



Federal Communications Commission  
Washington, D.C. 20554

October 31, 2011

Ms. Cynthia Franklin  
520 Ridgeway Drive  
Bellingham, WA 98225

Dear Ms. Franklin:

We have received your Data Quality Act complaints regarding four documents the FCC disseminated to the public pertaining to radiofrequency (RF) exposure from wireless devices. The Data Quality Act allows interested parties to bring concerns to our attention. The FCC Information Quality Guidelines define the policy and procedures for reviewing and substantiating the quality<sup>1</sup> of information before it is disseminated to the public, as well as administrative mechanisms allowing persons to seek and obtain, where appropriate, correction of information disseminated that does not comply with the Data Quality Act.<sup>2</sup>

You submitted complaints regarding certain consumer documents that inform the public regarding the nature of FCC RF exposure rules and procedures and how they protect the public.<sup>3</sup> These fact sheets are intended to disseminate information to consumers who may not have particular technical expertise or knowledge regarding electrical engineering, RF propagation or science, RF emissions characteristics, research practices, or how the FCC regulates portable devices to interpret more clinical or detailed scientific information. Their purpose is to explain in easy-to-understand terms the regulatory rules and policies adopted in response to notice and comment rulemakings.<sup>4</sup> Including detailed discussions of technical or procedural information in

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<sup>1</sup> *Quality* is a term encompassing utility, objectivity, and integrity. *Utility* refers to the usefulness of the information to its intended users, including from the perspective of both the Commission and the public. *Objectivity* involves two distinct elements, presentation and substance. *Objectivity* means substantively that, where appropriate, data should have full, unbiased, reliable, accurate, transparent documentation; and error sources affecting data quality should be identified and disclosed to users. *Integrity* refers to the security of information – protection of the information from unauthorized access or revision to ensure that the information is not compromised through corruption or falsification.

<sup>2</sup> See *Implementation of Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Pursuant to Section 515 of Public Law No. 105-554*, Appendix A, 17 FCC Rcd 15972, 15976 (rel. Aug. 9, 2002), available at [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-02-277A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-02-277A1.pdf).

<sup>3</sup> Specific Absorption Rate (SAR) for Cell Phones: What it Means for You, available at <http://www.fcc.gov/guides/specific-absorption-rate-sar-cell-phones-what-it-means-you>; OET RF Safety Frequently asked questions about the safety of radiofrequency (RF) and microwave emissions from transmitters and facilities regulated by the FCC – Do “hands-free” ear pieces for mobile phones reduce exposure to RF emissions?, available at <http://www.fcc.gov/oet/rfsafety/rf-faqs.html#Q13>; Wireless Devices and Health Concerns, available at <http://www.fcc.gov/guides/wireless-devices-and-health-concerns>.

<sup>4</sup> In its 1996 Report and Order and its 1997 Second Memorandum Opinion and Order in ET Docket 93-62, the Commission, among other matters, established rules and guidelines for evaluating the environmental effects of radiofrequency radiation. Report and Order, ET Docket 93-62 (Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation), 11 FCC Rcd 15123 (1996); Second Memorandum Opinion and Order and Notice of Proposed Rule Making, ET Docket 93-62 (WT Docket 97-192), 12 FCC Rcd 13494 (1997).

this forum would reduce the usefulness of the information for the intended audience. To the extent many of your concerns relate to the commission's rules or their implementation, you are free to file a petition for rule making.

The following responses address your complaints individually:

1. *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>)

**Summary of complaint:** You assert that the paragraph entitled "SAR Testing" is inaccurate when describing measurement procedures for demonstration of portable consumer device compliance as "against" or "next to" a dummy head and body. You complain that manufacturers mislead consumers regarding these statements and fail to adequately inform consumers regarding separation distances with which phones are tested to determine their SAR compliance. You further assert that the paragraph entitled "What SAR Shows" is inaccurate in stating that portable consumer devices "will never exceed" the exposure limit and complain that this leads consumers to use cell phones in a potentially unsafe manner.

**Response:** Your complaint regarding how outside parties use data (in this case, manufacturers' practices) is not appropriate for a Data Quality Act action. With regard to the specific text in the paragraph entitled "What SAR Shows," we maintain that the level of details you seek is inconsistent with a document that is intended only to assist consumers in understanding the meaning of the term SAR.

2. *OET RF Safety Frequently asked questions about the safety of radiofrequency (RF) and microwave emissions from transmitters and facilities regulated by the FCC – Do "Hands-Free" Ear Pieces for Mobile Phones Reduce Exposure to RF Emissions?*  
(<http://www.fcc.gov/oet/rfsafety/rf-faqs.html#Q13>)

**Summary of complaint:** You complain that the response to the question is misleading when it states that mobile phones "are required to meet safety limit requirements regardless of whether they are used against the head or against the body [and that either of these configurations should result in compliance with the limit]." You specifically claim that the term "against" misleads consumers because of the separation distance used when SAR compliance testing is done for the "body-worn" test.

**Response:** The sentence that precedes the one you cite refers to devices "mounted against the waist or other part of the body." This suggests that some form of apparatus is used to hold the device. In context, the point of the sentence that you reference is that phones are tested in various configurations, including with an apparatus that is used to mount the device against the waist or other part of the body. The text would not most commonly be read to suggest that all wireless devices will be compliant with the SAR standards if used without any appropriate apparatus to mount the device against the body. Moreover, the sentence does not in any way

suggest that it supersedes any information on appropriate use of the devices provided in the instructions that come with the device.

### 3. *Wireless Devices and Health Concerns*

(<http://www.fcc.gov/guides/wireless-devices-and-health-concerns>)

**Summary of complaint:** You complain that the statements in the section entitled “Recent Developments” are misleading when they state that according to the Food and Drug Administration (FDA), the World Health Organization (WHO), and others there is not an established link between portable device exposure and any known health problems.<sup>5</sup> You also complain that other statements in that section are not sufficiently specific in noting the concerns by some outside parties that children are at greater risk of harm from RF emissions than adults. You disagree with the concluding statement that “currently no scientific evidence establishes a causal link between wireless device use and cancer or other illnesses,” citing your interpretation of the statements of the WHO and the International Agency for Research on Cancer (IARC). You also complain that the section entitled “What You Can Do” is incorrect and misleading because it implies that the FCC does not endorse the need for additional safety measures when using cell phones and that the prior suggestion by the FCC to “keep wireless devices away from your body when they are on, mainly by not attaching them to belts or carrying them in pockets” was deleted inappropriately, as consumers should be advised to “NEVER carry or use a cell phone directly against the body (as when attached to a belt or when used in a pocket).” You also complain that the statement from a previous version of the site: “Keep wireless devices away from your body when they are on, mainly by not attaching them to belts or carrying them in pockets” does not appear on the current page and was removed without public notice or justification. In this regard, you insist that the FCC does in fact endorse the practice of keeping wireless devices away from the body because it requires information regarding “body worn configuration” in users’ manuals.

**Response:** With respect to “Recent Developments,” it would appear that you disagree with the FCC’s interpretation of the research done in this area, which is not a data or information matter. Our website provides links to various sites where interested consumers can access the underlying information and data for themselves. With respect to “What You Can Do,” the FCC does not endorse and has never endorsed the specific recommendations for reducing exposure offered in this section because they are beyond those necessary to achieve compliance with our exposure limits and are not known to increase safety. The subject information is included only to provide

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<sup>5</sup> The FDA cites the May 31, 2011 IARC classification of radiofrequency fields on its website [words missing?] that it “interprets the 2B classification as meaning there is limited evidence showing radiofrequency carcinogenicity in humans and less than sufficient evidence of carcinogenicity in experimental animals,” available at <http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/CellPhones/ucm116335.htm>. As a federal health and safety agency, the FDA has the authority to take action if cell phones are shown to emit radiofrequency energy (RF) at a level that is hazardous to a user, but it has taken no such action given the recent IARC classification, nor is the FCC aware of FDA’s intention to do so given the evidence available to date. However, the FDA, FCC, and other federal agencies continue to monitor research developments in exposure to radiofrequency fields.

information for those consumers who wish to take additional precautionary steps to further reduce exposure. The information in this section assumes appropriate cell phone use consistent with manufacturers' information and instruction. With respect to removal of the specific statement regarding use of belt clips and pockets, we note first that updates to consumer information pages do not require public notice and comment. We also note that the specific sentence to which you refer has been replaced by more appropriate language that addresses more universally the issue of separation.

You also submitted a complaint regarding OET Bulletin 65 Supplement C (Edition 01-01).<sup>6</sup> This publication, while a public document, is not written for general consumer use; rather it provides FCC staff, parties responsible for review of applications, and parties filing applications for equipment authorization with guidance on complying with evaluation requirements and test procedures. It is useful to note that OET Bulletin 65 does not establish mandatory procedures.

#### 4. *OET Bulletin 65, Supplement C*

**Summary of Complaint:** You complain that the guidance in OET Bulletin 65, Supplement C for user's manuals is not sufficiently specific because it does not specify font size or location of operating instructions in user's manuals for "body-worn" and the examples given are incomplete and not written in user-friendly terms.

**Response:** This document was reviewed prior to its dissemination in October 2001. Because dissemination of this document preceded the complaint procedures established by the Data Quality Act and the FCC's own Information Quality Guidelines,<sup>7</sup> neither the Data Quality Act nor the Information Quality Guidelines apply.<sup>8</sup> For your information, we note that the FCC provides guidance both through its Information Quality Guidelines and by other means<sup>9</sup> and also considers scientifically-sound approaches developed independently by applicants. We also note that your complaint - that the font size and location for printing body-worn operating instructions in user manuals are not specified - fundamentally suggest that the Commission should adopt more specific rules rather than whether the data contained in the document is accurate.

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<sup>6</sup> OET Bulletin 65 Supplement C (Edition 01-01), Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields: Additional Information for Evaluating Compliance of Mobile and Portable Devices with FCC Limits for Human Exposure to Radiofrequency Emissions, *available at* [http://www.fcc.gov/Bureaus/Engineering\\_Technology/Documents/bulletins/oet65/oet65c.pdf](http://www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet65/oet65c.pdf).

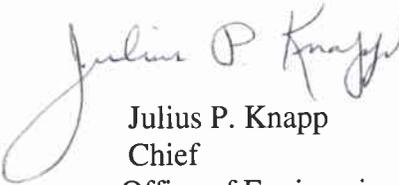
<sup>7</sup> Information Quality Guideline Appendix A at 9, *available at* [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-02-277A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-02-277A1.pdf) "Affected persons seeking correction of information disseminated in the context of a rulemaking proceeding should raise concerns about the quality, objectivity, utility and integrity of the information in accordance with the procedures for public comment in the rulemaking process rather than the complaint process set forth in these guidelines."

<sup>8</sup> Information Quality Guideline Appendix A at 10, *available at* [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-02-277A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-02-277A1.pdf) "The administrative mechanisms noted in section IV shall apply only to information dissemination products that the Commission disseminates on or after October 1, 2002."

<sup>9</sup> For example, the Office of Engineering and Technology publishes up-to-date technical rule interpretations and measurement guidance on its Knowledge Database (KDB) publications website: <https://apps.fcc.gov/oetcfi/kdb/>.

If you wish to appeal this decision, under the terms of the Data Quality Act your application for review must be submitted in writing to the Federal Communications Commission, Office of Managing Director/Data Quality Appeal, 445 12th Street, SW, Washington, DC 20554, within thirty (30) days of the date of this letter. You may also submit an e-mail copy of the written appeal if you wish. This optional e-mail copy should be sent to [DataQualityAppeal@fcc.gov](mailto:DataQualityAppeal@fcc.gov). The written appeal must include a copy of the original complaint and the response thereto and an explanation of how the initial resolution of the complaint or the corrective action was contrary to the Commission's or OMB's information quality guidelines.

Sincerely,

A handwritten signature in cursive script that reads "Julius P. Knapp". The signature is written in dark ink and is positioned to the left of the typed name.

Julius P. Knapp  
Chief  
Office of Engineering & Technology