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BY MAIL and EMAIL

Merrick Garland, U.S. Attorney General
United States Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530-0001
askdoj@usdoj.gov

Re: The LED Fraud

Dear Merrick Garland,

Here is a list of several major frauds and the simple fraudulent premise for each.

Cigarettes – “Nicotine is not addictive.”

OxyContin – “OxyContin is not addictive.”

Theranos – “We can run hundreds of tests on a drop of blood.”

LEDs – “Incandescent light and LED light are the same.”

The investigations into the cigarette, OxyContin, and Theranos frauds have mostly concluded, with millions of lives harmed or lost and hundreds of billions of dollars in losses and penalties. The LED investigation has yet to start. The purpose of this letter to provide enough information for the US DOJ to begin an investigation into the LED fraud.

Based on our research, the LED fraud began in 2002 with the creation of the Alliance for Solid-State Illumination and Technologies at the Lighting Resource Center at Rensselaer Polytechnic Institute.¹ The LED Lighting Industry and the US Department of Energy then conspired to manipulate the mind of the public to convince them that LED light has the same characteristics as incandescent light but using less energy. The fraud was successful and now there are billions of LED light devices throughout the world.

By fraudulently claiming that incandescent light and LED light are the same, the LED Lighting Industry and the US DOE were able to peddle the myth that LEDs are energy-efficient, and that using LEDs would reduce energy usage and save consumers money. A majority of Americans now believe this

¹ <https://www.lrc.rpi.edu/programs/solidstate/assist/pdf/assist-flyer.pdf>

false claim that LEDs are energy efficient due to the successful marketing campaign developed by the ASSIST group.

But LEDs are not energy efficient. Just like any fraud, the truth exposed by physics, chemistry, and biology can only be suppressed temporarily and eventually the fraud collapses. LED light is not the same as incandescent light. LED light is emitted from a flat, non-curved surface, resulting in a directed beam of non-uniform energy which is entirely different than the uniform energy emitted by an incandescent light bulb. LED light is toxic for cellular organisms.

Here is a list of organizations that have participated in or have been affected by the LED fraud, the majority of whom we have contacted. Some of these groups directly participate in the LED fraud; Others are complicit.

Federal Agencies - US Department of Energy, US Environmental Protection Agency, US Centers for Disease Control, US Department of Transportation, Federal Highway Administration, National Highway Traffic Safety Administration, Federal Motor Vehicle Carrier Safety Administration, National Transportation Safety Board, Federal Communications Commission, US Commission on Human Rights, US Access Board, Federal Trade Commission, Consumer Products Safety Commission, US Department of Justice.

LED Lighting Companies – Signify, Acuity Brands, Cree Lighting, Osram, Nichia, GE Lighting.

Non-Governmental Organizations – National Resources Defense Council, Sierra Club, Illuminating Engineering Society, International Dark Skies Association, Underwriters Laboratories, American Association of State Highway and Transportation Officials, National Safety Council, Insurance Institute for Highway Safety, Epilepsy Foundation, American Medical Association, Emergency Responder Safety Institute, Epilepsy Foundation, Autism Speaks, American Association of Retired Persons, American Society of Safety Professionals.

Utility Companies – Pacific Gas and Electric, Duke Energy, Evergy, National Grid, Indiana Michigan Power, Nipsco, Consolidated Edison, Xcel Energy, Central Maine Power, Toledo Edison, Georgia Power, Florida Power and Light, Realterm Energy, Dominion Energy.

Public Service Commissions – New York State Public Service Commission, California Energy Commission, South Carolina Public Service Commission, Public Utilities Commission of Ohio.

Vehicle Manufacturers – Toyota, Honda, General Motors, Stellantis, Ford

Insurance Companies – American Automobile Association, Farmers Insurance, Nationwide, USAA, Hartford.

Major Corporations – Burger King, Safeway, Home Depot, Walgreens, McDonald's, Best Western, Delta Airlines.

Local Governments – Santa Fe, NM; Goleta, CA; New York, NY; Miami, FL; Philadelphia, PA; Davis, CA; Houston, TX; Kansas City, MO; Pittsburgh, PA

There are likely millions of Americans who cannot neurologically tolerate LED light. This group includes those with epilepsy, migraines, autism, children, and the elderly. LED lamps are electronic devices, not light bulbs. These LED electronic devices cause epileptic seizures, migraines, anxiety,

distorted vision, eye damage and a host of other negative health consequences. LEDs emit a low-quality, toxic light, and have created a new class of LED light-disabled people whose civil rights are being violated.

The US DOJ LED fraud investigation can start with the April 2022 announcement by the United States Department of Energy of the Final Rule on General Service Lamps. This rule has mandated, through their Final Rule on General Service Lamps, the extinction of the incandescent light bulb. The DOE built this rule on the fraudulent premise developed by the RPI LRC ASSIST group in 2002 that incandescent light and LED light are the same.

The United States Department of Energy has two dockets, EERE-2021-BT-STD-0005 and EERE-2021-BT-STD-0012, which are both titled Energy Conservation Program: Definitions for General Service Lamps.²³ These two documents contain fundamentally false statements.

EERE-2021-BT-STD-0012, Page 31: ***“DOE has confirmed that all lamp types included in the GSL definition have the same characteristics in the non-incandescent versions as offered in the incandescent versions”***. **This DOE statement is untrue and the heart of the LED fraud.** Incandescent light and LED light are entirely different, with incandescent light being safe, and LED light being toxic. The DOE Final Rule on GSLs is based on this fundamentally false statement.

EERE-2021-BT-STD-0005, Page 78: *“DOE researched studies and other publications to ascertain any known impacts of LED lamps on human health and has not found any evidence concluding that LED lighting used for general lighting applications directly results in adverse health effects.”*. This statement is either willful fraud or gross negligence. Hundreds of studies show the toxicity of LED light and its negative health impacts on humans and other creatures.

EERE-2021-BT-STD-0012, Page 34: *“Additionally, DOE notes that the ADA does not apply to DOE for purposes of this rule, as the ADA applies only to private employers and not Federal agencies.”* This statement is untrue. The DOE’s Final Rule does not take precedence over the civil rights of citizens.

With the invention of LEDs, there are two categories of light: point source and surface source.

Point Source: The light from a point source is spatially uniform. An incandescent light bulb is an example of a point source. Brightness is measured with luminous intensity in candela. Point source light is generally considered safe and high quality.

Surface Source: The light from a surface source is a directed beam of non-uniform energy. An LED is an example of a surface source. Brightness is measured with luminance in nits (candela per square meter). Surface source light is a low-quality, industrial grade light that is unsafe for cellular organisms, including humans.

No government agency has yet recognized the differences between point light sources and surface light sources and that each light type must be regulated separately.

In 2002, the US Department of Energy began the process of manipulating the market to produce, sell and install solid state light sources. The DOE pushed the solid-state lighting agenda either

² <https://www.energy.gov/sites/default/files/2022-04/gsl-definitions-fr.pdf>

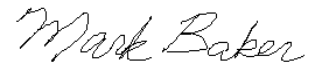
³ <https://www.energy.gov/sites/default/files/2022-04/gsl-backstop-fr.pdf>

without studying the effects of LED light on people and the environment, or by purposely ignoring the studies showing that LED light causes significant harm.

The US Access Board has not developed guidelines to protect people with light sensitivity abilities. The EPA has not developed regulations to protect the environment from LED light. NHTSA has no regulations for LED vehicle headlights or LED flashing lights. The CPSC has no consumer protection regulations for LED light. The FMCSA has no enforcement mechanism for commercial trucks that use LED headlights. The FTC has not held the utility companies accountable for their fraudulent claims that LEDs are energy efficient. The FCC has not regulated LED visible electromagnetic radiation. The CDC has no understanding of how spatially non-uniform LED light affects cellular organisms. The US Commission on Human Rights has not weighed in on how LED light violates civil rights. None of these agencies have taken the initiative to study and regulate LED light. We thus have a situation where, based on the fraudulent claim that incandescent light and LED light are the same, LED light is unregulated and causing massive injury to human and ecosystem health.

I request the assignment of a case number and a virtual meeting with a representative from the US Attorney General's office to discuss the LED fraud in detail.

Sincerely,



Mark Baker
President

Soft Lights Foundation
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