

**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:

Please add the following article/emails to our FDA Citizens Petition on Cell Phones, Docket # FDA-2013-P-1374,

"[Court refuses to block Berkeley law requiring cell phone warnings](http://www.sfgate.com/bayarea/article/Court-refuses-to-block-Berkeley-law-requiring-7004208.php)"

link:

<http://www.sfgate.com/bayarea/article/Court-refuses-to-block-Berkeley-law-requiring-7004208.php>

Thanks for all your past assistance.

Please note our new mailing address below.

Best,

Fred

Frederick S, Mayer, R.Ph. MPH
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415-302-7351
ppsi@aol.com
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From: jmm@berkeley.edu
To: cheemf@lists.healthandenvironment.org
Sent: 3/23/2016 2:54:42 P.M. Pacific Daylight Time
Subj: Berkeley's Cell phone "Right to Know" Law Takes Effect

Berkeley's Cell phone "Right to Know" Law Takes Effect

On Monday, Berkeley's cell phone "right to know" ordinance took effect. Cell phone retailers in the City of Berkeley now must either post the following notice or provide a handout containing this safety information to their customers.

Cell phones and user manuals already contain RF safety information. The official notice required by the ordinance simply informs consumers that the City wants them to know that if they carry or use their cell phone next to their torso, they may exceed these safety guidelines. It encourages consumers to read the instructions in their phone or user manual for information about how to use their phone safely.

Nonetheless, the major lobbying association for the telecommunications industry, the CTIA, sued the City. The CTIA recently submitted a brief to the Ninth Circuit Court of Appeals requesting that the Circuit Court overturn Federal Judge Chen's denial of the CTIA's request for a preliminary injunction to block implementation of the ordinance.

Although many scientists believe that the current radiofrequency (RF) exposure guidelines are inadequate to protect cell phone users (e.g., see the International EMF Scientist Appeal at <https://emfscientist.org>), the ordinance does not challenge the Federal government's position. Rather, the ordinance is based upon science that has been recognized by the government for two decades which constitutes the basis for current RF exposure guidelines. The current RF guidelines were designed only to protect cell phone users from the thermal risk due to acute exposure to RF radiation. Many scientists now believe that there are serious health risks from chronic exposure to non-thermal levels of RF radiation.

Unlike the Berkeley ordinance, San Francisco adopted an ordinance in 2010 which required cell phone retailers to provide customers with a notice that informed consumers about the health risks from cell phone use including the potential cancer risk. Mayor Gavin Newsom (now California's Lieutenant Governor) was one of the law's major supporters. The CTIA sued the city, and the Federal court blocked the law's implementation because it communicated scientific findings that are not acknowledged by the Federal government. After a three-year court battle, the City opted to disband with this law rather than continue to fight and risk having to pay the industry's legal fees should the City lose the case.

To see updates about the ordinance and some preliminary data on compliance, see my Electromagnetic Radiation Safety web site at <http://bit.ly/berkeleycellordinance>.

Since July, 2014, more than 170 news stories have been published regarding the Berkeley ordinance which the City Council unanimously adopted on May 12, 2015. News stories have appeared in 13 countries. Links to these news stories are available at <http://bit.ly/berkeleymedia>.

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Berkeley's 'Right to Know' Cell Phone Radiation Warning Ordinance Now in Effect

Jean Elle, NBC Bay Area, Mar 21, 2016

<http://www.nbcbayarea.com/news/local/Berkeleys-Right-to-Know-Cell-Phone-Radiation-Warning-Ordinance-Now-in-Effect-373027781.html>

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Upcoming Public Presentation on UC Berkeley Campus

"Wireless Phone Radiation Risks and Public Health"

Joel M. Moskowitz, Ph.D.

182 Dwinelle Hall, University of California Berkeley

2:30 PM - 3:30 PM, April 16, 2016 (on Cal Day)

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Joel M. Moskowitz, Ph.D., Director
Center for Family and Community Health
School of Public Health
University of California, Berkeley

Electromagnetic Radiation Safety

Website: <http://www.saferemr.com>
Facebook: <http://www.facebook.com/SaferEMR>
News Releases: <http://pressroom.prlog.org/jmm716/>
Twitter: