



9450 SW Gemini Drive  
PMB 44671  
Beaverton, OR 97008

July 8, 2024

**BY EMAIL**

Jim Patterson, Airport Safety R&D Section Manager  
Federal Aviation Administration  
jim.patterson@faa.gov

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

Dear Jim Patterson,

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

The FAA 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 FAA failed to comply with 21 U.S.C. 360ii(a) and consult with the FDA to publish performance standards for LED products.

The Soft Lights Foundation requests that the FAA 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 LED products.

Sincerely,

/s/ Mark Baker  
President

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

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