,
37 and other diseases, and that our most vulnerable populations include youth, the elderly, women,
38 and infants.

39 Whereas, more than 1,200 studies show adverse effects to wildlife including fertility,
40 survival, nesting, and migration as listed in a 2021 review by Levitt, Lai, and Manville.

41 Resolved, that the policy goals of this act shall be to halt the use of ubiquitous street
42 antennas, microcells, small cell networks, and frequencies that are 6 gigahertz plus, as well as
43 any type of non-ionizing radiation exposure considered particularly dangerous to public and
44 environmental health through establishing a review process, fines, regulation, monitoring, and
45 education to promote safer wired services.

46 SECTION 2. Chapter 111 of the General Laws as appearing in the 2021 Official Edition,
47 is hereby amended by inserting after Section 50 the following section:-

48 Section 501. (a) Definitions. As used in this section, the following words shall have the
49 following meanings:

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

53 “Microcells” are the largest and most powerful small cell, often installed by network
54 operators on utility poles, traffic lights, and sign, and includes a “small wireless facility” as
55 defined I 47 C.F.R. § 1.6002(l), as may be amended or superseded.

56 (b) The radiation control department shall include another sub-department, the radiation
57 regulatory agency, hereafter called agency, to prepare and manage a timeline and process for the
58 removal of wireless facilities and the use of frequencies deemed to be especially dangerous to
59 health. The agency shall first focus efforts on the removal of microcells and the elimination of
60 the use of frequencies above 6 GHz, especially the highest frequencies, and alongside these
61 reductions in wireless exposure encourage safer wired connectivity. The agency shall expand to
62 reduce emissions from other wireless sources when the initial specified sources are being or have
63 been addressed. The agency may appoint and employ such engineers, accountants, bureau chiefs,
64 lawyers, and other employees as required.

65 (c) The agency shall specify the submission form and set rolling deadlines for reporting
66 by wireless facilities as specified by the agency. In a series of stages, the agency shall require
67 that certain wireless facilities and frequencies be removed, and that a report be filed formally
68 testifying to the removal or to the planned removal within the time frame allotted. As part of the
69 reporting and review process, every wireless facility must file with the agency a report of its
70 existence, frequencies utilized, purpose, location, distance relative to the public, and ownership,
71 including names of permittee, board members, parent companies, and affiliates, and information
72 regarding any removal of the wireless facility or specified frequency. All reports to the agency
73 shall become part of a public historical record that shall include agency responses, be freely
74 viewable by the public, and be utilized to create a searchable, public map of all wireless
75 facilities.

76 The agency shall take a variety of steps to provide for a smooth transition.

77 (1) For public safety services, the agency shall set a timeline that allows for a transition to
78 safer communication services.

79 (2) Where a utility uses connectivity that is vital for utility access or payment, the agency
80 shall set a timeline that allows for a reasonable transition.

81 (3) If the agency finds that telecommunication access is or will be impaired by removing
82 certain wireless facilities, the agency shall work with the state to provide access to wired
83 connectivity, and may also encourage temporary wireless collocation or allow an individual
84 wireless facility to temporarily remain until wired connectivity is set.

85 (4) Initial stages of microcell removal shall include (i) removal of microcells within 400
86 meters of homes; (ii) removal of microcells within 400 meters of sensitive areas including
87 nurseries, kindergartens, hospitals, clinics, and nursing homes; (iii) removal of microcells in fire-
88 prone areas; (iv) continuing removal of microcells on a larger scale as further specified by the
89 agency.

90 (5) Initial stages for limits on frequencies above 6 gigahertz shall include (i) an initial
91 testing in a selected town or city, examing feedback and results to improve and refine outcome;
92 (ii) limits inside and within 400 meters of state parks and forests; (iii) limits in and within 400
93 meters of sensitive areas including nurseries, kindergartens, hospitals, clinics, and nursing
94 homes; (iv) limits within 400 meters of homes; (v) continuing limits on a larger scale as further
95 specified by the agency.

96 (6) The agency shall establish further steps towards eliminating particularly dangerous
97 wireless exposure, whether based on polarization, pulsing, power density, or other aspect.

98 (d) Reporting and compliance with the agency reporting, deadlines, and directives is
99 required. Failure to comply at any stage shall result in a fine of up to 3% of the prior year's
100 income for all parties concerned, ensuing fines of up to \$1000 per day, and may include
101 imprisonment twice the days of lapsed reporting or other non-compliance. Failure to comply
102 shall also result in the loss of the permit and licensing of the respective wireless facility, with
103 removal costs of the facility due alongside fines. The agency shall provide avenues for residents
104 to report non-compliance.

105 (e) The agency shall have the equipment and engineers to verify field strength,
106 frequencies, and types of exposure. The agency shall use this capability to verify exposures as
107 pertaining to reporting and removal as described in subsections (c) and (d), and also shall utilize
108 the equipment to conduct random and static exposure evaluations across the state for public and
109 environmental health reporting and progress monitoring. In addition, the agency shall provide the
110 technical support to make non-ionizing radiation part of indoor air quality reports and
111 environmental health investigations within the bureau of climate and environmental health.

112 (f) Together with the radiation control department the agency shall also provide education
113 regarding (1) safer alternatives to wireless; (2) especially dangerous non-ionizing radiation
114 exposures; (3) types of wireless products to recognize and avoid.

115 (h) The agency may set fees for any review, certification, or filing requirements to cover
116 its costs, and may set a sliding scale fee.

117 (i) The agency shall publish an annual public report of progress, obstacles, and needs that
118 shall be provided to the General Court.

119 SECTION 4. Chapter 93 of the General Laws, as appearing in the 2010 Official Edition,
120 is hereby amended by adding the following new section:-

121 Section 116. Because wireless is harmful to public and environmental health, a lessee of
122 property rented to a mobile services provider for a wireless facility providing personal wireless
123 services, streaming services, or information services may cancel the contract or agreement
124 without further penalty or obligation and also require removal of said wireless facility according
125 to the terms of the contract.