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[Date] February 26, 2024

To: Kathleen James
Members of the Vermont House of Representatives
Members of the Vermont Senate
The Governor of the State of Vermont
Clerk of the House and Senate

Re: Lawful Notification of Corrective Action – H.527 / 30 V.S.A. §248a

Dear Representatives and Officers:

Enclosed please find a Lawful Notification of Corrective Action to Prevent Maladministration regarding H.527 and the proposed extension of 30 V.S.A. §248a.

This Notice is provided in good faith and pursuant to Articles 1, 5, 6, 7, and 20 of the Vermont Constitution. It sets forth constitutional concerns regarding internal police authority, fiduciary duty, municipal protective capacity, cumulative exposure review, ecological safeguards, surveillance implications, and the absence of independent Vermont-directed scientific evaluation.

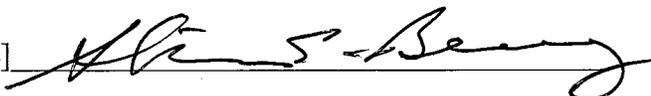
The enclosed Notice formally instructs that extension of §248a must not proceed absent the constitutional prerequisites identified therein.

Please ensure this Notice is entered into the official legislative record.

Kindly provide written acknowledgment of receipt and indicate, within twenty (20) days, how the constitutional concerns raised will be addressed.

This correspondence is provided so that corrective action may occur within the legislative process and without necessity of further constitutional remedy.

Respectfully,

[Your name] 

Residing and domiciled within the State of Vermont, a constitutional republic

Lawful Notification of Corrective Action to Prevent Maladministration

Regarding H.527 – Extension of 30 V.S.A. §248a Without Independent Health, Ecological, and Constitutional Review

To:

Members of the Vermont House of Representatives
Members of the Vermont Senate
The Governor of the State of Vermont
Clerk of the House and Senate

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

Status

I, one of the People of Vermont, Sui Juris, residing and domiciled within the State of Vermont, a constitutional republic, do present this Notice

Summary

Passage of H.527 without corrective amendment **will result in further legal challenge**. Please take notice that the Legislature must not extend 30 V.S.A. §248a through H.527 without proper reevaluation, locality-specific review, and restoration of meaningful municipal authority to accept or decline infrastructure siting. **Extension without these safeguards materially impairs constitutional guarantees and the police power duty to protect life, property, and ecological integrity.**

I. Origin of Authority

Understand that all political power is inherent in and derived from the People.

Please take notice that the **police power to protect health, safety, welfare, and natural conditions originates in the People and is delegated in trust to the State and its subdivisions.**

Understand that **delegation does not permit permanent insulation of authority from the People or removal of meaningful local protective capacity.**

II. Centralization Under §248a and Impairment of Local Protective Authority

Understand that municipalities do not exercise land-use authority merely by custom, but by **delegated police power rooted in constitutional structure, whereby local officers remain directly accountable to the People most immediately affected.**

Please take notice that removal of meaningful local acceptance or decline authority over infrastructure siting **constitutes a material alteration of that constitutional balance,** particularly where such **infrastructure directly affects bodily integrity, residential property use, scenic character, and ecological systems.**

Please understand that **delegation does not authorize the Legislature to permanently concentrate authority in insulated administrative bodies** in a manner that deprives municipal officers of their duty and capacity to protect life and property.

Take notice that **bodily security and the conditions necessary for natural life are foundational constitutional interests,** and that the People cannot permit any level of government to diminish their protective mechanisms through incremental statutory centralization.

And note that when authority affecting health, property, and ecological integrity is progressively consolidated away from local accountability, the People are effectively deprived of meaningful access to those exercising delegated police power, in a nonconstitutional manner.

Please take notice that this Notice serves as formal instruction that such erosion of locally accountable authority must cease, and that extension of 30 V.S.A. §248a without restoration of locality-specific consent and independent review is inconsistent with the constitutional structure of a distributed and accountable republic.

Section III – Federal Standards, Judicial Reprimand, and Vermont’s Independent Duty

Please take notice that the existing federal RF exposure standards presently relied upon for communications infrastructure siting decisions are based upon guidelines originally adopted in the 1990s and have not undergone comprehensive modernization reflecting the cumulative densification of wireless infrastructure.

Take specific notice that: **The United States Court of Appeals for the District of Columbia Circuit held that the Federal Communications Commission failed to provide a reasoned explanation for retaining its decades-old RF exposure limits and failed to adequately address substantial scientific evidence in the record concerning non-thermal biological effects, long-term exposure, impacts on children, and environmental harm.**

You are now noticed and aware that **the Court determined that the FCC’s decision to retain those standards was arbitrary and capricious insofar as the agency failed to meaningfully respond to significant scientific evidence presented in the record.**

Please take notice that the Court remanded the matter to the FCC for further proceedings, expressly requiring the agency to confront and respond to scientific evidence it had previously dismissed or insufficiently addressed.

And note that, despite that judicial directive, **no comprehensive, modernized federal health or environmental exposure framework has been issued that resolves the deficiencies identified by the Court.**

Take notice that **reliance upon federal exposure standards presently under judicial remand does not discharge Vermont's independent constitutional obligation to exercise due care in protecting the health, bodily integrity, property rights, scenic resources, and ecological conditions of its residents.**

Note that federal regulatory determinations developed within national administrative frameworks that include telecommunications industry participation do not substitute for **independent, locality-specific evaluation** under Vermont's retained police power.

No independent health and ecological safety review has been conducted by experts selected by the People of Vermont and appointed through Vermont legislative authority to evaluate cumulative RF exposure under current and proposed infrastructure density, including layered exposure from small wireless facilities, smart meters, and associated technologies.

Vermont retains constitutional responsibility to independently safeguard life and natural conditions within its jurisdiction and may not rely exclusively upon federal determinations that have not been locally reviewed, modernized, and independently validated.

IV. Cumulative and Combined Exposure

Vermont residents and wildlife are subjected to layered and simultaneous sources of radiofrequency radiation, including but not limited to:

- Small wireless facilities
- Smart meters
- Wi-Fi infrastructure
- Personal wireless devices

You are herein noticed that: cumulative exposure modeling under dense infrastructure deployment has not been independently evaluated in a Vermont-specific and locality-specific manner.

And that: **cumulative exposure** modeling for dense small-cell architecture — including overlapping multi-band, phased-array, and millimeter-wave deployment — **has not undergone independent, longitudinal health or ecological assessment specific to Vermont conditions.**

That: layered and continuous exposure to multiple **RF-emitting systems creates aggregate biological and environmental conditions materially different** from isolated single-source exposure models upon which existing federal limits were originally based.

That: **long-term epidemiological data concerning RF exposure, neurological impact, cardiac irregularity, and brain tumor incidence remains scientifically contested and unresolved.**

That: where exposure is **involuntary, continuous, and infrastructure-driven, the standard of care required of the State is not minimal compliance but heightened protection.**

That: **uncertainty in the face of potential harm to bodily integrity, wildlife migration, pollinator stability, and ecological balance does not diminish governmental duty; rather, it imposes a strict obligation to prevent avoidable risk pending independent and comprehensive evaluation.**

That: the **People of Vermont retain the authority to require a high and protective standard of care in matters affecting life, health, property, and natural systems.**

That: herein, by and through this formal notice, the **People formally instruct their public servants that no further densification of small wireless infrastructure shall proceed absent independent, Vermont-directed, scientifically comprehensive review capable of earning the informed trust of the communities affected.**

V. Ecological and Scenic Protection Wildlife; Migratory Corridors, and Pollinator Impact

Vermont's economic and cultural foundation rests upon scenic landscapes, intact migratory wildlife corridors, pollinator health, and ecological continuity.

Densified pole-top wireless installations and associated infrastructure materially alter scenic corridors, rural character, and environmental integrity upon which Vermont's tourism economy depends.

Vermont's ecological integrity — including migratory bird navigation systems, pollinator stability, and insect populations — forms a core component of the State's environmental identity and common economic benefit.

Densification of wireless infrastructure has not undergone comprehensive, Vermont-specific longitudinal review regarding impacts on migratory corridors, insect biomass, wildlife navigation, or habitat fragmentation.

No independent Vermont-directed ecological assessment has been completed prior to continued expansion of small wireless facilities under accelerated deployment frameworks.

Accelerated deployment in the absence of such review constitutes **unmanaged environmental risk and failure to protect the common benefit and core ecological, environmental, and economic interests of Vermonters.**

VI. Fiber-First Infrastructure Policy

Do notice that Vermont has already invested substantial public resources in **fiber-to-the-premises infrastructure capable of delivering universal, high-capacity connectivity without continuous environmental radiation emission.**

Note how fiber provides:

- **Superior bandwidth**
- **Greater reliability**
- **Lower latency**
- **No continuous RF emission burden**
- **Reduced scenic intrusion**

And note that:

- ◇ **extension of centralized wireless siting authority without mandatory fiber-first feasibility analysis promotes one infrastructure model while ignoring viable alternatives.**
- ◇ **delegated legislative authority does not extend to imposing involuntary, continuous environmental exposure where a less intrusive and technologically superior alternative is available.**
- ◇ **blanket wireless densification affecting residential corridors, scenic landscapes, and ecological systems materially alters conditions of bodily integrity, privacy, and environmental stability within the State.**
- ◇ **the People instruct their public servants that wireless densification shall not proceed in any locality where fiber infrastructure is available or capable of deployment without material impairment.**
- ◇ **authority to govern does not include authority to impose unnecessary exposure risk for administrative convenience or industry preference.**

VII. Emergency Infrastructure Claims and the Requirement of Demonstrated Necessity

You are herein notified that::

- **Emergency communication objectives are achievable through targeted, hardened, and strategically deployed infrastructure without subjecting the entirety of**

Vermont's residents, wildlife corridors, and scenic landscapes to blanket densification.

- **Emergency readiness does not justify the continuous environmental radiation saturation of residential neighborhoods** when wired infrastructure, macro facilities, and established public safety systems adequately provide essential connectivity.
 - **Government action must meet the standard of necessity and proportionality. Where less intrusive means exists, more intrusive measures exceed reasonable authority.**
 - **Emergency preparedness must not generate foreseeable health or environmental risk. Safety cannot be preserved by imposing conditions that compromise it.**
 - **Generalized infrastructure expansion justified under an emergency rationale, absent clear and documented necessity, constitutes overreach beyond the State's duty of care.**
 - **The informed People of Vermont are herein removing their consent to universal and involuntary exposure burdens where narrower, proven, and less intrusive technological solutions are available.**

VIII. Surveillance Architecture and Constitutional Concerns

Take notice:

- ⇒ That expansion of infrastructure materially enhancing persistent device tracking capability **implicates fundamental constitutional protections against unreasonable search and seizure.**
- ⇒ That **where fundamental rights are implicated, any legislative authorization or extension of such infrastructure must withstand strict scrutiny.**
- ⇒ That strict scrutiny requires a compelling governmental interest and narrow tailoring by the **least intrusive means available.**
- ⇒ That failure to apply this standard prior to extending centralized siting authority **will subject such action to constitutional challenge.**

IX. Demand for Conditional Amendment or Moratorium

You are herein notified that: H.527 may not be extended in its current or unconditional form.

Extension of 30 V.S.A. §248a may not be passed without the safeguards set forth herein, for this would constitute delegation of centralized siting

authority absent constitutionally sufficient protection of health, property, privacy, ecological integrity, and municipal self-governance.

Extension of §248a must, at minimum, be preceded by and expressly conditioned upon:

- 1. Appointment by the fully informed People of Vermont and through legislative authority, of an independent health and ecological review panel with no telecommunications industry funding or financial entanglement.**
- 2. Comprehensive cumulative exposure modeling under updated scientific assumptions reflecting layered and densified deployment.**
- 3. A Vermont-specific longitudinal study of wildlife corridors, migratory navigation systems, insect biomass, and pollinator stability.**
- 4. Adoption of a binding Fiber-First infrastructure mandate prohibiting wireless densification where wired infrastructure can meet connectivity objectives.**
- 5. Restoration of meaningful municipal consent authority prior to siting approval.**
6. Legislative reauthorization only after public publication and deliberative review of all findings.

Take notice that absent these constitutional prerequisites, immediate suspension of new §248a approvals is constitutionally required pending completion of independent and Vermont-directed review.

X. Constitutional Reservation and Instruction

That:

Article 1 of the Vermont Constitution affirms that the People retain natural, inherent, and unalienable rights, including the enjoyment and defense of life, liberty, property, safety, and happiness.

Article 5 declares that the People of this State, by their legal representatives, possess the sole, inherent, and exclusive right of governing and regulating the internal police of the same.

Regulation of infrastructure materially affecting bodily integrity, privacy, property rights, municipal authority, and ecological stability constitutes an exercise of internal police power.

Under Article 6, **all officers of government are trustees and servants of the People and are accountable to them** for the faithful and protective exercise of delegated authority.

Under Article 7 of the Vermont Constitution, government is instituted **“for the common benefit, protection, and security of the people, nation, or community; and not for the particular emolument or advantage of any single person, family, or set of persons.”**

Authority may not be asserted to advance external corporate or commercial interests under the guise of convenience, modernization, or expediency.

When public power is exercised to materially benefit private entities over the community itself, constitutional limits are transgressed and fiduciary duty is compromised.

Expansion of centralized wireless siting authority without independent health, ecological, and privacy safeguards implicates all of the foregoing constitutional protections and fiduciary duties.

Pursuant to Article 20, the People hereby exercise their constitutional right to instruct their Representatives that internal police authority must be exercised in strict conformity with retained rights and for the common benefit, and not in a manner that imposes unnecessary and involuntary exposure burdens.

Failure to adhere to these constitutional obligations constitutes breach of trustee responsibility and will give rise to further constitutional remedy.

Passage of H.527 without corrective amendments will result in further constitutional challenge.

Such challenge may include, but shall not be limited to, the following grounds:

- **Improper delegation and insulation of centralized siting authority beyond constitutionally permissible limits;**
- **Failure to apply strict constitutional scrutiny where fundamental rights are implicated;**
- **Inadequate legislative safeguards protecting health, privacy, property, and ecological integrity;**
- **Reliance upon federal exposure standards presently subject to judicial remand without independent Vermont validation;**
- **Impairment of municipal protective functions and erosion of locally accountable police power;**
- **Failure to evaluate cumulative and longitudinal ecological and exposure risk prior to accelerated deployment.**

Take notice that continued authorization absent the constitutional prerequisites set forth herein will be construed as deliberate legislative disregard of retained rights and structural protections.

XI. Exercise of Constitutional Instruction and Reservation of Remedies

You are herein notified that: the People of Vermont, exercising their right under Article 20 to instruct their Representatives, hereby require strict adherence to Articles 1, 5, 6, and 7 of the

Vermont Constitution in all matters concerning expansion of centralized wireless siting authority; and expressly reserve all rights and remedies to correct any action inconsistent with the State's sole and exclusive internal police authority and the trusteeship obligations of its officers.

Peace and Honor to the Constitutional Order of Vermont.

This Notice is provided in good faith so that you may exercise due care and uphold your trustee obligation to protect life, liberty, property, municipal integrity, and ecological stability in conformity with the Vermont Constitution.

Executed this 26 day of February, 2026.

Autograph: 

Printed Name: Steven E. Berry

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