



9450 SW Gemini Drive  
PMB 44671  
Beaverton, OR 97008

July 1, 2024

**BY EMAIL**

Jonathan Midgett, Consumer Ombudsman  
Consumer Product Safety Commission  
ConsumerOmbudsman@cpsc.gov

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

Dear Jonathan Midgett,

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..."

Much of the Visible Light radiation emitted by Light Emitting Diodes in consumer products is unnecessary electronic product radiation. Examples include high radiance LED indicator lights on washing machines that cause eye pain, using hazardous blue wavelength light in LED flashlights, and LED flashing lights in children's shoes that can trigger non-epileptic and epileptic seizures. Therefore, 21 U.S.C. 360ii(a) requires the FDA and CPSC to consult and liaise to develop performance standards for consumer products that use LEDs so as to minimize the emissions of, and exposure to, unnecessary Visible Light electromagnetic radiation. Presently, both the FDA and CPSC are in violation of 21 U.S.C. 360ii(a).

The Soft Lights Foundation requests that CPSC 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) violation and initiate the development of performance standards for consumer products that use LEDs.

Sincerely,

/s/ Mark Baker  
President

Soft Lights Foundation  
[mbaker@softlights.org](mailto:mbaker@softlights.org)