
Jurisdiction for LED Products

Consumer Ombudsman <ConsumerOmbudsman@cpsc.gov>

Mon, Nov 7, 2022 at 7:14 AM

To: Mark Baker <mbaker@softlights.org>, Consumer Ombudsman <ConsumerOmbudsman@cpsc.gov>

Regarding your question about LED lights, CPSC staff evaluates products on an individual basis and CPSC jurisdiction over LED lights depends on the hazard.

CPSC may have jurisdiction over LED lights for hazards such as electrocution and fire, but CPSC does not have jurisdiction over LED lights under the CPSA if the risk is related to electronic product radiation that may be regulated by FDA.

Section 31 of the CPSA states that an electronic product radiation risk is generally under FDA's authority:

“The Commission shall have no authority under this chapter to regulate any risk of injury associated with electronic product radiation emitted from an electronic product (as such terms are defined by sections 355(1) and (2) of the Public Health Service Act) if such risk of injury may be subjected to regulation under subpart 3 of part F of title III of the Public Health Service Act. [Note that the referenced sections of the Public Health Service Act were later transferred to 21 U.S.C. § 360hh].” 15 U.S.C. § 2080.

Please let me know if you have any questions.

Regards,

jonathan

Jonathan Midgett, PhD

Consumer Ombudsman

U.S. Consumer Product Safety Commission | Office of the Executive Director

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From: Mark Baker <mbaker@softlights.org>

Sent: Tuesday, November 1, 2022 2:01 PM

To: Consumer Ombudsman <ConsumerOmbudsman@cpsc.gov>

Subject: Jurisdiction for LED Products

Dear Jonathan Midgett, Consumer Ombudsman, CPSC,

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Email secured by Check Point

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