THE SENATE
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

S.R. NO. 207

MAR 11 2022

SENATE RESOLUTION

REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH A RELIABLE, INDEPENDENT, AND TRANSPARENT METHODOLOGY TO ASSESS EFFECTS OF RADIO FREQUENCY EMISSIONS GENERATED BY WIRELESS ANTENNA SITES.

WHEREAS, 5G refers to fifth-generation wireless technology, which is intended to provide faster and higher-capacity transmissions to carry the massive data load generated by smart devices, the Internet of Things, robotics, artificial intelligence, driverless cars, and other machine-to-machine connections; and

WHEREAS, on June 21, 2018, the Governor signed Act 49, Session Laws of Hawaii 2018 (Act 49), which cleared the way for widespread implementation of 5G in Hawaii; and

WHEREAS, consumer demand and the passage of Act 49 have led to an increase in wireless antenna sites in and around neighborhoods, schools, and workplaces; and

WHEREAS, in the absence of credible data and information, public perceptions concerning wireless technologies have too often been shaped by speculation and misinformation rather than verifiable scientific evidence; and

WHEREAS, Hawaii has over four thousand wireless antenna sites, many of which accommodate multiple wireless carriers, and with the rapid deployment of 5G networks to deliver faster and more reliable communications, additional wireless antenna sites and radio frequency transmitting antennas will be deployed to deliver better and expanded services to consumers and business customers; and

WHEREAS, Hawaii needs to ensure that growth in new wireless technologies, and corresponding growth in wireless transmitting antennas, occurs in a responsible and managed manner, consistent and compliant with Federal Communications Commission regulations; and

WHEREAS, the University of Hawaii is uniquely capable of providing reliable, independent, transparent, credible, verifiable, and scientific analysis concerning wireless technologies; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2022, that the University of Hawaii is requested to establish a reliable, independent, and transparent methodology to assess the effects of radio frequency emissions generated by wireless antenna sites; and

BE IT FURTHER RESOLVED that as part of its methodology, the University of Hawaii is requested to establish a process to determine the most appropriate means of providing the public, workers, and others who may be in close proximity to a radio frequency transmitting antenna with information that supports compliance with the Federal Communications Commission's regulations pursuant to title 47 C.F.R. section 1.1307(b), which establishes requirements for applicants seeking authorizations for radiofrequency sources, including compliance with limits on human exposure to radiofrequency; and

BE IT FURTHER RESOLVED that the University of Hawaii is requested to thoroughly consider and evaluate the following:

(1) The creation of a central data repository in which the information can be stored and that can be accessed by authorized users, including radio frequency emission information for each transmitting facility;

(2) That the radio frequency information should include all necessary radio frequency emission characteristics of the facility (e.g., transmitter power, transmit frequency, and antenna type) provided by each Federal Communications Commission licensee to the State of Hawaii or a designated third party, together with any updates, to ensure that the public, workers, or others who may be exposed to radio frequency emission areas that can exceed the Federal Communications Commission's allowable radio frequency exposure limits are not exposed to radio frequency emission limits

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above the Federal Communications Commission's allowable radio frequency exposure limits;

(3) That the information should include visual depictions of the radio frequency emissions in relationship to the physical improvements at the facility, such that any or all visual depictions of the radio frequency emissions can be attributed to a particular antenna or sector at the facility with the latest information;

(4) Methods and mechanisms for exchanging information about facilities and coordinating communications about the facilities, with respect to a particular facility and with respect to multiple facilities, persons who own or control sites where the facilities are located, contractors performing work on the facilities or at such sites, persons who employ individuals performing work on the facilities or at such sites or hire individuals performing work on the facilities or at such sites, and emergency-services agencies or personnel;

(5) The ability of authorized persons to access and use the latest available radio frequency emission information in any repository;

(6) The ability to record by whom and the date on which the information was accessed to ensure compliance with any legal requirements;

(7) A method to annually audit the site-specific safety information to ensure the accuracy of critical safety information;

(8) A method that provides insurance to parties affected by radio frequency exposure, including Federal Communications Commission licensees, property owners, employers, and state and local governments, for radio frequency-related injury claims at all wireless antenna sites to minimize exposure to an uninsured risk and potential claims and litigation;

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(9) An independent radio frequency compliance third party to administer and provide services with regard to the proper creation, distribution, access, updates, and management of the information requested in paragraphs (1) through (8), and provide any other additional related services as may be deemed necessary by the University of Hawaii;

(10) Whether to prequalify a prospective third-party radio frequency compliance administrator and service provider for the performance of the services outlined in paragraph (9) and limit a solicitation to those prequalified administrators and service providers;

(11) A method to secure funding to be used for the services identified above, including any surcharges imposed upon wireless communications service providers; and

(12) Whether the amount of regulatory recovery costs being paid per month by consumers to wireless carriers in Hawaii, as outlined in the Federal Communications Commission's Truth in Billing Act, are being effectively and efficiently utilized by those carriers for compliance with site radio frequency safety regulations; and

BE IT FURTHER RESOLVED that the University of Hawaii is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the President of the University of Hawaii System and Chairperson of the Board of Regents of the University of Hawaii System.

OFFERED BY: _____