# NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE

Case 23-E-0727 - Complaint of MarieAnn and Richard Cherry and Others Concerning LED Street Lights in the Village of Cambridge.

Department of Public Service Staff Report Pursuant to Public Service Law §71

(Filed January 23, 2024)

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## **INTRODUCTION**

In December 2019 and January 2020, Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company) converted the streetlighting fixtures in the Village of Cambridge, Washington County (Village) from high pressure sodium (HPS) to light emitting diode (LED) technology, at the request of the Village. The purpose of the change was to take advantage of the energy efficiency characteristics of LED fixtures.

After the conversion, the Company and the Village received complaints from a Village resident (Resident) suffering from epilepsy, claiming that the LED lighting was causing increased seizures. After consultation with the Company, the Village converted five of the LED streetlighting fixtures around the Resident's home back to HPS to accommodate the Resident's concerns.

On April 22, 2021, 52 National Grid customers (Petitioners) filed a petition (Petition) requesting that the LED fixtures be removed and replaced by HPS, complaining of "sleep disruption, visual distortion, glare and driving impairment, headaches and seizures." The Petition is based entirely on the assertions made by the Resident that the LED fixtures were causing increased seizures, and violated the Americans with Disabilities Act (ADA) for affected residents. The Petition calls for National Grid to replace the Village's LED streetlights with HPS and to lower the fixtures to less than 20 feet, and also to "do whatever is needed to eliminate overnight light trespass from streetlights into houses."

Pursuant to Public Service Law (PSL) §71, Department of Public Service Staff (Staff) commenced an investigation into the Petition's allegations, specifically, the alleged dangers of LED streetlighting. On March 29, 2022, the Secretary to the Commission issued a Notice of Investigation and Inviting Comments requesting comments by June 3, 2022.<sup>1</sup> As explained more fully below, Staff's research shows that the LED fixtures in question meet all government

<sup>&</sup>lt;sup>1</sup> Matter 21-02623, Notice of Investigation and Inviting Comments (issued March 29, 2022) (Notice).

requirements and National Grid's actions were consistent with its tariff. Based on these facts, there is no basis for requiring National Grid to take the actions requested in the Petition. Accordingly, Staff recommends that the Commission deny the Petition.

## **REPSONSES OF THE VILLAGE AND COMPANY**

# Village of Cambridge

The Village submitted a response to the Petition on April 29, 2022 (Village Response). The Village states that it requested a study of LED and HPS lighting by the Lighting Research Center of the Rensselaer Polytechnic Institute (RPI) in response to complaints submitted by the Resident to the Village.<sup>2</sup> The study measured the modulation of the light produced by the two types of fixtures. The RPI report found that the LED lights in the Village had significantly less flicker than the HPS fixtures and found that it was "unlikely that the flicker from the currently installed LED streetlighting in the Village of Cambridge is a major factor underlying photosensitive seizures that individuals might experience."<sup>3</sup>

The Village states that it received a letter from the Resident's doctor stating that the Resident has been diagnosed with photosensitive epilepsy.<sup>4</sup> However, the Village also states that the Village has not received any evidence that the LED lights were the cause of the resident's increased seizures. The Village states that the resident's family insisted that all LED streetlights be removed. In response, the Village had the Company replaced five LED light fixtures around the resident's property with HPS fixtures, but states that this is a short-term remedy since the HSP fixtures are no longer stocked by the Company and will be replaced by LED fixtures when they fail.<sup>5</sup>

The Village states the Resident has not presented evidence that the number of seizures has increased, was caused by the LED fixtures, or that the height of the fixtures had changed.<sup>6</sup> The Village also argues that "the outdoors, specifically during the hours when illuminated by streetlights, is not a place of public accommodation" as defined by New York Executive Law

<sup>5</sup> <u>Id</u>.

<sup>&</sup>lt;sup>2</sup> Village Response, p. 2.

<sup>&</sup>lt;sup>3</sup> Village Response, Attachment E.

<sup>&</sup>lt;sup>4</sup> Village Response, p. 2.

<sup>&</sup>lt;sup>6</sup> Village Response, p. 3.

§292(9).<sup>7</sup> The Village also argues that no reasonable modification exists, because the Petitioners want all LED lighting removed from the Village, which would completely reverse the Village's energy efficiency efforts.<sup>8</sup> The Village also argues that the increased presence of LED lights in everyday life renders the Petitioners' proposed remedy "ineffective," and that the Village has already accommodated the Resident by replacing the LED streetlights around their home with HPS fixtures.<sup>9</sup> Moreover, the Village states that the LED fixtures installed are consistent with current guidelines from the Department of Transportation and the American Medical Association.<sup>10</sup> Finally, the Village states that the Resident filed a complaint with the office of the Attorney General alleging that the Village discriminated against them due to a disability. The Office of the Attorney General found no pattern of discrimination and directed the Resident to the New York State Division of Human Rights (NYSDHR).<sup>11</sup>

## National Grid

National Grid submitted a response to the Petition on April 29, 2022 (Company Response). National Grid states that it supplies the Village with streetlighting under its Service Classification 2 (SC-2), which involves utility-owned and maintained streetlights, and that it converted the fixtures to LED at the Village's request.<sup>12</sup> The Company cites the findings in the RPI report regarding LED flicker and its relationship to the Resident's seizures. RPI found that the installation of LED streetlights in Cambridge Village resulted in a substantial reduction in flicker compared to the previous HPS lights.<sup>13</sup> The Company states that it converted five fixtures near the resident's home back to HPS at the Village's request.

National Grid explains that in July 2021 the Resident filed a complaint with the NYSDHR asserting disability discrimination by public accommodations, meaning the LED streetlights.<sup>14</sup> The Company states that it and the Village have provided a reasonable solution to

<sup>&</sup>lt;sup>7</sup> Village Response, p. 4.

<sup>&</sup>lt;sup>8</sup> Village Response, p. 4.

<sup>&</sup>lt;sup>9</sup> Village Response, p. 5.

<sup>&</sup>lt;sup>10</sup> Village Response, p. 6.

<sup>&</sup>lt;sup>11</sup> Village Response, pp. 2-3.

<sup>&</sup>lt;sup>12</sup> Company Response, pp. 2-3.

<sup>&</sup>lt;sup>13</sup> Company Response, p. 4.

<sup>&</sup>lt;sup>14</sup> Company Response, p. 5.

the complaint in replacing the five LED light fixtures near the complainant's home with HPS fixtures.<sup>15</sup> National Grid states further that converting all Village fixtures to HPS is not viable given that LED fixtures are becoming the industry norm and the growing scarcity of HPS fixtures. More generally, National Grid argues that the Village is its customer for streetlighting, and it complied with the Village's requests and the terms of its tariff in converting the streetlighting to LED fixtures. The Company also notes that, per its tariff, fixtures that are replaced due to failure for Service Classification (SC) 2 customers are converted to LED.<sup>16</sup> National Grid argues that the Village should not be required to restore the HPS fixtures given the increased operating cost and their growing obsolescence.<sup>17</sup> Regarding the Petitioners' request to lower the fixtures, National Grid states that the height of the fixtures is determined by its standards, which consider electrical and safety factors.<sup>18</sup>

#### PUBLIC COMMENTS

The Commission received 114 public comments regarding this petition. Eight comments were from the family of the Resident. Their filings provided: a report on the processes used by local governments in Great Britain before installing LED lights, a list of individuals reporting negative effects from LED lighting, a list of quotes from other individuals reporting similar negative effects, a list of studies on photosensitive epilepsy, an interview about the benefits of infrared radiation, various articles and letters to the editor about the negative effects of LED lighting, a summary of their interactions with the Village and National Grid prior to filing their petition, letters from the Soft Light Foundation to National Grid, a letter regarding the dangers of LED light to be used by advocates, a summary of an Epilepsy Foundation of America article, an abstract of an article on the effects of uncontrolled epilepsy, and numerous other filings.

Thirty comments were received friends or relatives of the Resident, who support the effort to remove LED streetlights from the Village. Eighteen comments were received generally opposed to LED lighting and three comments were received opposing most or all outdoor lighting. Additionally, the Commission received two comments from a Cambridge citizen in favor of the LED streetlighting.

<sup>&</sup>lt;sup>15</sup> Company Response, p. 6.

<sup>&</sup>lt;sup>16</sup> Niagara Mohawk Power Corporation PSC No. 214, Electricity, Service Classification No. 2, Leaf 31.

<sup>&</sup>lt;sup>17</sup> Company Response, p. 8.

<sup>&</sup>lt;sup>18</sup> Company Response, p. 6.

Finally, the Commission received 43 comments from the Soft Lights Foundation (Foundation), which advocates against LED lighting replacing any incandescent light fixtures. The Foundation argues that LED light is toxic to people and not a comparable replacement for incandescent lighting. The Foundation also argues that the use of LED streetlighting is a violation of the ADA because accommodations are not made for individuals who claim to experience harmful effects. The Foundation's filings consist largely of articles related to LED lighting and its alleged harmful nature, and filings the Foundation has made to various regulatory agencies regarding LED lighting.

## **DISCUSSION**

Staff's analysis in this matter focused on the safety of LED streetlighting fixtures and whether the devices comply with applicable requirements. Staff's investigation is circumscribed by the Commission's limited authority in this matter. While the Commission regulates National Grid and ensures that the Company complies with its tariff in interactions with its customers, the Commission has no direct authority over the decisions made by the Village or other third parties. Therefore, Staff's work is limited to the actions of National Grid in addressing the Village's request for LED streetlighting. Staff has reviewed all the comments received in this case, many address issues, such as non-streetlighting LEDs or light pollution, which are beyond the scope of the Commission's authority. These comments are not considered in Staff's analysis.

#### Solid-State Lighting Standards

The Department of Energy (DOE) founded the Municipal Solid-State Street Lighting Consortium (MSSLC) in 2010.<sup>19</sup> Solid-state lighting fixtures are those that use LEDs as an illumination source. Although no longer active, the MSSLC was a conglomerate of utilities, municipalities, and other agencies working together to create field experience and data to accelerate the learning curve for buying and implementing the conversion to LED streetlighting.

Industry lighting standards are generally set by working groups of industry participants. A number of engineering organizations facilitate research, design, and implementation of

<sup>&</sup>lt;sup>19</sup> https://www.energy.gov/eere/ssl/doe-municipal-solid-state-street-lighting-consortium (accessed October 10, 2023).

industry best practices.<sup>20</sup> These organizations propagate standards related to all attributes of solid-state lighting, such as ideal lumen output, foot candle and lux, glare, lumen maintenance and efficacy, safety, height of the poles, and voltage. ANSI issued the most recent update to industry standards for roadway lighting in July 2022.<sup>21</sup> National Grid is a member of the IES board and implements recommended industry best practices.

# Federal Highway Administration

Federal Highway Administration (FHWA) regulations dictate on-the-ground illumination guidelines and best practices for LED streetlights, including height and kelvin temperature of roadway lighting installations.<sup>22</sup> As stated by the FHWA, "Lighting of pedestrian facilities plays a key role in increasing the safety performance of the road network for all users."<sup>23</sup> In 2020 the FHWA released a report titled "Street Lighting for Pedestrian Safety."<sup>24</sup> The report provides a synopsis and recommendations following a demonstration study of LED streetlights within various conditions. The project objectives were: 1) to evaluate the visibility of child-sized pedestrians alongside a lighted roadway at night (Driver Experiment), 2) to evaluate the visibility of trip hazards in a lighted crosswalk at night (Walker Experiment) and 3) to assess the impact of roadway lighting on the decision to cross a roadway. The reported highlighted that urban environments warrant different lighting designs compared to rural environments. The report found that 2200 kelvin fixtures were not satisfactory to meet lux and illuminance standards for pedestrian traffic and recommends that the color temperature of the light source should be 3000 kelvin or higher in all environments.

<sup>&</sup>lt;sup>20</sup> Industry participants include the National Electrical Manufacturers Association, American National Standards Institute (ANSI), Illuminating Engineering Society (IES), Institute of Electrical and Electronics Engineers (IEE), Illuminating Engineering Society of North America (IESNA), and Underwriters' Laboratories (UL).

<sup>&</sup>lt;sup>21</sup> ANSI/IES RP-8-21 takes an expansive and comprehensive approach toward making roadway lighting suitable to assure public safety. https://blog.ansi.org/?p=160622 (accessed October 10, 2023).

<sup>&</sup>lt;sup>22</sup> The Kelvin light scale measures the light appearance with warm color (having an orange appearance) characteristics at the low end of the scale and warm color characteristics (having a blue appearance) at the high end of the scale.

<sup>&</sup>lt;sup>23</sup> https://safety.fhwa.dot.gov/roadway\_dept/night\_visib/docs/Lighting\_for\_Pedestrian\_Safety\_2pager.pdf (accessed January 19, 2024).

<sup>&</sup>lt;sup>24</sup> https://safety.fhwa.dot.gov/roadway\_dept/night\_visib/docs/StreetLightingPedestrianSafety.pdf (accessed January 19, 2024).

## Food and Drug Administration

The Foundation submitted comments on June 6, 2022, and August 19, 2022, in which it argued that LED lighting fixtures are subject to regulation by the FDA pursuant to the Radiation Control for Health and Safety Act of 1968, which concerns the regulation of electromagnetic radiation from electronic products. The Foundation argues that since the FDA has not to date issued regulations regarding LED lighting fixtures, it is unlawful to use them in streetlighting. The Foundation also filed a petition with the FDA requesting that the FDA issue regulations for LED lighting.<sup>25</sup>

The FDA's Center for Devices and Radiological Health (CDRH) is responsible for regulating radiation-emitting electronic products. The CDRH goal is to protect the public from hazardous and unnecessary exposure to radiation from electronic products. For most electronic products, safety regulation is divided between CDRH and state regulatory agencies. CDRH regulates the manufacture of the products, and the states regulate the use of the products. Currently, LED technology is not listed as a regulated product on the FDA's website.<sup>26</sup>

Staff reached out to the CDRH via email to verify its understanding of FDA's regulation of LED streetlights. In its response, the FDA explained that in 1968, Congress authorized the FDA to study the electronic product industries and, through the CDRH, to promulgate standards for any device it determined to be particularly hazardous to the American public.<sup>27</sup> As of 2022, the FDA has not determined that the LED industry poses a significant hazard. The FDA noted that it continues to monitor the industry and collect data, such as monitoring all LED shipments entering the country.

# Americans with Disability Act

Enacted in 1990, the ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the public. Accessibility standards issued under the ADA apply to places of public accommodation, commercial facilities, and state and local government facilities in new construction, alterations, and additions. The purpose of the law is

<sup>&</sup>lt;sup>25</sup> https://www.regulations.gov/document/FDA-2022-P-1151-0001 (accessed January 19, 2024).

<sup>&</sup>lt;sup>26</sup> https://www.fda.gov/radiation-emitting-products/radiation-emitting-products-and-procedures/z-list-regulated-products-procedures (accessed January 19, 2024).

<sup>&</sup>lt;sup>27</sup> The email exchange is included in the Appendix to this report.

to make sure that disabled people have the same rights and opportunities as everyone else. It guarantees equal opportunity for participation and inclusion for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.

The Petitioners do not identify what section of ADA implementing regulation the Village's selected streetlights violate. Staff reviewed each subsection of the ADA implementing regulations to determine if LED lights are subject to specific standards. Title III – Public Accommodations and Commercial Facilities contains regulations and compliance standards for public areas. Staff found that while sidewalks, crosswalks, and public transportation terminals are subject to ADA regulation, there was no indication that outdoor overhead street lighting facilities were subject to the statute.<sup>28</sup>

## National Grid Tariff:

The Company's SC 2 identifies the Company-owned, Company-maintained public roadway and outdoor lighting options, rules, regulations, and rates.<sup>29</sup> National Grid has approved tariffs for LED roadway luminaires ranging from 25 Watts to 210 Watts.<sup>30</sup> The Company also offers decorative LED fixtures within similar wattage ranges.<sup>31</sup> Under the tariff, the municipality determines what type and size of fixture should be installed for each location, and the Company installs the selected LED fixtures. Beginning in 2023, the Company began offering 3000 Kelvin LED options, in addition to 4000 Kelvin LED options.<sup>32</sup> These additional

<sup>&</sup>lt;sup>28</sup> See 28 CFR Part 36.

<sup>&</sup>lt;sup>29</sup> Niagara Mohawk Power Corporation PSC No. 214, Electricity, Street, Highway, Roadway and Other Lighting, Leaf 4.

<sup>&</sup>lt;sup>30</sup> Niagara Mohawk Power Corporation PSC No. 214, Electricity, Service Classification No. 2, Leaf 28.1.

<sup>&</sup>lt;sup>31</sup> <u>Id</u>.

<sup>&</sup>lt;sup>32</sup> Case 15-E-0645, <u>Niagara Mohawk Power Corporation d/b/a National Grid – Tariff Filing</u>, Tariff filing by Niagara Mohawk Power Corporation d/b/a National Grid to update Service Classification No. 2 - Street Lighting - Unmetered Company Owned/Company Maintained Facility to incorporate LED options in its street lighting schedule, P.S.C. No. 214 – Electricity (filed October 30, 2015). National Grid used 4000 kelvin fixtures to establish the approved LED Streetlight Tariffed LED options, tariff pricing structure and rate design. 4000 kelvin fixtures. Until recently, 3000 kelvin fixtures were not available at a price point that would align with the approved tariff rates. See Appendix B for the Company's response to DPS-02.

offerings allow SC 2 customers to refine their street lighting selection to better suit their lighting preferences and area needs.<sup>33</sup>

#### **CONCLUSION**

In evaluating the Petitioners' complaint, Staff reviewed the relevant State and Federal statutes and regulations regarding LED streetlighting. Several federal agencies regulate aspects of LED lighting, including the DOE, FDA, and the FHWA. The LED fixtures used by National Grid are compliant with all federal statutes and regulations.

National Grid installed LED fixtures at the request of the Village and pursuant to its tariff, which was approved by the Commission. As a regulated utility, National Grid is required by law to follow the provisions of its tariff. The LED fixtures used meet all federal and state requirements. The Commission regulates the interactions between a utility and its customer for a given service. Here, National Grid's streetlighting customer is the Village, which can choose the service it wants to receive from the Company, within the confines of the Company's tariff. In this case, the Village is not objecting to the service provided by National Grid.

Based on the above, there is no basis for requiring National Grid to take the actions requested in the Petition – reversing the conversion of streetlights in the Village from HPS to LED streetlights and lowering the streetlights in the Village to below 20 feet above street level. Accordingly, Staff recommends that the Commission deny the Petition.

<sup>&</sup>lt;sup>33</sup> <u>Id</u>. There may be instances where a customer may request a modified luminaire orientation or a change of the physical location of the supporting lighting assemblies to achieve better illumination and/or elimination of facilities to reduce costs. In such instances, the provisions of Relocation (Leaf 42) and/or Permanent Discontinuance (Leaf 44) may be applicable. In addition, such customer-requested modifications of existing street lighting infrastructure may require System Reconfiguration work to facilitate continued operation of other existing street light assets. See Appendix B for the Company's response to DPS-07.

# FDA U.S. FOOD & DRUG

Dear Ms. Dugal

Thank you for contacting the Division of Industry and Consumer Education (DICE) at FDA's Center for Devices and Radiological Health (CDRH) <u>DICE@fda.hhs.gov</u> e-mail account.

LED products/lights <u>are not subject to performance standards</u> and do not require annual reporting however, they are however subject to the following defect provisions of the <u>Electronic Program Radiation Control</u> (<u>EPRC</u>).

- 21 CFR 1002.20 Reporting of Accidental Radiation Occurrences <u>http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?fr=1002.20</u>
- 21 Part 1003 Notification of Defects or Failure to Comply <u>http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=1003</u>
- 21 Part 1004 Repurchase, Repairs, or Replacement of Electronic Product <u>http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=1004</u>

In 1968, Congress authorized FDA to study the electronic product industries and for any we determine to be particularly hazardous to the American public if there weren't a performance standard, we were authorized to promulgate one. As of 2022, FDA has not determined that the LED industry poses a significant hazard, so we have not, but we continue to monitor the industry and collect data, such as monitoring all LED shipments entering the country of general or localized illumination products.

With that being said, FDA has received a similar inquiry and after responding to the stakeholder several times have referred it to our Ombudsman.

For general information about electronic products, please visit the FDA <u>Getting a Radiation Emitting</u> <u>Product to Market: Frequently Asked Questions</u> and review the <u>CDRH Learn</u> training modules under the "Radiation-Emitting Products" subheading.

If you have additional questions, please do not hesitate to contact us (<u>Division of Industry and Consumer</u> <u>Education</u>, <u>DICE</u>). We are available via email at <u>DICE@fda.hhs.gov</u> and by phone at (800) 638-2041 (please refer to our webpage for our hours of operation). **Please direct all new email inquiries to the main email address provided.** Thank you and have a wonderful day.

Sincerely, Industry Education Division of Industry and Consumer Education Office of Communication and Education Center for Devices and Radiological Health U.S. Food and Drug Administration This communication is consistent with 21 CFR 10.85 (k) and constitutes an informal communication that represents my best judgment at this time but does not constitute an advisory opinion, does not necessarily represent the formal position of FDA, and does not bind or otherwise obligate or commit the agency to the views expressed. This communication is intended for the exclusive use of the recipient(s) named in this correspondence. It may contain information that is protected, privileged, or confidential, and it should not be modified. It may not be disseminated, distributed, reproduced, or copied to persons not authorized to receive such information. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you think you have received this communication in error, please immediately delete all copies from the saved sources and notify DICE by email at: DICE@fda.hhs.gov immediately.

Excellent customer service is important to us. Please take a moment to provide feedback regarding the customer service you have received: https://www.research.net/r/cdrhcustomerservice?O=800&D=870&B=872&E=&S=E

Original Message From: tanya.dugal@dps.ny.gov Sent: 9/8/2022

\_\_\_\_\_

Subject: NYS DPS request for assistance Message:

Good morning,

I am reaching out to this branch of the FDA per the contact info forwarded, referenced below. Below that email I have outlined the inquiry we received and are working through as part of an ongoing petition related to LED street lights causing epileptic seizures. I am hoping to set up a call with the appropriate FDA staff to understand whether there is merit to the letter we received, and to understand more definitively whether the FDA would consider LED Streetlights to be regulated by the FDA's regulations.

As DPS understands the law, and based on the references Staff used to develop policy recommendations to our Commission, the Federal Highway Association and the Department of Energy advocate for use of LED street lights. DPS staff assigned to this matter/topic do not believe the statement that LEDs installed for roadway lighting need to have been approved by the FDA to be considered compliant with federal standards, however we would like your office to weight in to facilitate our review of the regulation and verify our interpretation of it. Much of our street light policy team have been involved with LED roadway lighting policy for several years, with myself leading the Staff team since 2015. This is the first mention of this specific branch of government regulation being applicable to LED lights, let alone LED streetlights and we are a bit surprised to have received this.

We believe DOE regulations more appropriately and accurately reflect which Federal agency oversees compliance standards for LED streetlights, per § 429.56 Integrated light-emitting diode lamps., 10 C.F.R. § 429.56, however are hoping your agency can verify that for us.

Additionally, as the inquiry we received indicates, additional PSC's around the country have been contacted and may also be reaching out. Should the FDA decide to host a conference call with all affected PSC's and their Staff, I'd like to be included in those discussions. We are concerned with continual spread of misinformation, potentially having misunderstandings ourselves. Any guidance

from your agency would be helpful.

# Thank you for your help

Here is the comment that we received and the Matter complaint it was filed in.

"The Food and Drug Administration is the federal agency tasked with regulating electronic products. LED light sources are an electronic product, and thus regulation of LEDs falls under the purview of the FDA. The FDA specifically regulates light-emitting products in the federal Code of Regulations Title 21, Chapter I, Subchapter J, Part 1040 https://www.ecfr.gov/current/title-21/chapter-I/subchapter-J/part-1040 As noted in Part 1040, the FDA has regulations for 1040.10 Laser products, 1040.20 Sunlamp products, and 1040.30 Mercury Vapor lamps."

https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=21-02623&CaseSearch=Search

If you would like to schedule a call to discuss, I'd be happy to facilitate scheduling.

Thank you,

Tanya Dugal Utility Analyst II OMI-Efficiency & Innovation Department of Public Service 3 Empire State Plaza, Albany, NY 12223 (518)-474-6902 | Fax # (518) 474-5026| tanya.dugal@dps.ny.gov<mailto:tanya.dugal@dps.ny.gov> www.dps.ny.gov<http://www.dps.ny.gov/>

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From: Theirl, Lisa <Lisa.Theirl@fda.hhs.gov<mailto:Lisa.Theirl@fda.hhs.gov>> Sent: Friday, September 2, 2022 1:28:49 PM To: Dugal, Tanya (DPS) <Tanya.Dugal@dps.ny.gov<mailto:Tanya.Dugal@dps.ny.gov>> Cc: Monaco, Diana D <Diana.Monaco@fda.hhs.gov<mailto:Diana.Monaco@fda.hhs.gov>>; ORAInfo <ORAInfo@fda.hhs.gov<mailto:ORAInfo@fda.hhs.gov>> Subject: inquiry re: radiation

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Tonya,

Your voicemail message sent to Diana Monaco was forwarded to me for response.

Appendix Page 4 of 5

Since you inquiry concerns radiation, I'd like to refer you to FDA's Center for Devices and Radiological Health (CDRH), Division of Industry and Consumer Education (DICE) for response. Contact information for DICE is as follows:

Division of Industry and Consumer Education Center for Devices and Radiological Health Food and Drug Administration 10903 New Hampshire Ave Silver Spring, MD 20993

Via email: DICE@fda.hhs.gov<mailto:DICE@fda.hhs.gov>

Via telephone: (800) 638-2041 or (301) 796-7100

Please contact DICE with your questions and thank you for contacting FDA.

Cordially,

Lisa Theirl Health Communications Specialist

Office of Regulatory Affairs Office of Communications and Project Management U.S. Food and Drug Administration

Dallas District Office Tel: 214-253-5266 BB: 214-846-9762 lisa.theirl@fda.hhs.gov<mailto:lisa.theirl@fda.hhs.gov>

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