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Motor Vehicle Safety Act of 1966

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To: Ann Carlson <ann.carlson@dot.gov>

Cc: Pete Buttigieg <SecretaryScheduler19@dot.gov>, Steven Cliff <steven.cliff@dot.gov>, NHTSA Whistleblower <NHTSAWhistleblower@dot.gov>, "Solomon, Morgan" <morgan.solomon@mail.house.gov>, Jennifer Homendy <jennifer.homendy@ntsb.gov>, News Tips <tips@jalopnik.com>, News Tips <editors@caranddriver.com>, "Mitchell, Russ" <russ.mitchell@latimes.com>, tips@nytimes.com, 60min@cbsnews.com, frontline@pbs.org, hyen@ap.org, tkrisher@ap.org, jlevine@autosafety.org, contact@autosafety.org, fperkins@autosafety.org, mrofsky@betterworldclub.com

Dear Ann Carlson, Chief Counsel, NHTSA,

The Soft Lights Foundation has been interacting directly with NHTSA engineers and administrators for over a year, and we have been submitting reports about dangerous LED headlights to NHTSA for several years before that.

Prior to 1966, there were no federal regulations for vehicle safety. The automakers preferred to focus on profits rather than the safety of Americans. Ralph Nader wrote a book called "Unsafe at Any Speed" in 1965, and his efforts spurred Congress to enact the Motor Vehicle Safety Act which created your agency, the National Highway Traffic Safety Administration. By 1967, NHTSA had already created the Federal Motor Vehicle Safety Standards and Section 108 for vehicle lighting systems. By implementing safety standards, traffic fatalities were greatly reduced, proving that safety standards are valuable and necessary and proving that the industry cannot be trusted to police themselves.

The Motor Vehicle Safety Act defines "motor vehicle safety": *"motor vehicle safety means the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle."*

LED headlights are a clear violation of the above paragraph. LED headlights, Daytime Running Lights, turn signals, brake lights, and flashing lights all use flawed designs that cause unreasonable risk of death or injury because they reduce driver vision. LEDs are dangerous devices and the light from an LED must never be used in a situation where a human eye is exposed to the LED light beam.

The FMVSS-108 standard was written in 1967 and was applicable to lighting technology available at the time. All lighting devices were assumed to emit light uniformly. Light Emitting Diodes and Lasers were not included in the FMVSS-108 standard, as LEDs and Lasers are light beams, entirely unsafe and inappropriate for use as illumination devices.

Therefore, the automakers are violating the Motor Vehicle Safety Act in multiple ways. First, by designing and constructing vehicles that use LED light beams as headlights which have been proven to put the public at risk of injury and death; and second, by fraudulently self-certifying LED light beams as compliant with FMVSS-108, when they are not.

A recent report by NHTSA shows that road deaths have been increasing dramatically. <https://abcnews.go.com/Politics/wireStory/us-road-deaths-rise-record-pace-risky-driving-82600871> Secretary of Transportation Pete Buttigieg stated that this is unacceptable, and yet said nothing about the incredibly dangerous LED headlights. NHTSA Acting Director Steven Cliff has been entirely silent on the issue of LED headlights.

Another recent story was about Tesla software allowing its vehicles to run stop signs with stopping. <https://abcnews.go.com/Business/wireStory/tesla-recall-full-driving-software-runs-stop-signs-82596139> Amazingly, the NHTSA spokesperson referenced the Motor Vehicle Safety Act and said, *"If the information shows that a safety risk may exist, NHTSA will act immediately."* We find it disingenuous that NHTSA would claim that it will act "immediately" on safety issues when we have been notifying NHTSA about the exceedingly dangerous design flaws of LED headlights for years and NHTSA refuses to even investigate the situation. Ditto for the National Transportation Safety Board.

The Motor Vehicle Safety Act requires the Secretary to set 5 year plans for testing standards. Clearly NHTSA has failed to include LED headlights in any of the past 5 year plans. In fact, the Soft Lights Foundation attempted to require NHTSA to develop such standards for LED headlights in the 2021 HR 3684. Our proposal was stripped out and NHTSA has chosen not to study LED headlights.

(e)5-YEAR PLAN FOR TESTING STANDARDS.—

The Secretary shall establish and periodically review and update on a continuing basis a 5-year plan for testing [motor vehicle safety standards](#) prescribed under this chapter that the Secretary considers capable of being tested. In developing the plan and establishing testing priorities, the Secretary shall consider factors the Secretary considers appropriate, consistent with [section 30101 of this title](#) and the Secretary's other duties and powers under this chapter. The Secretary may change at any time those priorities to address matters the Secretary considers of greater priority. The initial plan may be the 5-year plan for compliance testing in effect on December 18, 1991.

Congress has authorized NHTSA to require the automakers to remedy vehicle defects, as shown in the section below. NHTSA must notify the automakers that LED headlights put the public at risk of injury or death and the automakers must take action to remedy the situation, either by providing non-LED headlights or by refunding the purchase price of the vehicle.

(a)WAYS TO REMEDY.—

(1)Subject to subsections (f) and (g) of this section, when notification of a [defect](#) or noncompliance is required under section 30118(b) or (c) of this title, the [manufacturer](#) of the defective or noncomplying [motor vehicle](#) or replacement equipment shall remedy the [defect](#) or noncompliance without charge when the vehicle or equipment is presented for remedy. Subject to subsections (b) and (c) of this section, the [manufacturer](#) shall remedy the [defect](#) or noncompliance in any of the following ways the [manufacturer](#) chooses:

(A)if a vehicle—

(i)by repairing the vehicle;

(ii)by replacing the vehicle with an identical or reasonably equivalent vehicle; or

(iii)by refunding the purchase price, less a reasonable allowance for depreciation.

(B)if replacement equipment, by repairing the equipment, replacing the equipment with identical or reasonably equivalent equipment, or by refunding the purchase price.

(2)The Secretary of Transportation may prescribe regulations to allow the [manufacturer](#) to impose conditions on the replacement of a [motor vehicle](#) or refund of its price.

Americans are angry that NHTSA is failing to do the job it was created to do, which is to protect Americans from auto industry greed. The petition to ban blinding LED headlights has tens of thousands of signatures: <https://www.change.org/p/u-s-dot-ban-blinding-headlights-and-save-lives> and continues to add signatures daily. Americans don't want to have their eyes damaged every time they drive. Americans don't want to die just driving to the grocery store. Americans don't want to run over a child because they can't see the road. Americans want NHTSA to do their job.

I have copied the US House Oversight Committee and the NHTSA Whistleblower in this email. A copy of this letter is being posted on our website for access by the US House Oversight Committee, the public, the news media, and law firms.

Sincerely,

Mark Baker
President
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