

## FORCING THE ISSUES IN VERMONT: the new turbine siting Bill (S.230) still hovering over critical issues

*Asking victims and communities to prove if they are “energy goal compliant” to a regulating body which has been subjected to the influence of the industry, will never be a gold standard for permitting ideals, for public safety and democratic principles, and this promises to be a **never ending path of contention.***

*By Sherri Lange*



*Sisyphus' and impossible escape from inevitability.*

*“While there are a lot of caring legislators in Montpelier who listen to us, and tried very hard to help, sadly there are also a lot that don’t,” she said. “It’s clear that the energy lobbyists have more influence than affected citizens — (it’s) a perfect example of regulatory capture. The PSB now has the chance to show that they are actually listening to the concerns of Vermonters being impacted by industrial wind.” [Sally Collopy, Fairfield](#)*

*"I am opposed to any new industrial wind projects in Vermont. If elected governor, I will propose legislation to protect permanently Vermont's ridge lines. I will not appoint members of Public Service Board who will approve new industrial wind projects in Vermont." Former State Senator and Former US Ambassador, Peter Galbraith, candidate for Governor, VT. (Email communication)*

Aiming to push the refresh button on the Public Service Board, and promising a protectionist approach to the ridgelines and people of Vermont, Former Senator and Former US Ambassador for the US, and now Candidate for Governor, Peter Galbraith, reflected this week on the nature of the race: "This election is a referendum on the future of industrial wind in Vermont." He might well have been talking directly to resident Sally Collopy of Fairfield. And countless others, undoubtedly the bulk of the residents of VT.

When resident of Fairfield Sally Collopy expressed her dismay at the power of the energy lobby, and the feature of undue influence, with specific reference to Bill S. 230, she mentioned "regulatory capture." It is a phrase widely applied to the way the industry operates: behind closed doors, applying financial incentives to favorite politicians and parties, attending high level expensive fund raisers, donations, and paybacks of millions to their favored endeavors: even achieving policy and law that permits taking of rare, or at risk, or endangered species, policy by State that usually permits a levelling, average dB for residents vastly out of sync with turbine noise complexity.

# REGULATORY CAPTURE: WIND TURBINE INDUSTRY INFLUENCE IS CONSISTENTLY DIRECTED AWAY FROM PUBLIC INTEREST

Regulatory Capture is clearly [defined by editors Carpenter and Moss](#), in a collection of essays on modern instances of RC (Regulatory Capture) 2014.

*“Regulatory capture is the result or process by which regulation, in law or application, is consistently or repeatedly directed away from the public interest and toward the interests of the regulated industry, by the intent and action of the industry itself.”*

Another kind of influence is behind regulatory capture or embedded in it: cultural capture. This comes from identification with common goals, bonds, and aspirations. It is obvious that the wind industry has captured or been part of the capture in itself of public policy that has been crazily oblivious to facts. Lucrative contracts, political frameworks to massage profits, with resulting weaker protections for wildlife, people, and landscapes, water supplies, and a deafening roar of lack of democratic process.

Industrial wind’s cultural capture has been the mantra of cleaner air, saving the planet, saving our children, and cost effective, green, free energy. The cultural “definition” offered by the industry of “saving the planet,” is now translated into every corner of public policy and development of the industry itself. The “capture” rests entirely on falsehoods, with devastating consequences. *We are falsely told that scenic values and even apparently health values are to be subjugated to*

*the social good of industrial wind: “clean” air, “free” electricity, for our “children.”*

*The industry uses scientifically “posed” sound regulations/data which really is more “confusion” in many instances, in order to promote and maintain profits. Along with this box of tricks is measurement of sound, dB(A) (who really is DOING the measures?) and complete lack of acknowledgement and measurement of ILFN (Infra and Low Frequency Noise), vibration, and shadow flicker.*

## A PROBLEM WITH AVERAGED dB and other turbine “noise” reality checks

[Bill S. 230 is a bill aimed at providing more “say”](#) in siting of wind and solar projects. Passed at first unanimously at the House level about two weeks ago, last minute wind turbine noise standards nearly put the brakes on the Bill’s passage. Some say special interests invaded the Senate’s deliberations. The provision of averaged dB, not maximum dB levels, is a crucial feature of the protection of people’s health, say many experts. ([New Hampshire](#) has endorsed maximum 50 dB levels at property lines. See the same link for all States’ siting rules at the fairly current time.) (At the same time, we doubt that the industry controlled measures would ultimately provide protection anyway. We suspect that there are zero turbines in existence that are in compliance with human health safety requirements, and that current setbacks of all manner are notoriously useless, proven so.)

[In an affidavit in a legal hearing in Saskatoon](#), Sask., Dr. Michael Nissenbaum referenced the first controlled study of adverse health and proximity to wind turbines in Aroostook County, Maine. Turbines were 389 feet tall, tip to base, and the study was of impacted persons living about 1100 meters near to the Mars Hill Project. Dr. Nissenbaum, reflected in his statement on the very clear health impacts on residents, including

- a. *“Sleep disturbances/sleep deprivation and the multiple illnesses that cascade from chronic sleep disturbance. These include cardiovascular diseases mediated by chronically increased levels of stress hormones, weight changed, and metabolic disturbances including the continuum of impaired glucose tolerance up to diabetes.*
- b. *Psychological stresses which can result in additional effects including cardiovascular disease, chronic depression, anger, and other psychiatric symptomatology.*
- c. *Increased headaches.*
- d. *Unintentional adverse changes in weight.*
- e. *Auditory and vestibular system disturbances.*
- f. *Increased requirement for and use of prescription medication.”*

He then went on to “strongly disagree” with the developer’s statement of environment impacts studies that the setback distances were demonstrated to be “generally adequate,” and that audible noise levels were “acceptable.” The facts remain that various projects, many, and even perhaps all, routinely experience levels much beyond the WHO

suggested 30dB for nighttime rest. ([In Freedom, Maine](#) a local resident used a sound meter: recorded on a laptop, levels showed over 52 decibels with measures “never dropping below 48 and peaking at 59 decibels.” Phil Bloomstein went on to explain that what they were told, was very different from the reality. **(45dB is as loud as it will get, save for about eight days, they said.)** Other residents:

*“... likened the experience to hearing the furnace kick on, then lying awake mad about having been woken. “It’s not just a physical thing,” he said, “There’s an emotional side.” Keating’s neighbor Steve Bennett said he hears the turbines at all times of day. “It’s like a jet plane flying overhead that just stays there,” he said.”)*

While we all recognize [that audible sounds are only a fraction of the impacts](#) experienced by residents, it is yet an important feature due to idiosyncratic and pulsing noise, highly variable as the wind is, to mechanical gear grinding, blade whooshing, tumbler or dryer like noises, also [altering the vestibular system](#). It is not as simple as “turning it off.” While the industry talks of “harvesting” the wind, victims talk of “torture,” and betrayal.

When victims and communities such as Falmouth, Mass. or Brown County, WI, talk of shutting down turbines, (some effects have become so serious as to have a project deemed a [Human Health Hazard](#)), communities are of course referring to the “compilation” of harmful effects, sometimes including stray voltage and harmonics. But the range and idiosyncratic nature of dB alone from turbines can also be

dangerous. The startle, fight or flight impulses wreak havoc with vestibular systems. Stephen Ambrose asks a relevant question: [if models low ball noise will ears cooperate?](#) The answer is obvious. Allowing developers to dictate or control via influence, dB levels, which are not as the predictions suggest, “generally adequate,” is again, putting profits before people. *Of obvious concern also: the failure of all mandates to measure ILFN (Infra and Low Frequency Noise), effects of shadow flicker and vibration, especially as they relate to sensitive persons, children and the elderly.*

## A STATUTORY RIGHT TO “OPPOSE OR CHANGE” PROJECTS....with a powerful caveat (The Banana Peel Clause)

Bill S.230 calls for a PSB initiated 45 days delay for a sound standard to be put in place for new projects with permanent sound rules due to evolve that same month. AVERAGE readings (over an hour) of decibels cannot increase indoors over 30 dB and 45dB outside. The averaged readings are not new in VT. Measurements within averages are wildly variable, and this is what some are deeply concerned about. The PSB cannot put in place higher sound standards than are already used.

However unsatisfactory *averaging* of noise limits might be for now in VT, improvements in control over siting *seem* to be featured in this Bill. *The bill is, after all, called [“An act relating to improving the siting of energy projects.”](#)* Vermonters have long been concerned, deeply concerned, that the influence and power of the Public Service Board (PSB), which has control over permitting, is demonstrably out of sync with community lack of appetite for projects.

What has been achieved with Bill S.230 is that towns and regions will have the “statutory right” to oppose, or request changes. They will have the RIGHT now, to argue conflicts, and to maintain individual town plans. Instead of the former “due consideration” to the plans of towns, Bill S.230 now gives towns “substantial deference.” *This is for towns that are “certified” to work with the State on common energy goals. That provision may be the banana peel, after all.* [Annette Smith](#), Executive Director of Vermonters for a Clean Environment, calls the idea that the PSB will give “substantial deference” to towns with *Municipal Energy approvals, certificates, “really ridiculous.”*

[State Rep Vicki Strong](#) points out that:

*“At the Lowell wind project there are 500-foot towers — 21 (of them). In Sheffield there are 16 500-foot towers that affect property values, health issues, and aesthetics,” she said. “Every day when I drive through my towns to get here I see those wind towers, and they’re painful. Our towns have been through a lot.... Lives have been disrupted. Some folks have had to give up their property and their homes.”*

Who will help those currently affected by noise and sound pressure pollution? Still unanswered questions. *Asking victims and communities to prove if they are “energy goal compliant” will never be a gold standard for permitting ideals, for public safety and democratic principles, and this promises to be a never ending path of contention.*

The voters of Vermont appear prepared. They have given notice to potential and existing lawmakers, that their expectations are high for relief, local control, and a moratorium.

**Candidate Peter Galbraith**, has taken direct aim at protecting VT ridge lines. “In 2011, I introduced the first bill ever put forward in the Vermont legislature to stop industrial wind projects on Vermont ridge lines. I have constantly supported all legislative efforts to delay or stop the destruction of Vermont Mountains with these projects.” (Quote given to NA-PAW via Email) *(As noted below in a synopsis of the candidates, there are several with equally strong energy statements to protect the ridge lines of VT.)*

**Candidate Bruce Lisman** acknowledges that Bill S.230 did not go nearly far enough to protect people: he also expresses some clear headed objectives for the future of VT which include: local control, costs, and honesty: “Establish a temporary moratorium on industrial scale solar and wind projects.... Insist on greater transparency and accountability at the Department of Public Service, and return to a focus on the best interests of the consumer.... Expand the generation and distribution capacity for natural gas in Vermont.” *“Vermont needs a New Direction in its energy policy. We need to free ourselves from the straight jacket of Montpelier’s master plan and all of its unintended consequences. Instead, we need to listen to our local communities, collaborate with our regional partners, and be open to good ideas wherever we find them. By making smart, balanced choices we can build a greener energy portfolio*

*and facilitate shared economic prosperity for all Vermonters.”(Email communication)*

## **VOTERS NOTES (No order):**

*The candidates for Governor are: VT Lt Governor, [Phil Scott](#), (R) supported the moratorium feature of this Bill, believes in more local siting control; should have standards similar to NH and Maine; [Bruce Lisman](#), (R) calling for a moratorium on large scale wind and solar, and greater transparency and accountability at the PSB; [Peter Galbraith](#), (D) as noted above, absolute protections for ridge lines, accountability for the PSB, return to economic justice, end to corporate welfare; [Matt Dunne](#), (D) follow the California lead to mitigate climate change, supports cap and trade, reduce fossil fuel use, protect Lake Champlain, and invest in efficiency, solar and heat pump technology; [Sue Minter](#), (D) climate change is one of the greatest threats, transition away from carbon-based economy, divest from coal, reinvest in clean energy jobs; [H. Brooke Paige](#), (D) industrial wind “farms” are a mismatch for Vermont, its geography, ecosystem, tourism, and citizens, not economically viable, inconsistent with values and principles of Vermont; [Cris Ericson](#), Independent, can’t locate position on industrial wind, however she states on her website: “Remember, the statewide Vermont primary is Aug. 9, 2016 and I hope that people will not be so totally and completely disgusted with politics by then that they fail to vote. I collected petition signatures from March 8th until April 29th, and I have never heard so many unhappy voters, and voters who are angry. Calm down. Don't up and move to Canada.”*

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