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Dear Mayor Pierson & Malibu City Councilmembers,

On Monday evening, August 24, 2020 I spoke to you regarding the firefighter study I organized in 2004. This was a study conducted by Gunnar Heuser, MD, PhD of six firefighters in the Santa Barbara area who had been exposed to a 2G cell tower in front of their station for 5 years. All six men were found to have brain abnormalities on SPECT brain scans. Beginning the day the tower was activated, firefighters began experiencing the following symptoms:

- Headache, including migraine
- Tinnitus
- Lethargy
- Cognitive impairment
- Sleep disturbances
- Inability to go to sleep
- Waking up as if they had been anesthetized
- Anxiety
- Depression
- Infertility
- Immunosuppression

All of these men were healthy prior to activation of the tower. They had all been told by the wireless carrier that there were no ill effects from the technology. When the firefighters complained to the carrier that they were ill and unable to function in their jobs at maximum capacity, they were told the tower was well within the FCC guidelines. On Monday evening I told you that the tower was measured at 1/1000th of what the FCC allows.

Rather than reassurance, this is deeply concerning because what it tells us is that the men who passed rigorous cognitive and physical exams before entering the fire service became ill when a tower was placed in front of their station at a fraction of what the government allows. When the strongest of the strong among us become ill at a fraction of what the government permits, what about children, what about pregnant women, what about women in general because their body mass is smaller than men, what about the elderly, the infirm, those fighting cancer, neurodegenerative diseases such as Alzheimer's and those with immunosuppression and autoimmune deficiencies.

I would like to address Councilmember Karen Farrer's question of Telecom Law attorney Jonathan Kramer. The attorney was asked whether or not the firefighters had received an exemption and he said no. That is not the whole truth. There is a minor exemption for fire stations in AB 57 which did pass and was signed into law by Gov. Brown. The exemption referenced by earlier speakers in the evening is likely a reference to an exemption that was granted to the firefighters from 5G small cells in SB 649 which would have been California's 5G law, had it been signed by Gov. Brown. This bill was vetoed by Gov. Brown in October 2017.

AB 57, which we did become law, exempts projects on fire department facilities from the "deemed approved process", meaning an applicant cannot use the simple notice process to obtain a deemed approval; the applicant would have to go to court. "Health" is not the stated reason for the fire facilities exemption (as technically that would have been illegal), though that is the specific reason the firefighters went for exemptions on AB 57 and SB 649. The law explains the rationale for the exemption as being "[d]ue to the unique duties and infrastructure requirements for the swift and effective deployment of firefighters". See Gov. Code 65964.1(d).

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=65964.1

65964.1.

(f) Due to the unique duties and infrastructure requirements for the swift and effective deployment of firefighters, this section does not apply to a collocation or siting application for a wireless telecommunications facility where the project is proposed for placement on fire department facilities.

(Added by Stats. 2015, Ch. 685, Sec. 1. (AB 57) Effective January 1, 2016.)

SB 649, California's 5G bill, offered an exemption to fire stations with the following wording. Again, his bill was vetoed by Gov. Brown in October 2017 so the exemption to having small cells on fire department facilities did not become a reality.:

65964.2.

(a) A small cell shall be a permitted use subject only to a permitting process adopted by a city or county pursuant to subdivision (b) if it satisfies the following requirements:

(1) The small cell is located in a public right-of-way in any zone or in any zone that includes a commercial or industrial use.

(2) The small cell complies with all applicable federal, state, and local health and safety regulations, including the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(3) The small cell is not located on a fire department facility.

Attorney Jonathan Kramer may be unaware of the 300 foot setback from 5G towers for fire stations in San Diego County. That exemption for fire stations in San Diego County was passed

by the San Diego County Board of Supervisors on August 7, 2019 and was an addition to their Small Cell Ordinance. The wording is as follows:

San Diego County: <https://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/z6000.pdf>

3. In order to reduce clutter and maintain the aesthetic quality and community character of certain civic and community uses, SCWs in the right-of-way shall not be located within 300 feet of schools, child care centers, hospitals, religious facilities, fire stations, or sheriff stations unless the applicant demonstrates that compliance with this requirement would be technically infeasible. Distance, without regard to intervening structures, shall be a straight line measured from the closest property lines.

I am going to take exception to what Jonathan Kramer said in his response to Councilmember Ferrar's question regarding the firefighter exemption. He said, in effect, firefighters/fire stations welcome the towers because the towers were placed where they needed to be. Frankly, this is what the telecommunications industry says. This is not what the firefighters say. Mr. Kramer used FirstNET as an example. This is simply not true.

FirstNET towers were targeted for fire stations and some sheriff stations, but they were not invited by the firefighters nor the fire departments. FirstNET was initially promoted as a First Responders emergency services network, a project promoted through FEMA. Fire stations were targeted for these 120 foot towers that were going to be used *in part* for a First Responders telecommunications network. In addition, FirstNET towers rent out space on the structures to commercial carriers as well provide space for Homeland Security.

In 2015, I received a call from Lew Currier, Head of Health and Safety for the IAFF Local 1014 in Los Angeles County. Lew Currier told me the firefighters were very concerned because of complaints from some stations with cell towers where the men were already sick, including some stations where non-presumptive cancers were present (i.e. cancers not typically related to firefighting risks).

I will never forget listening to Lew Currier describe the firefighters' reactions to hearing that over 250 fire stations in Los Angeles were going to get hit with these towers. They did not want to be used to facilitate a communications network that the firefighters did not deem necessary. I remember asking Lew Currier what communications problems they were having that would warrant this brand-new emergency system on a massive scale built throughout the country. His response: "We don't have any communications problems."

The firefighters felt they were being used and I believe they were. I worked with Lew Currier – providing studies and letters from experts – as the firefighters in Los Angeles County and City joined forces along with the sheriff and police unions in an extremely united front not only in Los Angeles but also San Francisco and throughout the state.

After a tremendous lobbying effort by the combined unions, Los Angeles County and City greatly reduce the number of fire stations that were going to get hit with FirstNET towers and in the end AT&T towers have contracted with the federal government to carry part of the FirstNET signal across the country. Not every fire station was spared but many were.

It was in the midst of this FirstNET fight the firefighters began lobbying for an exemption to the 5G towers. Jonathan Kramer may be correct that some of the chiefs wanted to make deals with telecom because the chiefs are charged with bringing in revenue to the cities/counties. But every chief has to be mindful of the fact that he or she is making such a deal with a potentially deadly trade-off.

As members of the Malibu City Council in the face of the FCC directives, you are not in an enviable position because you have been left with very little ability to protect your residents. And clearly your residents are calling out for protection with respect to multiple concerns including safety, fire risks, aesthetics, and loss of local control.

Jonathan Kramer appeared to be taking the FCC strict interpretation of Section 704 of the Telecommunications Act of 1996 when he said you cannot talk about health. Other attorneys I have spoken with such as Scott McCullough from whom you heard Monday night and Ariel Strauss who assisted the residents in the City of Encinitas have described this restriction as not being quite as prohibitive as Jonathan Kramer indicated. It is my understanding from the attorneys I just mentioned that some of your residents can talk about health, but you cannot prohibit the placement of towers based primarily on health concerns.

The concerns regarding these towers are many and one of my greatest concerns is fire. This is a safety concern and therefore is on the table for discussion and action if necessary, according to even the strictest FCC interpretation. I wrote the fire section for the Encinitas Ordinance under the oversight of Ariel Strauss and would be happy to help Malibu borrow from the Encinitas Ordinance. We took from and added to the existing Sebastopol Ordinance which has an excellent fire section. I would invite you to take from what we have already researched and incorporated into existing ordinances.

I served as a consultant on the Encinitas Ordinance, having lived in neighboring Rancho Santa Fe for 32 years. We learned from experts we sought out that there are several fire risks inherent in the cell towers themselves. One risk has to do with smart meters within the 4G towers and some of the 5G towers. 4G is needed for 5G to work and unless all the carriers are functioning under a flat rate system, electric usage is measured by a smart meter within a large number of cell towers.

You may already be very well aware that smart meters can cause fires. What we learned from our experts was that under certain circumstances the surge protection in smart meters is inadequate. Smart meters utilize what is called a "varistor" as surge protection for up to around 350 V. That is the level of surge protection you would typically find in a television set. It is inadequate for smart meters in the following circumstances. Lightning strikes cause surges of voltage in the multi-thousands of volts. In those cases, the varistor would be inadequate. Another time electrical surges are an issue are when 1) power has been lost and restored; and 2) during Santa Ana or El Diablo wind events, utilities may decide to turn power off and on in an effort to avoid sparks that could cause a fire.

In a dangerous twist of irony, the act of turning the power off and back on again may trigger surges the varistor cannot hold back in smart meters within cell towers. In a small percentage of the cases where this happens, likely 1% – 2%, electrical fires can be triggered.

Another circumstance in which electrical fires can be triggered almost 100% of the time is if the “connector” linking the power supply to the antenna itself is not replaced. This part should be replaced every 3 to 5 years but certainly closer to the 3-year mark if the towers are exposed to salty air; this describes part of your County. Our electrical engineering expert said that close to 100% of the time an electrical fire will ensue if connectors are allowed to corrode and the electrical supply is not held in place.

The 2007 Malibu Canyon Fire was determined to be caused by wireless equipment on a utility pole. I don't have to remind you of the tragedy of that fire. I do not have a high degree of confidence that there has been a substantive change in maintenance among the wireless carriers.

I believe for this reason and so many others that indemnification by the wireless carriers as well as high dollar amounts of insurance per instance and in the aggregate should be considered for Malibu. You have the right to ask for both. Lloyd's of London and Swiss Re have long refused to indemnify for RF radiation harms. These leading insurance companies are concerned about the eventual litigation that will come when the law has been adjusted to favor citizens/consumers as opposed to telecommunications companies. Thus, the telecom industry is self-insured and you can make of that what you will. I believe Encinitas was able to locate, through an insurance broker, a pollution insurance company that did cover for RF radiation.

During the Monday evening hearing, attorney W. Scott McCullough had some extremely legitimate suggestions for legally slowing and controlling the placement of 5G small cells in Malibu. I recall a comment, I believe it was made by Mayor Pro Tem Skylar Peak, that given the speed of the 5G buildout you are witnessing in Malibu, a focus on the ordinance may be an urgent matter. In my opinion, this is correct.

I have written appeals for California firefighters when cell towers were permitted for their stations for 19 years. I will continue to speak out about the firefighter/cell tower study and assist firefighters as long as I am able. As a medical writer and an Honorary Firefighter with the San Diego Fire Department, these men and women are my priority. When our First Responders are compromised, society itself is unsafe.

You should know that the industry has not conducted a single safety study on 5G. Representatives from the major wireless carriers testified to that effect before Sen. Blumenthal's subcommittee last year. They did not anticipate committing any funds to study the effects of this exponential increase in radiation to the population.

Thank you for the opportunity to speak. I wish you the best of luck and I do hope that the Malibu City Council passes a resolution condemning the FCC's evisceration of local control & the rollout of a completely untested 5G technology, thereby turning the residents of Malibu into test subjects. Hopefully from this tragic mistake our legislators in Washington DC will start to read wireless bills before they pass them.

Respectfully,

A handwritten signature in black ink, appearing to read "Susan Foster". The signature is fluid and cursive, with a large loop at the end.

Susan Foster