AN ACT
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:

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

CHAPTER 23.8
THE CLEAN ATMOSPHERE ACT

23-23.8-1. Short title.
This chapter shall be known and may be cited as "The Clean Atmosphere Act".

23-23.8-2. Legislative intent.
(a) It is the legislative intent to preserve the safe, peaceful use of Rhode Island's atmosphere for people, the environment, and agriculture, and to expand upon climate efforts, by regulating weather modification and other large-scale, atmospheric activities and prohibiting those which are harmful.

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

(a) Background: earthly life, or "bios", is a system that can be impaired and broken by perturbations such as human activities that are xenobiotic, i.e., foreign to life. The extant damage from pollutants and other harmful human activities is incalculable, and the state of earth's biotic
(b) Scope: Inclusive of solar radiation management (SRM), carbon dioxide removal (CDR), and other techniques, hazardous emissions activities are diverse, varying greatly in their characteristics and consequences. Included herein are anthropogenic atmospheric activities, and may involve ground-based, underwater, and atmosphere-based activities, including, without limitation, aerosol injection, cloud-seeding and other deployments by facilities such as aircraft, rockets, unmanned aerial vehicles (UAVs) and drones of all sizes down to large pico balloons, wireless infrastructures, ships and submarines.

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

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

(1) Solar shields or atmospheric sunscreens where reflective materials are injected into the stratosphere with the intention of increasing albedo. These include, without limitation, sulfur dioxide (SO2), sulfuric acid (H2SO4) and aluminum oxide (Al2O3);

(i) SO2 and H2SO4: Sulphate releases produce toxic sulfate clouds. According to the journal *Geophysical Research Letters*, SO2 injected into the atmosphere slowly converts to H2SO4 to produce the adverse effects of ozone layer reduction and radiative forcing or heating of the lower stratosphere through reflection and absorption of terrestrial heat. The U.S. Clean Air Act (42 U.S.C. § 7401 et seq. (1970)) is focused on reducing SO2 and H2SO4, the primary components of acid rain. According to the U.S. Environmental Protection Agency (EPA), SO2 penetrates deeply into sensitive parts of the lungs, causing susceptibility to pathogens, and harms the environment.

(ii) Al2O3: According to the U.S. National Institutes of Health (NIH), Al2O3 causes respiratory tract, eye, and skin irritation as well as organ damage and bone abnormalities, particularly with repeated or prolonged exposure; and it may be neurotoxic if absorbed into the brain. The U.S. Emergency Planning and Community Right-to-Know Act (EPCRA) § 313 requires anyone manufacturing, processing, or using Al2O3 to report this activity to EPA. Any aircraft containing a hazardous substance is considered by the U.S. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 103, and by EPCRA § 304, a "facility" required to report any release into the environment. Whether users deploying substances into the atmosphere do presently comply is unlikely. Typically, stratospheric releases of sulfuric and aluminum oxide particulates fall into the troposphere, blocking sunlight from reaching earth's surface, after which they rain down as acidic pollution, harming terrestrial and aquatic life. Acidic precipitation further mobilizes aluminum from both natural sources and direct, anthropogenic atmospheric releases and industrial processes. Acidification mobilizes aluminum from land into aquatic environments and into human and animal brain tissues. Acid rain dissolves and washes...
away the soil's nutrients and minerals, which help plants grow. It reduces photosynthesis by removing the waxy cover on leaves and ultimately kills the aquatic life upon which human life depends.

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

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

(4) Cloud brightening: Sodium chloride (NaCl) or sea salt, seawater, nitric acid (HNO3), and other materials injected into clouds make the clouds more reflective, after which the salt and other materials rain out over land areas and freshwater supplies – reinforcing the need for the 2021 expansion of states' rights under the U.S. Clean Water Act.

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

(6) Cloud-seeding releases of Silver Iodide (AgI) and/or solid dry ice, which is carbon dioxide (CO2), the latter increasing carbon levels that state policies rather intend to decrease;

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

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

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

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

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

(12) Large helium balloons releasing atmospheric contaminants such as SO2; and

(13) Lithium releases,

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

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

1. Contamination of air, water, and soil, as particulates fall to earth’s surface; and other contaminants, including liquids, vapors and physical agents, impact the surface at or below ground or sea level;

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

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

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

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

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

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

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

9. Changes in distribution patterns and chemical contents of rainfall, resulting in floods,
droughts, and the potential for international political conflicts;

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

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

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

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

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

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

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

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

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

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

(20) RF/MW interference from the exponentially increasing number of microwave-irradiating satellites with altimeters, global positioning system (GPS) and other international position systems' signals, relied upon by the aviation industry in traffic separation, aircraft navigation and instrument approaches for landing aircraft; and relied upon by militaries for national security, with the need for more frequent replacement of equipment, potentially costing the public billions of dollars;
(21) According to the *William & Mary Law Review*, the enabling of the Internet of Bodies (IoB), a "mesh" or grid through which every human and most animals would contain worn, ingested, inhaled, and injected chips or sensors of micro to pico size with transmitting antennas, with every body functioning as an Internet node, toward complete warrantless surveillance and control, even by foreign entities, with constant biometric data collection and loss of autonomy under an over-arching artificial intelligence, in violation of the search and seizure laws set forth in the Fourth Amendment of the U.S. Constitution and Rhode Island Constitution’s Declaration of Certain Constitutional Rights and Principles, Article I, Section 6;

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

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

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

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

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

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

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

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

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

(31) Economic losses to various sectors of society and to the state itself, resulting from, without limitation, human health damages, with productivity loss, increased and earlier health care needs, and heightened suffering for those injured and sensitized by prior hazardous exposures; contaminated soils and water supplies, loss of pollinators such as bees, butterflies and birds, decreased crop yields, dead and dying forests, loss of habitats, decline of fisheries, rising pollution...
cleanup costs, and less solar power production from lack of sunlight reaching earth's surface; and

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

(i) Necessity arising from federal stance:

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

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

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

23-23.8-4. Definitions.
As used in this chapter, the following words and phrases shall have the following meanings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(24) "Stratosphere" means the region of the upper atmosphere extending upward from the edge of the troposphere to about thirty (30) miles above the earth.
(25) "Troposphere" means the region of the lowest layer of the atmosphere, six (6) to twelve (12) miles high in altitude, wherein temperature steadily drops with increasing altitude and nearly all cloud formations occur and weather conditions manifest.

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

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

23-23.8-5. Regulation by the state.
(a) This chapter, being necessary for the welfare of the state and its inhabitants and its officials' obligation to promote the safety of life and property, and due to the potential for significant harm, the following shall apply:
(1) All state climate-related appointees must be, or have been, administered the state oath of office and must fulfill the obligations thereunder to protect the state and federal constitutions and Rhode Island constituents, requiring appointees' direct responsiveness to constituents and not to foreign or out-of-state entities; and
(2) Any contemplated atmospheric activity in or above the State of Rhode Island requires the submission of a written application to request a license to engage in a specific type of activity to begin on a specified date during a period of time not to exceed five (5) days.
(b) A license shall be issued pursuant to the following process:
(1) The department shall carry out an extensive public evaluation of any atmospheric activity application, as specified herein.
(2) Following the evaluation process, the director shall have the power to:
   (i) Grant or deny a license;
   (ii) Modify the conditions of a license; and
   (iii) Revoke a license for cause.
(3) The director shall issue publicly a decision to grant, deny, or conditionally grant, a license.
(c) To obtain a license under this section, an applicant must have shown proof of environmental health and safety and that the applied-for activity will produce zero hazardous emissions, noting exemptions specified herein. If a license is granted, it is drafted as a contract only between the department and the licensee, and may be modified after an additional brief evaluation process, or revoked for cause.
(d) The department shall refer potential violations as reported by state agencies or members...
of the public, to the DEM office of compliance and inspection (OC&I) office, as detailed herein.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Granting or denying licensing in response to applications submitted under this section.
which applications shall be decided on a case-by-case basis;

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

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

23-23.8-6. License applications.

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

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

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

(2) The following:

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

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

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

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

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

(4) The names, educational and professional backgrounds and qualifications of all individuals to be involved in the activity, along with all prior employment and business ownerships.
(5) A criminal background check of each participant in a potential atmospheric activity.

(6) The name and number of any aircraft or other vehicle or facility that may be used for the activity.

(7) A one thousand dollar ($1,000) fee, or a five hundred dollar ($500) fee only for farmers who apply to carry out crop-dusting, to be paid into a public trust, which shall be set up by the director for the purpose of this act.

(8) A signed hardcopy application and an electronic copy of the application.

(c) The director shall acknowledge receipt of the application to the applicant within one business day of receipt, and the same day shall place the application on the website, with signatures redacted, and shall notify the following and others who may express interest in receiving notice:

(1) Rhode Island department of health;
(2) Disability Rights Rhode Island (DRRI);
(3) Division of agriculture within the DEM;
(4) Office of air resources within the DEM;
(5) Office of water resources within the DEM;
(6) Rhode Island marine fisheries council within DEM;
(7) Division of fish and wildlife, outdoor education within DEM;
(8) Rhode Island parks & recreation within DEM;
(9) Rhode Island coastal resources management council;
(10) Rhode Island water resources board;
(11) Rhode Island office of energy resources;
(12) University of Rhode Island coastal institute;
(13) Rhode Island state conservation committee;
(14) Rhode Island airport corporation;
(15) Clean Water Action – Rhode Island;
(16) Rhode Island fishermen's alliance;
(17) Rhode Island farm bureau;
(18) Rhode Island dairy farms cooperative;
(19) Rhode Island Audubon society;
(20) Rhode Island beekeepers association;
(21) Rhode Island wild plant society;
(22) Land conservancy of North Kingstown; and
(23) Rhode Islanders for safe technology.

(d) The director is further authorized to, and should, subpoena witnesses, administer oaths,
and compel the production of documents for the hearing process.


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

1. The planned methods of release, dispersal, or other deployment of substances or physical agents into the environment including the atmosphere;
2. The potential impact in the reduction of or increase in sunlight reaching earth's surface;
3. The anticipated radiative forcing or heat, if any, reflected to earth's surface and to space;
4. The potential and actual, direct and indirect effects upon humans and other living organisms, populations, ecosystems, agriculture, astronomy, aviation, property, and the state's security and economy;
5. Transboundary effects;
6. The short- and long-term effects of each of the above; and
7. The start and end date conflicts, if any, within the state.

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

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

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

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

1. Individuals with disabilities and those with health conditions that may be affected by atmospheric contaminants;
2. Medical and public health science professionals;
3. Other experts including, without limitation, health and environmental science, agriculture, astronomy, aviation, beekeeping, coastal integrity, conservation, disability, ecology,
(4) Legal experts in warrantless surveillance and privacy rights, rights to public safety and freedom from imposed medical protocols, both intentional and effectively functioning as such;

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

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

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

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

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

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

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


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

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

(c) The department shall include in the IRC prepared under this subsection the factual and
legal information presented at any pertinent hearings held by the department, recognizing, without
limitation, the Ninth Amendment protection of individual rights to privacy and freedom from
assault in one’s home and body, as superseding both any federal impositions and Tenth Amendment
states’ rights.

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

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

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

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

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


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

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

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

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

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

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

(1) A detailed list of the department’s conditions, limitations, and safeguards placed upon
the activity;
(2) Steps to be taken to document each aspect of the activity by the hour and minute with
GPS location and altitude, and to track observable effects of the activity in real time; and

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

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

23-23.8-11. Application fee.
The director shall ensure that the applicant's fee is deposited within the health-and-
environment protection fund.

23-23.8-12. Execution of agreement.
(a) The applicant must provide:
(1) A signed hardcopy and electronic copy of the agreement with the signatory's indication
of all participants' understandings of the potential for adverse consequences if the terms and
conditions are violated or not fulfilled;
(2) An agreement to document the hour, minute, and GPS location or locations and altitude
or altitudes of each aspect of the activity or activities; and
(3) An agreement to submit a PAR within thirty (30) days of completion of the activity, to
ensure that each aspect of the activity was carried out as agreed.

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

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

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

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

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

(b) Should the applicant wish to delay the start date of the applied-for activity, such request
and reasons for proposed modification must be submitted to the department in a timely manner, shall be deliberated publicly during an additional ten (10) day period to ensure that the new, proposed date or dates do not conflict with state or other activities.

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

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


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

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


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

23-23.8-17. Appeals.

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


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

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

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

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

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

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

23-23.8-20. Penalties and Enforcement.

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

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

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

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


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

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

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

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

(3) Videography of activity involving hazardous emissions.

(c) A public official who has received information under subsection (a) of this section and has reason to suspect violative activity based on evidence presented by an agency or individual under subsection (b) of this section must, directly or through a designee, report in writing within hours, all documentary and supportive evidence to the DEM OC&I for enforcement.
(d) A report to any state official of apparently harmful nuclear, biological, transbiological
and/or chemical ("NBC") emissions shall trigger investigation of the source and contents of said
emissions, potentially through FAA, without limitation. Spectrometry of air and rainwater and other
testing may be used to determine specific contents of emissions. Where the emissions are harmful
to humans or the environment, per primary scientific study, enforcement shall ensue pursuant to §
23-23.8-19.

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

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

A finding of:

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Extreme-low-frequency alternating current (AC) electric fields in excess of 1 volt per meter (V/m); or

(4) Magnetic fields in excess of 1 milliGauss (mG); or

(5) Transients in the electrical wiring, also called "dirty electricity", which must be filtered for safety; or

(6) Ionizing radiation in excess of 0.02 milliSievert per hour (mSv/h);

(7) Laser, Li-fi, strobe, or other light with harmful effects; or

(8) Any vibration, noise, saser, sonic weapon, or other physical agent exceeding other official limits, guidelines, or standards, such as eCode360, shall trigger:

(i) OC&I's immediate communication of the requirement of the owner or operator of each tower, antenna, other facility or infrastructure deploying excessively energy-demanding and/or public-exposing transmissions, or other source of energy or vibration at or near the reported location, to produce records of all data collection on the extant operators at one or more sites near where excessive xenobiotic electromagnetism and fields, mechanical vibration, or other physical agents are or have been detected, and to convey said records to the department with twenty-four (24) hours;

(ii) OC&I's immediate communication of the requirement of the owner of the facility, or utility, or other service equipment at or near the reported location to provide within one business day all data collection records up to that date and time of electrical usage at or near the reported location.

(iii) OC&I's order to cease operations of all antennas on, and other deployments of energy or vibration emitted from, the measured structure or facility, other than the operations needed for police, fire, emergency services, and aviation safety; and

(iv) OC&I's evaluation within twenty-four (24) hours of the owner's or operator's performance in causing the cessation of all operations except those activities exempted under subsection (3).

(v) OC&I's referral of potential criminal activity to the judiciary for prosecution.

23-23.8--23. Administrative rules.

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

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

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO HEALTH AND SAFETY -- THE CLEAN ATMOSPHERE ACT

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

This act would take effect upon passage.

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