



Appeal file: 23-0024AA

March 9, 2023

Sending via Email: mbaker@softlights.org

This letter acknowledges receipt of your Freedom of Information Act (FOIA) appeal, submitted to the Food and Drug Administration (FDA). We received your appeal on March 7, 2023.

Your appeal challenges the *Food and Drug Administration (FDA's)* failure to respond to your December 16, 2022, seeking:

*...all records showing discussions within the FDA about regulation of LEDs, including meeting notes, emails, and petitions that provide insight as to why the FDA has not regulated LEDs. Our petition to the FDA to regulate LED products was submitted on June 15, 2022 and yet still there has been no decision by the FDA. This FOIA requests all meeting notes, emails, and phone calls showing who FDA staff has contacted about our petition, including any discussions with the FDA Commissioner, any discussions with other federal agencies, and any discussions with lighting or automotive companies.*

Your request was assigned tracking number **2022-8833**. And your constructive denial appeal has been assigned the above-stated case number. Please note, this is a different appeal number from the one we assigned to your earlier appeal regarding the adequacy of the response you received from the Office of Chief Counsel (OCC) . Please reference this number on your correspondence.

Your appeal is summarized below:

*Constructive Denial*

Pursuant to 5 U.S.C. § 552(a)(6)(B)(i) and 5 U.S.C. § 552(a)(6)(B)(iii) of the FOIA and 45 CFR 5.24(f) of the HHS FOIA regulations, your appeal falls under “unusual circumstances” in that our office will need to consult with another office that has substantial interest in the determination of the appeal. The actual processing time will depend on the complexity of the issues presented in the appeal.

For more information on how your appeal will be processed you can refer to the following:

- [45 C.F.R. Part 5](#) Health and Human Services (HHS) FOIA Regulations
- [21 C.F.R. Part 20](#) FDA FOIA Regulations

If you have any questions, please call (301)796-3900, or email us at [fdafoia@fda.hhs.gov](mailto:fdafoia@fda.hhs.gov).

Sincerely yours,

Charis Wilson, PhD, CRM  
Denials & Appeals Officer  
FDA FOIA