

STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

Manisha Juthani, MD
Commissioner



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

February 21, 2024

Mark Baker, President
Soft Lights Foundation
9450 SW Gemini Drive PMB 44671
Beaverton, OR 97008

Dear Mr. Baker,

This letter is in response to your Petition for Rulemaking to Regulate Sirens and Flashing Lights received by the Connecticut Department of Public Health ("the Department" or "DPH") on January 22, 2024. In accordance with statutory and regulatory requirements under Connecticut General Statutes 4-174, and Connecticut Agency Regulations 19a-9-13 the Department has considered the petition.

As explained in the following response, DPH denies the Petition for Rulemaking to Regulate Sirens and Flashing Lights from the Soft Lights Foundation.

The Connecticut Department of Public Health's Action on the Soft Lights Foundation Petition for Rulemaking to Regulate Sirens and Flashing Lights on Emergency Vehicles.

I. Applicable State Law for Filing and Responding to the Petition

On January 22, 2024, pursuant to Conn. Gen. Stat. § 4-174, and Conn. Agenc. Reg. § 19a-9-13, the Soft Lights Foundation ("SLF") submitted a "Petition for Rulemaking to Regulate Sirens and Flashing Lights" ("Petition") to the Connecticut Department of Public Health's Office of Emergency Medical Services ("OEMS").

In accordance with Conn. Gen. Stat. § 4-174, and Conn. Agenc. Reg. § 19a-9-13, within thirty days after the submission of the petition the agency shall initiate rulemaking or deny the petition in writing and state the reasons for denial.

Under Conn. Gen. Stat. § 4-174 "[a]ny interested person may petition an agency requesting the promulgation, amendment or repeal of a regulation. Each agency shall prescribe by regulation the form for petitions and the procedure for their submission, consideration, and disposition."



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Accordingly, DPH regulations require that “[r]equests for the promulgation, amendment or repeal of a regulation shall be in writing and contain the reasons for the requested action. The department shall act in the manner specified in § 4-174 of the Connecticut General Statutes.” Conn. Agenc. Reg. § 19a-9-13.

II. The Soft Lights Foundation Petition

The petitioner requested that DPH adopt regulations to prohibit the use of flashing lights and restrict the directionality and volume of sirens used on emergency vehicles to (1) protect the health and safety of the public and to (2) eliminate discriminatory barriers created by the sirens and flashing lights.

The petitioner provides background information on the luminance of LED strobe lights in comparison to maximum human comfort levels and asserts evidence that LED flashing lights put the public at risk by causing photosensitive seizures, multi-day migraines, potential eye damage and anxiety panic attacks. Petitioner provides background on an alternative light, Tungsten Filament Flashing Lights.

The petition further asserts the use of omni-directional sirens can exceed 100 decibels in emergency vehicles and asserts that sirens can cause certain individuals' anxiety, fear, panic attacks, stress, and pain. Petitioner asserts that LED flashing lights and sirens create discriminatory barriers for those with disabilities including epilepsy, autism, and PTSD and for those who experience migraines.

Petitioner outlines two proposed regulations to be added to the Regulations of Connecticut State Agencies on EMS vehicles under Section 19a-179-18 regarding Minimum Vehicle Standards:

(1) Sec. 19a-179-18(a)(1)(L): Emergency Vehicle Sirens

- (1) The use of emergency vehicle sirens shall be limited to a maximum of 80 decibels.
- (2) Sirens shall be directed towards the front of the vehicle, restricting sound to the sides and rear of the vehicle. Omni-directional sirens are prohibited.
- (3) Siren use shall be limited to a specific need during travel; continuous operation during travel or while stationary is prohibited.

(2) Sec. 19a-179-18(a)(1)(M): Emergency Vehicle Lights

- (1) Emergency vehicle warning lights must be photobiologically, neurologically, and psychologically safe for all individuals.
- (2) Lights that trigger seizures, migraines, panic attacks or other adverse neurological impacts, which impair vision or cognitive functioning, or which create a discriminatory barrier, are prohibited.

III. CT DPH's Authority to Regulate Emergency Medical Service Vehicles

An agency's rulemaking power is limited to the scope of their statutory power. DPH has the authority to regulate emergency medical vehicles under Conn. Gen. Stat. § 19a-177(6), specifically DPH shall establish minimum standards and adopt regulations for “vehicle type, design, condition, and maintenance, and operational procedures.” DPH promulgated regulations under Section 19a-179-18 of the Regulations of Connecticut State Agencies regarding Minimum

Vehicle Standards. These regulations follow the federal design standards for ambulances under the General Services Administration Specifications KKK-A-1822, as amended from time to time.

IV. OEMS Considerations in Response to the Petition
a. Public Health and Safety

Each state has its own laws and regulations for emergency vehicle lighting and sirens. No state regulates the intensity of LED flashing lights and decibel levels of sirens on emergency vehicles.

The State of Connecticut Department of Public Health Office of Emergency Medical Services has current, approved protocols to limit the use of lights and sirens to only those transports where their use is “justified by the need for immediate medical intervention that is beyond the capabilities of the ambulance crew using available supplies and equipment.”¹ These protocols are consistent with best practices.² Department data on the use of lights and sirens has shown a consistent rate of 5% of patient transports utilizing lights and sirens over the past 3 years.³

b. Resources


The requested regulation is not compelled by the requirements of the Americans with Disabilities Act (the ADA).

The regulation of sirens and flashing lights per petitioner’s request would result in undue financial and administrative burdens for the Department. As noted, the Regulations of Connecticut State Agencies and the current EMS Statewide Protocols accord with current federal minimum design criteria for emergency vehicles. The Department concludes that regulating above these federal emergency vehicle specifications would be an undue burden.

V. Conclusion

The legislature delegated authority to DPH to promulgate regulations for the design of emergency medical vehicles. Accordingly, as detailed in part IV of this response, DPH will deny the petition for rulemaking because of (a) current public health and safety best practices regarding the use of lights and sirens and (b) resource concerns.

Sincerely,



Manisha Juthani, MD
Commissioner

¹ CT Department of Public Health. Statewide Emergency Medical Services Protocols, v2023.1. https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/ems/pdf/statewide_protocols/2023/v20231_CTEMSStatewideProtocols_FINALDec2023rev.pdf

² NAEMT. Joint Statement on Lights & Siren Vehicle Operations on Emergency Medical (EMS) Responses. February 14, 2022. <https://www.naemt.org/docs/default-source/advocacy-documents/positions/joint-statement-on-red-light-and-siren-operations-with-logos---final.pdf>; US Department of Transportation National Highway Traffic Safety Administration Office of Emergency Medical Services (EMS). Light and Siren Use by Emergency Medical Services (EMS): Above All Do No Harm. May 2017. https://www.ems.gov/assets/Lights_and_Sirens_Use_by_EMS_May_2017.pdf

³ CT DPH Office of Emergency Medical Services. Annual Reports. <https://portal.ct.gov/DPH/Emergency-Medical-Services/EMS/OEMS--CEMSTARS-Data>