

**From:** Ppsi Ppsi [<mailto:ppsi@aol.com>]  
**Sent:** Tuesday, September 22, 2015 7:18 PM  
**To:** Nambiar, Madhusoodana  
**Cc:** Lurie, Peter; [lessig@law.harvard.edu](mailto:lessig@law.harvard.edu); [jreid@californiaalliance.org](mailto:jreid@californiaalliance.org); [henekelly@aol.com](mailto:henekelly@aol.com)  
**Subject:** Fwd: Another: Cell phone ordinance upheld -- media coverage

**Madhusoodana Nambiar**  
**Regulations Staff**  
**Office of the Center Director**  
**Center for Devices and Radiological Health, U.S. Food and Drug Administration**  
**Building WO66, 5572**  
**10903 New Hampshire Ave**  
**Silver Spring, MD 20993**

**Dear Mr. Nambiar:**

**This just came in our PPSI consumer advocate, in North Carolina, Liz Mears....  
Thanks Liz.**

**Please add to our PPSI FDA citizens petition the following newspaper article titled  
"[city-of-berkeley-fends-off-wireless-industry-suit-over-health-warning/](http://arstechnica.com/tech-policy/2015/09/city-of-berkeley-fends-off-wireless-industry-suit-over-health-warning/)".**

**link:** <http://arstechnica.com/tech-policy/2015/09/city-of-berkeley-fends-off-wireless-industry-suit-over-health-warning/>

**Also, in the article, it has a copy of the 35 page order by United States District Judge Edward Chen's decision and we would like add the order to our Citizens Petition FDA number, FDA-2013-1374. As a 501 (c)(3) nonprofit, consumer, public health, pharmacy, education organization, we were told by the Commissioner at FDA, since we have one a week help only, that you would assist us in getting a public hearing and input into our Petition, the 35 page Judge's order into our Petition.**

**Madhusoodana: please note the following from the article above:**

**"The city ordinance, passed in May 2015, was scheduled to take effect in August 2015, but the legal case attempted to halt it. The CTIA lawsuit was filed in June 2015. Oral arguments occurred before Judge Chen in August as CTIA sought a preliminary injunction.**

**However, Lessig said that the city will now put forward a revised ordinance before the city council on October 9, which is expected to pass. For its part, CTIA seemed to indicate that it would be pursuing an appeal.**

**Strangely, CTIA seemed to claim victory after today's events despite Judge Chen specifically saying CTIA is "not likely to succeed on the remainder of the City notice language."**

**PPSI would like to put our FDA Citizens petition 3FDA-2013-1374. on fast track and we were wondering when FDA can schedule a public hearing for our consumer groups, including the California alliance for Retired Americans (CARA), whose California chapter numbers over 950,000 consumers, in the interest of public health and safety, to establish guidelines for safe radiation emissions, especially for pregnant women, cardiac patients with defibrillators and pacemakers**

**and the right to know education that the city of Berkeley is promoting and Judge Chen has promulgated.**

Best, and thank you for all your assistance with our consumer and patient groups.

Fred

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-----Original Message-----

From: elizabeth mears <[lizmears@hotmail.com](mailto:lizmears@hotmail.com)>

To: fred mayer <[ppsi@aol.com](mailto:ppsi@aol.com)>

Sent: Tue, Sep 22, 2015 2:03 pm

Subject: Another: Cell phone ordinance upheld -- media coverage

Hi Fred:

Here's one more:

<http://arstechnica.com/tech-policy/2015/09/city-of-berkeley-fends-off-wireless-industry-suit-over-health-warning/>

Liz