

May 13, 2023

BY EMAIL

Xavier Becerra, Secretary
Health and Human Services
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Re: Regulation of LED Luminance

Dear Xavier Becerra,

On May 11, 2023, NBC Today aired a story about dangerous LED headlights, and yet NBC said nothing about the lack of FDA regulation of the intensity (luminance) of the visible radiation emitted by LED headlights.

In the story, reporter Vicky Nguyen is shown flinching, involuntarily closing her eyes, and raising her hand to protect herself.



<https://www.nbcnews.com/news/us-news/blinded-light-american-headlight-safety-lags-years-countries-rcna82666>

The Food and Drug Administration, which you oversee, has said nothing to the public about the possibility of eye injury from LED visible radiation. In the photo above, the researcher from Mount Sinai

Light and Health Research Center stands idly by, allowing Ms. Nguyen to look directly into LED headlights emitting 70,000,000+ candela per square meter of peak luminance without advising Ms. Nguyen to wear eye protection or alerting her to the possibility of eye damage or adverse neurological reaction that she might suffer from looking directly at an LED headlight.

We now have billions of LED emitters in the environment, including LED vehicle headlights, which have no restrictions on the intensity (luminance) of the light. The Soft Lights Foundation submitted a citizen petition to Jeffrey Shuren, Director of the Center for Devices and Radiological Health at the FDA, on June 12, 2022 to call attention to this failure by the FDA to publish performance standards for LED products. Yet, it is now nearly a year later, and Mr. Shuren has still not acted on this petition, has not notified the public or members of Congress of the hazards of LED visible radiation, and has not set restrictions on peak luminance, dispersion characteristics, spatial uniformity, spectral power distribution, square wave flicker, or digital flashing and strobing.

Below is a typical warning label on an LED product. How is it possible that the manufacturers know that LED products are dangerous, and yet the FDA has no regulations for LED products to ensure the comfort, health, and safety of the public? The manufacturers are not displaying the peak luminance on their products, so consumers have no way to know the level of intensity of the light emitted by an LED product.



In the story by NBC, Ms. Nguyen interviewed so-called experts from Mount Sinai, the Insurance Institute for Highway Safety, the American Automobile Association, and the National Highway Traffic Safety Administration. Not a single person stated the obvious problem to NBC: unrestricted intensity (luminance). In fact, according to the NBC story, Mount Sinai researcher John Bullough claimed that "*misalignment is the biggest issue.*"

We demand that, in your capacity as Secretary of Health and Human Services, that you direct Jeffrey Shuren and the FDA to rebut this statement by Mr. Bullough and Mount Sinai, and to directly inform the public that the reason why LED headlights are so bright is due to unsafe intensity (luminance) and that members of the public must avoid looking at LED lights to avoid eye injury and adverse neurological reactions such as seizure and migraine. We further demand that you direct Mr. Shuren and the FDA to notify the public and members of Congress that LEDs, which emit a directed energy beam of spatially non-uniform light, are a human health hazard.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

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