



March 2, 2010

Senator Joseph Brannigan, Chair
Representative Anne Perry, Chair
Members of the Joint Standing Committee on Health and Human Services
State of Maine Legislature

Re: Testimony in OPPOSITION to LD 1706, An Act to Create the Children's Wireless Prevention Act

Dear Senator Brannigan, Representative Perry and distinguished members of the Health and Human Services Committee:

I am here today to testify in OPPOSITION to LD 1706, An Act to Create the Children's Wireless Protection Act.

The Maine Merchants Association represents the retailers and merchants of Maine. When the economy is better, our industry employs approximately 93,000 Mainers. However, more recently, Maine's retail sector is employing approximately 87,000 Mainers. The reduction of 6,000 jobs is direct evidence of the challenge Maine's merchants are facing. Throw in the past weekend's storm which left a number of my members without power for days, it continues to be a challenging economy.

I am sure that proponents will provide some compelling stories about the effects of radio frequency emissions. I am not a scientist, but do know that any scientific theory needs to be proven through sound science and duplication of the results. The thrust of my testimony is to not dive in to the scientific arguments with the exception of looking at the national agencies responsible for this issue both the Federal Communications Commission (FCC) and the Food and Drug Administration (FDA). Both the FCC and FDA have concluded that there is no proven risk.

The FCC states, "*there is no scientific evidence that proves that wireless telephone usage can lead to cancer or other problems, including headaches, dizziness or memory loss.*"¹ The FDA states, "*the*

¹ <http://www.fcc.gov/cgb/cellular.html>

scientific evidence does not show a danger to any users of cell phones from RF exposure, including children and teenagers.”²

That being said, any such further regulation of these products should come at the national level, not on a state by state level like what LD 1706 is attempting to do.

I recently upgraded both my phone and my wife’s phone this past weekend. Included with my testimony are copies of the inserts from both of our phones and I saved the box my phone came in as well.

LD 1706 would require cell phones to carry a label covering at least 30% of the back side of a phone and a label on both the front and back of the packaging.

LD 1706 would add another layer of unnecessary regulation to Maine retailers even though the products are in full compliance with FCC regulations.

Retailers who sell these products would be burdened with making sure the products are labeled correctly coming from the manufacturer. More than likely, the burden of labeling would fall to the Maine based business as changes to the manufacturing process would not make sense to simply satisfy Maine’s requirements.

It would also stand to reason that a large label on the back of a phone would drive people to neighboring New Hampshire to purchase a phone that is label-free. The bill is not clear on how it would handle phones purchased online which is a fairly common way to purchase phones these days.

At the end of the day, we need to question why this bill is being considered. Unemployment in Maine is around 8% and although we are doing better than some other states, our focus should be on creating jobs, making it easier for businesses to expand their workforce. LD 1706 will only send a message that Maine is a difficult place to do business and make recovery that much more difficult.

We strongly urge the committee to vote this bill unanimously ought-not-to-pass.

Sincerely,
Curtis Picard
Executive Director

² <http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/CellPhones/ucm116331.htm>