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Assemblymember Bill Quirk
P.O. Box 942849
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July 12, 2021

RE: Requested retractions and corrections of Assemblymember Quirk's inaccurate statements on AB 537 and separately, misstatements of federal law

Dear Assemblymember Quirk –

This letter asks that Dr. Quirk please promptly retract and publicly correct his inaccurate statements concerning his own AB 537 and his inaccurate statements regarding related federal rules for cell antenna permits. Based on hard science from many sources, including the NIH's National Toxicology Program: AB 537 would spread health hazard across California and remove important safeguards from the permitting process. This letter focuses on two statements:

1. That AB 537 "will align California law with federal law," and
2. "So I guarantee you this bill will not imperil safety."

Assemblymember Quirk made above statement No. 1 in several Committee hearings in 2021. He made statement No. 2 on April 14, 2021 in the Assembly Local Government Committee. **Both statements were incorrect.**

Dr. Quirk's incorrect statement that AB 537 "will align California law with federal law"

Several times Asm. Quirk has said in Committee hearings that AB 537, "will align California law with federal law" or with updated federal rules. The Bill analysis for the Senate Governance and Finance Committee meeting of July 5, 2021 pointed out that is not true.

Contrary to what AB 537 seeks to sell, no federal law, code, rule, or regulation contains a "deemed approved" provision, which AB 537 now proposes. Current rules of the Federal Communications Commission (FCC) say that if a city or county ("city", for short here) fails to approve or deny a cell antenna permit application within the applicable time limit, known as a "shot clock," that "constitutes a 'presumptive prohibition' on the provision of wireless services pursuant to federal law, *thereby vesting telecom's standing to file suit*. The FCC considered this remedy sufficient, as an applicant would 'have a straightforward case for obtaining expedited relief in court,' (Sen. Gov. & Fin. Bill Analysis, July 5, 2021, page 4). In contrast, AB 537 gives a much more draconian and inflexible "remedy"; namely, that the cell antenna permit application shall "be deemed approved, and all necessary permits shall be deemed issued and the applicant may begin construction." This proposal is against existing federal rules.

The Bill Analysis pointed out that twice the FCC chose NOT to create a "deemed approved" remedy (or consequence). The Bill Analysis said, "However, for all other types of applications, the

FCC specifically declined to adopt a deemed-approved remedy because the circumstances of wireless facility applications can vary greatly.” (Ibid., page 3). Similarly, in the 2018 FCC Small Cell Order, *"The FCC again declined to adopt a deemed approved remedy for non-compliance with the new shot clock timelines.*

The direct result of AB 537 is that if the city misses the shot clock the applicant (cell phone service provider) would be allowed to begin construction. They would not even have to comply with the local zoning codes for cell antennas. The city could take the applicant to court but only for review of “the operation of this section,” meaning the section that AB 537 creates.

Dr. Quirk’s claim: "I guarantee you this bill will not imperil safety" is scientifically incorrect.

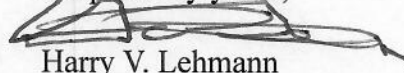
On April 14, 2021 in response to comments in the Assembly Local Government Committee from an opposition witness about the thousands of studies showing serious health effects from long term exposure to electromagnetic fields (EMF), Asm. Quirk said, "So I guarantee you this bill will not imperil safety." We respect that in 1970 Dr. Quirk received a doctorate in Astrophysics and later worked in important programs at Lawrence Livermore and industry prior to becoming an Assemblymember. His academic background is not in the biological sciences, which have matured dramatically since 1970, especially in recent years as to EMF. Contrary to ASM Quirk’s claimed guarantee: AB 537 would imperil of millions of Californians.

On May 27, 2016 the National Toxicology Program (NTP) of the U. S. National Institutes of Health (NIH) announced the results of its \$25 million 30 month study about whether cellular telephone radiation caused cancer. The NTP study demonstrated that cellular telephone radiation forced the formation of glioma cells (seed cells of the deadly brain cancer, Glioblastoma). The study also confirmed the finding that cellular radiation caused the formation of Schwannoma cancer cells which in humans cause Acoustic Neuroma. On March 28, 2018, after nearly two years of further peer review of the NTP’s findings, the NTP panel made an announcement stating that “**clear evidence**” **shows that cellular radiation is carcinogenic.** In November of 2018, the NTP’s final report concurred with the initial findings that cellular radiation is carcinogenic.
<https://ntp.niehs.nih.gov/results/areas/cellphones/index.html>.

Please also see the August 18, 2017 letter submitted in opposition to telecom’s SB 649, their Bill to put 5G on every block in California from Dr. Beatrice Alexandria Golomb, Professor of Medicine at the University of California School of Medicine, San Diego Campus. In addition to the scientific citations in the text of her letter, Dr Golomb attached scientific 360 separate peer reviewed references on physiological effect from telecommunications microwave radiation.
<https://www.ehtrust.org/wp-content/uploads/Golomb-SB-649-5G-letter-2017-08-18b.pdf>

Much of these scientific data have been obscured far from the mainstream public view due to industry public relations efforts. Industry’s efforts are described in a March 29, 2019 article in *The Nation* titled *How Big Wireless Convinced Us That Cell Phones Are Safe.*

Respectfully yours,


Harry V. Lehmann