STATE OF NEW YORK

7229

2023-2024 Regular Sessions

IN ASSEMBLY

May 15, 2023

Introduced by M. of A. SIMON -- read once and referred to the Committee on Governmental Operations

AN ACT establishing a commission to study the environmental and health effects of evolving 5G technology; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The legislature finds that fifth generation, or 5G, wireless technology is intended to greatly increase device capability and connectivity but also may pose significant risks to humans, animals, and the environment due to increased radio frequency radiation exposure. Therefore, the legislature finds a commission is needed to examine the advantages and risks associated with 5G technology, with a focus on its environmental impact and potential health effects on citizens of our state.

§ 2. Commission. There is hereby established a temporary commission, to be known as the "commission to study the environmental and health effects of evolving 5G technology" (hereinafter "the commission"), for the purpose of studying the environmental and health effects of evolving wireless technologies, including fifth generation or "5G" technology, including the use of earlier generation technologies.

§ 3. Membership. (a) The commission shall consist of fourteen members to be appointed as follows:

(1) Four members of the assembly, including one member from the health committee, one member from the energy committee, one member from the corporations, authorities and commissions and one member from the environmental conservation committee, to be appointed by the speaker of the assembly.

(2) Three members of the senate, including one member from the health committee, one member from the internet and technology commission and

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD09662-01-3

one member from the energy and telecommunications committee to be appointed by the temporary president of the senate.

(3) One member from the public with expertise in the biological effects of wireless radiation, to be appointed by the governor.

(4) One member representing the business community, to be appointed by the governor.

(5) One member of the state medical society who specializes in environmental medicine and is familiar with electromagnetic radiation, to be appointed by the society.

(6) One member representing the state university system knowledgeable in radio frequency radiation, to be appointed by the commissioner of education of the state of New York.

(7) One member of the cell phone/wireless technology industry, to be appointed by the temporary president of the senate.

(8) The commissioner of the department of health of the state of New York, or his or her designee.

(9) The chief information officer of the office of information technology services, or his or her designee.

(b) Vacancies in the membership of the commission shall be filled in the manner provided for original appointments.

(c) A chairperson and vice-chairperson of the commission shall be elected by a majority of its members, all members being present. Eight members of the commission shall constitute a quorum for the purposes of conducting business of the commission.

(d) The commission may meet within and without the state, shall hold at least one public hearing each quarter, and shall have all the powers of a legislative committee pursuant to the legislative law. The first meeting of the commission shall be called by the first-named assembly member. The first meeting of the commission shall be held within 45 days of the effective date of this act.

(e) Membership on the commission shall not constitute a public office.

(f) The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this act.

§ 4. Duties and scope of inquiry. (a) The commission shall:

(1) Examine the known and studied health and environmental impacts of exposure to wireless radio frequency radiation emitted by waves in the 300 kilohertz (kHz) - 100 gigahertz (GHz) range.

(2) Assess the short and long-term health and environmental impacts of exposure to 5G technology, which requires small cell antennas to be placed in close proximity to each other at telephone pole height from the ground and will operate in conjunction with the existing 3G and 4G technology infrastructure.

(3) Receive testimony from the medical community including but not limited to experts in public health, epidemiology and oncology, the scientific community including but not limited to biologists, physicists and electrical engineers, the wireless technology industry including but not limited to, wireless manufacturers and purveyors, as well as other organizations and members of the public with an interest in the deployment of 5G technology.

(4) Consider the following questions and the impact they may have on the citizens of New York state:

(i) Why has the insurance industry recognized wireless radiation as a significant risk, and refused to insure wireless companies for financial loss due to health claims related to exposure to wireless radiation?

(ii) Why are manufacturers of wireless equipment, including cell phones, required to warn users to keep such devices away from the body?

(iii) How have peer-reviewed studies, including the recently published U.S. Toxicology Program 16-year $30 million study, showing a wide-range of statistically significant DNA damage, brain and heart tumors, infertility, and many other ailments, been interpreted by U.S. government agencies?

(iv) Why has the FCC declined to update its 25-year old wireless radiation human exposure guidelines, which are based only on thermal effects and do not consider the non-thermal, biological effects of wireless radiation?

(v) Why are the FCC's wireless radiation human exposure guidelines set for the United States less protective than those in Russia, China, Italy, Switzerland, and most of Eastern Europe?

(vi) Why have more than 220 of the world's leading scientists signed an appeal to the World Health Organization and the United Nations to protect public health from wireless radiation and nothing has been done?

(vii) What is known about how the transmissions of wireless signals can impact the natural world, including plants, insects, birds and other animals?

(viii) What are the cumulative effects of pulsed wireless signals on human health?

§ 5. Reporting. (a) The commission shall prepare and publish an interim report and a final report of its findings and recommendations. The reports shall:

(1) Outline the advantages of, and risks associated with, 5G technology running in conjunction with the 3G and 4G technology infrastructure.

(2) Develop a strategy, if deemed necessary, to limit the public's radiation exposure from other wireless technologies.

(3) Include a public policy statement on 5G wireless systems, which either declares the technology safe or outlines actions required to protect the health of its citizens and environment.

(4) Consider alternatives to 5G technology such as fiber optic connectivity that provides faster speeds and safeguards the security and privacy of users.

(5) Provide any recommendations for proposed legislation developed by the commission.

(b) The commission shall submit the interim report required under subdivision (a) of this section to the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, the minority leader of the senate and the governor on or before June 1, 2024, and shall submit the final report required under subdivision (a) of this section to the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, the minority leader of the senate and the governor on or before September 1, 2024.

(c) The commission shall disband thirty days after submission of its final report.

§ 6. This act shall take effect immediately and shall expire and be deemed repealed December 31, 2024.