Soft Lights Foundation

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November 27, 2025

BY EMAIL

CDRH Ombudsman
U.S. Food and Drug Administration
cdrhombudsman@fda.hhs.gov

Re: Formal Request for Identification of "Appropriate Federal Departments and Agencies" under 21 U.S.C. § 360ii(a)(6)

Dear CDRH Ombudsman,

Pursuant to the requirements established in the Federal Food, Drug, and Cosmetic Act, we submit this formal request regarding the electronic product radiation control program.

"The Secretary shall establish and carry out an electronic product radiation control program designed to protect the public health and safety from electronic product radiation. As a part of such program, he shall consult and maintain liaison with the Secretary of Commerce, the Secretary of Defense, the Secretary of Labor, the Atomic Energy Commission, and **other appropriate Federal departments and agencies** on (A) techniques, equipment, and programs for testing and evaluating electronic product radiation, and (B) the development of performance standards pursuant to section 360kk of this title to control such radiation emissions." [emphasis added.] (21 U.S.C. § 360ii(a)(6).)

To provide context regarding the scope of electronic product radiation, the following table illustrates examples of products emitting electromagnetic radiation and the Federal departments and agencies currently holding regulatory responsibility for these products:

Light Emitting Diode Visible Light	
NHTSA	Vehicle headlamps, taillights, brake lights, turn signals, daytime running lights, dashboard displays.
DOE	Streetlamps, General Service Lamps.
Access Board	Vehicle flashing lights, traffic control lights, school lighting, office lighting.
OSHA	Emergency vehicle flashing lights, workplace lighting.
CPSC	Children's toys, electric tools, appliances.
FAA	Airplanes, towers, bridges.

EPA	Light pollution.
Radiofrequency Radiation	
FCC	Cell towers, cell phones, Wi-Fi routers, smart meters.

Therefore, we formally request the following information:

1. A comprehensive list of all "appropriate Federal departments and agencies" with whom the FDA is currently mandated to "consult and maintain liaison" under 21 U.S.C. § 360ii(a)(6).

2. For any Federal department or agency listed in the preceding table that the FDA does not consider "appropriate" for consultation, we request a detailed justification explaining the rationale for their exclusion.

Thank you for your prompt attention to this matter.

Sincerely,

/s/ Mark Baker
Individual

/s/ Mark Baker
President
Soft Lights Foundation
mbaker@softlights.org