

## RACIAL EQUITY & SOCIAL JUSTICE: CELL TOWERS AND ZTA 19-07\*

- **Vulnerable households are disproportionately placed at risk by Montgomery County’s lax practices for reviewing and monitoring antennas on multi-family dwellings. ZTA 19-07 exacerbates that gross inequity, rather than reducing or eliminating it.**

Over a recent one-year period, the Montgomery County [Tower Committee](#) greenlighted applications for at least 20 rooftop wireless facilities at residential buildings that predicted levels of exposure to radio-frequency (RF) radiation that would exceed the limits set by the Federal Communications Commission (FCC) for the general public. In fact, the predicted or simulated excesses for these applications ranged from just over the federal limits to as much as *114 times the FCC limits*.

Most of these multi-family homes provide relatively affordable shelter in our high-priced County and also disproportionately serve residents of color and immigrant communities. The high predictions of RF radiation thus pose serious issues of environmental injustice, given how little attention the County has paid to date to ensure that residents and workers at these locations are not being illegally exposed to harmful levels of RF radiation that exceed federal limits.

All the applications were favorably recommended by the Tower Committee with no plan by any agency in the County – not the Tower Committee, the Department of Permitting Services (DPS), or the Department of Housing and Community Affairs (DHCA) – to ever inspect the sites to make sure these buildings comply with federal regulations governing RF emissions.

The FCC has provisions intended to assure that:

- Hazardous rooftops are tightly restricted,
- Legally required warning signs are posted,
- Any needed barriers are in place, and
- In general, residents and workers are not exposed to RF radiation over federal limits.

But the FCC has no program for verifying that prescribed safety measures are applied. All the FCC requires to bring a wireless site into “compliance” is the proper placement of signs – *in English* – and/or barriers around the antennas to warn the general public and workers not to get too close. A “barrier” could be a fence, a chain, a rope – or just painted stripes on the rooftop.

All the County requires of the applicants is to *promise* to do those things. The County has no inspection regime for wireless safety at multi-family buildings. In fact, the County has no process for verifying the accuracy of the compliance reports related to their RF emissions that applicants may (or may not) submit or, for that matter, the accuracy and completeness of antenna inventories that applicants *choose* to use in preparing simulations. Errors in applications [go undetected](#).

Furthermore, any over-exposures in residents’ actual living spaces – on balconies, at windows, or inside apartment units – constitute violations of federal law. **And yet no County agency has any process to ever measure whether residents and workers at these multi-family dwellings are being exposed to harmful levels of RF radiation, in excess of federal limits!**

**ZTA 19-07 ignores these urgent problems, and the evidence they reveal of how extremely inept the County’s overall process is for reviewing the safety of wireless facilities.** Instead, this ZTA would extend the risks of this broken process to affect all residents – in fact, *adding new risks to those already living under rooftop antennas*. They could face antennas on poles directly across from their windows as well – something that is not currently allowed in the residential zones where many of these multi-family dwellings are located.

**• By shrinking setbacks from homes, ZTA 19-07 imposes inequitable harms and risks on our most modestly-scaled residential neighborhoods.**

Imposing a routine setback of 30 feet across all County residential and rural neighborhoods *sounds* equitable. But a little critical thinking uncovers the systemic flaw in that assumption: A cell tower that is 30 feet from a home on a small lot is likely to be far closer to the front porch, high-rise balcony, or bedroom windows of that dwelling than it is for homes sited much further back on more spacious – and often more expensive – properties. That means, of course, that *the constant new exposure to the health risks of RF radiation would also be higher*, as distance from the antennas matters greatly.

*Property values are also more likely to go down disproportionately in modestly scaled neighborhoods.* The visual impact and other aesthetic downsides of streets lined with cell towers – including tree pruning and tree removals to clear “line of sight” for 5G cellular transmission – would also be more intense and unappealing for homes on small lots that are much closer to right-of-way poles than for homes which set much further back from the road. More spacious front yards would visually shield the latter from the unattractive paraphernalia of wireless facilities, including bulky equipment boxes at ground level or mounted on poles, and from the sad aftermath of butchered trees near the rights-of-way.

In other words, *residents who own or rent smaller properties, with homes closer to the rights-of-way, will bear an unfair share of all the unpleasant consequences of ZTA 19-07.* That will be the case whether or not the household can afford – or desires – 5G service from the particular telecom carrier that has commandeered the use of the right-of-way in front of their home.

**• ZTA 19-07, contrary to the wireless industry’s favorite talking points, has nothing to do with ending digital inequities in our County. That goal requires affordable, equitable access to high-speed, secure, reliable, and safe Internet service.**

But the proposed zoning change includes not a single requirement or incentive for the wireless industry to expand such access to vulnerable households in the County who are currently struggling, or unable, to afford or access such service.

In fact, the shift to 5G requires more expensive service and more expensive devices, which are not likely to be as accessible to families of limited means as previous generations of either wired or wireless service. So no, [5G will not close the digital divide.](#)

If the County is serious about that goal, it should scale up and fully fund, as the priority it deserves to be, a plan to extend the County’s own internal FiberNet Internet service, free or at a much reduced cost, to vulnerable households that find it difficult or impossible to afford fast,

secure, reliable, and safe Internet service – which is wired Internet service – in any other way. Ending inequities requires providing affordable, equitable access to fiber-optic connections to the premises of all homes – including individual households in multi-unit dwellings. County efforts to increase access to digital literacy education are also important.

• **ZTA 19-07 reaffirms the horrific provision the County Council passed in 2018, allowing cell towers just 10 feet -- 10 feet! -- from multi-family residences in areas zoned for mixed commercial and residential use. It does nothing to correct that inequity.**

Environmental justice demands immediate action on the part of the County Council to fix that unfair exception. All residents – home renters and home owners, regardless of the zone they live in – deserve far more protective setbacks than either that 2018 loophole or this radically bad ZTA provide from the health and safety hazards and other negative impacts that too-close cell towers pose. (Note, however, that many, if not most, multi-family residences in the County are actually in the residential zones that would be affected by the added new injustices that ZTA 19-07 would impose.)

• **What ZTA 19-07 is really about is the County – under intense pressure from a powerful industry – bending over backward to speed up that industry’s roll out of a dense network of small cell towers in residential neighborhoods. And doing so by eliminating meaningful public participation in decisions about siting and regulating them. That does not bode well for vulnerable households.**

If the history of rubberstamping applications for cell towers in the County is any guide, locations with higher ratios of Black and Brown residents, immigrant families, and residents with limited means are likely to suffer the most from the lack of protections in this ZTA for public participation in decision-making.

Note, for example, that even for special, “conditional-use” permits, ZTA 19-07 requires prior notification to families who *own* homes, but not to families who *rent* homes near proposed cell towers. And there is nothing in the ZTA requiring notifications in multiple languages. English appears to be the assumed default. Such obvious inequities, which would be codified in the (much reduced) notification provisions in this ZTA, are unacceptable.

**The points explored above are by no means the kind of full, official analysis of the racial-equity and social-justice impacts of ZTA 19-07 that the County Council should pursue before voting on this zoning change. However, the exploration here clearly indicates that ZTA 19-07, if subjected to such a full analysis, will earn a failing grade.**

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