



September 5, 2023



RE: 8.15.23 ADA Accommodation Request regarding LED Street Project

Dear ,

The City of Philadelphia (“City”) has received your August 15, 2023, letter titled “Re: ADA Request for Accommodation - LED Streetlights.” Your letter requests that the City “wait for FDA approval and the publication of Access Board Guidelines” for LED lights before implementing its Streetlight Improvement Project. The City has reviewed your request and provides the response below.

While the Americans with Disability Act (ADA) mandates that reasonable accommodations be provided to ensure individuals with disabilities have equal access to public facilities and services, your request objects to the use of LED streetlights in a citywide project without FDA approval or Access Board guidelines. Thus, your request appears to be a policy objection to a City project, rather than a specific, disability-related request for accommodation.

Regardless, the City did take health concerns into consideration when planning this project. Other U.S. cities have completed similar projects and the City considered lessons learned from those projects. The City’s project design included extensive stakeholder outreach and feedback gathering with the goal of helping inform decisions made by the project design team. The design team also considered recommendations from the American Medical Association and the International Dark-Sky Association. Based on the feedback and recommendations gathered, the design team specifically considered issues such as the color temperature and brightness of the LED lighting used. The team selected a warmer color temperature of 3000 Kelvins for all cobrahead lights, residential post-tops, and decorative residential luminaires.

Moreover, your request that the City wait for FDA approval and Access Board guidelines for LED lights is a request to halt the project, rather than to provide a reasonable accommodation. While the U.S. Food and Drug Administration does have certain oversight when it comes to radiation-emitting electronic products, there is no requirement that the FDA approve LED lighting prior to use in the manner you suggest. The City cannot condition an entire project on FDA approval when FDA review is not required and may never occur.



## Mayor's Office for People with Disabilities

The City also understands that as of August 21, 2023, the United States Access Board has denied a Petition for Rulemaking to Publish Accessibility Requirements for LED Products pursuant to 21 U.S.C. § 360ii. In its denial, the Access Board states that there is no requirement that the Access Board provide guidelines on LED lighting at this time. Thus, as with your request to wait for FDA approval, the City cannot halt its project pending Access Board guidelines that are not required and may never be issued.

If you have additional concerns regarding the use of LED lights generally in this citywide project, we encourage you to reach out to your city council representative to share those concerns.

Sincerely,

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