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AND

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First by Facsimile: 6217 9100

Dear Sirs,

WIND FARMS AND HUMAN HEALTH

We act for the Friends of Collector Inc (FOC), an organisation formed to coordinate the opposition of the community of Collector (NSW) to a proposal to establish an industrial wind facility adjacent to their town. The FOC cooperates with a number of other community organisations performing similar functions for affected and prospectively affected communities.

We are instructed to write to you at this important juncture, in the terms set out below, in order to ensure that the NHMRC is cognisant, and formally on notice, of:

(a) the serious damage that has resulted from the NHMRC’s deficient work in relation to the question of whether inappropriately sited industrial wind turbines adversely impact upon human health, culminating in the highly regrettable publication and subsequent dissemination of 2 inadequate public health documents — namely, the NHMRC’s “Rapid Review” (Rapid Review) and associated public statement (Public Statement) both entitled “Wind Turbines and Health” of July 2010 (together – NHMRC Documents); and
(b) the gravity of the remedial work upon which the NHMRC has now embarked—
being, *inter alia*, the preparation of a new report on the issue of wind farms and
human health under the guidance of the Wind Farms and Human Health Reference
Group (*Reference Group*); and

(c) the reality of the desperate situation in which a significant number of Australians,
whose health has been adversely affected by exposure to inappropriately sited wind
turbines, find themselves.

We note that this letter has been prompted, in part, by a public statement made by
Professor Simon Chapman to the effect that the NHMRC’s further work on this issue
will “clear turbines”. As the NHMRC permitted Professor Chapman to provide one of
the two peer reviews of the NHMRC’s Rapid Review & Public Statement, and as it is
believed that he continues to wield significant influence within and with respect to the
NHMRC (notwithstanding that he is not a member of the Reference Group), his recent
comments indicating pre-judgment of the outcome of the Reference Group’s work are
of the utmost concern to the FOC and to other communities of presently and
prospectively exposed Australians.

**The NHMRC’s Rapid Review and Public Statement**

The FOC has previously sought and obtained substantial documentation from your
organisation pertaining to the preparation of the Rapid Review and Public Statement.
Through this process (including a review of the documentation produced) and through
the efforts of numerous qualified persons and the dedicated work of other members of
the public, it has emerged that:

(a) as is readily apparent from the quality of the NHMRC Documents, the NHMRC
regarded the ‘Rapid Review” as an insignificant and unimportant matter, with a
senior staff member having suggested to the responsible department that no more
than “a couple of hours” should be spent on the ‘Rapid Review”;

(b) the Rapid Review was inadequate in scope and omitted to consider a substantial
body of relevant material regarding the adverse effects of low frequency noise—
including, remarkably, significant work from 2003 & 2004 by Dr Geoffrey
Leventhall (the second of the two persons who provided a peer review of the
NHMRC documents) examining the body of published work on the effects of low
frequency noise and canvassing the serious adverse health effects associated with
exposure thereto; and

(c) the peer reviewers selected and accepted by the NHMRC were persons with publicly
committed and relatively high profile views on the matters in issue which were (and
are) to similar effect – namely, that turbines have no adverse health effects; and

(d) notwithstanding:

   (i) the acknowledgement of the established existence of a causal relationship
       between exposure to wind turbines and adverse effects with relevance to
       human health (in the form of annoyance and consequential impacts);
(ii) the clear correlation between the ‘anecdotal evidence’ (ie. reported effects) of exposure to industrial wind turbines and the known effects of exposure to low frequency noise; and

(iii) the failure to examine the substance of the “planning guidelines” placed in issue by the question under consideration,

the NHMRC Documents, recklessly, endorsed a sweeping exoneration for which there was inadequate support and which was, moreover, prone to obvious abuse by vested interests.

As to (c), we note that both Professor Chapman and Professor Leventhall were, and remain, notable exponents of the view that wind turbines are without adverse consequences for human health. Professor Chapman, in particular, is a severe critic of both those who contend that there are grounds for significant concern and those members of the community who claim to be adversely affected. We note, for example, Professor’ Chapman’s recent (24 May 2012) online article “Wind Turbines power Mass Hysteria” and his comment in relation to those who claim to be suffering adverse health effects in the course of an online discussion of that article:

“Rural communities have many unsaleable properties. If you lived in one and a rich company opened wind [sic] farm in your neighborhood, your ticket out of there might just flash before your eyes a little? Big question is why have there been zero health complaints from those getting income from turbine hosting? And pls [sic] don't say "gag clauses". I have seen several contacts and they say nothing on this & any lawyer will tell you that a claim of negligence from health harms would never be voided by a contract.”

Apart from being inaccurate and speculative in material respects, including as to the alleged absence of complaint by host landholders, Professor Chapman’s remarks are, in the FOC’s opinion, intemperate and unseemly, and (given the nature of the speculation they incorporate) suggestive of a lack of objectivity with respect to those claiming to be adversely affected by industrial wind facilities.

As to (d), we note that the NHMRC Documents have (as the NHMRC is aware) been trumpeted by wind farm developers and governments committed to their development (including by government’s Health Departments and chief medical / health officers) as conclusive evidence that industrial wind facilities pose no risk to human health. The limited, insufficiently prominent, cautionary notes in the Documents have (predictably) been ignored and the genuine injuries and complaints of exposed residents dismissed. In short, the NHMRC Documents not only dismissed the possibility of adverse health effects without adequate warrant, but have also formed a major impediment to adversely affected members of the community receiving either fair consideration of their claims or, in some cases, simple courtesy.

The NHMRC’s 2012 / 2013 Report

The gravity of the NHMRC’s further work on this issue should not be underestimated.
Firstly, the Reference Group’s work must remedy (by supplanting and expunging) the Rapid Review and the Public Statement. The marked deficiencies of those Documents and the process that led to their creation represented, in the FOC’s view, a breach of the NHMRC’s duty to the public. They must be replaced by public health documents of appropriate scope and rigour.

Secondly, the NHMRC must confront the difficult truth that a significant number of Australians are presently suffering the adverse effects of exposure to inappropriately sited industrial wind turbines, whatever the causal mechanism, and that an exponentially greater number are at risk given the planned proliferation and intensification of industrial wind facilities.

The suggestion that the numerous members of rural communities who claim to be experiencing significant adverse health effects are simply lying is both offensive and improbable. The reality is that some Australian families are facing a choice between chronic illness or being driven from their homes. Some others have no choice but to leave. The adverse effects of inappropriately sited industrial wind turbines are real – they are not fabricated.

Thirdly, the NHMRC should understand that there are presently a number of programs of action on foot directed to the collection by independent experts of data in respect of the noise (including low frequency noise and infrasound) emissions of industrial wind facilities. Low frequency noise generated by proximate wind turbines has been identified in the homes of persons who are suffering the ill-effects of exposure. The assumptions as to the absence of relevant doses of low frequency noise that apparently underlay much of the Rapid Review and Public Statement are, it appears, highly questionable.

Finally, the FOC submits that a simple further review of existing scientific literature, as appears to be contemplated by the reference to the Wind Farms and Human Health Reference Group, is insufficient to discharge the NHMRC’s responsibility to the Australian community in the circumstances. The NHMRC bears a responsibility to raise the standard of individual and public health in Australia (s.3, National Health and Medical Research Council Act 1992). In the present context, the NHMRC’s obligation demands that it do more than simply assess whether some other person or body has determined that a potential public health problem exists – it must take responsibility for making that determination and for taking appropriate consequential steps. As a public health body, the first question for the NHMRC is whether or not it finds evidence of the existence of a problem – not whether or not someone else has found, identified and explained such a problem. The NHMRC’s role is not merely adjudicative – it is investigative, protective and ameliorative.

Consequently, it is critical that the Reference Group’s deliberations be informed by investigation and direct evidence of any contemporaneous matters indicating the existence of a public health problem and/or, where the position is unclear or unexplained, militating in favour of further, better or different research than is presently in existence. In short, consideration of any direct evidence of the existence of a problem associated with industrial wind turbines is of fundamental importance and is essential to the discharge of the NHMRC’s responsibility in the circumstances. Accordingly, it is essential that the Reference Group venture into the field and inform itself of the direct,
contemporaneous evidence of the existence of a public health problem associated with industrial wind turbines.

The FOC submits that there is in fact abundant evidence of this kind in the form of members of exposed communities reporting comparable illness and other adverse effects temporally and geographically connected to their exposure to industrial wind turbines. In the face of this significant evidence, the real question is not whether there is a real public health problem associated with industrial wind turbines – it is simply why and how. Accordingly, any attempt to ignore this evidence or failure to take it into account (including by or as a result of asking the wrong question – as occurred, for example, in the case of the Rapid Review) would be subversive of the purpose and responsibility of the NHMRC.

In closing, we reiterate that the work to be undertaken by the Reference Group is of the utmost gravity at a time when rural Australia stands on what is mostly aptly described as a precipice. The planned exponential increase in the construction and operation of industrial wind facilities threatens large numbers of prospectively exposed rural residents and communities whose future is consequently at risk. The attention and hope of a large body of Australians is therefore focused upon the NHMRC at this time.

Yours faithfully,

HEGARTY & ELMGREEN

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