

July 15, 2023

BY EMAIL

Eric Nycz, City Attorney
Manitowoc, Wisconsin
cityattorney@manitowoc.org

Re: LED Streetlights Lack FDA Approval

Dear Eric Nycz,

An LED streetlight is an electronic product which is regulated by the US Food and Drug Administration. The FDA presentation “How to Get Your Electronic Product on the U.S. Market” details the authority of the FDA to regulate the radiation from electronic products and the requirements of manufacturers to receive FDA approval for their electronic products that emit radiation.¹

The city of Manitowoc, Wisconsin has installed or is considering installing LED streetlights. However, the FDA has not approved any LED streetlight products to ensure the comfort, health, and safety of the public. The FDA is mandated by the 1968 Radiation Control for Health and Safety Act (21 U.S.C. 360ii) to publish performance standards for electronic products that emit radiation, and yet the FDA has failed to comply with 21 U.S.C. 360ii for LED products, including LED streetlights.

LED streetlights are a human health hazard which have been documented to cause seizures, migraines, anxiety, nausea, eye pain, and eye injury. In addition, artificial light at night has been documented to cause significant increases in risk for mood disorders, diabetes, heart disease, breast cancer, and early mortality. It is likely that LED streetlights have increased acts of misbehavior and violence. The street lighting company Cree Lighting states that LED streetlights are dangerous.² The LED chip company Lumileds states that blue wavelength light is a hazard to human health.³ The contact person at the FDA is Robert Ochs, Director, FDA Center for Devices and Radiological Health, OHT8 (robert.ochs@fda.hhs.gov). The contact person at the Access Board is Christopher Kuczynski (kuczynski@access-board.gov).

It is negligent for a city to install and operate an electronic product that has no FDA approval, and which is known to put the public at risk of harm. Wisconsin Statute 893.82 authorizes lawsuits

¹ <https://www.fda.gov/media/88417/download>

² <http://www.softlights.org/wp-content/uploads/2022/04/Cree-Lighting-White-Paper.pdf>

³ <https://lumileds.com/lumileds-nightscape-technology-lowers-blue-light-below-2-to-support-our-natural-ecosystem-and-dark-sky-initiatives/>

against municipalities for negligence. The installation or operation of LED streetlights meets the criteria for negligence, harm, discrimination, and liability.

To protect the public from LED visible radiation, LED streetlights must not be operated in public spaces. To recover expenses related to the removal of any existing LED streetlights, the Soft Lights Foundation recommends that Manitowoc sue the FDA and the DOE for failing to disclose to Manitowoc that LED products are a human health hazard and for failing to comply with 21 U.S.C 360ii and publish the required performance standards for LED streetlights.

In any case, Manitowoc must not install or operate LED streetlights knowing that the LED streetlights have not been FDA approved, knowing that the LED streetlights are causing serious adverse health impacts, knowing that LED streetlights are creating discriminatory barriers, and knowing that LED streetlights are defective and dangerous.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

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cc:

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