



9450 SW Gemini Drive  
PMB 44671  
Beaverton, OR 97008

October 24, 2023

**BY EMAIL**

Joe Biden, President  
United States of America  
president@whitehouse.gov

**Re: Executive Order – Regulation of LED Products**

Dear President Biden,

Congress passed the Radiation Control for Health and Safety Act in 1968 to ensure the protection of all citizens from the harms of electromagnetic radiation. The US Food and Drug is mandated, as per 21 U.S.C. 360hh – 360ss, to publish performance standards to ensure the comfort, health, safety, and civil rights of all citizens. Despite having had over 50 years to publish these performance standards for products using Light Emitting Diodes, the FDA has failed to comply with these statutes.

21 U.S.C. 360ii directs the FDA to collaborate with all other federal agencies, including the DOT, NHTSA, FMCSA, FHWA, EPA, CPSC, FAA, OSHA, Access Board, NIST, and others to develop the performance standards for LED products, including LED vehicle headlights, LED street lights, LED light bulbs, LED flashing lights on emergency vehicles, LED indicator lights in appliances, LED lights on towers, LED office lights, LED flashlights, LED bicycle lights, and even LED lights on children’s shoes. The FDA has refused to liaise with any of these federal agencies, despite citizen petition FDA-2022-P-1151 which was submitted on June 13, 2022.

As President, you have issued many executive orders to protect public health, protect the environment, and protect civil rights. Because the FDA is unwilling to comply with existing federal law as passed by Congress, it appears that the only way to compel the FDA to comply with the law is for you to issue an executive order directing HHS Secretary Xavier Becerra to comply with 21 U.S.C. 360ii and to contact all federal agencies for the purpose of developing protective performance standards for LED products.

Thus, the Soft Lights Foundation requests that you issue an Executive Order directing HHS and all federal agencies to comply with 21 U.S.C. 360hh – 360ss, publish performance standards for LED products, and notify Congress of the hazards of LED visible radiation.

Sincerely,

/s/ Mark Baker  
President  
Soft Lights Foundation  
[mbaker@softlights.org](mailto:mbaker@softlights.org)

cc:

Health and Human Services – Xavier Becerra, Secretary – [xavier.becerra@hhs.gov](mailto:xavier.becerra@hhs.gov)

Food and Drug Administration – Robert Califf, Commissioner – [commissioner@fda.hhs.gov](mailto:commissioner@fda.hhs.gov)

Department of Transportation – Pete Buttigieg, Secretary – [secretaryScheduler19@dot.gov](mailto:secretaryScheduler19@dot.gov)

National Highway Safety Administration – Ann Carlson, Acting Administrator – [ann.carlson@dot.gov](mailto:ann.carlson@dot.gov)

Federal Highway Administration – Shailen Bhatt, Administrator – [shailen.bhatt@dot.gov](mailto:shailen.bhatt@dot.gov)

Federal Aviation Administration – Polly Trottenberg, Acting Director - [polly.trottenberg@dot.gov](mailto:polly.trottenberg@dot.gov)

Federal Motor Carrier Safety Administration – Sue Lawless, Executive Director –  
[courtney.stevenson@dot.gov](mailto:courtney.stevenson@dot.gov)

Consumer Product Safety Commission – Duane Boniface, Assistant Executive Director for Hazard  
Identification and Reduction - [DBoniface@cpsc.gov](mailto:DBoniface@cpsc.gov)

Environmental Protection Agency – Michael Regan, Secretary - [reagan.michael@epa.gov](mailto:reagan.michael@epa.gov)

Occupational Safety and Health Administration – Christie Garner, Committee Support -  
[garner.christie@dol.gov](mailto:garner.christie@dol.gov)

Department of Justice – Kristen Clarke, Assistant Attorney General, Civil Rights Division –  
[kristen.clarke@usdoj.gov](mailto:kristen.clarke@usdoj.gov)

Access Board – Sachin Pavithran, Executive Director – [pavithran@access-board.gov](mailto:pavithran@access-board.gov)

National Institute for Standards and Technology – Jason Boehm, Chief of Staff - [jason.boehm@nist.gov](mailto:jason.boehm@nist.gov)