



Thad LeVar &lt;tleva@utah.gov&gt;

## LED Street Lights Are Hazardous

Mark Baker <mbaker@softlights.org>

Wed, Sep 20, 2023 at 11:36 AM

To: Thad LeVar <tleva@utah.gov>

Cc: drexclark@utah.gov, epeterson@utahinvestigative.org, jmiller@sltrib.com, psc@utah.gov

Dear Mr. LeVar,

This is the response that I received just today from the Georgia PSC: "*This is the first I've heard about this. Let me do some more research. - Commissioner Tim Echols (Georgia PSC)*". You can see the difference in level of concern for public health, duty of care, transparency, etc. between the response from the Georgia PSC and the Utah PSC. The Soft Lights Foundation is in the process of notifying the PUC/PSCs for all 50 states, so I am expecting at least a few commissions to act appropriately by contacting the FDA, contacting the utility companies, contacting the vendors, etc. to learn more about the adverse health impacts of LED radiation and the steps that are underway at the FDA to regulate LED street lights.

Sincerely,

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

On Wed, Sep 20, 2023 at 10:19 AM Mark Baker <mbaker@softlights.org> wrote:

Dear Mr. LeVar,

Thank you for your response. I am unaware of any statute that prohibits the Utah PSC from conveying public health information to utility companies or municipalities. The Soft Lights Foundation has provided your organization with critical information about LED street lights and the radiation they emit. There is a legal duty of care requirement, that now that the PSC is aware of these health issues, that the PSC take steps to notify the utilities and the municipalities of the information we provided.

The Utah PSC should be concerned that they are approving tariffs for LED street lights when LED street lights are unregulated, hazardous, and discriminatory. At a minimum, the PSC has an obligation to make an inquiry into the situation.

Sincerely,

Mark Baker  
President  
Soft Lights Foundation

On Wed, Sep 20, 2023 at 9:47 AM Thad LeVar <tleva@utah.gov> wrote:

Thank you for your email. The Utah Public Service Commission has jurisdiction over the rates charged by investor-owned public utilities, and over other operational activities of those utilities. However, we do not have any jurisdiction over the types of street lights installed by municipalities. In fact, we are prohibited by the state constitution from exerting any jurisdiction over municipalities. For municipalities in Utah that receive electric service from a regulated electric utility (like PacifiCorp), we regulate what the utility may charge the municipality and its residents for electricity. But we cannot impose any requirements on the type of equipment those customers install to use that electricity.

Thad LeVar

On Tue, Sep 19, 2023 at 11:05 PM Mark Baker <mbaker@softlights.org> wrote:

Dear Utah Public Service Commission,

The Soft Lights Foundation announces that the Food and Drug Administration published Citizen Petition FDA-2023-P-3879-0001 on September 11, 2023 which requests regulation of LED street lights and the publication of 21 C.F.R. 1040.60 - LED Streetlights. (<https://www.regulations.gov/document/FDA-2023-P-3879-0001>). The reason that we submitted this petition to the FDA is because LED street lights are an electronic product that emits hazardous visible radiation that is required to be regulated by the FDA, as per 21 U.S.C. 360hh - 360ss. This petition is now taking public comments.

In summary:

1. There are currently no FDA regulations for LED visible radiation, as required by 21 U.S.C. 360hh - 360ss.
2. The FDA is evaluating Citizen Petition FDA-2022-P-1151 which requests that the FDA publish performance standards for LED products as 21 C.F.R. 1040.40 - LED Products.
3. An FDA review of the health and safety impacts of LED street lights, and steps required to publish 21 C.F.R. 1040.60 - LED Street Lights, is now underway.
4. The FDA has not been providing reports on LED radiation to members of Congress, as required by 21 U.S.C. 360jj. Members of Congress are investigating.
5. An Americans with Disabilities Act accommodation plan for each municipality is required for any location that is using an LED street light due to the discriminatory barriers created by LED street lights for those with disabilities who cannot neurologically tolerate LED radiation.

We believe that halting the rollout of LED streetlights is legally mandated until the FDA issues 21 C.F.R. 1040.60 - LED Street Lights, and until each municipality publishes the ADA accommodation plan for LED street lights. The utility companies are legally obligated to notify their clients that LED street lights currently lack FDA regulations (despite these regulations being required by law), that the FDA is evaluating multiple petitions to comply with the law, that LED radiation is hazardous, and that LED street lights create discriminatory barriers requiring ADA accommodations.

We urge the Utah PSC to contact Utah cities to halt their LED street light conversion projects until there is legal authorization to proceed and until the safety, health, and discrimination issues have been resolved.

Sincerely,

9/21/23, 7:54 AM

State of Utah Mail - LED Street Lights Are Hazardous

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