



Mark Baker &lt;mbaker@softlights.org&gt;

## Non-Steady Burning DRLs - Headlightgate

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Thu, Dec 19, 2024 at 1:59 AM

To: gregory.magno@dot.gov

Cc: "Shulman, Sophie (NHTSA)" <sophie.shulman@dot.gov>, Cem Hatipoglu <cem.hatipoglu@dot.gov>, Markus Price <Markus.Price@dot.gov>, "Kennedy, Scott P." <Scott.P.Kennedy@usdoj.gov>, michelle.tarver@fda.hhs.gov, CDRH Ombudsman <CDRHombudsman@fda.hhs.gov>, "HOTLINE, DOT-OIG" <hotline@oig.dot.gov>, NHTSA Whistleblower <NHTSAWhistleblower@dot.gov>, carlos.tavares@stellantis.com, mary.barra@gm.com, james.farley@ford.com, Ryan Posten <ryan.posten@dot.gov>, Otto Matheke <otto.matheke@dot.gov>, shinji\_aoyama@hna.honda.com, akio\_toyoda@toyota.co.jp, nsitron@rivian.com, thomas.doll@subaru.com, "Durand, Adam" <adam.durand@mail.house.gov>, "Knieser, Brian" <brian.knieser@mail.house.gov>, mindi\_linguist@murray.senate.gov, Derek\_Miller@casey.senate.gov, Meghan\_Rai@baldwin.senate.gov, Emily\_smith@murphy.senate.gov, Nick\_Barbash@kaine.senate.gov, jay\_weismuller@hassan.senate.gov, Tim\_Everett@smith.senate.gov, "Mason, Graham (Lujan)" <graham\_mason@lujan.senate.gov>, Kate\_Cassling@hickenlooper.senate.gov, jeremy\_daloisio@markey.senate.gov, Katie\_Hadji@cassidy.senate.gov, John\_Maniscalco@paul.senate.gov, katie\_brown@collins.senate.gov, Angela\_Ramponi@murkowski.senate.gov, Katie\_Bailey@braun.senate.gov, "LaJoie, Taylor (Vance)" <Taylor\_LaJoie@vance.senate.gov>, stephen\_newton@romney.senate.gov, Bradley\_Hayes@tuberville.senate.gov, Natalie\_Burkhalter@mullin.senate.gov, mike\_reynard@budd.senate.gov, billy\_gendell@sanders.senate.gov, mdonev@national.aaa.com. "Bower, Kathleen" <kbower@national.aaa.com>, dharkey@iihs.org, aria.janel@woio.com

Dear Gregory Magno, Chief, Office of Defects Investigation, Michelle Tarver, Director, FDA CDRH, and Scott Kennedy, Trial Attorney, US Department of Justice,

This notice relates to the ever-expanding Headlightgate scandal.

49 CFR § 571.108 provides the following definition: "*Daytime running lamps (DRLs)* are steady burning lamps that are used to improve the conspicuity of a vehicle from the front and front sides when the regular [headlamps](#) are not required for driving." In the February 9, 1982 Letter of Interpretation from NHTSA, steady burning "means a light that is essentially unvarying in intensity" (<https://www.nhtsa.gov/interpretations/1982-111>).

As shown in this news story by News 19, Cleveland, Ohio, LED DRL's on this Chevrolet vehicle are not "steady-burning", but rather flickering and varying in intensity, causing the victim in this video to suffer significant adverse health impacts. (<https://www.cleveland19.com/video/2024/12/18/local-woman-joins-push-ban-led-headlights/>)



49 U.S.C. 30118 states, "The Secretary of Transportation shall notify the manufacturer of a motor vehicle or replacement equipment immediately after making an initial decision (through testing, inspection, investigation, or research carried out

under this chapter, examining communications under section 30166(f) of this title, or otherwise) that the vehicle or equipment contains a defect related to motor vehicle safety or does not comply with an applicable motor vehicle safety standard prescribed under this chapter. The notification shall include the information on which the decision is based. The Secretary shall publish a notice of each decision under this subsection in the Federal Register. Subject to section 30167(a) of this title, the notification and information are available to any interested person."

The video clearly shows that these Chevrolet LED Daytime Running Lights are a defective product and that NHTSA is required to notify Chevrolet of this defect, as per 49 U.S.C. 30118.

The Soft Lights Foundation respectfully requests that NHTSA and the FDA comply with 21 U.S.C. 360ii(a)(6)(A) and establish a liaison to test and evaluate Chevrolet LED DRLs for health and safety. If NHTSA and the FDA choose not to establish and maintain a liaison to test and evaluate Chevrolet LED DRLs for health and safety impacts, the Soft Lights Foundation requests that NHTSA and the FDA act in good faith and issue a formal justification for such a decision, as required by 5 U.S.C. 551-559.

The Soft Lights Foundation further requests that NHTSA comply with 49 U.S.C. 30118 and notify General Motors that LED DRLs are defective and do not meet the "steady burning" requirements of 49 CFR § 571.108.

Sincerely,

Mark Baker  
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