



Mark Baker &lt;mbaker@softlights.org&gt;

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**EM230821-01, EM211017-02 (Follow-up) and EM212026-01 (Follow-up) Re: {From External} LED Headlights Are Not Compliant**

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**HOTLINE, DOT-OIG** <HOTLINE@oig.dot.gov>

Tue, Aug 22, 2023 at 4:10 AM

To: Mark Baker &lt;mbaker@softlights.org&gt;

Thank you for your follow-up correspondence regarding your concerns. The OIG exercises independent judgment in determining the best use of available resources to meet our responsibilities under the Inspector General Act. As previously stated, based on our review of the material provided, we have determined that we do not have primary oversight over your concerns and our file is closed. We are unable to reply to further communications regarding this matter.

Sincerely,

**Scott Harding**Chief, Complaint Center Operations  
Office of Investigation  
USDOT | Office of Inspector General

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**From:** Mark Baker <mbaker@softlights.org>  
**Sent:** Monday, August 21, 2023 12:38 AM  
**To:** HOTLINE, DOT-OIG <Hotline@oig.dot.gov>  
**Subject:** {From External} LED Headlights Are Not Compliant

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Office of Inspector General, Department of Transportation,

The Soft Lights Foundation has successfully initiated an investigation by the Department of Energy Office of Inspector General regarding Light Emitting Diode products and the failure of federal agencies to comply with 21 U.S.C. 360ii, which requires publication of performance standards for LED products. Case number: 23-0319-C.

The National Highway Traffic Safety Administration has failed to comply with multiple federal laws in regards to LED vehicle headlights. The Administrative Procedure Act of 1946 requires the automakers to petition NHTSA for approval to use new technology such as LED headlights. This was not done. In addition, 21 U.S.C. 360ii requires the Food and Drug Administration to publish performance standards for LED products, including LED vehicle headlights. This was not done. 21 U.S.C. 360ii also requires NHTSA to collaborate with the FDA during this process. This was not done.

Thus, LED headlights have not been vetted for safety and have never been approved by NHTSA or the FDA. LED headlights are hazardous and dangerous.

The Soft Lights Foundation submitted a petition to NHTSA to comply with 21 U.S.C. 360ii on May 29, 2023, but NHTSA has never provided a docket number ([softlights.org/wp-content/uploads/2023/06/NHTSA-Petition-to-Collaborate-with-FDA.pdf](https://softlights.org/wp-content/uploads/2023/06/NHTSA-Petition-to-Collaborate-with-FDA.pdf)).

Representative Mike Thompson of California is the first member of Congress to recognize these failures by NHTSA and submitted a request to the FDA to comply with 21 U.S.C. 360ii and publish performance standards for LED headlights on July 28, 2023. (<https://www.softlights.org/wp-content/uploads/2023/07/Thompson.pdf>).

LED headlights emit a directed beam of light, for which there are no limitations on peak luminance, dispersion characteristics, spatial uniformity, spectral power distribution, digital flicker, pulse width modulation, and no requirements for ensuring the comfort, health, and safety of the public. This lack of NHTSA and FDA regulation has led to blinding LED headlights which impair cognitive abilities, cause seizures, migraines, eye pain, and eye injury, and have led to vehicle crashes. Nearly 50,000 people have signed a petition to NHTSA demanding action. (<https://www.change.org/p/u-s-dot-ban-blinding-headlights-and-save-lives>).

I am requesting a case number and an investigation by the DOT OIG. If I do not receive a case number within 2 weeks, I will contact my Representative, Congressman Mike Thompson, for assistance.

Sincerely,

Mark Baker  
President  
Soft Lights Foundation  
[www.softlights.org](http://www.softlights.org)  
[mbaker@softlights.org](mailto:mbaker@softlights.org)