

Ofcom consultation on proposed measures to require compliance with international guidelines for limiting exposure to electromagnetic fields (EMF)

Submission from Mobile UK

Introduction

1. Mobile UK welcomes the opportunity to submit a response to Ofcom's consultation on its proposed measures to require compliance with international guidelines for limiting exposure to electromagnetic fields (EMF).
2. Mobile UK is the trade body for the UK's four mobile network operators BT/EE, O2, Three and Vodafone. This response has been prepared with expert input from the mobile operators and also their respective joint ventures Cornerstone and MBNL.

Consultation Questions

Do you agree with our proposal to take steps to mitigate risks related to EMF and be in a position to hold licensees, installers and users to account if issues are identified? Please explain the reasons for your response.

3. Mobile UK fully supports the safety regime in place in the UK, whereby mobile networks are designed to comply with the ICNIRP limits. It is absolutely fundamental to public confidence that UK networks are built to an independent, internationally adopted and World Health Organisation recognised standard. Safety of workers and the general public is paramount.
4. Mobile UK also supports the test work that Ofcom undertakes to verify that EMF emissions from mobile base stations, including those where 5G is installed, remain within the internationally recognised limits, as set out in the ICNIRP guidelines. This is an important activity, which helps to underpin public confidence in the safety guidelines.
5. Since Ofcom has been carrying out these tests (i.e. for nearly 20 years), the EMF emissions measured have been consistently well below the ICNIRP limits. As Ofcom points out in its consultation, a mobile operator has never been found in breach.

6. Overall the regime that was put in place after the Stewart Report in 2000 has served the UK well; it works for consumers, it works for local planning authorities, it works for Ofcom and it works for mobile operators.
7. The current regime for management of compliance is thus demonstrably providing appropriate protection to the public at large. Mobile UK would encourage Ofcom to avoid any change which may lead to additional overheads or complexity of administration.

Do you agree with our proposal (a) to include a condition in spectrum authorisations requiring compliance with the basic restrictions for general public exposure identified in the ICNIRP Guidelines; and (b) that this condition should apply to equipment that can operate at powers greater than 10 Watts? If you do not agree with this proposal, please explain what alternative measures you think would be appropriate and why.

8. Subject to our comments in response to question 1, we agree that it would be acceptable to have a threshold below which a change of licence condition is not required, although this will not remove the spectrum user's obligation to work within the ICNIRP guidelines.
9. The other point on which it will be paramount to avoid any confusion is the distinction between situations where the occupational limit incorporated into the CEMFAW regulation applies and where the public limit applies.
10. The Control of Electromagnetic Fields at work Regulations 2016 (CEMFAW) implement the EU Directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from electromagnetic fields. The CEMFAW Regulations provide statutory protection for all individuals exposed to EMFs in the course of their work.
11. Thus, as an example, an air-conditioning engineer working on rooftop installed air conditioning units adjacent to a mobile base station would be protected by the CEMFAW limits.
12. The public are protected by the public limits in areas accessible to the general public. Workers are protected by the CEMFAW limits in areas that are not open to the general public, such as masts above ground level, restricted access rooftops and enclosed compounds around masts.
13. This distinction would have to be absolutely clear, otherwise there will be unacceptable and unworkable confusion over the respective remits of Ofcom and the Health and Safety Executive and which limits apply.

Do you agree with our proposed guidance on EMF compliance and enforcement? Please explain the reasons for your response.

14. Mobile UK notes that the licensee to make the last change to a site is responsible for ensuring the total EMF emissions from the site continues to comply with the basic restrictions. If they are unable to demonstrate the continued compliance of the site, they should not make any changes.

15. There may be scenarios where non-compliance occurs through no fault of the licensee (for example the activity of private spectrum holders or a site or building is constructed in an adjacent space). Mobile UK would like the Guidance to give some clarity on how these issues will be considered and managed.