



February 18, 2022

**BY EMAIL**

Ann Carlson, Chief Legal Counsel  
National Highway Transportation Safety Administration  
[ann.carlson@dot.gov](mailto:ann.carlson@dot.gov)

Sachin Pavithran, Executive Director  
US Access Board  
[pavithran@access-board.gov](mailto:pavithran@access-board.gov)

**Re: LED Flashing Light Discrimination**

Dear Ann Carlson and Sachin Pavithran,

The Epilepsy Foundation is a well-known foundation whose work focuses on epilepsy. A report commissioned by the Epilepsy Foundation is significant. We refer you to the following quote from the abstract of a study commissioned by the Epilepsy Foundation and released on February 7, 2022:

“Images with flashes brighter than 20 candelas/m<sup>2</sup> at 3-60 (particularly 15-20) Hz occupying at least 10 to 25% of the visual field are a risk [of causing seizures], as are red color flashes or oscillating stripes.”<sup>1</sup>

A light-disabled Irish citizen who spoke to the Irish Parliament Joint Committee on Disability Matters on the topic ‘Equality and Non-Discrimination’ on February 3, 2022, said:

“Due to the changeover to LED pedestrian and traffic lights, I cannot get into town. I am trapped ... I cannot work or travel and I cannot visit friends or attend special occasions with family. A life of isolation and lockdown is the only alternative if something does not change.”<sup>2</sup>

The Soft Lights Foundation has notified NHTSA and the US Access Board, with the support of research and personal stories<sup>3</sup>, that LED flashing lights interfere with major life functions such as seeing, thinking, concentrating, and breathing, and are therefore discriminatory. Given the results of this latest

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<sup>1</sup> <https://onlinelibrary.wiley.com/doi/10.1111/epi.17175>

<sup>2</sup> <https://lightaware.org/2022/02/lightaware-speaks-to-irish-parliament/>

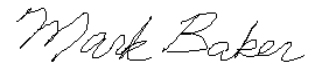
<sup>3</sup> <https://www.softlights.org/resources/>

research review by the Epilepsy Foundation and given the substantial amount of research and personal stories that the Soft Lights Foundation has already provided to NHTSA and the US Access Board about the discriminatory nature of LED lights and LED flashing lights, NHTSA and the US Access Board must conclude that LED flashing lights are discriminatory.

While the Epilepsy Foundation noted that flashes brighter than 20 nits can trigger seizures, LED flashing lights are in the tens of thousands, hundreds of thousands, or perhaps millions of nits, which will likely cause eye damage and epileptic seizures.

NHTSA currently has no regulations for LED flashing lights on vehicles. The US Access Board currently has no guidelines for LED flashing lights. We therefore request an official position statement, within 21 days, from both NHTSA and the US Access Board on the discriminatory nature and safety of LED flashing lights.

Sincerely,

A handwritten signature in black ink that reads "Mark Baker". The signature is written in a cursive, slightly slanted style.

Mark Baker  
President

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

cc:

Congresswoman Carolyn Maloney, Chair, US House Oversight Committee  
Congressman Peter DeFazio, Chair, US Transportation and Infrastructure Committee  
Senator Jeff Merkley, Oregon