

FCC Data Quality Act Challenge

Title of information packet with errors (2): “Specific Absorption Rate (SAR) for Cell Phones: What it Means for You” (<http://www.fcc.gov/guides/specific-absorption-rate-sar-cell-phones-what-it-means-you>)

Date of information product: current version (no date found on website)

Complaint filed by: Cynthia Franklin and Environmental Health Trust

Date submitted: July 12, 2011 (received by FCC)

1) Specific comment: Currently, there are 2 factually inaccurate and misleading statements in the paragraph titled “SAR Testing” which violate the DQ Guidelines mentioned above:

- 2nd sentence - “against the dummy head and body”, and
- 3rd sentence - “next to the head and body”

SAR testing guidelines as defined in “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields” Supplement C (edition 01-01) to OET Bulletin 65 page 43 under “Recommended Test Positions” allow all cell phones to be tested for SAR while positioned in a simulated holster held up to 2.5 cm away from the dummy body. Because of this allowed separation distance during testing, all end users are required to be informed of the “body worn configuration” (OET compliance grant document “Application for Equipment Authorization” OET RCB FCC Form 731 under “Grant Comments”) to never wear/carry or use a cell phone closer than this separation distance from the body. Warning consumers of this required separation safety distance is a condition for manufacturers' compliance with federal radiation exposure guidelines.

The above two inaccurate and misleading statements must be changed immediately to stop declarations by the industry which uses these statements to declare that “the FCC's website says cell phones are safe when used in any manner.” This is NOT true as using a cell phone directly against the body as in a pocket or attached to a belt could expose the user to many times greater RF exposure than allowed under federal safety guidelines.

It is factually inaccurate and deceptively misleading to assure consumers that wearing or using a cell phone directly against the body is a compliant and safe manner of usage. And, it is equally inaccurate and deceptively misleading for this FCC website to state that cell phones are tested while held directly against the body.

FCC Data Quality Guidelines violated: “Objectivity”, “Quality” and “Integrity”. The two factually inaccurate and misleading statements mentioned above are “Influential” as this misinformation has extremely negative consequences for the 300 million US cell phone users. If the facts about the separation distance are not disclosed to consumers, they may wear and/or use a cell phone directly against their body while transmitting and expose themselves to greater than the federal RF emissions limit. For the FCC to claim on their consumer website that cell phones are tested held directly against the body is not only inaccurate, it is a blatant misrepresentation of the facts.

Action FCC needs to take - Pursuant to the provisions of the Data Quality Act, we request the FCC resolve this complaint in the following manner:

- Replace “against the dummy head and body” with “held away from the dummy head by a slight separation distance simulating the ear and held up to 1 inch away from the torso simulating use of a holster.” (NOTE: Using “cm” or “mm” is misleading and deceptive as US consumers are not familiar with the metric system. “Inches” or “in.” must be used to ensure objective, accurate and quality dissemination of usable information.
- Replace “next to the head and body” with the same statement recommended above: “held away from the dummy head by a slight separation distance simulating the ear and held up to 1 inch away from the torso simulating use of a holster.” (NOTE: Using “cm” or “mm” is misleading and deceptive as US consumers are not familiar with the metric system. “Inches” or “in.” must be used to ensure objective, accurate and quality dissemination of usable information.

2) Specific comment: In the paragraph titled, “What SAR Shows” there is a factually inaccurate and misleading statement.

The statement, “FCC approval means that the device will never exceed the maximum levels of consumer RF exposure permitted by federal guidelines” is factually incorrect and demonstrates a blatant bias toward the industry-wide deceptive claim that a cell phone is safe when used directly against the body. OET officials know that this statement is inaccurate; it actually gives FCC approval to consumer use of cell phones in a potentially unsafe manner.

FCC Data Quality Guidelines violated: “Objectivity”, “Quality” and “Integrity”. The factually inaccurate and misleading statement mentioned above is highly “Influential” as this misinformation has extremely negative consequences for the 300 million US cell phone users. If the facts about the separation distance are not disclosed to consumers, they may wear and/or use a cell phone directly against their body while transmitting and expose themselves to greater than the federal RF emissions limit. For the FCC to claim on their consumer website that cell phones “will never exceed the maximum levels of consumer RF exposure permitted by federal guidelines” is not only inaccurate, it is a blatant misrepresentation of the facts.

Action FCC needs to take - Pursuant to the provisions of the Data Quality Act, we request the FCC to resolve this complaint in the following manner:

Replace the above inaccurate and misleading statement with caps as shown for emphasis: “FCC approval means that the device will never exceed the maximum levels of consumer RF exposure permitted by federal guidelines AS LONG AS THE DEVICE IS NOT CARRIED OR USED WHILE ATTACHED TO A BELT OR IN A POCKET AGAINST THE BODY.”

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FCC Data Quality Act Challenge

Title of information packet with errors (2): FCC>OET>RF Safety Document “Radio Frequency Safety” in the section, “Frequently Asked Questions”. URL: <http://transition.FCC.gov/oet/rfsafety/rf-faqs.html#Q13>

Date of information product: 08/04/10

Complaint filed by: Cynthia Franklin and Environmental Health Trust

Date submitted: July 12, 2011 (received by FCC)

Specific comments:

Under question titled, “Do Hands-Free ear pieces for mobile phones reduce exposure to RF emissions?” There are two factual errors (underlined) in this statement, in the 5th and 6th sentences, “Even so, mobile phones marketed in the US are required to meet safety limit requirements regardless of whether they are used against the head or against the body. So, either configuration should result in compliance with the safety limit.”

FCC Data Quality Guidelines violated: “Objectivity”, “Quality”, and “Integrity”

The two above-mentioned, underlined statements are BOTH factually incorrect and misleading, thereby violating the DQ Guidelines for “Quality” and “Objectivity”. All cell phones are tested for compliance with federal SAR exposure limits while positioned away from the body (simulating use in a holster) – (see “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields”, Supplement C (Edition 01-01) to OET Bulletin 65, page 43 in the paragraph beginning “Body-worn accessories may not always be supplied or available...”). Therefore, as OET staff is aware, compliance guidelines REQUIRE that end users must be informed to NEVER carry or use a cell phone directly against the body (as when attached to a belt or when worn or used in a pocket) or they may be exposed to RF energy that exceeds federal safety limits (see OET compliance grant document, “Application for Equipment Authorization” OET RCB FCC Form 731 under “Grant Comments.”)

Warning consumers of this required separation safety distance is a condition for manufacturers' compliance with federal radiation exposure guidelines. Claiming that cell phones meet safety limits and are compliant EVEN IF WORN OR USED DIRECTLY AGAINST THE BODY is a blatant violation of the Data Quality Act.

The current incorrect and misleading statements are highly influential as they give explicit approval for the country's 300 million cell phone consumers to use a cell phone against the body, in spite of OET officials knowing this position is potentially unsafe and not a compliant manner of use. Including the 2 above, underlined statements are additionally, a clear violation of the DQ “Integrity” guideline as these statements constitute a blatant corruption and falsification of the facts.

Action FCC needs to take:

Both sentences 5 and 6, beginning with “Even so, mobile phones marketed in the U.S....” and ending with, “...compliance with the safety limit.” must be deleted and replaced with the following in order to be factually accurate, unbiased and complete:

“All mobile phones marketed in the U.S. are tested for meeting federal radiation emission safety guidelines while held from .6 to 1 inch from the testing body, simulating use in a holster. Therefore, when connected to a network, your cell phone must never be carried or used to make calls directly against your body as when attached to a belt or carried in a shirt or pants pocket. Doing so is not compliant with FCC safety guidelines and could result in exposure to RF energy which exceeds the federal safety limit.”

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FCC Data Quality Act Challenge

Title of information packet with errors (3): “Wireless Devices and Health Concerns”
(<http://www.fcc.gov/guides/wireless-devices-and-health-concerns>)

Date of information product: current version - no date on website

Complaint filed by: Cynthia Franklin and Environmental Health Trust

Date submitted: July 12, 2011 (received by FCC)

Specific comments:

1) Under section titled, “Recent Developments”, 2nd sentence: The statement, “According to the FDA and the World Health Organization (WHO), among other organizations, to date, the weight of scientific evidence has not effectively linked exposure to radio frequency energy from mobile devices with any known health problems.” is factually incorrect and misleading.

On May 31, 2011, the World Health Organization’s International Agency for Research on Cancer (IARC) classified mobile phone use as a possible carcinogen (group 2B). The international WHO Interphone study was published in May 2010. The results showed an increased risk for malignant brain tumors (glioma) for the heaviest users of mobile phones, those who used a cell phone for ten years an average of 30 minutes a day.

This existing false dissemination of information has a highly influential impact on the 300 million cell phone consumers in the U.S. regarding the possible negative health effects from consumer use of mobile devices. To state that there are “no known health problems” from cell phones erroneously implies that cell phones are totally safe, without health risks, no matter how they are used, nor for how long. Instead, it is imperative that all FCC dissemination of consumer health facts clearly state the potential risks as identified by recent scientific findings so consumers can make informed choices about using headsets, holsters or using speakers and ensuring distance from the body during use.

2) Under “Recent Developments”, in the 3rd paragraph, the 1st 2 sentences are not useful, misleading and factually incorrect. The statement, “Recently, some health and safety interest groups have interpreted certain reports to suggest that wireless device use may be linked to cancer and other illnesses, posing potentially greater risks for children than adults” does not represent a useful or quality dissemination of information to consumers. The declarations of “some health and safety groups” is not relevant to informing consumers about the recent scientific data, is more of a political opinion statement, and should not be included in this section. The statement, “currently no scientific evidence establishes a causal link between wireless device use and cancer or other illnesses” is obsolete and factually incorrect given the recent scientific statement of the World Health Organization and the findings of its Interphone study on long term users’ increased risk of malignant brain tumors.

3) Under the section, “What You Can Do”, the 3rd sentence, “The FCC does not endorse the need for these practices...” appears to have been written by someone representing the cell phone industry and is obviously biased toward the cell phone industry. It is a blatantly false statement. As the staff of the OET is well aware, the FCC does indeed endorse the need for the practice of never wearing or using a

cell phone closer than the separation distance approved during compliance grant testing: from .6 to 1” away from the testing body. This separation distance, “body worn configuration” warning is required to appear in every cell phone user manual. For the FCC’s website to say the FCC does not endorse the need for keeping a cell phone away from the body during use is a factually incorrect statement that has the potential to confuse and mislead the 300 million cell phone consumers in the U.S.! This is a highly influential error. Printing this factually incorrect statement in bold print serves to render the false statement an even more deceptive dissemination of consumer information. This section “What You Can Do” is obviously supposed to provide consumers with valid and useful directions for how to reduce their exposure. If a consumer wears or uses their cell phone directly against their body, as when attached to a belt or in a pocket, he or she will be exposed to radio frequency emissions that will likely exceed the federal safety limit (since cell phones are tested in a holster, held up to 1 inch away from the testing body.) For the FCC website to claim, in bold print, that the FCC “does not endorse the need for this practice” is a blatant violation of the Data Quality Act, specifically the guidelines indicated below.

FCC Data Quality Guidelines violated by each error: “Objectivity”, “Quality”, “Integrity”

Action FCC needs to take - Pursuant to the provisions of the Data Quality Act, we request the FCC resolve this complaint in the following manner:

1) The above-mentioned 2nd sentence under “Recent Developments” is factually inaccurate and must be deleted from the website immediately and replaced with the following factual statement which accurately reflects recent scientific findings: “On May 31, 2011, the World Health Organization’s International Agency for Research on Cancer (IARC) classified mobile phone use as a possible carcinogen (group 2B). The international W.H.O. Interphone study was published in May 2010. The results showed an increased risk for malignant brain tumors (glioma) for the heaviest users of mobile phones, those who used a cell phone for ten years an average of 30 minutes a day.”

In order to be factual, the corrected statement must not include industry-biased language meant to discredit the classification and/or to introduce bias or editorial opinion into the dissemination of this crucial consumer information about recent scientific findings by the W.H.O. on cell phone radiation.

2) The above-mentioned 1st sentence in the 3rd paragraph under “Recent Developments” which begins, “Recently, some health and safety interest groups....” must be deleted as it serves no useful purpose to mention the opinions of interest groups in this section under recent scientific developments. Also, the 2nd sentence which begins, “While these assertions....” must be deleted in its entirety as it is inaccurate in its conclusion and is misleading, violating the DQ Guidelines mentioned above.

3) Under the section, “What You Can Do”, the 3rd sentence, “The FCC does not endorse the need for these practices....” must be deleted immediately to avoid any further dissemination of false and dangerous information to consumers. The 3rd sentence must be changed to omit the highlighted phrase, resulting in the following statement: “The FCC provides information on some simple steps that you can take to reduce your exposure to RF energy from cell phones.”

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FCC Data Quality Act Challenge

Title of information packet with errors (3): “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields” - Supplement C to OET Bulletin 65

Date of information product: Current (Edition 01 - 01);

Complaint filed by: Cynthia Franklin and Environmental Health Trust

Date submitted: July 12, 2011 (received by FCC)

FCC Data Quality Guidelines violated for each error: “Quality”, “Integrity”, “Utility” and “Objectivity”

There are 3 problems with this document that are EACH highly “Influential” regarding the serious impact the omissions and errors in the above-mentioned FCC document have on crucial consumer safety use decisions.

On page 41 (corrected - not page 43 as originally submitted), is the following instruction for manufacturers: “In order for users to be aware of the body-worn operating requirements for meeting RF exposure compliance, operating instructions and caution statements should be included in the manual.”

However, due to the inadequate and incomplete manufacturer instructions provided by the above-mentioned document, this FCC-required “separation distance - body worn configuration” consumer safety warning is being printed in all cell phone user manuals in extremely fine print and located in sections of the user manual where a typical consumer will never see it. In addition, if a consumer happens to stumble upon the warning, the language is so confusing, technical and useless, the true meaning of the warning is not easily understood and thereby, ignored.

Due to the unreliable and incomplete nature of this section of the document which does not properly instruct manufacturers in the appropriate and required manner for informing consumers, the majority of consumers are not seeing the required separation distance warning, and are using their cell phones in the non-compliant manner of attached to their belts or carried in their pockets. With the growing use of headsets, more and more consumers are making calls all day with their cell phone left in the pocket, while using a wireless BlueTooth device at the ear. These uninformed consumers are being exposed to microwave radiation that exceeds the federal safety limit.

This document is ten years old and mention of holsters or “body worn accessories” is obsolete and confusing; very few consumers even use holsters any more. And, the industry-wide practice is to NOT provide holster or other “body worn accessories”. So, it is IMPERATIVE that consumers be made aware of the intended nature of this warning: i.e.; to warn every end user to never wear or use a cell

phone closer than the mandatory separation distance from the body or risk over exposure to RF radiation that exceeds federal safety guidelines. Warning every end user of the separation distance is, in fact, a requirement for manufacturer compliance with FCC exposure guidelines (as specified in OET compliance grant document, "Application for Equipment Authorization" OET RCB FCC Form 731 under "Grant Comments, "End users must be informed of the body-worn operating instructions for satisfying RF exposure compliance.")

Since there is no mention of type size or required location in the user manual, the industry-wide practice is to print the separation distance, "body worn" operation requirement warning in the smallest type font and to locate the warning in a location within the user manual where a typical consumer will never see it. Representatives from the cell phone industry have been quoted as saying that they have no idea why these "separation distance" warnings appear in the fine print, hidden in obscure places in user manuals. Obviously, the industry is trying to hide the fact that users must never wear or use a cell phone closer than the .6 - 1" separation distance which is required to ensure the user is not exposed to RF radiation that exceeds the federal safety standard. (Given that cell phones are allowed to be tested for exposure compliance while held from .6 - 1" away from the testing device, simulating a holster, which hardly any one uses any more.)

Because the industry tells consumers that they can use their cell phone in any manner they choose and still be within the FCC maximum SAR exposure limit, they are not to be trusted to ensure that this crucial safety warning will be voluntarily displayed in a prominent location in the user manuals. It is a fact that using a cell phone, transmitting in a pocket directly against the body, is NOT compliant and can expose the user to many times greater RF radiation than allowed under federal regulatory guidelines, however the industry continues to deceptively hide this information from consumers.

It is obvious from observing cell phone users that holsters are rarely used by consumers, and almost never used by children, teens and young adults. Therefore it is CRUCIAL that all user manuals PROMINENTLY display the separation distance "body-worn" warning in all user manuals where consumers will likely see it. It is common knowledge that most consumers NEVER bother to read the user manual, so, ideally, these warnings would appear on a sticker on the device. However, for this DQ Act challenge to this particular document, we are commenting on the specific violations that must be changed in this document in order to provide more useful information for manufacturers to use in printing the consumer warning such that it has a chance of being seen and understood.

1. Specific comment: The document being challenged fails to specify the font size for printing consumer separation distance warning in all user manuals.

Currently, the font size of the consumer separation distance, "body worn" configuration warning is not regulated. Some manufacturers, including the Apple iPhone, print the FCC-required separation distance warning in font size as small as 7-point which is barely legible with the naked eye. This cannot possibly satisfy the requirement of informing all end users (as current regulation requires under "Grant Comments" in OET TCB FCC Form 731 - 'Application for Equipment Authorization'). To make the statement conspicuous so that all consumers, especially the elderly, can read it, the statement should be printed using a font size of no smaller than 12-point.

The current omission of the required font size renders the instructions for manufacturers incomplete and inadequate for giving proper instructions for manufacturers. The intention of this section of the document is clearly for the users of this document (cell phone manufacturers seeking compliance) to

PROMINENTLY display the consumer safe use instruction in a location a typical consumer will see. Currently, this section of the document provides instructions for crucial consumer safe use instructions that are inadequate and not useful. Therefore, this section of the document violates DQ Guidelines for “Quality”, “Integrity” and “Utility”.

Action FCC needs to take: Pursuant to the provisions of the Data Quality Act, we request the FCC resolve this complaint in the following manner:

Page 41 (corrected from page 44) must include the required font size for the warning = no smaller than 12-point.

2. Specific comment: The document being challenged fails to specify the location to print the FCC required consumer separation distance warning in all user manuals.

The location of the separation distance warning in the user manual is also not currently regulated. Instructions simply say, “...operating instructions and caution statements should be included in the manual.”

Again, due to the cell phone industry’s unwillingness to voluntarily make the separation distance warning visible to the typical consumer, the location of the warning in the user manual must be specified.

The current manner of omitting the specification of the location of the warning in the user manual violates the DQ Guidelines of “Quality”, “Integrity” and “Utility”, for the afore-mentioned reasons.

Action FCC needs to take: Pursuant to the provisions of the Data Quality Act, we request the FCC resolve this complaint in the following manner:

Page 41 (corrected from page 44) must direct every manufacturer (the user of this document) that the consumer warning must be located in the user manual in a section of the user manual that is clearly labeled and listed in the table of contents, “Avoiding Exposure to RF Emissions that exceed FCC Guidelines”. The warning must be located in a prominent section of the user manual so as to be seen by the typical consumer. It is not appropriate to deceptively “hide” the warning in technical jargon about FCC compliance. This safety warning is not only crucial for safe use, it is required for compliance. Therefore, it MUST be specified in this document to be located in every user manual where it will be seen! Manufacturers should also be warned on this page that failing to do so will result in non-compliance with FCC exposure guidelines.

3. Specific comment: The current provided examples of statements that manufacturers must include in user manuals are incomplete and not written in user-friendly language that can be understood by the consumer.

On page 41 (corrected from page 44) are listed “examples of typical statements that provide end-users with the necessary information about body-worn accessories”. The three statements are incomplete as they only deal with the variances in the accessories (holsters, etc.).

These examples of suggested warnings fail to instruct manufacturers (the users of this document) in how to provide the end user with clear and understandable safety information about the required distance which MUST be maintained to avoid over-exposure to RF radiation.

This section is incomplete and misleading as the suggested statements to include in the user manual FAIL to give examples in “user-friendly language” that would properly inform the typical end user that they MUST never wear or make a call with a cell phone attached to a belt or in a pocket against the body or they will be exposed to RF emissions that may exceed FCC exposure guidelines. To omit this crucial piece of consumer safety information is a violation of DQ Guidelines, “Quality” and “Integrity”. The omission also demonstrates a bias toward the cell phone industry by allowing manufacturers to inadequately warn consumers of this vital safe use instruction, which is a clear violation of the DQ Guideline for “Objectivity.”

Action FCC needs to take: Pursuant to the provisions of the Data Quality Act, we request the FCC resolve this complaint in the following manner:

On page 41, (corrected from page 44), indicate that manufacturers must print the following factual and complete consumer-friendly language in **bold, underlined** print (type size - 12 font or larger) in every user manual - as a condition for manufacturers’ compliance with FCC exposure guidelines:

“When connected to a network, never wear or make a call with your cell phone directly against your body (attached to a belt or in a pocket). Doing so will expose you to microwave radio frequency emissions that may exceed FCC exposure guidelines.”

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