

November 21, 2021

To:

Steve Limmer, General Counsel
Village of Great Neck, New York
slimmer@mclaughlinstern.com

Re: Hazardous Spatially Anisotropic Visible Radiation and Civil Rights Violations

Dear Steve Limmer,

We wish to alert the Village of Great Neck to liability issues related to spatially anisotropic radiation from Light Emitting Diodes. Figure 1 shows an LED streetlight in the Village of Great Neck subjecting persons in the area to toxic, hazardous, and discriminatory radiation from LED streetlights. As is clear from the photo, citizen's civil rights are being violated because the radiation is being directed into their eyes and damaging the natural night resource that is fundamental to the proper functioning of biological systems.



Figure 1 – LED Streetlight

Figure 2 is a diagram showing the categorization of radiation. As we can see in the chart, candles, incandescent light bulbs, and High-Pressure Sodium lamps are all spatially isotropic radiation sources. LEDs, on the other hand, emit spatially anisotropic radiation.

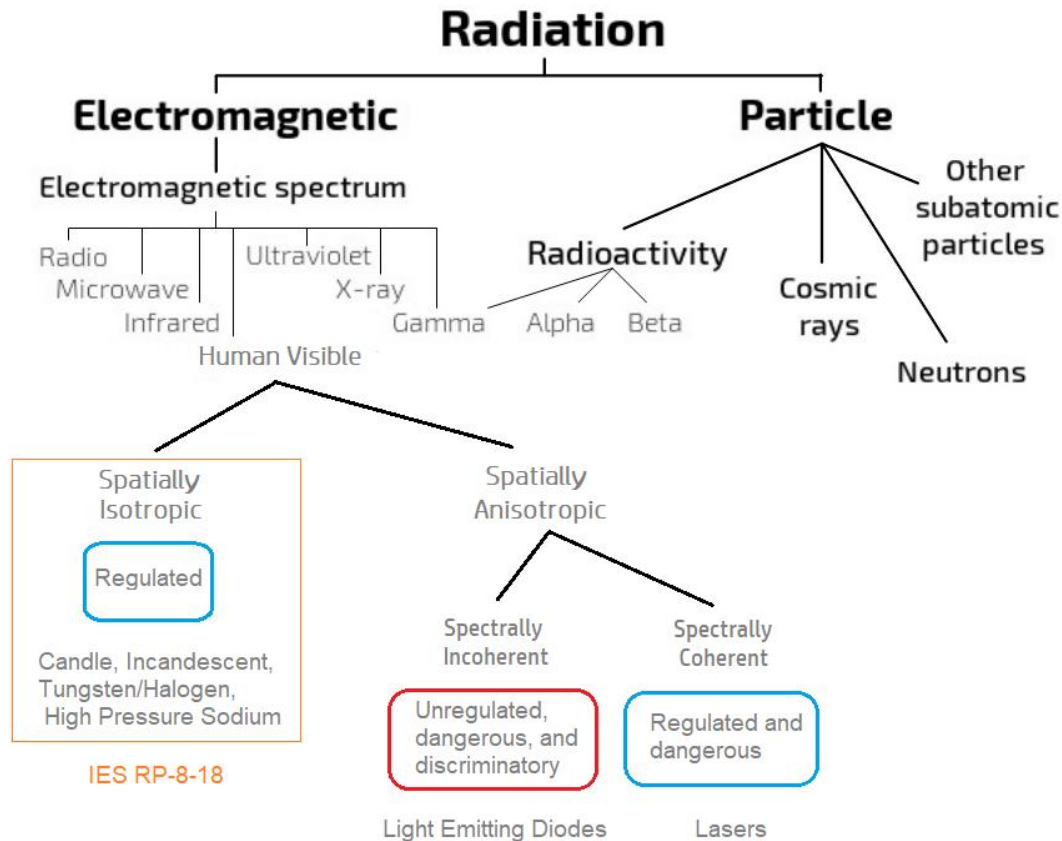


Figure 2 - Radiation Types

The Illuminating Engineering Society Recommended Practice for Design and Maintenance for Roadway Parking Facility Lighting (IES RP-8-18) is the de-facto standard for outdoor lighting for streets and parking lots. The references to “light” in IES RP-8-18 are for *spatially isotropic radiation in the visible portion of the electromagnetic spectrum*. The word “light” in IES RP-8-18 does not refer to microwaves, laser beams, or spatially anisotropic, spectrally incoherent radiation such as LEDs.

The reason this is important is because the Village of Great Neck has installed LED streetlights that do not comply with existing standards, emit dangerous radiation, discriminate against persons with light sensitivity disabilities and have unregulated spatial, temporal, and spectral characteristics. Even more serious is the possible use of directed energy LED flashing lights on police and other emergency vehicles which place lives in immediate danger due to the anisotropic radiance and flash rate. LED lights have been shown to cause pain, sickness, eye damage, seizures, migraines, emotional trauma, and thoughts of suicide.

The Illuminating Engineering Society does not guarantee their own standards and disclaims any liability for the use of their standards. Thus, if the Village of Great Neck claims that they followed standards for LED lighting and are therefore not liable for the harms caused by LED lighting, Great Neck Village’s claim will fail, both because IES RP-8-18 is not applicable to LED lights, and because IES has warned that their standards are not trustworthy enough to be guaranteed or relied on.

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To our knowledge, there are no ocular exposure standards for LEDs. In his 2009 presentation, Senior Engineer Michael Shulman of Underwriters Laboratories wrote, "Currently, neither the U.S. nor Canada have mandatory standards or regulations for ocular exposure to LEDs emitting incoherent visible light."¹ In the research article, titled Light Emitting Diode Induced Retinal Damage² the authors state, "*Excessive LED light exposure presents a potential hazard to retinal function.*" In other research, those in Risk Group 3 (those with epilepsy, autism, migraines, photophobia, etc.) are often purposely ignored during the research, invalidating results that might have shown that LEDs are safe.

LEDs are not "energy efficient" as claimed by the LED lighting industry. To be energy efficient, a technology must provide the same quality of service and perform the same task as the previous technology³. The task in this situation is to provide *uniform illumination without harm*. Since LED radiation does not provide uniform illumination, and since the LED radiation is sending people to the hospital, causing eye damage, and violating civil rights, LED radiation is not energy efficient and therefore should not be used for the purpose of illumination. The claim of "energy efficiency" by the LED lighting industry is fraudulent.

The federal Americans with Disabilities Act prohibits discrimination. Since LED radiation interferes with major life functions such as seeing, thinking, and concentrating for people with light sensitivity disabilities, such as those with epilepsy, autism, PTSD, migraines, bipolar disorder and others, LED radiation is discriminatory. Great Neck Village cannot claim that LEDs comply with the ADA just because the US Access Board has not yet developed guidelines for spatially anisotropic radiation from

¹ http://www.softlights.org/wp-content/uploads/2021/10/MichaelShulman_LEDFireElectricalSafety.pdf

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5313540/>

³ https://www.energystar.gov/about/about_energy_efficiency

LEDs. Since LED radiation prevents safe access to public services such as roads, sidewalks and government facilities, LED radiation is discriminatory. We do not see any information on the Village of Great Neck's website that indicates that Great Neck created or updated an ADA self-evaluation plan to ensure that LED radiation does not discriminate or harm those with light sensitivity disabilities.

As an example of how dangerous LED radiation is, consider this warning shown in Figure 3 from the company Gear Light. Also consider that human comfort level for luminance is around 300 nits of spatially uniform radiation, while an LED streetlight may be 500,000 nits or more of spatially non-uniform radiation.



Figure 3 - LED Flashlight

The fact that LEDs are unregulated and lack standards, cause sickness and eye damage, interfere with the human nervous system, and discriminate against people with light sensitivity disabilities makes Great Neck Village liable for the harm and discrimination they cause because Great Neck Village has authorized the use of LED radiation.

To protect human health and reduce liability, Great Neck Village must protect the natural night resource, and set policy to limit visible radiation. Any artificial lighting must be fully shielded (not just full cutoff) and use *only spatially isotropic* radiation with a Correlated Color Temperature of 2700 Kelvin or less, with 2000K preferred to protect the natural night resource. Pulsing LED radiation such as on police cars, other emergency vehicles and utility trucks, and signs must be eliminated completely due to their civil rights violations and the excessive danger they pose.

Sincerely,

Mark Baker

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