

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO HEALTH AND SAFETY -- THE CLEAN ATMOSPHERE ACT

Introduced By: Representatives Quattrocchi, Price, Nardone, Roberts, and Bennett

Date Introduced: March 03, 2022

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. TITLE 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 23.8

4 THE CLEAN ATMOSPHERE ACT

5 **23-23.8-1. Short title.**

6 This chapter shall be known and may be cited as "The Clean Atmosphere Act".

7 **23-23.8-2. Legislative intent.**

8 (a) It is the legislative intent to preserve the safe, peaceful use of Rhode Island's atmosphere  
9 for people, the environment, and agriculture, and to expand upon climate efforts, by regulating  
10 weather modification and other large-scale, atmospheric activities and prohibiting those which are  
11 harmful.

12 (b) The general assembly finds that many atmospheric activities harm human health and  
13 safety, the environment, agriculture, aviation, security, and the economy of the State of Rhode  
14 Island. It is, therefore, the intention of this legislature to regulate hazardous atmospheric activities  
15 as further set forth by the terms and provisions of this chapter.

16 **23-23.8-3. Findings of fact.**

17 (a) Background: earthly life, or "bios", is a system that can be impaired and broken by  
18 perturbations such as human activities that are xenobiotic, i.e., foreign to life. The extant damage  
19 from pollutants and other harmful human activities is incalculable, and the state of earth's biotic

1 system is widely reported as catastrophic and in urgent need of protective action.

2 (b) Scope: Inclusive of solar radiation management (SRM), carbon dioxide removal  
3 (CDR), and other techniques, hazardous emissions activities are diverse, varying greatly in their  
4 characteristics and consequences. Included herein are anthropogenic atmospheric activities, and  
5 may involve ground-based, underwater, and atmosphere-based activities, including, without  
6 limitation, aerosol injection, cloud-seeding and other deployments by facilities such as aircraft,  
7 rockets, unmanned aerial vehicles (UAVs) and drones of all sizes down to large pico balloons,  
8 wireless infrastructures, ships and submarines.

9 (c) Scope of regulatory authority: All atmospheric activities require state licensing.

10 (d) SRM activities include, without limitation, aerosol injection such as:

11 (1) Solar shields or atmospheric sunscreens where reflective materials are injected into the  
12 stratosphere with the intention of increasing albedo. These include, without limitation, sulfur  
13 dioxide (SO<sub>2</sub>), sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) and aluminum oxide (Al<sub>2</sub>O<sub>3</sub>);

14 (i) SO<sub>2</sub> and H<sub>2</sub>SO<sub>4</sub>: Sulphate releases produce toxic sulfate clouds. According to the  
15 journal *Geophysical Research Letters*, SO<sub>2</sub> injected into the atmosphere slowly converts to H<sub>2</sub>SO<sub>4</sub>  
16 to produce the adverse effects of ozone layer reduction and radiative forcing or heating of the lower  
17 stratosphere through reflection and absorption of terrestrial heat. The U.S. Clean Air Act (42  
18 U.S.C. § 7401 et seq. (1970)) is focused on reducing SO<sub>2</sub> and H<sub>2</sub>SO<sub>4</sub>, the primary components of  
19 acid rain. According to the U.S. Environmental Protection Agency (EPA), SO<sub>2</sub> penetrates deeply  
20 into sensitive parts of the lungs, causing susceptibility to pathogens, and harms the environment.

21 (ii) Al<sub>2</sub>O<sub>3</sub>: According to the U.S. National Institutes of Health (NIH), Al<sub>2</sub>O<sub>3</sub> causes  
22 respiratory tract, eye, and skin irritation as well as organ damage and bone abnormalities,  
23 particularly with repeated or prolonged exposure; and it may be neurotoxic if absorbed into the  
24 brain. The U.S. Emergency Planning and Community Right-to-Know Act (EPCRA) § 313 requires  
25 anyone manufacturing, processing, or using Al<sub>2</sub>O<sub>3</sub> to report this activity to EPA. Any aircraft  
26 containing a hazardous substance is considered by the U.S. Comprehensive Environmental  
27 Response, Compensation, and Liability Act (CERCLA) § 103, and by EPCRA § 304, a "facility"  
28 required to report any release into the environment. Whether users deploying substances into the  
29 atmosphere do presently comply is unlikely. Typically, stratospheric releases of sulfuric and  
30 aluminum oxide particulates fall into the troposphere, blocking sunlight from reaching earth's  
31 surface, after which they rain down as acidic pollution, harming terrestrial and aquatic life. Acidic  
32 precipitation further mobilizes aluminum from both natural sources and direct, anthropogenic  
33 atmospheric releases and industrial processes. Acidification mobilizes aluminum from land into  
34 aquatic environments and into human and animal brain tissues. Acid rain dissolves and washes

1 away the soil's nutrients and minerals, which help plants grow. It reduces photosynthesis by  
2 removing the waxy cover on leaves and ultimately kills the aquatic life upon which human life  
3 depends.

4 (2) Carbon black or black carbon releases: Deliberate, atmospheric releases of soot are used  
5 to produce artificial weather events, increasing albedo and reflecting sunlight; in particular,  
6 aerosolized coal combustion fly ash liberates dispersed aluminum, which, when absorbed into  
7 human and other bodies, is a primary factor in the pronounced increase in neurological diseases  
8 and the widespread debilitation of earth's biota;

9 (3) Rocket emissions: Entirely unregulated, these include, without limitation, black carbon  
10 soot and alumina particles in addition to carbon monoxide (CO), chlorine, sulfuric compounds,  
11 methane, and water vapor, a "greenhouse gas" blocking sunlight and reflecting terrestrial heat;

12 (4) Cloud brightening: Sodium chloride (NaCl) or sea salt, seawater, nitric acid (HNO<sub>3</sub>),  
13 and other materials injected into clouds make the clouds more reflective, after which the salt and  
14 other materials rain out over land areas and freshwater supplies – reinforcing the need for the 2021  
15 expansion of states' rights under the U.S. Clean Water Act.

16 (5) Salt flare rockets: Fired into clouds, salt flare rockets trigger rain downpours containing  
17 salt, that contaminates freshwater supplies, desiccates surfaces, and makes the atmosphere and  
18 exposed biota, including humans, more conductive;

19 (6) Cloud-seeding releases of Silver Iodide (AgI) and/or solid dry ice, which is carbon  
20 dioxide (CO<sub>2</sub>), the latter increasing carbon levels that state policies rather intend to decrease;

21 (7) Cloud-cover production: Aerial releases of water vapor, a "greenhouse gas", result in  
22 manmade cloud cover, trapping terrestrial heat;

23 (8) Reflective space mesh mirrors: Wire-mesh mirrors deployed in space reduce the  
24 amount of direct sunlight reaching earth's surface over small or large areas, depending on their size;

25 (9) Space sunshades or sunshields: Huge, parasol-like devices reduce the amount of direct  
26 sunlight reaching earth's surface;

27 (10) Planetary sunshades: These largest of SRM operations use particulates to cover, over  
28 time, the whole earth, substantially stripping the ozone layer and reducing the amount of direct  
29 sunlight reaching earth's surface;

30 (11) Artificial ionosphere: A sustained, high-density plasma cloud produced in earth's  
31 upper atmosphere;

32 (12) Large helium balloons releasing atmospheric contaminants such as SO<sub>2</sub>; and

33 (13) Lithium releases.

34 (e) CDR, involving the sequestration, capture, and removal of carbon dioxide (CO<sub>2</sub>);

- 1           (1) Land-based and ocean-based carbon sequestration, also called CO2 geo-sequestration;
- 2           (2) Carbon capture or removal, involving the capture of what is considered "waste" CO2  
3 and its deposit at storage sites, in order to allow the oil industry to continue burning fossil fuels;
- 4           (3) Biochar, requiring burning huge amounts of biomass such as trees, crops, and solid  
5 waste;
- 6           (4) Ocean fertilization (OF) by dumping iron filings, lime, and urea so as to sequester CO2,  
7 producing detrimental artificial algae blooms and reducing oxygen and needed nutrients; and
- 8           (5) Genetically modified CO2-eating, plastic trees;
- 9           (f) Additional atmospheric activities requiring state licensing include, without limitation:
- 10           (1) Ocean-cooling pipes, which would rather exacerbate oceanic warming;
- 11           (2) Re-icing and/or cooling the Arctic and other areas through artificial means;
- 12           (3) Ground-based cloud-nucleating generators;
- 13           (4) Weather modification involving the release of sea salt, silver iodide, barium, and other  
14 substances to enhance precipitation (rain or snow) in one area while reducing precipitation  
15 elsewhere;
- 16           (5) Flame-throwing fire drones purposed to cause terrestrial fires, and certain other  
17 controlled-burn methods;
- 18           (6) Glacier-reflecting blanket deployment, with vast polar areas to be covered with soot;
- 19           (7) Nitrogen removal and sequestration;
- 20           (8) Evaporation alteration, by spreading various kinds of film upon large bodies of water;
- 21           (9) Water vapor generation using nuclear fission or fusion, contaminating water sources;
- 22           (10) Chaff releases, which involve the dispersal of bundles of millions of aluminum-coated  
23 glass fibers, often in lengths 1.5 centimeters (cm), 2.5cm, and 5cm, or nano-chaff that spread over  
24 hundreds of miles, remain in the air for up to a day, or for years, and then fall and break apart; while  
25 purposed to confuse foreign radars and satellite vision, chaff can causes power outages and interfere  
26 with air-traffic control, weather forecasting and climate research;
- 27           (11) Deployment of radiofrequency/microwave (RF/MW) radiation, and low-frequency  
28 electric or magnetic fields, other than those needed for safety and aviation communication by  
29 infrastructures, individual and high-densification antennas at terrestrial surface and at higher  
30 altitudes from satellites, and by other means or at other altitudes; and
- 31           (12) Intense mechanical vibration or noise other than from a facility's propulsion; and other  
32 physical agents, such as intentional changes to ambient temperature or barometric pressure, or  
33 excessive light at night, for any purpose, or inadvertently from other activities.
- 34           (g) Aircraft atmospheric activities include those carried out from or by any type of manned

1 or unmanned aerial vehicle (the latter "UAV"), rocket, drone, balloon, or other facility, which  
2 involve the release or deployment of any nuclear radiation; any biologic or trans-biologic agent;  
3 any chemical substance or mixture including any chemical substance added to the aircraft's fuel  
4 emissions; cloud seeding; any electromagnetic radiation deployment other than radar or radio  
5 communications necessary for the aircraft's safety; or any other harmful physical agent, shall be  
6 subject to regulation including the licensing process, pursuant to this chapter.

7 (h) Consequences: Documented problems arising from hazardous atmospheric activities  
8 include:

9 (1) Contamination of air, water, and soil, as particulates fall to earth's surface; and other  
10 contaminants, including liquids, vapors and physical agents, impact the surface at or below ground  
11 or sea level;

12 (2) Degradation of human, animal, insect, and plant health and productivity, with early  
13 death, when people and other living organisms are exposed to released particulates, vapors and  
14 other types of contaminants, often in violation of the U.S. National Environmental Policy Act of  
15 1970 (NEPA);

16 (3) The acceleration of biodiversity and species losses, especially the loss of endangered  
17 and threatened species as identified under the U.S. Endangered Species Act of 1973 (ESA), each  
18 of which species has intrinsic as well as human-resource and resiliency value, and each of which  
19 cannot bear, per ESA, further habitat modification or degradation;

20 (4) Extreme weather, with unprecedented temperatures, fires, floods, wind speeds,  
21 electrical storms, hurricanes and tornados, resulting in large-scale loss of life, damaged structures  
22 and infrastructures; and severe reduction in state, regional, and global food production; with a  
23 potential to breach state and national security;

24 (5) Changes in micro-climates, local weather, and large-scale climate areas within shorter  
25 time periods, with increased and cascading climate effects and political ramifications;

26 (6) Global dimming, which decreases vitamin D (calciferol) in humans and animals,  
27 causing malabsorption of calcium, magnesium and phosphate, with the increase of infections and  
28 other diseases; and in plants, photosynthesis reduction, with losses in agricultural productivity;

29 (7) Less direct sunlight reaching earth's surface, with fewer winter freezes and higher  
30 humidity, resulting in increased molds, mildews, fungi, and other pathogens and pests that develop  
31 from such conditions – with human, animal and plant diseases resulting therefrom;

32 (8) Increases in acid rain loads from the airborne injection or releases of sulfur and  
33 aluminum oxides, with human, animal, pollinating insect, plant, and water-resource degradation;

34 (9) Changes in distribution patterns and chemical contents of rainfall, resulting in floods,

1 droughts, and the potential for international political conflicts;

2 (10) Algal blooms, with impacts upon human health, aquatic systems, and economies;

3 (11) The near-impossibility of restoring devalued natural resources, with the undermining  
4 and waste of state-funded conservation programs;

5 (12) The potential, through radiative forcing, to reflect too much heat back to earth, or to  
6 produce excessive cold by reflecting too much cosmic energy away from earth, and to bring about  
7 feedback loops by one or the other;

8 (13) Increased ultraviolet (UV) radiation (including UVA, UVB, and UVC) at earth's  
9 surface: UV is strongly absorbed by organic materials such as living tissues, with UVC's high  
10 energy and small wavelength particularly capable of destroying DNA and reproduction;

11 (14) Increased combustibility of earth's terrestrial surfaces, by means of fallen particulates,  
12 some pyrophoric and/or desiccating, with increased fire incidence;

13 (15) Significant increases in ambient mechanical vibration and noise pollution, leading to,  
14 without limitation, increased incidence of nervous system and cardiac irregularities;

15 (16) Increased metals content in surface-dwelling and aquatic organisms, producing  
16 heightened bodily electrical conductivity and radiation absorption, with more susceptibilities and  
17 damages; particularly where atmospheric electrical charges are naturally or otherwise intensified;

18 (17) Extreme harm to vulnerable human subpopulations and the more vulnerable species;

19 (18) Significant changes to earth's atmosphere's electric, magnetic, and electromagnetic  
20 properties through the induction of high-intensity, decimeter, centimeter, and millimeter wave  
21 microwave radiation from increasingly densified wireless facilities, terrestrial and atmospheric,  
22 resulting in extreme and less predictable weather, the desiccation of humans, animals, insects and  
23 plants; blood-cell clumping (Rouleaux formation), blood-clotting increase, and blood-oxygen  
24 deprivation in humans and animals; diabetes and asthma increase in humans and animals; and the  
25 reduction and ultimate eradication of animal and insect populations, particularly pollinators  
26 dependent for navigation upon geomagnetism;

27 (19) Visibility impairment and clutter, reducing aviation safety and accelerating collision  
28 rates with satellites, balloons and nearly one million "space-junk" or "space-debris" particles;

29 (20) RF/MW interference from the exponentially increasing number of microwave-  
30 irradiating satellites with altimeters, global positioning system (GPS) and other international  
31 position systems' signals, relied upon by the aviation industry in traffic separation, aircraft  
32 navigation and instrument approaches for landing aircraft; and relied upon by militaries for national  
33 security; with the need for more frequent replacement of equipment, potentially costing the public  
34 billions of dollars;

1           (21) According to the *William & Mary Law Review*, the enabling of the Internet of Bodies  
2 (IoB), a "mesh" or grid through which every human and most animals would contain worn,  
3 ingested, inhaled, and injected chips or sensors of micro to pico size with transmitting antennas,  
4 with every body functioning as an Internet node, toward complete warrantless surveillance and  
5 control, even by foreign entities, with constant biometric data collection and loss of autonomy  
6 under an over-arching artificial intelligence, in violation of the search and seizure laws set forth in  
7 the Fourth Amendment of the U.S. Constitution and Rhode Island Constitution's Declaration of  
8 Certain Constitutional Rights and Principles, Article I, Section 6;

9           (22) Vulnerability of communications signals including those for munitions from the  
10 potential for solar flare alteration or demolition of space-based solar power systems;

11           (23) Electrical grid vulnerability to attack through the hackability of the so-called "smart"  
12 grid and its "smart" devices; and the overconsumption of energy from densified microwave antenna  
13 systems, as unsustainable;

14           (24) The sparking of fires, in addition to harm to health and the environment, from the  
15 residential proximity of "smart" meters and their intense microwave radiation spikes;

16           (25) Increasing incidence of dementia, learning impairments, cardiovascular and  
17 respiratory diseases, diabetes, autoimmune diseases, birth defects, infertility, cancers, and early  
18 death in humans, and increasing impairment, disease, debility and early death likewise in other  
19 living beings;

20           (26) Mass psychological and social changes by means of lithium and other psychoactive  
21 substances' releases;

22           (27) The delay by decades of the ozone layer's potential recovery;

23           (28) Through carbon capture and sequestration programs, allowing oil-industry polluters  
24 to continue burning fossil fuels, rather than stopping pollution before it exits the smokestack;

25           (29) The financial burden that airborne, reflective, metallic particulates such as chaff must  
26 be repeatedly replenished by aircraft release, since their atmospheric time is limited;

27           (30) Further financial burden, since, according to the Pacific Northwest National  
28 Laboratory, the amount of injected material is much less effective in polluted clouds, requiring the  
29 injection of increasing amounts of chemical materials for cloud-brightening;

30           (31) Economic losses to various sectors of society and to the state itself, resulting from,  
31 without limitation, human health damages, with productivity loss, increased and earlier health care  
32 needs, and heightened suffering for those injured and sensitized by prior hazardous exposures;  
33 contaminated soils and water supplies, loss of pollinators such as bees, butterflies and birds, de-  
34 creased crop yields, dead and dying forests, loss of habitats, decline of fisheries, rising pollution

1 cleanup costs, and less solar power production from lack of sunlight reaching earth's surface; and

2 (32) The potential and ease for enemies, foreign and domestic, to cause harm intentionally.

3 (i) Necessity arising from federal stance:

4 (A) By shirking duties to protect national and state security, safety, human and  
5 environmental health and property, the federal government has acted by various means to cause,  
6 and permit harm through hazardous emission activities known to and in some cases funded by or  
7 through U.S. agencies, thereby establishing, through the Tenth Amendment of the U.S.  
8 Constitution, the authority and obligation of the states to override such destructive activities, acts  
9 and policies, correct the federal government, cancel plans for hazardous activities involving  
10 atmospheric contaminants such as, without limitation, those released in aerosol injection and by  
11 high-densification antennas, and lawfully void contracts and permits pertaining thereto.

12 (B) Under the Ninth and Tenth Amendments of the U.S. Constitution and the Rhode Island  
13 Constitution, no state lawmaker can act so as to deprive constituents of their health, safety,  
14 environmental and agricultural health, their privacy, or their due, direct representation by their  
15 public officials. States' rights, including their authorities, are correctly exerted where federal  
16 restrictions have become oppressive or destructive; however, these rights can be used neither to  
17 shrink state authorities under attempts of self-preemption from federal and otherwise granted  
18 authorities, nor to obstruct authorities by appointees who block or disassemble them. A state law  
19 attempting to nullify a portion of its own state constitution would result in the lawmaking body's  
20 own nullification. As an existential constitutional threat, such misuse of the Tenth Amendment  
21 does not authorize states to undermine the Ninth Amendment or any other federally granted rights  
22 and authorities. Nor can the Tenth Amendment be abused to nullify any state constitutional  
23 provisions such as the individual rights declared therein. Thus, no state or local government or  
24 instrumentality thereof can lawfully act so as to self-preempt from its due protection of constituents,  
25 and any such attempt, per *Marbury vs. Madison*, 5 US (2 Cranch) 137,174,176 (1803) as at once  
26 self-nullifying and dissolving of that governmental body, shall be deemed void ab initio and  
27 expressly terminated.

28 (C) In view of these facts, the general assembly declares that atmospheric activities must  
29 be strictly regulated by the state through a licensing process with full enforcement capability,  
30 through which an impact response conclusion (IRC) from the department of environmental  
31 management (DEM), based on preliminary, detailed impact reports (IRs) from the state agencies,  
32 state offices, departments, and programs included in § 23-23.8-5, as well as information gathered  
33 in public hearings including public comment, must guide decision-making, pursuant to this chapter.

34 **23-23.8-4. Definitions.**

1 As used in this chapter, the following words and phrases shall have the following meanings:

2 (1) "Albedo" means the fraction of incident radiation, such as light and heat, reflected by a  
3 natural cloud or by materials injected into the atmosphere.

4 (2) "Announcement" means the publication on the publicly accessible Internet website of  
5 the department of environmental management (DEM) a notification of the receipt of an application  
6 from an entity or individual seeking to conduct or engage in an atmospheric activity.

7 (3) "Application" means a written request submitted by any entity or individual seeking to  
8 implement, conduct or engage in any form of atmospheric activity, such as cloud-seeding.

9 (4) "Area" means a portion within the confines of the state or the state's territorial waters,  
10 including the atmosphere above the state.

11 (5) "Atmospheric activity" means any human activity that occurs in the atmosphere and  
12 may have harmful consequences upon health, the environment and agriculture.

13 (6) "Atmospheric contaminant" means any type of aerosol, chaff, biologic or transbiologic  
14 agent, genetically modified agent, metal, radioactive material, vapor, particulate down to or less  
15 than one nanometer in diameter, and any air pollutant regulated by the state, including without  
16 limitation those deemed "unnecessary" pursuant to the general laws, xenobiotic (foreign-to-life)  
17 electromagnetic radiation and fields, mechanical vibration and other physical agents, or any  
18 combination of such contaminants.

19 (7) "Chaff" means aluminum-coated silica glass fibers typically dispersed in bundles  
20 containing five million (5,000,000) to one hundred million (100,000,000) inhalable fibers, which  
21 fall to the ground in about one day.

22 (8) "Conditions" means any limitations and safeguards to be placed on an applied-for  
23 activity that is licensed by the director of the department of environmental management (DEM).

24 (9) "Department" or "DEM" means the state department of environmental management.

25 (10) "Director" means the director of the state department of environmental management.

26 (11) "Entity" means any of the following: individual; trust; firm; joint stock company;  
27 corporation, including a quasi-governmental corporation; partnership; association; syndicate;  
28 municipality or state or municipal agency; program; fire district; club; nonprofit agency;  
29 commission; university or college in this state; department or agency of the state, the federal  
30 government, or any interstate or international governance or instrumentality thereof, including  
31 foreign, domestic and mercenary armed services; or region within the United States.

32 (12) "Geoengineering" means the intentional manipulation of the environment, involving  
33 nuclear, biological, transbiological, chemical, electromagnetic and other physical-agent  
34 contaminants that effect changes to earth's atmosphere or surface; and is inclusive of weather

1 modification.

2 (13) "Hazard" means a substance or physical agent by its nature harmful to living  
3 organisms, generally, and to property or another interest of value.

4 (14) "Impact report" or "IR" means the report developed and submitted to the department  
5 for publication, following the department's reception of an atmospheric activity application, by each  
6 appropriate agency, office, department or program in this state, as identified herein, without  
7 limitation, at § 23-23.8-5, assessing specific, actual and potential, short-term and long-term effects  
8 upon human and environmental health and safety, aviation safety, agriculture, biodiversity, coastal  
9 conservation, endangered species, energy consumption, fish and game, forestry, habitat, river and  
10 ocean purity, water resources, wildlife, and the state's security and economy.

11 (15) "Impact Report Conclusion" or "IRC" means the department's collective conclusions  
12 in response to the information-gathering process, based on substantive information in both the  
13 impact reports (IRs) submitted by various state agencies and from members of the public.

14 (16) "Individual" means any man, woman or child.

15 (17) "License" means a contract, pursuant to this chapter, issued by the director of the DEM  
16 to an applicant to engage in an atmospheric activity.

17 (18) "Long-term effects" means actual and potential consequences or impacts that may  
18 manifest later than one year following the completion of an atmospheric activity.

19 (19) "Physical agent" means an agent other than a substance, including, without limitation,  
20 radiofrequency/microwave (RF/MW) and other electromagnetic radiation and fields, barometric  
21 pressure, temperature, gravity, kinetic weaponry, mechanical vibration and sound.

22 (20) "Post-activity report" or "PAR" means the report that must be submitted by the  
23 licensee to the department of environmental management following the completion of a licensed  
24 activity.

25 (21) "Radiative forcing" means measures of heat energy coming from the sun and reflected  
26 back to space, versus measures of terrestrial heat energy, reflected back to earth's surface.

27 (22) "Release" means any activity that results in the issuance of contaminants such as the  
28 emitting, transmitting, discharging or injecting of one or more nuclear, biological, transbiological,  
29 chemical, or physical agents into the ambient atmosphere; whether once, intermittently, or  
30 continuously.

31 (23) "Short-term effects" means actual and potential consequences or impacts that may  
32 manifest within one year of the completion of an atmospheric activity.

33 (24) "Stratosphere" means the region of the upper atmosphere extending upward from the  
34 edge of the troposphere to about thirty (30) miles above the earth.

1 (25) "Troposphere" means the region of the lowest layer of the atmosphere, six (6) to  
2 twelve (12) miles high in altitude, wherein temperature steadily drops with increasing altitude and  
3 nearly all cloud formations occur and weather conditions manifest.

4 (26) "Weather modification" means changing, controlling, or interfering with; or  
5 attempting to change, control, or interfere with; the natural development of cloud forms,  
6 precipitation, barometric pressure, temperature, conductivity and/or other electromagnetic or sonic  
7 characteristics of the atmosphere.

8 (27) "Website" means the department's publicly accessible Internet website.

9 **23-23.8--5. Regulation by the state.**

10 (a) This chapter, being necessary for the welfare of the state and its inhabitants and its  
11 officials' obligation to promote the safety of life and property, and due to the potential for significant  
12 harm, the following shall apply:

13 (1) All state climate-related appointees must be, or have been, administered the state oath  
14 of office and must fulfill the obligations thereunder to protect the state and federal constitutions  
15 and Rhode Island constituents, requiring appointees' direct responsiveness to constituents and not  
16 to foreign or out-of-state entities; and

17 (2) Any contemplated atmospheric activity in or above the State of Rhode Island requires  
18 the submission of a written application to request a license to engage in a specific type of activity  
19 to begin on a specified date during a period of time not to exceed five (5) days.

20 (b) A license shall be issued pursuant to the following process:

21 (1) The department shall carry out an extensive public evaluation of any atmospheric  
22 activity application, as specified herein.

23 (2) Following the evaluation process, the director shall have the power to:

24 (i) Grant or deny a license;

25 (ii) Modify the conditions of a license; and

26 (iii) Revoke a license for cause.

27 (3) The director shall issue publicly a decision to grant, deny, or conditionally grant, a  
28 license.

29 (c) To obtain a license under this section, an applicant must have shown proof of  
30 environmental health and safety and that the applied-for activity will produce zero hazardous  
31 emissions, noting exemptions specified herein. If a license is granted, it is drafted as a contract only  
32 between the department and the licensee, and may be modified after an additional brief evaluation  
33 process, or revoked for cause.

34 (d) The department shall refer potential violations as reported by state agencies or members

1 of the public, to the DEM office of compliance and inspection (OC&I) office, as detailed herein.

2 (e) There is hereby created a health-and-environment protection trust fund in the state  
3 treasury into which shall be deposited application fees and violation fines under this chapter.

4 (f) The director shall allocate funds in the health and environment protection fund to  
5 counties in support of Rhode Island state residents' environmental and agricultural health. The  
6 funds shall not be used by employees of the department.

7 (g) Monies from the trust fund shall be used, for example:

8 (1) To promote healthy food resilience by supporting local, organic-permaculture, small-  
9 scale and home "victory gardens";

10 (2) To improve ground-water quality by educating the public about the disadvantages of  
11 home and business use of toxic maintenance and cosmetic substances;

12 (3) To reduce auto emissions by relaxing standards for residential-area small businesses,  
13 allowing for more local shopping and alternative transport thereto;

14 (4) To reduce energy consumption by requiring wired communications such as analog or  
15 other wired utility meters and fiber-optics to the premises (FTTP), by enacting a curfew of office  
16 lights, wifi and beam-forming radiation out after the hour of eleven o'clock (11:00) p.m. by  
17 requiring geothermal and passive solar in new construction, and by allowing and supporting off-  
18 grid self-sufficiency and solar direct-to-device.

19 (5) To set up "free zones" where people and animals alike can reside and recreate, free  
20 from polluting chemicals, RF/MW radiation and other hazards; and

21 (6) To produce accurate, comprehensive curricula about hazardous emissions and their  
22 remedies, and to introduce these in university-level and grades kindergarten through twelve (K-12)  
23 study.

24 (h) Any municipality that fails to use its allocated money for productive environmental and  
25 agricultural health projects may have its funds withheld in the subsequent year.

26 (i) The department is authorized to, and shall, promulgate regulations to implement this  
27 chapter, including, without limitation:

28 (1) Placing submitted applications, evaluative materials, decisions, and licensing upon the  
29 website;

30 (2) Soliciting and obtaining impact reports (IRs), holding hearings and providing a  
31 comment period, composing and revising the impact report conclusion (IRC), and evaluating an  
32 applicant's written application response (AR) and a licensee's post-activity report (PAR) in response  
33 to the evaluative processes detailed in this section;

34 (3) Granting or denying licensing in response to applications submitted under this section,

1 which applications shall be decided on a case-by-case basis;

2 (4) Determining when violations have occurred and referring them to compliance  
3 authorities; and

4 (5) Allocating to each municipality the funds in the health-and-environment protection  
5 fund.

6 **23-23.8-6. License applications.**

7 (a) The department shall promulgate a written application to conduct atmospheric activities  
8 in Rhode Island. An entity seeking to implement, conduct or engage in any form of atmospheric  
9 activity within or above any area of the state shall submit to the director the application for a license,  
10 in both hardcopy and electronic forms, along with the proposed GPS and altitude locations for the  
11 activity, start and end dates encompassing less than or equal to five (5) days, and a fee of one  
12 thousand dollars (\$1,000).

13 (b) The application process requires the following information as well as other information,  
14 as promulgated by the director:

15 (1) A detailed description of the contemplated activity, including the purposes, scope,  
16 methods, materials, equipment, devices, physical agents and timing of activity of less than or equal  
17 to five (5) days;

18 (2) The following:

19 (i) Sources, sizes, amounts and concentrations of all materials and the precise chemical  
20 formulas of any substance or mixture to be used in the activity;

21 (ii) The resulting products during and following deployment of a substance or mixture  
22 listed under subsection (b)(2)(i).

23 (iii) The biological and/or transbiological materials used in the activity, along with any  
24 potential interactions of the materials and physical agents such as electromagnetism during and  
25 following deployment; and

26 (iv) The source equipment, such as tanks, hoses, dispersal jets, and ionizers; and generating  
27 equipment for various frequencies, modulation characteristics and rates, intensities and  
28 concentrations, directionalities, reflection and duration specifications of any type of  
29 electromagnetism or other physical agent to be deployed or potentially released, intentionally or  
30 inadvertently, during the activity.

31 (3) Proof of safety to life and property, including human and environmental health, during  
32 and following the activity, with substantiating evidentiary documents from independent sources.

33 (4) The names, educational and professional backgrounds and qualifications of all  
34 individuals to be involved in the activity, along with all prior employment and business ownerships.

- 1           (5) A criminal background check of each participant in a potential atmospheric activity.
- 2           (6) The name and number of any aircraft or other vehicle or facility that may be used for  
3 the activity.
- 4           (7) A one thousand dollar (\$1,000) fee, or a five hundred dollar (\$500) fee only for farmers  
5 who apply to carry out crop-dusting, to be paid into a public trust, which shall be set up by the  
6 director for the purpose of this act.
- 7           (8) A signed hardcopy application and an electronic copy of the application.
- 8           (c) The director shall acknowledge receipt of the application to the applicant within one  
9 business day of receipt, and the same day shall place the application on the website, with signatures  
10 redacted, and shall notify the following and others who may express interest in receiving notice:
- 11           (1) Rhode Island department of health;
- 12           (2) Disability Rights Rhode Island (DRRI);
- 13           (3) Division of agriculture within the DEM;
- 14           (4) Office of air resources within the DEM;
- 15           (5) Office of water resources within the DEM;
- 16           (6) Rhode Island marine fisheries council within DEM;
- 17           (7) Division of fish and wildlife outdoor education within DEM;
- 18           (8) Rhode Island parks & recreation within DEM;
- 19           (9) Rhode Island coastal resources management council;
- 20           (10) Rhode Island water resources board;
- 21           (11) Rhode Island office of energy resources;
- 22           (12) University of Rhode Island coastal institute;
- 23           (13) Rhode Island state conservation committee;
- 24           (14) Rhode Island airport corporation;
- 25           (15) Clean Water Action – Rhode Island;
- 26           (16) Rhode Island fishermen's alliance;
- 27           (17) Rhode Island farm bureau;
- 28           (18) Rhode Island dairy farms cooperative;
- 29           (19) Rhode Island Audubon society;
- 30           (20) Rhode Island beekeepers association;
- 31           (21) Rhode Island wild plant society;
- 32           (22) Land conservancy of North Kingstown; and
- 33           (23) Rhode Islanders for safe technology.
- 34           (d) The director is further authorized to, and should, subpoena witnesses, administer oaths,

1 and compel the production of documents for the hearing process.

2 **23-23.8-7. Application evaluation.**

3 (a) An applied-for activity must first be evaluated by the department and the applicable  
4 agencies, offices, departments and programs in this state, which shall produce, under the instruction  
5 of the director, their respective impact reports (IRs) in their respective subject areas:

6 (1) The planned methods of release, dispersal, or other deployment of substances or  
7 physical agents into the environment including the atmosphere;

8 (2) The potential impact in the reduction of or increase in sunlight reaching earth's surface;

9 (3) The anticipated radiative forcing or heat, if any, reflected to earth's surface and to space;

10 (4) The potential and actual, direct and indirect effects upon humans and other living  
11 organisms, populations, ecosystems, agriculture, astronomy, aviation, property, and the state's  
12 security and economy;

13 (5) Transboundary effects;

14 (6) The short- and long-term effects of each of the above; and

15 (7) The start and end date conflicts, if any, within the state.

16 (b) Each IR shall include a recommendation to allow, disallow, or to allow in a qualified  
17 way with conditions, the applied-for activity.

18 (c) Within three (3) weeks of application submission, or other standardized period as  
19 promulgated by the director, the department shall publish on the website all IRs, citing all actual  
20 and potential impacts of the applied-for activity, both short-term and long-term, defined  
21 respectively as within and beyond one year from completion of the activity.

22 (d) The department shall at once publish on its website dates of two (2) public hearings  
23 with a comment period on the applied-for activity, noting in said publication the importance of  
24 potential contributors' provisions of substantive information – of facts and laws – with supportive  
25 written evidence.

26 (e) The department shall seek public comment and testimony for any applied-for activity  
27 for which an applicant has submitted an application under this section. Invited testimony shall  
28 include, without limitation, comments of the following individuals and their communities, as  
29 locatable through advocacy organizations and more:

30 (1) Individuals with disabilities and those with health conditions that may be affected by  
31 atmospheric contaminants;

32 (2) Medical and public health science professionals;

33 (3) Other experts including, without limitation, health and environmental science,  
34 agriculture, astronomy, aviation, beekeeping, coastal integrity, conservation, disability, ecology,

1 economy, fish and game, foraging, forestry, ornithology, permaculture, toxicology, wildlife; and  
2 water purity in lakes, rivers, wetlands and the ocean;

3 (4) Legal experts in warrantless surveillance and privacy rights, rights to public safety and  
4 freedom from imposed medical protocols, both intentional and effectively functioning as such;

5 (5) Weaponry experts in nuclear, biological, chemical, electromagnetic, sonic, and others;  
6 and experts in security therefrom; and

7 (6) Other interested individuals and organizations in Rhode Island that might ask the  
8 department to provide notice when receiving license applications.

9 (f) The department shall hold two (2) hearings separated by a period of two (2) weeks and  
10 over a total comment period of five (5) weeks from the first hearing, or longer periods, as shall be  
11 promulgated by the director for the purpose of collecting further substantive information.

12 (g) Following the close of the comment period, in response to the above hearings and  
13 received information, the department shall within three (3) weeks or a reasonable period to be  
14 promulgated by the director, draft its IRC summarizing the content collected in the above IRs and  
15 public processes, citing the collected safety, environmental health, agricultural, coastal, economic,  
16 security, and other impacts of the applied-for activity, tentatively recommending the granting or  
17 denying of the license, and publish the IRC on the website.

18 (h) The director shall supplement the IRC by adding any new, pertinent information  
19 received by the department, and shall correct any misinformation and make precise any vague  
20 statement in the draft IRC.

21 (i) Within ten (10) days, the department shall complete the revision of the draft IRC and  
22 publish its final IRC with recommendation to grant, deny, or grant in a qualified way, the applied-  
23 for activity.

24 (j) The applicant then shall have ten (10) days to respond to the final IRC, to substantiate  
25 comprehensively any disagreement with the IRC, IR, and public comments and to prove health and  
26 safety in a written application response (AR). Within one business day of receipt, the department  
27 shall publish the AR on its website.

28 **23-23.8-8. Decision-making criteria -- Application of federal law.**

29 (a) Within ten (10) days or a reasonable period to be promulgated by the director, the  
30 director shall announce on the website the final decision whether to grant, deny, or grant with stated  
31 conditions, the applied-for license.

32 (b) The department shall weight in the IRC bodily security, health, and environmental and  
33 agricultural protection more heavily than economic interests.

34 (c) The department shall include in the IRC prepared under this subsection the factual and

1 legal information presented at any pertinent hearings held by the department, recognizing, without  
2 limitation, the Ninth Amendment protection of individual rights to privacy and freedom from  
3 assault in one's home and body, as superseding both any federal impositions and Tenth Amendment  
4 states' rights.

5 (d) Since, under the *Universal Declaration of Human Rights*, adopted by the United  
6 Nations General Assembly to which the United States is a signatory, "Everyone has the right to  
7 life, liberty and security of person," (Article 3), those harmed or more likely to be harmed bodily  
8 by way of atmospheric activities have a greater right than do stakeholders with monetary interests,  
9 and this bodily right shall be weighted by the department more heavily than financial interest in  
10 licensing and appeals decisions.

11 (e) Further, the federal Americans with Disabilities Act provides that persons with  
12 disabilities be able to participate in society without being harmed.

13 (f) The federal Fair Housing Amendment Act allows persons with disabilities dwellings  
14 that are accessible, i.e., free of harm, including from exogenous circumstances such as potentially  
15 hazardous activities.

16 (g) COVID precedents have established that human health is to be prioritized above  
17 financial interests.

18 (h) Since atmospheric activities carried out even at extremely high altitudes may result in  
19 serious terrestrial consequences in communities and even within homes and bodies, persons with  
20 disabilities who are more susceptible to harm by way of prior injuries, exposures, impairments,  
21 illnesses, or other reasons, have weightier stakeholder status under this section.

22 **23-23.8-9. Application denial -- Criteria.**

23 The department shall deny an application if either of the following is true:

24 (1) An applicable impact report (IR) substantively recommends that the applied-for activity  
25 be disallowed; or

26 (2) An applicant has not disproven the validity of evidence submitted under this chapter  
27 that the applied-for activity is harmful.

28 **23-23.8-10. Granting of license -- License agreement.**

29 (a) If licensing the activity, the director shall, within ten (10) days or a reasonable period  
30 to be promulgated, draft a license agreement.

31 (b) Upon granting a license under this chapter, the director shall first issue the applicant a  
32 draft agreement potentially to be executed, which shall include:

33 (1) A detailed list of the department's conditions, limitations, and safeguards placed upon  
34 the activity;

1 (2) Steps to be taken to document each aspect of the activity by the hour and minute with  
2 GPS location and altitude, and to track observable effects of the activity in real time; and

3 (3) Follow-up requirements for the detailed PAR to be submitted to the department by the  
4 licensee within thirty (30) days after completion of the activity.

5 (c) Where a license is to be granted, the potential licensee must provide proof of insurance  
6 and bonding for the specific activity at least three (3) weeks prior to the activity start date, or else  
7 the license is void, in which case the director shall immediately provide notice to the applicant of  
8 void status, and place such notice on the website.

9 **23-23.8-11. Application fee.**

10 The director shall ensure that the applicant's fee is deposited within the health-and-  
11 environment protection fund.

12 **23-23.8-12. Execution of agreement.**

13 (a) The applicant must provide:

14 (1) A signed hardcopy and electronic copy of the agreement with the signatory's indication  
15 of all participants' understandings of the potential for adverse consequences if the terms and  
16 conditions are violated or not fulfilled;

17 (2) An agreement to document the hour, minute, and GPS location or locations and altitude  
18 or altitudes of each aspect of the activity or activities; and

19 (3) An agreement to submit a PAR within thirty (30) days of completion of the activity, to  
20 ensure that each aspect of the activity was carried out as agreed.

21 (b) The director shall execute the agreement and issue the license to the applicant pursuant  
22 to § 23-23.8-10, if the director finds the applicant's signature, bonding, insurance, and other  
23 requirements to be complete and accurate.

24 (c) In the case of a denial pursuant to § 23-23.8-10, the director shall provide the applicant  
25 summary reasons for denial, as substantiated within the IRC.

26 **23-23.8-13. License status -- Limitations.**

27 (a) A license is a contract between the department and the licensee only, and is also a public  
28 document from which signatures may be redacted prior to publication on the department's website.

29 (b) A license must not be used for any activity other than that specified in the license.

30 **23-23.8-14. Confirmation of atmospheric activity -- Public notice.**

31 (a) A licensee must confirm in writing to the department at least two (2) weeks in advance  
32 of the start date of its intent to carry out the activity on the licensed start date pursuant to the terms  
33 of the license agreement.

34 (b) Should the applicant wish to delay the start date of the applied-for activity, such request

1 and reasons for proposed modification must be submitted to the department in a timely manner,  
2 and shall be deliberated publicly during an additional ten (10) day period to ensure that the new,  
3 proposed date or dates do not conflict with state or other activities.

4 (c) After the additional ten (10) day deliberation period set forth in subsection (b), the  
5 director shall issue a decision to modify or not modify the license's start date.

6 (d) The department shall notify the public on its website of the activity's commencement  
7 seven (7) days in advance of the start date.

8 **23-23.8-15. Live data collection -- Post-activity report.**

9 (a) The department shall collect during and after an activity any and all reports from the  
10 public and other sources, along with its OC&I, as detailed in this chapter.

11 (b) A detailed PAR with a signature and an electronic copy must be submitted to the  
12 department by a licensee within thirty (30) days after completion of the activity, including the steps  
13 taken to ensure safety and track effects, the hour, minute, GPS location and altitude of each aspect  
14 of the activity, and any effects observed to-date.

15 **23-23.8-16. Post-activity public hearing.**

16 Within forty (40) days of the completion of an activity licensed pursuant to this chapter,  
17 the director shall publish the PAR, any other collected public information and reports, and other  
18 reports on the website, and shall convene a public hearing to occur within sixty (60) days of the  
19 completion of the activity to discuss the effects of the activity.

20 **23-23.8-17. Appeals.**

21 An applicant aggrieved by a decision of the director pursuant to this chapter may seek  
22 judicial review of the decision pursuant to chapter 35 of title 42 (administrative procedure act).

23 **23-23.8-18. Unlicensed activity.**

24 (a) The director shall immediately issue a cease-and-desist order upon the discovery of an  
25 unlicensed atmospheric activity, where an agency, department, office, program, or member of the  
26 public produces evidence to the department that the activity may be harmful or involves a  
27 hazardous emission; and

28 (b) The cease-and-desist order under subsection (a) of this section shall have the weight of  
29 a court order and any violation shall be punished under law.

30 **23-23.8-19. Departmental notice to cease federal or internationally-approved**  
31 **programs.**

32 (a) Where an activity that the department has deemed hazardous has been approved,  
33 explicitly or implicitly, by the federal government, the department shall issue a notice to the  
34 appropriate federal authority and/or the Federal Aviation Administration (FAA) that the hazardous

1 activity cannot lawfully be carried out within or over the State of Rhode Island, pursuant to the  
2 Tenth Amendment of the United States Constitution.

3 (b) A foreign state or international body that funds in-part or in-whole or engages in an  
4 activity deemed hazardous by the department shall be prohibited in perpetuity from both engaging  
5 in and applying to engage in atmospheric activities in or above the State of Rhode Island. The  
6 department is authorized to provide notice to such foreign state or international body that the  
7 hazardous activity cannot lawfully be carried out within or over the State of Rhode Island.

8 **23-23.8-20. Penalties and Enforcement.**

9 An unlicensed entity or individual that engages in an activity requiring a license under this  
10 chapter or who fails to comply with the decision of the director, or any entity or person who uses  
11 an unmarked or unidentified aircraft or other vehicle or facility to carry out an atmospheric activity:

12 (1) Has committed a felony and shall pay a fine of not less than five hundred thousand  
13 dollars (\$500,000) or be imprisoned for not less than two (2) years, or both;

14 (2) Shall be guilty of a separate offense for each day during which violative activity has  
15 been conducted, repeated, or continued; and

16 (3) Shall also be deemed in violation and subject to further penalties under § 23-23-14.

17 **23-23.8-21. Public participation -- Reporting.**

18 (a) The department shall post advertisements in newspapers of general circulation and on  
19 the website to encourage the public to monitor, measure, document and report present, potential  
20 and past incidents that may constitute harmful atmospheric activity.

21 (b) An individual who presents evidence of potentially harmful atmospheric activity under  
22 subsection (a) of this section shall email or otherwise write and send any of the following to the  
23 director or to any state police office or public official:

24 (1) Evidentiary photographs, each separately titled as an electronic or hardcopy document,  
25 with the respective location from which, and, if the content is from other than a measuring device,  
26 the direction in which, the photo was taken, with its time and date;

27 (2) Collected samples with photography, videography, audiography, lab tests, microscopy,  
28 spectrometry, metering, and other forms of evidence shall similarly be submitted in writing to the  
29 director or to any state office, or any state public official; and

30 (3) Videography of activity involving hazardous emissions.

31 (c) A public official who has received information under subsection (a) of this section and  
32 has reason to suspect violative activity based on evidence presented by an agency or individual  
33 under subsection (b) of this section must, directly or through a designee, report in writing within  
34 hours, all documentary and supportive evidence to the DEM OC&I for enforcement.

1 (d) A report to any state official of apparently harmful nuclear, biological, transbiological  
2 and/or chemical ("NBC") emissions shall trigger investigation of the source and contents of said  
3 emissions, potentially through FAA, without limitation. Spectrometry of air and rainwater and other  
4 testing may be used to determine specific contents of emissions. Where the emissions are harmful  
5 to humans or the environment, per primary scientific study, enforcement shall ensue pursuant to §  
6 23-23.8-19.

7 (e) A report to any state official of excessive electromagnetic radiation or fields in any part  
8 of the spectrum, including without limitation microwave or maser, infrared, light or laser, and  
9 ionizing radiation, or report of intense mechanical vibration, noise, or other physical agent, with  
10 evidence, including possible photographs, videography, audio recordings, measurements of the  
11 agents, or other detection, shall trigger immediately for attention within two (2) hours OC&I  
12 emergency measurements of peaks and averages over time with the appropriate, calibrated meters  
13 and forensic, detection devices both at and near the reported location. Where professional metering  
14 and monitoring equipment is needed but not owned by the state, OC&I personnel shall partner with  
15 academic institutions for investigative activity, so as to provide evidentiary findings that would  
16 qualify under the U.S. Supreme Court Daubert Rule ( Daubert v. Merrell Dow Pharmaceuticals  
17 Inc., 509 U.S. 579).

18 **23-23.8-22. Investigatory findings -- Responses.**

19 A finding of:

20 (1) Any NBCs that are either xenobiotic and should not exist in the natural environment,  
21 or that are found at xenobiotic levels or levels beyond the legal limits of the state or federal  
22 government, shall trigger enforcement as follows, over all federal, state and corporate entities:

23 (i) OC&I's immediate communication of the requirement of the owner and operator of each  
24 facility or infrastructure deploying or releasing the specific agents, to produce records of all data  
25 collection on emissions of the extant operations of any site at or near where xenobiotic agents or  
26 excessive levels are or have been detected, and convey said records to the department;

27 (ii) OC&I's order to cease operations of the facilities or infrastructures other than those  
28 operations needed for police, fire, emergency services, and aviation safety; and

29 (iii) OC&I's evaluation within twenty-four (24) hours of the owner's or operator's  
30 performance in causing the cessation of all operations except those activities exempted under  
31 subsection (ii) of this section.

32 (2) Radiofrequency/microwave (RF/MW) radiation, including maser, of signal strength  
33 metered at and near the reported, publicly-accessible location in excess of -80 dBm (decibel-  
34 milliwatt) for any frequency or channel band specified by a transmitting entity's FCC transmission

1 license, which entity must comply with all of the following:

2 (i) The Federal 1934 Communications Act (CA) requirement at 47 U.S.C. § 324 ch.652,  
3 Title III, 48 Stat.109 of "minimal amount of power necessary to carry out the communication";

4 (ii) The primary purpose of CA at 47 U.S.C. § 151, as reaffirmed in the 1996  
5 Telecommunications Act (TCA) purpose at U.S.C. § 332 (a)(1) Mobile Services: to "promote the  
6 safety of life and property";

7 (iii) TCA requirements, including the circumscribed preemptions at 47 U.S.C. § 332  
8 (c)(7)(A) and (c)(7)(B)(iv) omitting the "health effects" and "operations" of wireless facilities, so  
9 as to avert any preemption thereof, and preserving state and local officials' authorities to promote  
10 health, safety, life and property; while acknowledging the actuality of "the environmental effects"  
11 of the radiation; stating positively, "Except as provided in this paragraph, nothing in this chapter  
12 shall limit or affect the authority of a state or local government or instrumentality thereof over  
13 decisions regarding the placement, construction, and modification of personal wireless service  
14 facilities";

15 (iv) TCA's preemption bounds, which apply solely to mobile phone calls made outdoors  
16 and not to Internet data or any other wireless communication, rendering all other communications  
17 outside the bounds of said preemption;

18 (v) TCA's Conference Report at H. R. Rep. No. 104-204, pt. 1, p. 94 (1995), leaving  
19 regulation of the operations of wireless facilities within state and local authorities and specifically  
20 citing "safety" as regulatory criterion, while warning that any further attempted preemptions  
21 "should be terminated";

22 (vi) The U.S. Treasury's 2021 recommendation of Internet data speed of 100 Mbps, both  
23 upload and download, as standard, so that people can efficiently work and study at home; which  
24 data speed is not achievable through wireless facilities without exceeding the CA's requirement of  
25 minimum power to carry out the communication, but which speed is easily achievable through  
26 fiber-optics to the premises (FTTP);

27 (vii) The consistent decisions of the federal D.C. Circuit Court of Appeals in 2019 and  
28 2021 declaring the FCC's rulemaking "arbitrary and capricious" and without "reasoned  
29 explanation" in connection with its further deregulated deployments of wireless facilities, and  
30 particularly to its exposure guideline as non-protective of health and environment, with no  
31 guideline now extant for ongoing and new transmission frequencies >6 GHz; and

32 (viii) The federal Public Health Service Act Amendment of 1968 states at § 354: "The  
33 Congress hereby declares that the public health and safety must be protected from the dangers of  
34 electronic product radiation;" thus, the federal stance is clear, with health effects recognized and

- 1 state authorities established and ongoing; or
- 2 (3) Extreme-low-frequency alternating current (AC) electric fields in excess of 1 volt per  
3 meter (V/m); or
- 4 (4) Magnetic fields in excess of 1 milliGauss (mG); or
- 5 (5) Transients in the electrical wiring, also called "dirty electricity", which must be filtered  
6 for safety; or
- 7 (6) Ionizing radiation in excess of 0.02 milliSievert per hour (mSv/h);
- 8 (7) Laser, Li-fi, strobe, or other light with harmful effects; or
- 9 (8) Any vibration, noise, saser, sonic weapon, or other physical agent exceeding other  
10 official limits, guidelines or standards, such as eCode360, shall trigger:
- 11 (i) OC&I's immediate communication of the requirement of the owner or operator of each  
12 tower, antenna, other facility or infrastructure deploying excessively energy-demanding and/or  
13 public-exposing transmissions, or other source of energy or vibration at or near the reported  
14 location, to produce records of all data collection on the extant operators at one or more sites near  
15 where excessive xenobiotic electromagnetism and fields, mechanical vibration, or other physical  
16 agents are or have been detected, and to convey said records to the department with twenty-four  
17 (24) hours;
- 18 (ii) OC&I's immediate communication of the requirement of the owner of the facility, or  
19 utility or other service equipment at or near the reported location to provide within one business  
20 day all data collection records up to that date and time of electrical usage at or near the reported  
21 location.
- 22 (iii) OC&I's order to cease operations of all antennas on, and other deployments of energy  
23 or vibration emitted from, the measured structure or facility, other than the operations needed for  
24 police, fire, emergency services, and aviation safety; and
- 25 (iv) OC&I's evaluation within twenty-four (24) hours of the owner's or operator's  
26 performance in causing the cessation of all operations except those activities exempted under  
27 subsection (3).
- 28 (v) OC&I's referral of potential criminal activity to the judiciary for prosecution.

29 **23-23.8--23. Administrative rules.**

30 The director may promulgate rules if necessary to implement the provisions of this chapter.

31 SECTION 2. This act shall take effect upon passage.

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LC004842  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY -- THE CLEAN ATMOSPHERE ACT

\*\*\*

1           This act would establish regulations to reduce hazardous emissions, provide for a natural  
2 climate, and increase resiliency by prohibiting the intentional manipulation of the environment, and  
3 collect application and violation fees into a state trust fund for municipality-level allocation for  
4 projects that promote the safety of life and property as well as environmental and agricultural  
5 health. For state security, this chapter provides that an entity or individual seeking to engage in an  
6 atmospheric activity must meet safety, health, and environmental requirements through a public  
7 hearing process, pay a fee, and show proof of insurance and bonding in order to procure a license  
8 from the DEM director for any such activity.

9           This act would take effect upon passage.

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