San Francisco Specific Absorption Rates Ordinance Carries Fines but Excludes Online Retailers

The city of San Francisco is going to require cell phone retailers to post Specific Absorption Rates (SAR) on the phones they sell in stores - a move that trade association CTIA said will mislead customers about the safety of RF emissions.

The San Francisco Board of Supervisors passed an ordinance that is expected to be signed into law shortly by Mayor Gavin Newsom. Newsom proposed the measure in January. “In addition to protecting the consumers' right to know, this legislation will encourage telephone manufacturers to redesign their devices to function at lower radiation levels,” said Mayor Newsom. “This is similar to Prop 65, which dramatically reduced public exposure to toxic materials because chemical companies removed toxic ingredients from their products in order to avoid product warnings,” Gavin said when he introduced the measure. This is the first such ordinance in the United States.

All cell phones must comply with FDA and FCC thresholds for RF radiation. In addition, manufacturers and some operators post SAR levels on cell phone packaging and in the phone's handbooks, as well as on their websites. The San Francisco ordinance specifically notes that the manufacturer's information does not count for retailers.

The ordinance, which does not extend to online retailers, said the SAR information must be in the same font size as other information, such as pricing. Retailers must comply with the ordinance by Dec. 17. Companies that do not comply will receive a written warning for the first offense. Subsequent offenses can result in fines of 100, $250 and $500, based on the length of noncompliance. Each device constitutes a separate violation, according to the ordinance.

“CTIA and the wireless industry are disappointed with the San Francisco Board of Supervisors' decision to advance for a final vote the so-called 'Cell Phone Right-to-Know' ordinance,” said John Walls, CTIA VP of Public Affairs. “Rather than inform, the ordinance will potentially mislead consumers with point of sale requirements suggesting that some phones are 'safer' than others based on radiofrequency (RF) emissions. In fact, all phones sold legally in the U.S. must comply with the Federal Communications Commission's safety standards for RF emissions. According to the FCC, all such compliant phones are safe phones as measured by these standards. The scientific evidence does not support point of sale requirements that would suggest some compliant phones are 'safer' than other compliant phones based on RF emissions.”

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