

July 11, 2024

BY EMAIL

Mary Barra, CEO
General Motors
mary.barra@gm.com

Re: Notice of Defective Product Design – Light Emitting Diodes

Dear Mary Barra,

This letter serves to provide Constructive Notice that the use of Lighting Emitting Diodes in street lighting, parking lot lighting, displays and signs, indicator lights, interior lighting, vehicle lighting, and flashing lights can create dangerous conditions and discriminatory barriers. 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, psychological, or hormonal safety. LED lights are unregulated and can create hazardous, dangerous, and discriminatory conditions.

The US Department of Energy states that LEDs are a “radically new technology” that emit a “directional” light with “unique characteristics”.¹ It is the directional, focused nature of LEDs and their unique characteristics that make LEDs unsuitable for most lighting applications because of the dangerous conditions and discriminatory barriers that LED lights create.

Here is a sampling of reports of neurological, psychological, and physical injury caused by LEDs:

- Minnesota Department of Human Rights – LED RRFB – (<https://www.softlights.org/wp-content/uploads/2023/06/74059-6-15-2023-ECP-Memorandum-.pdf>)
- LED RRFB – Seizure / Concussion - (<https://www.softlights.org/wp-content/uploads/2022/09/MA-Incident-Report.pdf>).
- Emergency Vehicle – Seizure Reaction / Panic Attack - (<https://www.softlights.org/wp-content/uploads/2021/09/Encounter-with-Emergency-Vehicle.pdf>)
- LED Incident Reports - (<https://www.softlights.org/led-incident-reports/>)
- NYSPSC LED Streetlight Case 21-02623 Public Comments: (<https://tinyurl.com/3b9farmy>)
- Reddit Fuckyourheadlights (<https://www.reddit.com/r/fuckyourheadlights/>)
- Change.org Petition to Ban Blinding Headlights (<https://www.change.org/p/u-s-dot-ban-blinding-headlights-and-save-lives>)

¹ https://www1.eere.energy.gov/buildings/publications/pdfs/ssl/ssl_lessons-learned_2014.pdf

On May 24, 2024, the US Food and Drug Administration issued a decision to not publish performance standards for any LED product, despite the requirements of 21 U.S.C. 360ii. Thus, given the numerous reports of harm and discrimination caused by LED lights and the lack of regulation from the FDA, all LED products must be vetted to ensure that the directional nature and unique characteristics of the LED product do not create a dangerous condition.

General Motors has not complied with the Administrative Procedure Act and submitted a petition to either the National Highway Traffic Safety Administration or the Food and Drug Administration for authorization to sell vehicles using LED technology for headlights, daytime running lights, brake lights, taillights, turn signals, interior lights, displays, or any other vehicle lighting system. Neither NHTSA nor the FDA have authorized General Motors to sell vehicles with LED technology. Neither NHTSA nor the FDA have published performance standards for LED products to ensure the comfort, health and safety of the public, and thus General Motors has no legal basis for using LED technology.

A design defect means that the product was manufactured correctly, but the defect is inherent in the design of the product itself, which makes the product dangerous to consumers.² Existing General Motors LED headlight and daytime running light designs are defective, causing eye pain, eye injury, debilitating glare, psychological trauma, and vehicle crashes due to the extreme radiance and directional nature of LEDs, and the use of hazardous and toxic blue wavelength light. Because General Motors headlights and daytime running lights have a design defect and are dangerous, General Motors must recall vehicles that use LED headlights and daytime running lights. Failure to recall vehicles with LED lights may result in a product liability claim against General Motors.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

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² https://www.law.cornell.edu/wex/design_defect