Soft Lights Foundation

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**BY WEBFORM**

https://www.accessdata.fda.gov/scripts/foi/FOIRequest/requestform.cfm

**Re: FOIA Request – Radiation Control Program**

Dear FDA CDRH FOIA,

21 U.S. Code Part C is titled "Electronic Product Radiation Control". 21 U.S. Code § 360ii is titled "Program of Control". 21 U.S. Code § 360ii states, "The Secretary shall establish and carry out an electronic product radiation control program designed to protect the public health and safety from electronic product radiation." This is a Freedom of Information Act request for information and documents related to the FDA's implementation of the Electronic Product Radiation Control Program. The information requested herein will establish the Administrative Record for litigation under the Administrative Procedure Act.

Under the Electronic Product Radiation Control Program, the FDA has published performance standards for a select number of products. These performance standards are published in Title 21 of the US Code of Federal Regulations in Part 1020 – Performance Standards for Ionizing Radiation Emitting Products, Part 1030 - Performance Standards for Microwave and Radio Frequency Emitting Products, and Part 1040 - Performance Standards for Light-Emitting Products.

The only product regulated in Part 1030 is 1030.10 – Microwave Ovens. There are no performance standards for cell phone towers, cell phones, WiFi routers, Smart Meters, or other electronic devices that emit radiofrequency radiation, despite the thousands of research studies showing that RF radiation from these products is harmful to human health.

The products regulated in Part 1040 are 1040.10 – Laser Products, 1040.11 – Specific Purpose Laser Products, 1040.20 – Sunlamp Products and Ultraviolet Lamps Intended for Use in Sunlamp Products, and 1040.30 – High-intensity Mercury Vapor Discharge Lamps. There are no performance standards for Light Emitting Diode ("LED") vehicle headlamps, LED General Service Lamps, LED streetlights, LED flashing lights on emergency vehicles, LED indicator lights, or any other LED product, despite the thousands of reports of harm that have been submitted to the FDA by the public and the thousands of research studies showing that artificial light, especially LED light, is harmful to human health.

Litigation is now necessary to have the Court determine if the FDA has properly implemented a Radiation Control Program for RF and LED Visible Light products, or if the FDA has abused its discretion, in violation of the Administrative Procedure Act. To determine if the FDA has abused its discretion, it is necessary for the Court to compare the FDA's actions in regulating certain products such as lasers and microwave ovens to the FDA's actions in not regulating other products such as cell phones and LED flashing lights on vehicles. It is also necessary to determine if the FDA has complied with 21 U.S.C. 360ii(a)(6)(A) which requires that the FDA establish and maintain a liaison with other federal agencies such as the Consumer Product Safety Commission for WiFi routers and LED lights in children's toys, and the National Highway Traffic Safety Administration for LED vehicle headlamps.

Therefore, the following documents are requested under the Freedom of Information Act. In the list below, the term "documents" shall mean all documents, research, emails, agreements, memos, meeting minutes, justifications, public comments, petitions, publications, policies, and TEPRSSC meeting notes.

1. All documents related to the Radiation Control Program for Microwave Ovens and the establishment of performance standards for 21 C.F.R. 1030.10.
2. All documents related to the Radiation Control Program for Light-Emitting Products and the establishment of performance standards for 21 C.F.R. 1040.10, 1040.11, 1040.20, and 1040.30.
3. All documents related to the Radiation Control Program for Cell Towers.
4. All documents related to the Radiation Control Program for Cell Phones.
5. All documents related to the Radiation Control Program for WiFi Routers.
6. All documents related to the Radiation Control Program for Smart Meters.
7. All documents related to the Radiation Control Program for LED Vehicle Headlamps.
8. All documents related to the Radiation Control Program for LED Streetlights.
9. All documents related to the Radiation Control Program for LED General Service Lamps.
10. All documents related to the Radiation Control Program for LED Flashing Lights on Vehicles.
11. All documents related to the Radiation Control Program for LED Rectangular Rapid Flashing Beacons.
12. All documents related to the Radiation Control Program for LED Indicator Lights in Consumer Products.
13. All documents related to the Radiation Control Program for LED lights in Children's Toys.
14. All documents related to the Radiation Control Program for LED Floodlights.
15. All documents related to 21 U.S.C. 360ii(a)(6)(A) for the following federal agencies: DOT, FHWA, EPA, DOE, Access Board, CPSC, NHTSA, FAA, FCC, and FTC for RF and LED Visible Light products.
16. All reports of adverse reactions involving exposure to radiofrequency electromagnetic radiation.
17. All reports of adverse reactions involving exposure to LED Visible Light electromagnetic radiation.

18. Provide a Vaughn Index for any documents that are not released.

These documents will create an administrative record for one or more APA lawsuits against the FDA and other federal agencies for abuse of discretion and the failure to establish adequate Radiation Control Programs for electronic products that emit RF and LED Visible Light.

In accordance with 21 C.F.R. 20.46, I request a Fee Waiver because this request is in the public interest and likely to contribute significantly to public understanding of the operations or activities of the FDA CDRH, and because this request is not primarily in the commercial interest of the requester.

Sincerely,

/s/ Mark Baker
Individual

/s/ Mark Baker
President
Soft Lights Foundation
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