

April 26, 2023

BY EMAIL

Kristen Clarke, Assistant Attorney General for Civil Rights
US Department of Justice
kristen.clarke@usdoj.gov

Re: Discrimination from LED Radiation Devices

Dear Kristen Clarke,

The photo below shows the use of a discriminatory Light Emitting Diode visible radiation device at a Tesla charging station in Flagstaff, Arizona.



LEDs emit light as an unnatural directed energy beam whose spatial, spectral, and temporal properties are currently unregulated by the federal government and which have created an entire class of individuals who become disabled when subjected to the visible radiation emitted by LEDs. Individuals

from this class are unable to access the Tesla charging station shown in the photo above because the light would trigger a life-threatening photosensitive seizure, debilitating multi-day migraine, severe panic attack, nausea, anxiety, fear, anger, agitation, or eye injury for those who have ADA qualified disabilities such as epilepsy, autism, migraines, PTSD, bipolar disorder, and others who are neurologically intolerant of LED visible radiation.

Members and supporters of the Soft Lights Foundation have been working for several years to get the attention of the US Department of Justice, Access Board, human rights commissions, and other government officials about this issue. However, our efforts have so far been unsuccessful, and the filings and petitions are being dismissed or ignored. We are thus requesting an investigation and the support of the US DOJ Civil Rights Department. Here are several cases related to LED discrimination.

- 1) New York State Human Rights Department Case 10212383. This case was filed by MarieAnn Cherry of Village of Cambridge, New York in 2020 or early 2021 and requested removal of the discriminatory barriers created by LED streetlights. The NYSHRD has not ruled on this case.
- 2) Minnesota Department of Human Rights Case Q#107420. This case was filed by Heidi O’Leary of Little Canada, Minnesota in 2022 and requested removal of the discriminatory barriers created by Rectangular Rapid Flashing Beacon LED strobe lights. The MDHR has not ruled on the case.
- 3) Alaska Commission for Human Rights Case ASCHR J-22-097. This case was filed by Kristina Townsend in 2022 for removal of the discriminatory barriers created by LED streetlights. The ACHR has not ruled on the case.
- 4) Oregon Circuit Court Civil Lawsuit Case 22CV36402. This case was filed by Mark Baker in 2022 against the city of Ashland, Oregon and requested an ADA accommodation meeting to discuss the discriminatory barriers created by RRFB LED strobe lights. The case was dismissed without prejudice, the initial ADA meeting was held, and the city of Ashland rejected the accommodation request on February 14, 2023.
- 5) Massachusetts Attorney General Complaint Against Williamstown, Massachusetts for use of RRFB LED strobe lights that caused MarieAnn Cherry to suffer a severe photosensitive seizure and concussion. The Massachusetts Attorney General Civil Rights Division declined to investigate on October 25, 2022.¹
- 6) Federal Highway Administration Case 3022-2075. This case requests that the FHWA rescind its approval of RRFB LED strobe light devices because they are dangerous and discriminatory. The FHWA Office of Civil Rights rejected the request on October 19, 2022, because it raised “complex issues”.²
- 7) Food and Drug Administration Docket 2022-P-1151.³ This petition to the FDA to regulate LED products was submitted on June 12, 2022. The FDA has not ruled on the petition.
- 8) Occupational Safety and Health Administration Request for Protection of Employees from LED Visible Radiation. OSHA declined to act on September 7, 2022, citing limited resources.⁴

¹ <https://www.softlights.org/wp-content/uploads/2023/04/Mark-Baker-Massachusetts-AG.pdf>

² <https://www.softlights.org/wp-content/uploads/2022/10/Baker-CL-2022-0375.pdf>

³ <https://www.regulations.gov/document/FDA-2022-P-1151-0001>

⁴ <https://www.softlights.org/wp-content/uploads/2022/10/Letter-From-OSHA.pdf>

- 9) Department of Energy Case EXC-22-0003. This complaint requests relief from the 45 lumen/watt rule which has prohibited the manufacture and sale of safe incandescent light bulbs in favor of hazardous and discriminatory LED radiation devices. The DOE rejected this request on August 22, 2022.⁵

The Soft Lights Foundation has contacted the US Access Board many, many times about this issue, requesting that the Access Board publish guidelines to ensure the protection of the public and that individuals with intolerance to LED light be granted full and equal access to all government services and businesses without being subjected to LED visible radiation, but the Access Board has taken no action.

Given the rejection letters and inaction by other agencies, intervention by the Department of Justice Civil Rights Division has become a necessity. LED light is so dense and so powerful that our civil right to visual freedom is being violated. Humans are not biologically designed to have intense light shined directly into their eyes, and yet as you can see in the photo at the top, Tesla has installed an LED radiation device that prevents nearly everyone from looking in the direction of the light. For those with neurological intolerance to LED visible radiation, the entire parking lot is inaccessible.

I am requesting an investigation by the DOJ Civil Rights Division and the power of your office to protect all of us from the civil rights abuses caused using LED visible radiation devices.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

mbaker@softlights.org

⁵ https://www.softlights.org/wp-content/uploads/2023/04/Dismissal-Letter-EXC-22-0003_.pdf