**March 17, 2014**

**Dear Mr. Moores,**

**These are all relevant and important points to acknowledge and act upon for the safety of all Canadians. C4ST supports Industry Minister James Moore in the proposed changes to the IC tower siting policy as a step in the right direction. We do however have concerns.**

**We request the inclusion of non-tower structures (building-mount, roof-top, hydro-pole, utility pole, etc...) installations be included in the notification and consultation process.**

Rationale for Request: While the update on Feb 5th now requires all new cellular towers regardless of height to fall into the consultation process, we are concerned that telecommunication proponents will choose to install more and more building-mount, rooftop and hydro/utility pole antenna installations closer to homes and schools, as an alternative to working through the consultation process.

**We request that changes and or modifications to existing towers/antennas in place that would raise the RF output of the structure by more than 25%, be included in the notification and consultation process.**

Rationale for Request: The proposed update from Industry Canada to section 5.4 (Exclusions) below states that existing towers are exempt from the consultation process as long as their height does not increase by more than 25%. While height may be a consideration, the public health concern is the output of the tower/structures. Without inclusion of consultation for an increase in output, Canadians will have no idea of the increased emissions in close proximity to their homes and neighborhoods. The rationale for consultation of new towers should apply to existing as well.

**We request that the distance around a tower that requires notification as per section 5.2 (Public Consultation Process) be increased from 3 times the tower height, to 10 times.**

Rationale for Request: Some of the highest exposures and health effects can be experienced up to 500m from the tower, depending on the angle of the antennas. Requiring notification only 3 times the tower height would exclude telecommunication proponents from having to individually notify residents that could be most affected by the installation or modification to existing structures.

### Our prime concern is public health. We recognize that it is the mandate of Health Canada to protect vulnerable populations from environmental pollution. Nonetheless, the actions of Industry Canada in this regard could have great impact. Should more antennae in closer proximity be the unintended consequence of the new regulation, the resulting heavy toll to public health could well outweigh the benefits we recognize in this update to 5.1 Antenna Siting Procedures

**Proposed Update to Section 1.2 of CPC-2-0-03**

The requirements of this document apply to anyone (referred to in this document as the proponent) who is planning to install or modify an antenna system, regardless of the type. **This includes telecommunications carriers.**

**Rationale for Update**

The term “telecommunications carriers”, or “carriers”, replaces the terms “Personal Communications Services (PCS)” and “cellular” in order to capture various types of operators that provide a broad range of services that have evolved significantly over the past 30 years. Over this period, Canadians have increasingly demanded better coverage, faster data rates and more advanced, data-intensive mobile applications, such as video-on-demand. In response, carriers have deployed ubiquitous, high-capacity radio networks based on state-of-the-art technologies, which rely on antenna systems, including towers.

Third party tower owners have become more prevalent in Canada and other countries. This is especially true in the United States where carriers rely extensively on the sites provided by third party tower owners. In Canada, under the [Radiocommunication Act](http://laws.justice.gc.ca/eng/acts/R-2/FullText.html), the Minister’s mandate on siting applies to any mast, tower or other structure built for the purpose of supporting an antenna. This is the case whether the proponent is subject to a radio authorization or wishes to build on behalf of, or in order to lease antenna space to, an authorized user. Accordingly, Industry Canada is of the view that the antenna siting procedures should be updated to explicitly include third party tower owners.

Industry Canada is seeking comments on the proposed update.

*Footnote*

[**3**](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10786.html#fn3)**businesses, governments, Crown agencies and the public. Anyone who proposes, uses or owns an antenna system must follow these procedures. The requirements also apply to those who install towers or antenna systems on behalf of others or for leasing purposes (“third party tower owners”). As well, parts of this process contain obligations that apply to existing antenna system owners.**

### 5.2 Industry Canada’s Default Public Consultation Process

**Proposed Update to Section 4.2 of CPC-2-0-03**

**Public Notification**

Proponents must ensure that the local public, the land-use authority and Industry Canada are notified of the proposed antenna system. As a minimum, proponents must provide a notification package (see Appendix 2) to the local public (including nearby residences, community gathering areas, public institutions, schools, etc.), neighbouring land-use authorities, businesses, and property owners, etc. located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc. **Public notification of an upcoming consultation must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by regular mail or be hand delivered. The face of the envelope must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system.**

It is the proponent’s responsibility to ensure that the notification provides at least 30 days for written public comment.

In addition to the minimum notification distance noted above, in areas of seasonal residence, the proponent, in consultation with the land-use authority, is responsible for determining the best manner to notify such residents to ensure their engagement.

In addition to the public notification requirements noted above, proponents of antenna systems that are proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area. **Height is measured from the lowest ground level at the base, including foundation, to the tallest point of the antenna system. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) is unacceptable.**

**Rationale for Update**

Industry Canada requires that nearby residents be consulted regarding non-excluded antenna proposals. The Department is concerned that residents may not realize that they have received notification of a proposed tower. The FCM/CWTA protocol template includes specific language to be used on the outside of the envelope addressed to the occupant.

*Footnote*

[4](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10786.html#fn4) Industry Canada supports the use of clear messaging to identify the notification and prevent the notification as being viewed as junk mail.

Similarly, the Department has concerns regarding notification when the proposed support structure is 30 metres or more in height. The update includes new language to clarify how height is measured.

Industry Canada is seeking comments on the appropriateness of these proposed updates.

### 5.3 Post-Consultation Construction Time Limit

**Proposed New Section 4.4 to be added to CPC-2-0-03**

**Whether the proponent followed a land-use authority’s process or Industry Canada’s default public consultation process, construction of an antenna system must be completed within three years of conclusion of consultation. After three years, previous consultations will no longer be deemed to be valid.**

**Rationale for Update**

The FCM/CWTA protocol template includes a limit on the duration of a concurrence by a municipality.

*Footnote*

[5](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10786.html#fn5) Specifically, a concurrence will remain in effect for a maximum of three years from the date that it was issued.

The Department agrees that there is benefit in specifying a time frame for construction following completion of the consultation given that many factors, such as additional residential development, could occur in the interim.

Industry Canada is seeking public input on the appropriateness of specifying a three-year time frame for completion of construction.

### 5.4 Exclusions

**Proposed Update to Section 6 of CPC-2-0-03**

**All proponents must consult the land-use authority and the public unless a proposal is specifically excluded. Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria below should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponent to consult even though the proposal meets an exclusion noted below. Therefore, when applying the criteria for exclusion, proponents should consider such things as:**

* the antenna system's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
* the location of the proposed antenna system on the property and its proximity to neighbouring residents;
* the likelihood of an area being a community-sensitive location; and
* Transport Canada’s marking and lighting requirements for the proposed structure.

The following proposals are excluded from land-use authority and public consultation requirements, but must still satisfy the General Requirements outlined in Section 7:

* **New Antenna Systems:** where the height is less than 15 metres above ground level. **This exclusion does not apply to antenna systems to be used by broadcasting undertakings or telecommunications carriers;**
* **Existing Towers:** modifications may be made, or the tower may be replaced, to facilitate sharing or the addition of antennas, provided that the total height increase is no greater than 25% of the height**of the initial antenna system installation.**[**Footnote 6**](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf10786.html#fn6)**No increase in height may occur within one year of completion of the initial construction;**
* **Non-Tower Structures:**antennas on buildings, water towers, lamp posts, etc. may be installed provided that the height of the structure is not increased by more than 25%; and
* **Temporary Antenna Systems:**used for special events or emergency operations and must be removed three months after the start of the emergency or special event.

**No consultation is required prior to performing maintenance on an existing antenna system.**

Proponents who are not certain if their proposals are excluded, or whether consultation may still be prudent, are advised to contact the land-use authority and/or Industry Canada for guidance.

**Height is measured from the lowest ground level at the base, including foundation, to the tallest point of the antenna system. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be taken into account in the measurement.**

**Rationale for Update**

Industry Canada has concerns about the application of the current exclusions. In developing the FCM/CWTA protocol template, the FCM and CWTA agreed that proponents will follow all or part of the consultation process for previously excluded antenna systems, as long as these requirements are reasonable. Industry Canada believes that local residents and municipalities should be consulted and the proposed update modifies certain exclusions.

The explosive demand for broadband services is accelerating new site development. With advancements in wireless technology, new sites will increasingly involve smaller cells deployed in localized indoor and outdoor areas. Newer technologies will be deployed on utility poles and street lamps. The smaller cells will also transmit signals at power levels much lower than existing larger cells. Some installations may also be less visible (e.g. rooftop installation). Given that the small cells cover a smaller area, more installations will be required to provide the same coverage area as a larger cell.

With this proposed update to its procedures, Industry Canada’s objective is to allow local residents and municipalities to be informed about new commercial towers in their communities. However, municipalities and proponents may feel increased administrative burden if these proponents must consult on all towers. The Department recognizes the potential administrative burden from this update; however, the antenna siting procedures also provide municipalities and other land-use authorities with the latitude to exclude certain antenna systems from all, or part of, their consultation process or to have different public consultation processes tailored to different types of locations or structures.

Industry Canada is seeking comments on the updates to the exclusions proposed above.

### 5.5 Canadian Environmental Assessment Act 2012

**Proposed Update to Section 7.4 of CPC-2-0-03**

Industry Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. **This includes the**[**Canadian Environmental Assessment Act, 2012**](http://laws-lois.justice.gc.ca/eng/acts/C-15.21/FullText.html)**(CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012, or is located on federal lands.**

**An antenna system may not proceed where it is incidental to a designated project (as described in the**[**Regulations Designating Physical Activities**](http://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-147/FullText.html)**), or is otherwise expressly designated by the Minister of the Environment without satisfying certain requirements applicable to designated projects. Therefore, a proponent of this type of project must contact Industry Canada for direction on how to proceed.**

**Any proposed antenna system on federal land may not proceed without a determination of environmental effects by Industry Canada. In order to assist the Department in making such a determination, proponents must submit a project description to Industry Canada, considering and addressing those elements of the environment described in CEAA 2012, as well as any determination of environmental effects that may have been made by the authority responsible for managing the federal land. Industry Canada may also require further information before it can complete its assessment. Industry Canada will inform the proponent of the results of its determination and may impose conditions related to mitigating any adverse effects after making its determination and/or may need to refer the matter to the Governor-in-Council under CEAA 2012.**

**Also, notices under Industry Canada’s default public consultation process require written confirmation of the project’s status under CEAA 2012 (e.g., whether it is incidental to a designated project or, if not, whether it is on federal lands).**

**In addition to CEAA requirements, proponents are responsible to ensure that antenna systems are installed and operated in a manner that respects the local environment and that complies with other statutory requirements, such as those under the**[**Canadian Environmental Protection Act, 1999**](http://laws-lois.justice.gc.ca/eng/acts/c-15.31/FullText.html)**, the**[**Migratory Birds Convention Act, 1994**](http://laws-lois.justice.gc.ca/eng/acts/M-7.01/FullText.html)**, and the**[**Species at Risk Act**](http://laws-lois.justice.gc.ca/eng/acts/s-15.3/FullText.html)**, as applicable.**

**For projects north of the 60th parallel, environmental assessment requirements may arise from federal statutes other than the aforementioned Acts or from Comprehensive Land Claim Agreements. Industry Canada requires that installation or modification of antennas or antenna supporting structures be done in accordance with these requirements, as appropriate.**

**Rationale for Update**

Industry Canada’s antenna siting procedures require an update to reflect the requirements of CEAA 2012. The Act offers an updated approach that responds to Canada’s current economic and environmental context. The former CEAA captured thousands of small and routine proposals that had little risk of significant adverse environmental effects. CEAA 2012 focuses on major proposals with significant risks to the environment. Under the former CEAA, the vast majority of antenna installations were excluded from environmental assessment, and so, even fewer assessments are anticipated under CEAA 2012.

Industry Canada is seeking comments on these updates.

You have been elected into this role to protect and maintain the safety of all Canadian, and so we look forward to laws that will do just that.

Warm regards,

Nathalie