



9450 SW Gemini Drive  
PMB 44671  
Beaverton, OR 97008

June 19, 2024

**BY EMAIL**

Angie Clifton, Manager  
Palace Hotel  
angie.clifton@luxurycollection.com

**Re: Notification of Hazardous and Discriminatory LED Lights**

Dear Angie Clifton,

The US Department of Energy describes LED lights as “radically new technology” with “unique characteristics” and a directional light.<sup>1</sup> LED lights have been proven to impair vision and cognitive functioning and can cause non-epileptic and epileptic seizures. The US Food and Drug Administration has not vetted LED lights for photobiological, neurological, or psychological safety. LED products are unregulated, and it is these unique characteristics and directionality of LEDs that create hazardous, dangerous, and discriminatory conditions.

28 C.F.R. § 36.402(a)(1) states, "*Any alteration to a place of public accommodation or a commercial facility, after January 26, 1992, shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities...*"<sup>2</sup> A facility is broadly construed as any business operation, including vehicles. A decision by the Palace Hotel to install an LED sign, regardless of any supposed authorization by the San Francisco Planning Commission, will create a discriminatory barrier where none exists currently, and would be subject to an ADA discrimination lawsuit.

Light pollution has emerged as a major threat to public health and safety. While neon signs did not create a discriminatory barrier, the Palace Hotel’s decision to turn off the neon sign has improved public health and safety by reducing light pollution. The Soft Lights Foundation encourages the Palace Hotel to turn this situation into a positive marketing message in support of protecting public health and safety from light pollution. In any case, an LED sign cannot be installed without violating 28 C.F.R. § 36.402(a)(1)

Sincerely,

/s/ Mark Baker  
President

---

<sup>1</sup> [https://www1.eere.energy.gov/buildings/publications/pdfs/ssl/ssl\\_lessons-learned\\_2014.pdf](https://www1.eere.energy.gov/buildings/publications/pdfs/ssl/ssl_lessons-learned_2014.pdf)

<sup>2</sup> <https://www.law.cornell.edu/cfr/text/28/36.402>

Soft Lights Foundation  
mbaker@softlights.org  
[www.softlights.org](http://www.softlights.org)