



9450 SW Gemini Drive  
PMB 44671  
Beaverton, OR 97008

June 30, 2024

**BY EMAIL**

David Uhlmann, Assistant Administrator  
Office of Enforcement and Compliance Assurance, Environmental Protection Agency  
uhlmann.david@epa.gov

**Re: Request for Compliance with 21 U.S.C. 360ii(a)(6)**

Dear David Uhlmann,

21 U.S.C. 360ii(a)(6) directs the US Food and Drug Administration to, ""minimize the emissions of and the exposure of people to, unnecessary electronic product radiation [and] consult and maintain liaison with ... other appropriate Federal departments and agencies on ... the development of performance standards..."

The majority of artificial Visible Light radiation in the environment from Light Emitting Diodes is unnecessary electronic product radiation, and therefore requires the FDA and the EPA to consult and liaise to develop performance standards for LED products so as to minimize the emissions of, and exposure to, unnecessary Visible Light electromagnetic radiation. Presently, both the FDA and EPA are in violation of 21 U.S.C. 360ii(a)(6).

The EPA was heavily involved in the process to bring LEDs to market as a sponsor of the ASSIST program.<sup>1</sup> However, despite this ASSIST sponsorship, the EPA failed to comply with 21 U.S.C. 360ii(a)(6) and consult with the FDA to publish performance standards for LED products.

The Soft Lights Foundation requests that the EPA contact the Director of the FDA Center for Devices and Radiological Health, Jeffrey Shuren ([jeff.shuren@fda.hhs.gov](mailto:jeff.shuren@fda.hhs.gov)) to correct the 21 U.S.C. 360ii(a)(6) violation and initiate the development of performance standards for LED products.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

[mbaker@softlights.org](mailto:mbaker@softlights.org)

---

<sup>1</sup> <https://www.lrc.rpi.edu/programs/solidstate/assist/pdf/AR-Outdoor-Lighting-Overview-Jan2009.pdf>