



New Hampshire HB298 An Act Relative to the Placement of Personal Wireless Service Facilities

Thank you for a willingness to support safe technology installations in New Hampshire. A personal wireless service facility is a cell tower, cell antenna and/or a small cell antenna and the accompanying equipment cabinets, etc.

The wireless industry is now placing these **dangerously close** to homes, schools, senior centers and other sensitive areas as they roll out 5G or fifth generation technology.

They routinely tell our towns the Telecommunications Act of 1996 allows them to do so.

That simply is not true. There are certain restrictions in the federal law that ensure within reason that people will be able to make cellular voice calls, send/receive text messages or reach 911. Today, the wireless industry is selling many more services than just mere voice, texting or 911 access and they want to put in a lot more cell towers to support their revenue streams for wi-fi, data, streaming services and the Internet of Things (IoT).

Savvy towns already understand that by law, our towns only have to ensure there is not a gap in coverage to make basic service work, and the town can adopt zoning codes that ensure responsible installations.

Most towns, however, do not have these facts, are sometimes threatened to be sued by industry, and therefore readily agree to the revenue stream offered by the wireless companies to install close-range cell equipment.

The NH Commission Report

NH is the first government in the nation to investigate the environmental and health impacts of 5G. They discovered the radiation emitted by all wireless technology is very harmful to all biological cells including children, adults, flora and fauna. In their [Final Commission Report](#), this NH commission of highly qualified doctors, scientists, engineers, physicists and state agencies makes 15 recommendations to transition away from hazardous wireless connections to the far better connections we can have from fiber-optics to and through the premises.

Recommendation 7 is what HB298 is about, it signals that municipalities should have more local control over towers and antenna siting within their community. Last session, HB1644 was proposed to provide science-based setback distances from cell towers to homes, schools and other sensitive areas. That seemed too direct for the legislature but to their credit, the House Science, Technology and Energy Committee did vote 15:3 that something should be done to inform the public of the pros and cons of wireless technology, the potential fire, environmental and other risks, and to take modest steps that better allow municipalities to protect their communities.

Department of Energy Mandate

The law governing the placement of cellular equipment is [Chapter 12-K, DEPLOYMENT OF PERSONAL WIRELESS SERVICE FACILITIES](#). Section 12K:8 reads "The director of the department

of energy **shall develop** a set of model municipal ordinances relative to the deployment of personal wireless communications facilities.”

12-K:9 further indicates, “The director of the department of energy, after holding a public hearing, **shall adopt rules** under RSA 541-A to provide sufficient information to municipalities, other state agencies, wireless companies doing business or seeking to do business in this state, and the public.”

Until that mandate is fulfilled in light of the NH 5G Commission’s recommendations and new national safety standards, HB.298 provides modest updates to the law to offer greater protections to our municipalities.

What HB.298 Does

Leading U.S. attorney specializing in telecom law Scott McCollough looked at current NH law and saw that [Chapter 12-K, DEPLOYMENT OF PERSONAL WIRELESS SERVICE FACILITIES](#) stripped local control.

Attorney McCollough has written [HB298 Relative to the Placement of Wireless Services Facilities](#). Although to most of us this is hard-to-understand legalese, the language Attorney McCollough has chosen strategically improves local control by our towns and also protects them from lawsuits because everything written in the bill is legal.

- The bill makes sure **a qualified engineer signs off** that the proposed installations meet all requirements **for building, electrical and fire codes**.
- It also adds in a set of requirements for something called Public Safety Grade Site Hardening Requirements. These are **national standards for cell equipment that ensure safety** around flooding, wind, ice storms, grid failures, physical security, antenna support, structure, lightning protection and grounding, equipment enclosures, environmental and climate control, and more. They ensure the network is hardened and therefore will be available in emergency situations.
- HB.298 also **protects historical and environmentally sensitive areas**.
- Lastly, the NH Commission investigation revealed world leading insurers like Lloyds of London, Swiss RE and others long ago recognized wireless radiation is a leading risk – so they don’t underwrite coverage for liability arising from personal or property damage. If the cell provider cannot pay potentially large damage awards our towns may end up having to pay the award, thus leaving taxpayers on the hook. HB. 298 requires that the **industry pay to get the needed insurance coverage**, and that they will be able to cover any liability for damages caused by their equipment.

All of the provisions in HB.298 give NH towns the right to require responsible installation of telecom equipment in their local planning and zoning codes. This means more time and expense for the wireless industry so they often move along and go elsewhere if a town has protective zoning codes. You can follow the bill’s progress here: <https://legiscan.com/NH/bill/HB298/2023>.

Join Us to Learn More

If the wireless issue is new to you, please join us for free public education webinars co-hosted by New Hampshire and Massachusetts for Safe Technology. We'll present the facts on science, risks, legal actions and public policy, and answer your questions at the end.

You will walk away with simple steps you and your loved ones can take today to lower your wireless radiation exposures.

Register at: <https://www.ma4safetech.org/events>. If the timing doesn't work for you, please register and we will send you the recording and presentation slides. Or, you can view previously recorded forums at that site too.

For questions, please contact NewHampshireforSafeTechnology@gmail.com.

Thank you!