



November 9, 2015

Marlene H Dortch
Secretary
Federal Communications Commission
445 12th St S.W.
Washington, DC, 20554

Dear Ms. Dortch,

On behalf of the Population Association of America (PAA) and Association of Population Centers (APC), we are writing to express concerns about the FCC Declaratory Ruling and Final Ruling of July 10, 2015 regarding the Telephone Consumer Protection Act (TCPA) that addresses autodialing to cell-phones. We are concerned about the effect of the ruling on the population sciences and respectfully ask the Federal Communications Commission (FCC) to consider issuing an exemption covering cell phone use in scientific research.

PAA is the premiere professional, scientific society for more than 3,000 behavioral and social scientists—including demographers, sociologists, economists, epidemiologists and statisticians—who study the implications of population change. Our members conduct research and train young scientists at U.S. universities and independent research organizations. The APC is composed of approximately 40 federally funded, interdisciplinary population research centers nationwide. Our members compete for federal discretionary research funding primarily from the National Institutes of Health and National Science Foundation. Further, they use data gathered by federal statistical research agencies, including the Census Bureau, Bureau of Labor Statistics, and National Center for Health Statistics to conduct their research and research training activities.

Access to scientifically sound, representative data about health and population issues is important to not only improve the health and well-being of our citizens, but also to support evidence-based decision-making. It is important that the national dialogue about health and population issues be informed by such data, rather than by isolated anecdotes or pure speculation.

The Declaratory Ruling creates several problems for our community. First and foremost, by limiting the use of autodialing to cell phones, the ruling distorts the development of accurate national sampling frames. The development of these frames is often done (or enhanced) by random-digit dialing to ensure that the whole population has the opportunity to be included. It is estimated that 45% of US households use cell-phones exclusively, which, under the ruling, makes them inaccessible at this critical stage of research. Also, the likelihood that a household is cell-phone only is not randomly distributed, but rather more likely among those where the residents are 20-29 (70%) or 30-34 (67%). Also, 59% of Hispanic households are cell-phone only. Limiting the inclusion of households because of the age or ethnicity of the householder

would introduce significant bias into the coverage of research data and greatly diminish their value.

A further concern is the limitation on researchers using equipment that could be used for autodialing. To fully comply with the ruling, researchers would need to obtain costly new non-autodialing-capable equipment. It is not clear whether that is the intended impact of this ruling, but there could be sizeable cost implications for scientists.

We realize that there is a petition before the FCC from the Research Triangle Institute (RTI) requesting that autodialing directed to cell phones by the U.S. Government or its contractors be exempt. However, this exemption would not clearly permit autodialing to cell-phones by federal grantees (researchers supported by federal grants), or state-sponsored surveys (such as the California Health Interview Survey) or those supported by private foundations. We appreciate the intent of the RTI petition to open the door for continued use of autodialing for research purposes, but it is only a partial solution.

We request that the FCC clarify that autodialing to cell phones for scientific research purposes be exempt from this ruling. Objective research supports informed decision making and the scientific community takes explicit steps to ensure that such data are widely available to broaden their usefulness. The public clearly benefits from such research and the collection of sound data that underlies it. Such an exemption would be similar to the research exemption from the “do not call” restrictions.

Thank you for considering our views regarding this matter.

Sincerely,



Steve Ruggles, Ph.D.
President, Population Association of America



Lisa Berkman, Ph.D.
President, Association of Population Centers