

Dec. 1, 2020

To: Marjorie Williams, Chair, and Members of the Montgomery County Tower Committee

Re: Why Did 25 Wireless-Facility Applications with Serious Errors Pass MoCo Tower Committee Reviews?

Ms. Williams and Members of the Montgomery County Tower Committee,

To protect public safety and prevent racial and social injustices, the Tower Committee must rigorously explore, in all the applications it reviews for proposed wireless facilities, whether they would illegally expose residents and workers to dangerous levels of radio frequency (RF) radiation that exceed limits established under Federal Law. This is a special concern when wireless providers seek to place and replace cell antennas on top of, or on the outside walls of, affordable residential buildings – which provide shelter disproportionately to families of color, immigrants, elders on limited income, and others whose housing choices are limited by their income and/or the effects of systemic racism.

For this reason, we urge the Tower Committee to immediately launch an investigation into an apparent pattern of serious errors, involving just such questions of public exposure to RF emissions. Those serious errors were revealed in the 25 hastily amended applications on your [December 2 agenda](#), which are scheduled to receive extraordinary “reconsiderations” by you.

We also urge the Committee to formally request that the County Executive immediately act to initiate independent, on-site RF emission measurements for all residential and other occupied buildings being used as wireless facilities – including measurements on rooftops, at windows and balconies, inside, and around the buildings. The County should ensure that the costs of these studies are covered in full by the applicants at each facility site.

All 25 newly modified applications involve wireless-facility proposals that you previously reviewed and, at meetings from June through October of this year, voted to recommend! (The committee’s recommendation allows applicants to then take the next step – applying to the County Department of Permitting Services for the actual building permit.) You did so apparently unaware of the serious errors in the information you relied on. *In fact, these applications have only been corrected beginning on Nov. 16th, 2020.* The 25 sites include nine residential buildings and seven office buildings being used as wireless facilities. Two of the 25 facilities are monopoles at MCPS high schools – including one with antennas directly over bleachers at a sports field.

Before the Committee votes to “reconsider” these applications we request a full public explanation of how these errors occurred, and why they were not caught previously by CTC – the company under contract with the County to provide staff support to the Tower Committee. The errors placed residents and workers at added risk, as they omitted meaningful information that impeded the County’s ability to fully evaluate environmental hazards and to verify that the necessary steps for mitigation were properly defined.

We urge you to forego any second vote on whether to again recommend these modifications – or any other projects of T-Mobile, the wireless provider involved in **all** 25 cases – until your investigation is complete, corrective action taken to deal with these and any similar past errors involving T-Mobile or any other wireless provider, and mechanisms are in place to ensure that no application slips past your review again with such potentially dangerous errors.

A preliminary analysis of both the earlier and newly revised versions of the 25 applications re-submitted to you for an extraordinary second review and re-vote, and our understanding of FCC rules, reveal the following disturbing pattern:

- All 25 of the original applications significantly under-reported the Maximum Effective Radiated Power (ERP) of the proposed antennas, thereby understating the potential radio-frequency (RF) radiation that the antennas would emit and also creating the appearance that no Routine Environmental Assessment was required.
- This earlier under-reporting was accompanied by what now appear to have been inaccurate declarations – *on every application* – that the proposed antennas were eligible for "categorical exclusions" to such environmental reporting.
- Applicants then apparently failed *on every single initial application* to attach copies of such assessments – which include projections of whether the proposed antennas will create any areas where the level of RF radiation exceeds federal limits for public exposure or not. Such reports, based on our understanding of FCC rules for antennas that exceed certain Maximum ERP, are required under the County's own application process and by the FCC.
- Environmental reports have now been submitted with all but two of the revised applications. (It is not clear why those two revised applications do not have reports.) The reports that are now provided project that at least nine of the 23 sites at maximum operation could generate areas of RF radiation on rooftops that indeed exceed federal limits for the general public exposure. Those nine sites include one residential apartment building in Rockville where rooftop total RF emissions, from T-Mobile antennas and other antennas at the site, could be *as much as 89 times over FCC limits for the general public*. The FCC allows such excesses only if companies "mitigate" the exposures. And, Routine Environmental Assessments are necessary to determine mitigation steps. Some of these reports were prepared months ago. Others were only dated within the past few days.

At the minimum, we ask the Tower Committee to formally ask CTC and all appropriate parties (and require complete and for the permanent record **written** answers to) the following questions:

1. **How and why did these errors occur?** The files indicate that three separate intermediaries (Advantage Engineers, NB&C and Site Link) all acting on behalf of T-Mobile consistently presented inaccurate information for essentially the same make and models of antennas (and frequency ranges) at 25 sites since May, 2020.
2. **How and when were these errors discovered?** Did the applicants make the discovery and approach the Tower Committee with request(s) for correction – or conversely, did the Tower Committee have to confront the applicants to obtain corroborating documentation

to support the data in their applications? Why was CTC unable to spot and correct these errors in their review of initial applications?

3. **What was the process for correcting the errors and who made the changes to the applications?** It appears that employees of CTC made many/most of the revisions to the files just within the past two weeks, but some recent changes appear to have been made by employees of T-Mobile. Given the significance of these errors, why were applicants not required to present entirely new applications? Will relevant correspondence regarding error corrections for each of the applications be included in the permanent online files?
4. **How will the Department of Permitting Services be engaged in the process of evaluation of these errors?** How many of the Tower Committee's previous recommendations (based on erroneous information) have already been the basis of permits issued by the County Department of Permitting Services? Will DPS be provided with copies of the Routine Environmental Assessments so they may properly inspect the sites (particularly rooftops) to be sure remediation has in fact been performed?
5. **What processes will the Tower Committee and CTC implement to properly verify accuracy of future applications** so as to prevent these errors from recurring? What penalties if any are applicable?
6. **Will there be an audit of files for other wireless providers** to be sure the same pattern of errors has not been repeated at other sites, or at the same sites with other providers? And, will the audit go farther back in time than May 2020? If not, why not?

Thank you. We have attached a summary of the preliminary analysis that was prepared by some of the signers below. We request your immediate attention and response to this letter.

Sincerely,*

Eric Meyer, Executive Director,
Montgomery County Coalition for the Control of Cell Towers (MC4T.ORG)

Colleen Cordes and Karen Lovejoy, signing on behalf of Community Vision for Takoma

Sue [REDACTED], Resident of Montgomery County

Anne [REDACTED], Resident of Silver Spring

Tom [REDACTED], Resident of Silver Spring

[REDACTED] Ramón [REDACTED], Resident of Silver Spring

[REDACTED] Marsha [REDACTED], the Bethesda African Cemetery Coalition (BACC)

Lisa [REDACTED], Resident of Gaithersburg

Michael [REDACTED], Resident of Takoma Park

Molly Hauck, Ph.D., Resident of Kensington, signing on behalf of mocoSafeG

Kenneth [REDACTED], Resident of Garrett Park

Robert [REDACTED], Resident of North Potomac

Kopal [REDACTED], Resident of Takoma Park

Barbara [REDACTED], Resident of Montgomery County
Patty [REDACTED], Resident of Potomac
Louise [REDACTED], Member, Montgomery County Faith Alliance for Climate Solutions
Irene [REDACTED], Resident of Silver Spring; Member, mocoSafeG
Anna [REDACTED], RN., BSN. LMT. CNC. Doctor of Naturopathy; Member, mocoSafeG
Paul [REDACTED], Member of the Bethesda African Cemetery Coalition (BAAC)
Natalie [REDACTED], Resident of Silver Spring
Nancy Wallace, Co-Chair, Green Party of Montgomery County, MD, and signing on its behalf

ADDITIONAL SIGNERS, AFTER DEC. 1ST, 2020:

Rabbi Alana Suskin, Co-Chair, on behalf of the Maryland Poor People's Campaign
Lee McNair, on behalf of Cedar Lane UUC Environmental Justice Ministry
Michelle [REDACTED], Resident of Silver Spring
Marion [REDACTED], Resident of Montgomery County
Susan [REDACTED], Ph.D., Resident of Chevy Chase
Katherine [REDACTED], Resident of Takoma Park
Eugene [REDACTED], Resident of Takoma Park
Ellen [REDACTED], North Potomac
Anna [REDACTED], Resident of Silver Spring
Janice [REDACTED], Resident of Chevy Chase
Lois [REDACTED], Resident of Chevy Chase

*In the interest of protecting the privacy of individuals over the Internet, the last names of individual signers are not shown.