



ADA Request for Accommodation - LED Displays

1 message

Mark Baker <mbaker@softlights.org>

Wed, Mar 1, 2023 at 9:26 PM

To: cityatty.help@lacity.org

Cc: tcn@metro.net, fernando.campos@lacity.org, mayor.helpdesk@lacity.org, "clerk.cps@lacity.org" <clerk.cps@lacity.org>

Dear City Clerk, Los Angeles,

This is a public comment. Please forward to the city council.

Dear Hydee FeldsteinSoto, City Attorney, Los Angeles, California,

Please find attached information about the lack of FDA regulation for LED displays and my request for ADA accommodation for the proposed Metro Transportation Communication Network.

Sincerely,

Mark Baker
President
Soft Lights Foundation
www.softlights.org
mbaker@softlights.org



Los Angeles, CA - LED Displays.pdf

198K



9450 SW Gemini Drive
PMB 44671
Beaverton, OR 97008

March 1, 2023

BY EMAIL

Hydee Feldstein Soto, City Attorney
Los Angeles, California
cityatty.help@lacity.org

Re: LED Displays and the Americans with Disabilities Act

Dear Hydee Feldstein Soto,

The Soft Lights Foundation advocates for the protection of the natural night resource and for the protection of citizens from the harms of Light Emitting Diode visible radiation. We wrote to you on January 24, 2023 regarding the hazards of LED strobe lights and the liability risk to the city associated with operating LED strobe lights. In this letter, I write to ensure that the city complies with the Americans with Disabilities Act in regards to the possible installation, operation, or authorization to third parties to install or operate digital displays.

LEDs emit an unnatural type of visible radiation with spatial, spectral, and temporal properties that are known to be hazardous to human health.^{1,2} The Food and Drug Administration is the sole agency with regulatory authority for LED products. This authority was vested in the FDA by the 1968 Radiation Control for Health and Safety Act and no other federal agency has regulatory authority for LED products, including LED displays. The FDA has confirmed that they have this regulatory authority.³ To date, the FDA has not published the necessary comfort, health, or safety standards for any LED product and has not vetted LED displays. Thus, the city of Los Angeles has no regulatory authority to install or operate or allow third parties to operate LED displays and this lack of regulatory authority creates a significant liability and economic risk for Los Angeles due to the known hazards of LED visible radiation.

The Americans with Disabilities Act prohibits discrimination and requires equal access to city services. LED displays create discriminatory conditions for the class of individuals who cannot neurologically tolerate flat surface, directed energy LED visible radiation. LED displays have been documented to trigger photosensitive seizures, debilitating migraines, anxiety, nausea, and numerous other adverse neurological reactions.⁴ Because the FDA has not vetted LED displays and their impacts on the disability community, there are no existing federal guidelines or requirements that Los Angeles can refer to. Since LED displays have been proven to be dangerous and discriminatory for certain

¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9420367/>

² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7830240/>

³ <https://content.govdelivery.com/accounts/USDHSCBP/bulletins/1a00f8a>

⁴ <http://www.softlights.org/stories/>

individuals, Los Angeles is required by the ADA to remove the barriers to access created by the LED displays. The undue burden and reasonable accommodation claim typically used by cities cannot be used in this situation because LED displays did not receive approval from the FDA.

In addition, recent research proves that the switch to LED lighting has drastically increased light pollution due to the directed energy nature of the LED light source, and due to the use of high energy blue wavelength light.⁵ Due to the rollout of LEDs, light pollution is now increasing at a rate of 10% per year, up from the previous 2% per year. Artificial light at night is a major contributor to the risk of human diseases such as prostate cancer, breast cancer, mood disorders, and premature births.⁶ A February 8, 2023 press release from the French National Academy of Medicine states, *“Light is an electromagnetic radiation that carries energy capable, by interacting with ocular tissues, regardless of age, of damaging retinal photoreceptors.”* and *“Chronic exposure to LEDs induces photochemical cell damage that is particularly harmful to the macular retina located in its center and ensuring fine vision, reading, writing and colored vision.”*⁷ Electronic displays present a significant ocular and circadian rhythm hazard and safety risk to citizens and thus the installation or operation of LED displays in public spaces cannot be justified.

Given the facts presented above, the city of Los Angeles must thoroughly research and report on the adverse impacts of LED displays on those with disabilities. Given also that LED displays have been documented to cause life-threatening photosensitive seizures, multi-day migraines, impaired vision and reduced cognitive abilities, the installation and operation of LED displays cannot be authorized because LED displays will create discriminatory barriers in violation of the Americans with Disabilities Act and the installation of LED displays by the city would be negligent.

Therefore, before the Los Angeles Metro moves forward with the Transportation Communication Network and their plan to install a network of digital displays, on behalf of myself and all others similarly impacted by LED displays, I am formally requesting accommodation as per the Americans with Disabilities Act to be given equal access to city services, programs, and activities and to not be subjected to hazardous and discriminatory visible radiation from LED displays. I further request that no LED displays be installed or operated until the FDA publishes the required comfort, health, and safety regulations for LED products.

I request a response.

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

mbaker@softlights.org

⁵ <https://www.science.org/doi/10.1126/science.abq7781>

⁶ <http://www.softlights.org/human-health/>

⁷ <https://www.academie-medecine.fr/loeil-et-le-cerveau-des-enfants-et-des-adolescents-sous-la-lumiere-des-ecrans/>