

## **Key Demands Summarized by our Lead Counsel, Julian Gresser:**

### **1. The Negative Declaration must be withdrawn:**

- Because the Initial Environmental Review under CEQA upon which it is based utterly fails to address the serious environmental and health effects of small cell facilities and macro towers which will expose millions of people in Los Angeles County
- including children, disabled persons, firefighters, hospital staff and patients, school kids and teachers, and millions of residents to high levels of RF/EMF radiation.
- The FDA has as of this date never certified by an official policy and regulations the present FCC Guidelines to be safe. Widespread confusion over the present FDA policy is itself creating an Imminent Hazard to public health and safety.

\* There is no evidence of the Planning Department reaching its proposed Update to the General Plan by a process of reasoned decision making. It is entirely arbitrary and conclusory.

**2. The BOS cannot make a finding that the Project is consistent with the goals, policies, and principles of the General Plan regarding Titles 16 and 22,** because these ordinances, which will codify Ministerial Site Review of small cell facilities and macro towers, are violative of due process and are illegal under Articles I, V, and XIV of the U.S. Constitution and Article 1 Section 7 of the California Constitution.

\* **Titles 16 and 22 fail to address adequately wildfire hazards, prevention, and management.** 5G Free California urges that the essential protections of the Malibu Ordinance be adopted and made an integral part of the essential application requirements and conditions, along with other provisions detailed in 5GFree California's Comments, which are already made part of the Hearing Record.

**3. The Department of Planning must immediately adopt and incorporate a policy under the General Plan to accelerate the implementation of Resilience Hubs** based on Intelligent Solar Microgrids, beginning with recreational centers, hospitals, schools, and university campuses where there is already a developing body of practical experience.

\* Resilience Hubs and Intelligent Solar Microgrids offer a viable alternative to massive blanketing of residential communities with 5G Networks, which involve high levels of continuous RF/EMF radiation exposure, are cyber-insecure, invade privacy, and are energy inefficient.

## **Detailed explanation of the above points by our Lead Counsel, Julian Gresser**

**Re: Public Comments for April 5 Los Angeles County Board of Supervisors (BOS) Hearing on General Plan Safety Element Update and Negative Declaration Under CEQA with Specific Reference to Title 16 and 22 Amendments**

**Summary:** The Hearing will confirm a Negative Declaration under CEQA and a finding of Consistency with the General Plan Safety Element. In fact, the proposed Project: 1) Will greatly increase Safety Risks by impairing community resilience and emergency response capability, and 2) Does not satisfy CEQA requirements to authorize a valid Negative Declaration. The Department of Regional Planning is correct in recommending Resilience Hubs, but these cannot be effectively implemented as the Project is currently conceived.

**Action:** For the reasons set forth below, the Board of Supervisors (BOS) should reject the Project as proposed with instructions to the Department of Regional Planning to carefully review safer, faster, more environmentally protective, cyber/grid secure, and climate change friendly alternatives.

**Comment #1:** Safety Element. The blanketing of Los Angeles County (LOC) with small cell wireless facilities (SCF) and macro towers under a Ministerial Site Review as proposed by the Amendments to Titles 16 and 22 will dramatically increase Safety Risks and impair the Emergency Response Capability and Resilience of Los Angeles County during earthquakes, wildfires, floods, and other natural hazards. As proposed the Safety Update to the General Plan will produce the exact opposite of the mandate contemplated by [SB 379](#) to reduce vulnerability during emergencies by requiring local hazard mitigation plans.

**Note:** A serious question raised by the Marshall Fire in Boulder County Colorado and other wildfires is whether a wireless critical infrastructure overly dependent for emergency communications on small cell and macro towers is capable of supporting rapid and effective response to a major wildfire. Professor Timothy Schoechele, Ph.D., a leading authority (See [Reinventing Wires: The Future of Landlines and Networks](#)) points out the risk that wireless infrastructure can be overloaded by high traffic and demand; cell towers and cell phones can quickly run out of backup power, and cell towers themselves can be destroyed during these wildfires. Under these conditions local communities may be left helpless and without power or communications capability. The key is optimizing balance: not massive cell tower densification, but rather strategic cell towers located to support effective emergency management with priority given to optical fiber to the premises and Resilience Hubs.

**Comment #2:** Resilience Hubs. The Planning Department's Recommendation for Resilience Hubs ([Attachment #2](#)) based on Microgrids makes excellent sense, but Resilience Hubs must play a central role in LOC's Emergency Response Safety Net, not be treated as simple window dressing.

LOC must immediately implement a program of Intelligent Solar Microgrids based on optical fiber to the premises, or at least copper wire, that will provide an immediate safe, resilient, reliable, cyber-secure, energy efficient, climate change friendly alternative to massive cell tower densification under a Ministerial Site Review process.

A finding on a project's contribution and integration with a Resilience Hub must be made an Application Requirement and Condition in all new SCF and macro tower approvals under Titles 16 and 22.

**Comment #3:** Environmental and Health Risks. As part of a reasoned decision-making process in reaching a decision on a CEQA Negative Declaration, the Los Angeles Planning Department and Board of Supervisors must carefully review the latest studies concerning the effects of Radio-frequency and

Electromagnetic Field (RF/EMF) radiation exposure on animals and plants, children, pregnant women, fertility, and in particular, electro-sensitivity, oxidative stress, brain neurology, genotoxicity and DNA damage. (See: [Environmental Health Trust Review](#))

**Note:** There is no reference or any evidence that the [Environmental Study](#) upon which the Negative Declaration is based even considered the harmful effects on humans and the environment of RF/EMF non-ionizing radiation. Blatant ignoring the critical element of RF/EMF renders the Negative Declaration on its face invalid.

**Comment #4:** NEPA/CEQA Integration. The National Environmental Protection Act of 1970 contemplated close coordination federal and state environmental protection policies, programs, and major actions, and actively encouraged states to enact even more protective environmental laws, as California has already done with CEQA (so-called “little NEPA”). The proposed project attempts to gut CEQA’s own protections and procedures by a Negative Declaration which will defeat Congress’ intent.

**Note:** The Telecommunications Act of 1996 recognized that regulations and management of telecommunications operations, which arguably includes cost-effective monitoring of RF/EMF emissions, will remain with the states and local governments. Continuous and accurate monitoring, measurement, and publication of all RF/EMF emissions must be a Required Condition in all SCF and macro tower applications.

**Comment #5:** Reasonable Alternatives. A key [California Code Section](#) requires that “reasonable consideration” be given to viable alternatives to a proposed project. The Planning Department has already identified a core safety factor that also effectively addresses all the health and environmental risks avoided in the Negative Declaration, that is Resilience Hubs based [Intelligent Solar Microgrids](#). The Negative Declaration must be set aside until the option of Resilience Hubs and other viable alternatives are fairly and adequately assessed, as required by CEQA.

A practical way to begin is with recreation centers, fire stations, hospitals, schools, and university campuses where there is already a developing body of experience with Intelligent Solar Microgrids. Los Angeles County is ideally suited for this innovative experiment, because significant amount of its power is based on a municipal-owned and operated public utility, i.e. [Los Angeles Department of Water and Power](#).

**Note:** Resilience Hubs offer a far more viable “[Reverse 9-1-1](#)” capability which is likely impaired in wireless-dependent infrastructure, as proposed in Titles 16 and 22.

**Conclusion:** The Planning Department and the Board of Supervisors has right before it a Balanced Solution to the safety and related risks of widespread densification of wireless SCF and macro towers. All the BOS need do is to Pause, Assess Carefully, and Immediately Implement an accelerated program of government encouragement of Resilience Hubs, wherever and whenever their establishment throughout the County is possible. In this way, the BOS can demonstrate its support for a new frontier of innovation that will at once establish a Safety Net for emergencies, protect public health and the environment, while encouraging balanced economic growth.