Soft Lights Foundation

9450 SW Gemini Drive
PMB 44671
Beaverton, OR 97008

July 1, 2024

BY EMAIL

Christopher Kuczynski, General Counsel
Access Board
kuczynski@access-board.gov

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

Dear Christopher Kuczynski,

21 U.S.C. 360ii(a) 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 Access Board 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 Access Board are in violation of 21 U.S.C. 360ii(a).

Examples of LED products that create discriminatory barriers include LED Rectangular Rapid Flashing Beacons, LED streetlights, and LED electronic displays because such products can cause non-epileptic and epileptic seizures and migraines and can prevent full and equal access to services by individuals with epilepsy, autism, PTSD, migraines, EMS and photophobia.

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

Sincerely,

/s/ Mark Baker
President
Soft Lights Foundation
mbaker@softlights.org