

San Francisco Department of the Environment Regulations SFE 10-03-CPO  
Requirement for Cell Phone Retailers to Post SAR Values, Clarification of SAR Value to be  
Used, and Departmental Factsheet  
Cell Phones; Retailers' Duty to Disclose Specific Absorption Rate Values  
Ordinance No. 155-10, Adopted July 1, 2010

Regulation Effective Date: October 12, 2010

A. Authorization

San Francisco Environment Code Chapter 11:

*SEC. 1103. REQUIREMENT FOR CELL PHONE RETAILERS.*

(a) If a cell phone retailer posts display materials in connection with sample phones or phones on display, the display materials must include these three elements:

(1) The SAR value of that phone and the maximum allowable SAR value for cell phones set by the FCC;

(2) A statement explaining what a SAR value is; and,

(3) A statement that additional educational materials regarding SAR values and cell phone use are available from the cell phone retailer.

The Department of the Environment shall adopt regulations specifying the content and format for the elements required by this subsection (a), and shall develop a template for those elements. The elements shall be printed in a space no smaller than 1 inch by 2.625 inches. The SAR values and header text shall be printed in type no smaller than the size and readability equivalent of "Arial" 11 point, and the copy text shall be printed in type no smaller than the size and readability equivalent of "Arial" 8 point.

Formula cell phone retailers must comply with the requirements of this subsection (a) beginning February 1, 2011. All other cell phone retailers must comply by February 1, 2012.

(b) If a cell phone retailer does not post display materials in connection with sample phones or phones on display, the retailer must display, in a prominent location within the retail location visible to the public, a poster that includes these three elements:

(1) The SAR value of each make and model of cell phone offered for sale or lease at that retail location and the maximum allowable SAR value for cell phones set by the FCC;

(2) A statement explaining what a SAR value is; and,

(3) A statement that additional educational materials regarding SAR values and cell phone use are available from the cell phone retailer.

The Department of the Environment shall adopt regulations specifying the content and format for the elements required by this subsection (b), and shall develop a template for those elements. The store poster shall be no smaller than 8.5 inches by 11 inches.

Formula cell phone retailers must comply with the requirements of this subsection (b) beginning February 1, 2011. All other cell phone retailers must comply by February 1, 2012.

*SEC. 1104. DEPARTMENTAL FACTSHEETS; ASSISTANCE WITH COMPLIANCE.*

(a) Following a public hearing, the Department of the Environment, in consultation with the Department of Public Health, shall develop a supplemental factsheet regarding SAR values and the use of cell phones, as well as templates for display materials and store posters required by this Chapter. The Department of the Environment shall hold the initial public hearing by September 1, 2010, and complete the supplemental factsheet by November 1, 2010. The supplemental factsheet shall be no larger than 8.5 inches by 11 inches.

(b) By November 1, 2010, the Department of the Environment shall issue regulations specifying the contents and format for the elements required by Section 1103, subsections (a) and (b), for display materials and store posters, respectively. By that date, the Department of the Environment shall also adopt templates for display materials and store posters.

(c) The Department shall develop content for all of these materials that is based on and consistent with the relevant information provided by the FCC or other federal agencies having jurisdiction over cell phones, explaining the significance of the SAR value and potential effects of exposure to cell phone radiation. The materials shall also inform customers of actions that can be taken by cell phone users to minimize exposure to radiation, such as turning off cell phones when not in use, using a headset and speaker phone, or texting.

B. Policy or Findings.

1. Government agencies and scientific bodies in the European Union (EU) and Israel have recognized the potential harm of long-term exposure to radiation emitted from cell phones and, as a result, have issued warnings about their use, especially their use by children.
2. The United States Federal Communications Commission ("the FCC") has established a maximum allowable Specific Absorption Rate ("SAR") rating for portable wireless devices (cell phones) sold in the United States. The SAR is a value that corresponds to the relative amount of radiofrequency energy absorbed in the head or body of a user of a wireless handset. At the time of adoption of these regulations, the FCC limit for public exposure from cellular telephones is an SAR level of 1.6 watts per kilogram (1.6 W/kg) for spatial peak (local) SAR, such as SAR in the user's head, as averaged over any 1 gram of tissue.
3. The SAR values for different makes and models of cell phones differ widely, but consumers are not able to make informed purchasing decisions because there is no requirement that the retailer provide the applicable SAR values to the consumer at the point when the consumer is deciding between various makes and models.
4. Cell phones are an important communication tool, especially during emergencies, and radiation exposure from cell phones can be reduced by using a speakerphone or a headset, or by sending text messages.

C. Applicability.

This regulation applies to all San Francisco cell phone retailers and formula cell phone retailers, defined by the San Francisco Environment Code Chapter 11, Section 1101 as:

(b) "Cell phone retailer" means any person or entity within the City which sells or leases cell phones to the public or which offers cell phones for sale or lease. "Cell phone retailer" shall include a "formula cell phone retailer." "Cell phone retailer" shall not include anyone selling or leasing cell phones over the phone, by mail, or over the internet. "Cell phone retailer" shall also not include anyone selling or leasing cell phones directly to the public at a convention, trade show, or conference, or otherwise selling or leasing cell phones directly to the public within the City for fewer than 10 days in a year.

(f) "Formula cell phone retailer" means a cell phone retailer which sells or leases cell phones to the public, or which offers cell phones for sale or lease, through a retail sales establishment located in the City which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise; a standardized facade; a standardized decor and color scheme; a uniform apparel; standardized signage; or, a trademark or service mark.

#### D. Requirements. [

1. SEC. 1103(a): SAR values and information on display materials. See attached label template.

The attached sticker template is formatted to fit on Avery standard 5160-address labels. A cell phone retailer may use any method to include this information with cell phone display materials, as long as the content, font size and space requirements remain the same. Specifically, the retailer shall print the text in a space no smaller than 1 ix 2.63 inches. The retailer shall print the SAR values and header text in type no smaller than the size and readability equivalent of "Arial" 11 point, and the copy text in type no smaller than the size and readability equivalent of "Arial" 8 point.

The Department shall make the sticker template available in PDF or Microsoft Word format for printing by cell phone retailers.

2. SEC. 1103(b): SAR values and information on poster. See attached poster templates.

The attached poster templates are formatted to fit standard paper sizes, 8.5 x 11 inches, and 11 x 17 inches. The cell phone retailer shall use content and format for the poster, including graphics, identical to the template. Specifically, the poster shall be no smaller than 8.5 x 11 inches in size. The cell phone retailer shall print the phone make and model, and SAR value in type no smaller than the size and readability equivalent of "Arial" 14 point, bold. The retailer shall use the size and font of all other text preset in the template.

The Department shall make the poster template available in PDF or Microsoft Word format for printing by cell phone retailers.

3. SEC. 1103(a)(1) and (b)(1): Clarification of SAR value to be used with display materials and poster.

For the purposes of SEC. 1103(a)(1) display materials and SEC. 1103(b)(1) posters, the cell phone retailer shall use as the SAR value the maximum SAR measured at the head or body, whichever is higher, for each particular make and model of cell phone as registered with the Federal Communications Commission.

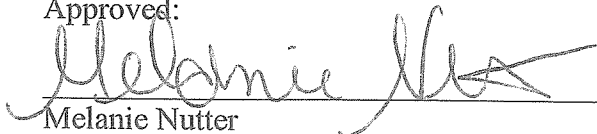
4. SEC. 1104(a): Department factsheet. See attached factsheet template.

The attached supplemental factsheet template is formatted to fit standard paper size 8.5 x 11 inches, with two factsheets per sheet. The cell phone retailer shall use content and format for supplemental factsheets, including color and graphics, identical to the template.

The Department shall make the factsheet template available in PDF or Microsoft Word format for printing by cell phone retailers.

The Director of the Department of the Environment hereby adopts these regulations as of the date specified below.

Approved:



Melanie Nutter

Director, Department of the Environment

10/12/10

Date