

# Maine Coalition to Stop Smart Meters

P.O. Box 43  
Richmond, ME 04357  
207-666-3372

[www.mainecoalitiontostopsmartmeters.org](http://www.mainecoalitiontostopsmartmeters.org)



January 26, 2016

## **Contact:**

Ed Friedman 666-3372 [edfomb@comcast.net](mailto:edfomb@comcast.net)

## **For Immediate Release**

### **Law Court Turns a Blind Judicial Eye to Smart Meter Arguments**

Today, culminating a four year legal and regulatory battle over the health and safety effects of smart meters, the Maine Supreme Judicial Court [the Law Court] affirmed a Maine Public Utilities Commission [PUC] decision that smart meters were essentially safe enough. Given the well documented utility industry influence on the agencies supposed to regulate them [Alster, 2015], and the Courts stated deference to the PUC, anti-smart meter activists were disappointed but not surprised.

The appeal brought by Ed Friedman and others, argued the PUC in reaching their decision applied an improper standard and burden of proof, was not supported by substantial evidence in the record and that the two Commissioners offered extremely different arguments not resolved in their ultimate decision, thus making it arbitrary and capricious. Even though the legal burden was on Central Maine Power to show smart meters were safe, the Court decided to ignore this question since they found the Commission decision supported by substantial evidence in the record.

Maine statute requires the PUC “*shall ensure safe, reasonable and adequate service.*” In their original decision the Law Court mandated the Commission determine whether smart meters and their associated radiofrequency radiation [RF] constitute a “*credible threat*” to the health and safety of CMP customers. The Courts interpretation of plain English statutory language “*shall ensure safe[ty]*” was thus transformed and in today’s decision was further distorted to new heights according to activists citing this passage from the Court [citing the PUC]:

*“It’s one thing to make a finding that evidence is credible regarding potential harm and quite another to find there is a legally credible threat of harm-that a credible threat of harm is in fact credible: likely and probable to result in harm.”*

*“This doublespeak and flagrant disregard for the health and welfare of citizens is why justice will rarely be found within the law why our laws will ultimately collapse. Explain the Court’s logic to the many thousands injured by smart meters and to all those who refuse to pay what amount to extortion fees to avoid the actual or credible threat of harm from RF exposure”* said Ed Friedman, spokesperson for the appellants.

Activists described a long and convoluted road from “*shall ensure safe, reasonable and adequate service*”, what state statutes requires, to the PUC’s marginalized version accounting for “*magnitude of risk, the probability of harm, availability of alternatives and mitigation techniques...*”, essentially a risk assessment evaluation of acceptable harm, one that by their decision the Court endorses.

Friedman noted: “While the decision acknowledges over one hundred peer-reviewed scientific studies were reviewed by the Commission, what the Court doesn’t admit is over 1,000 peer-reviewed study citations and verbatim abstracts of supporting studies submitted into evidence by anti-smart meter activists were rejected by the PUC because ‘somehow we need to whittle down the amount of evidence.’ The Court has miserably failed the people of Maine, instead relying on CMP supplied evidence from the FCC [FCC exposure standards admitted by even the PUC to be obsolete and irrelevant], Trilliant [vendor for the smart meter project], Exponent [a well-known product defense firm], and the Maine CDC finding from 2010 [a 2-week rush job about which the CDC admittedly knew nothing and that predated both this investigation and the WHO classification of RF as a possible human carcinogen].”

“The Court ignored when they needn’t have, independent testimony from international experts on the credible threat of harm RF exposures at smart meter levels pose and instead chose to believe the “Marlboro Man” that smoking is good for us. The Law Court has despite ample evidence we were not legally required to submit [with the burden of proof on CMP] rejected Maine’s judicial maxim—the health of the people is the supreme law,” added Friedman.

###

#### Recent References:

1. **Nearly 200 Expert EMF Scientists Appeal to UN and WHO New York, NY, May 11, 2015.** Today 190 scientists from 39 nations submitted an appeal ([click here to read document](#)) to the United Nations, UN member states and the World Health Organization (WHO) requesting they adopt more protective exposure guidelines for electromagnetic fields (EMF) and wireless technology in the face of increasing evidence of risk. These exposures are a rapidly growing form of environmental pollution worldwide. ([Read More](#))
2. [Department of the Interior calls FCC RF exposure guidelines obsolete and inapplicable.](#) 24 August 2015
3. [India issues comprehensive report on wildlife effects from communication tower microwaves.](#) 24 August 2015
4. [Oxidative Mechanisms of Biological Activity of Low-intensity Radiofrequency Radiation-A Review Paper](#) 15 July 2015
5. A Canadian Parliamentary Committee today issued a report with 12 recommendations for increased caution, investigations, reporting and data gathering with regard to RF/EMF and wireless devices. See recommendations below and [link to report](#). Canada’s Safety Code 6 providing guidelines for RF exposure is virtually identical to the 1996 FCC guidelines in the US. 17 June 2015 <http://www.mainecoalitiontostopsmartmeters.org/2015/06/canadian-parliamentary-health-committee-calls-for-review-of-guidelines-related-to-wireless-technologies/>
6. **Captured Agency:** In a new [publication](#) just released from the Edmond J. Safra Center for Ethics at Harvard University, [Norm Alster](#) examines how the Federal Communications Commission (FCC) is dominated by the industries it presumably regulates. Linked below are selected quotations which are organized in a way to effectively create a synopsis version of the original 59-page document linked above. [1] Selected quotes as posted [June 27, 2015](#) by [SkyVision Solutions](#)
7. **Doubt is Their Product:** <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2685872/>
8. **Electrohypersensitive individuals (EHS) in the digital world – a disabled population, deprived of home, work and basic rights.** Slideshare, Published on Jan 26, 2016 - 83 slides, can be downloaded as a pdf file. Dr. Yael Stein MD, Presented at: UNESCO Chair in Bioethics 10th World Conference, Jan 6-8/ 2015. Co-authors - Dr. Mbong Eta Ngole, Dr. Gaurav Aggarwal, and Dr. Joel M Moskowitz <http://www.slideshare.net/YaelStein1/ehs-human-rights>