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Sent: Monday, October 10, 2022 4:36 PM
To: Maryanne Cronin <Maryanne.Cronin@longbeach.gov>
Cc: CityClerk <CityClerk@longbeach.gov>
Subject: City Council meeting agenda item for 10/18/2022

-EXTERNAL-

Comments on the Long Beach City Council agenda item for 10/18/2022 regarding the 5G cell tower referenced in Application # PWRW48749-8

I am a property owner, tax payer and registered voter residing at 4344 Clark Ave, Long Beach, across the street from the proposed site of a 5G cell tower at 4351 Clark. I am also an R.N. with a background in occupational and public health.

Those who govern the city of Long Beach have the **obligation** to stop the installation of that cell tower.

Many objections to 5G cell towers have been raised; among them are the **documented** health risks, fire hazards and the diminution of property values. While these all apply to this particular situation, I am writing to remind you of your **obligation** to comply with the Americans with Disabilities Act (ADA).

Moira Hahn who currently resides at 4351 Clark Ave, Long Beach, has provided the necessary proof to the city that she **will** be (not “might be”) adversely affected by the installation and activation of this tower. There is documentation from her physician that she has diagnosed Electromagnetic Sensitivity (EMS). Therefore, in compliance with the ADA, you must stop installation of this tower.

Numerous city employees have written and said on the phone that the city cannot stop the installation of this cell tower because the city has “no choice” but to comply with the FCC. The FCC does **not require** that Long Beach permit a cell tower to be installed where **none already exists**. Section 1455 (a) of the Telecommunications Act (TCA) does provide that a local government may not deny any eligible facility request for a **modification** of an **existing** wireless tower or base station... There is **now no** cell tower or base station at the proposed location, therefore this section does **not** restrain the city from acting to deny the permit. The TCA further states that “this Act shall not be construed to modify, impair or supersede Federal (read ADA), State or local law unless expressly so provided...”

The California Supreme Court issued an opinion (4/4/2019, T Mobile West v City and County of San Francisco) stating that cities **cannot evade** their responsibility to protect public safety regarding placement of cell towers.

The U S Court of Appeals for the District of Columbia (EHT et al v the FCC) ruled that the 12/2019 decision by the FCC to retain its **1996** safety limits for human exposure to wireless radiation was “arbitrary and capricious.” No one wants to use 26-year-old safety standards in any other important aspect of life, why would you accept it in this case?

Electromagnetic Sensitivity is **real**. The International Classification of Diseases (ICD-10) code which is the standard system to classify recognized diagnoses, authorized by the World Health Organization, includes a code for it. Medicare accepts ICD-10 codes for exposure to “other nonionizing radiation.”

The Long Beach Municipal Code (chapter 15.34) states that the city **must** abide by the ADA. At a hearing 3/18/22, the city stated that “only wheelchair access would be considered.” This is totally **illogical**; there are numerous disabilities that do not require the use of a wheelchair (e.g. **EMS**, blindness, deafness, Down Syndrome, etc.).

Your **ethical, moral and legal obligation** is to deny the permit to install this 5 G tower

Respectfully submitted,
Hedwig (Heddy) Niemeyer