

ALERT

GAO Recommends that the FCC Reassess Exposure and Testing Requirements for Mobile Phones

August 13, 2012

The U.S. Government Accountability Office (GAO) released a report on August 7, 2012, titled "Exposure and Testing Requirements for Mobile Phones Should Be Reassessed." The report recommends that the Federal Communications Commission (FCC) formally reassess the current exposure limit for radiofrequency (RF) energy from mobile phone use, since the current standard may not reflect the most recent science and may impose additional costs on manufacturers and limitations on mobile phone design. The report also recommends that the FCC reassess whether mobile phone testing requirements result in the identification of maximum RF energy exposure in likely usage configurations and update testing requirements as appropriate.

The FCC is expected to initiate a rulemaking and notice of inquiry that will address the issues raised in the GAO report.

[Click here to view the full summary.](#)

The GAO report makes reference to pending litigation concerning local attempts to mandate retail warnings and recommendations about cell phones. See 2012 GAO RF Report, 26. Those local warnings have been challenged under the First Amendment and federal preemption in *CTIA v. City and County of San Francisco*, No. 11-17707, 11-17773 (9th Cir.). Wiley Rein attorneys Andrew G. McBride, Joshua S. Turner and Megan L. Brown represent CTIA in that case, which was argued in the United States Court of Appeals on August 9. Andrew McBride argued the case. A video of the argument can be found [here](#).

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