

FHH Telecom Law November 2003

FCC Re-Thinking RF Exposure

The FCC seeks comment on proposals to amend its rules limiting human exposure to radiofrequency (RF) energy. The Notice of Proposed Rulemaking (NPRM) addresses issues related to compliance with the existing exposure limits, but does not propose to amend the numerical limits themselves.

The National Environmental Policy Act (NEPA) requires federal agencies to examine the effects of their actions on the quality of the human environment. As part of its NEPA responsibilities, the FCC has previously adopted requirements for evaluating the impact of human exposure to RF energy from radio transmitters.

Now the FCC proposes to rethink its rules on "routine evaluation" of compliance with exposure guidelines and "categorical exclusion" from evaluation of certain transmitters. Each of these phrases sums up a set of presumptions that strongly affect manufacturers' obligations under the rules.

Among its proposals, the FCC is considering a requirement for routine testing of specific absorption rate (SAR) from spread spectrum and "digital modulation" transmitters of more than 100 milliwatts, if designed for use within 20 cm of the body. (This actually may be good news for manufacturers, if it means the FCC will no longer require SAR testing of these devices under 100 milliwatts, which make up the large majority made.) The NPRM also proposes to codify procedures for evaluating compliance of modular transmitters, such as those often used in laptop computers, and for evaluating RF exposure from multiple transmitters in a single device. Still other proposed amendments would clarify what is meant by "occupational" exposure, and more clearly define the responsibilities of FCC licensees in complying with occupational limits in workplace environments.

Comments are due on December 8, 2003, and reply comments on January 6, 2004.