

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND  
EMERGENCY SERVICES

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March 2, 2023  
Start: 10:55 a.m.  
Recess: 11:12 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: Joann Ariola  
Chairperson

COUNCIL MEMBERS:

David M. Carr  
Carmen N. De La Rosa  
Oswald Feliz  
James F. Gennaro  
Robert F. Holden  
Kevin C. Riley  
Lynn C. Schulman  
Kalman Yeger

A P P E A R A N C E S (CONTINUED)

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2 SERGEANT AT ARMS: Good morning and  
3 welcome to today's New York City Council hearing for  
4 the Committee on Fire and Emergency Management. At  
5 this time we ask that you turn all cell phones and  
6 electronic devices to vibrate or silent. Thank you  
7 for your cooperation. Chair, we are ready to begin.

8 CHAIRPERSON ARIOLA: Good morning. My  
9 name is Council Member Joann Ariola, Chair to the  
10 Committee on Fire and Emergency Management. I'm  
11 joined by Council Members Carr, Schulman, Riley,  
12 Feliz, Holden, and De La Rosa. Today, we will be  
13 voting on a package of five bills that intend to  
14 improve fire safety by better regulating powered  
15 mobility devices such as electric bikes and scooters,  
16 as well as increasing fire safety standards for  
17 lithium ion batteries. As we learned from our  
18 hearing on e-bikes and lithium ion batteries this  
19 past November, there has been an exponential growth  
20 in deadly fires related to the misuse and improper  
21 storage of lithium ion batteries, specifically those  
22 used to power mobility devices. The Fire Department  
23 has investigated over 200 lithium ion battery-related  
24 fires in 2021. The 2022 total more than doubled the  
25 number of battery-related fires from 2021 and

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2 quadrupled the number of such fires in 2020.

3 Clearly, this city is faced with a severe public  
4 safety concern. These five bills that we will vote  
5 on today which I will now detail aim to protect  
6 customers from dangerous products and increase public  
7 awareness regarding the fire safety risks posed by  
8 lithium ion batteries and motorized bikes and  
9 scooters. Introduction number 656A, sponsored by  
10 Council Member Brewer, requires the Fire Department  
11 to develop an informational campaign to educate the  
12 public on fire risks posed by powered mobility  
13 devices. Intro 663A, sponsored by Council Member  
14 Feliz, prohibits the sale of power mobility devices  
15 and storage batteries for powered mobility devices  
16 that are not approved by a recognized testing  
17 laboratory. Intro Number 772A, sponsored by Council  
18 Member Holden, requires the Fire Department to report  
19 on safety measures to mitigate fire risks associated  
20 with power mobility devices. Intro 749A, sponsored  
21 by Council Member Avilés, relates to providing food  
22 delivery workers with information on safety measures  
23 that mitigate the fire risks posed by powered  
24 mobility devices, and Intro number 752A, sponsored by  
25 Council Member Brewer, prohibits the sale of a

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2 storage battery composed of cells removed from the  
3 used storage batteries and make it unlawful to  
4 assemble or recondition a lithium ion battery using  
5 cells removed from used storage batteries. I will now  
6 invite our bill sponsors to speak on their bills.  
7 Council Member Holden?

8 COUNCIL MEMBER HOLDEN: Thank you, Chair.  
9 And today we are voting on my bill Intro 722A as part  
10 of a package of bills, like the Chair said, addressing  
11 the tragic fires caused by unregulated batteries in  
12 e-bikes, e-scooters, and other powered mobility  
13 devices. My bill would require the Fire Department  
14 to report annually on each fire involving a powered  
15 mobility device and annual review of the existing  
16 fire code and regulations pertaining to the powered  
17 mobility devices and a summary of actions taken by  
18 the FDNY to reduce these types of fires. Now, again,  
19 I want to thank the Speaker and Chair Ariola and the  
20 11 co-sponsors who helped move this bill through the  
21 legislative process. I also want to thank the  
22 Legislative Division and my staff for their help.  
23 The Council is taking important steps here to prevent  
24 future fires from occurring, but more needs to be  
25 done. We need Albany to pass legislation requiring

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2 these devices to be licensed, insured, and  
3 registered. This is why I've also introduced Intro  
4 758 requiring that every bicycle with electric  
5 assist, electric scooter, and other legal motorized  
6 vehicles that are not otherwise required to be  
7 registered by the DMV be registered with the DOT and  
8 receive an identifying number which would be  
9 displayed on a visible plate affixed to the vehicle  
10 like other vehicles we have on the streets of New  
11 York City. These fires have caused too much  
12 heartache already in our city, and these devices have  
13 become dangerous on our streets, our sidewalks, and  
14 of course, in our homes. And let's work together to  
15 resolve this matter quickly, and I thank the Chair  
16 again. Thank you.

17 CHAIRPERSON ARIOLA: I'm sorry. Council  
18 Member Feliz?

19 COUNCIL MEMBER FELIZ: Thank you. Thank  
20 you so much, Chair Ariola. New Yorkers are very  
21 concerned about a sharp rise in fires related to e-  
22 bike batteries. New Yorkers are concerned, and their  
23 concerns are real. Last year we had approximately  
24 220 fires in 365 days, 220 fires. That's a fire  
25 every day and a half. And this year, the numbers are

2 very similar. We just concluded the month of  
3 February and we've already had approximately 25 to 30  
4 fires caused by these batteries. These fires are a  
5 problem. These fires are powerful and they're also  
6 destructive. They destroy our homes. They displace  
7 our families, and they put our lives at risk. We  
8 cannot wait for another tragedy to happen like the  
9 one that we saw last year in Twin Parks, so I'm proud  
10 to be joining all my colleagues in taking action to  
11 help resolve this fire safety challenge. We also  
12 know that not all batteries have created these  
13 problems. Batteries that are certified, have gone  
14 through safety testing, which help ensure that these  
15 batteries have tools that prevent malfunctions that  
16 lead to fires, and that is what my bill will be  
17 requiring, requiring that batteries before they're  
18 sold that they go through safety testing and that  
19 they get certified. So I want to thank all my  
20 colleagues that have taken action. This is a very  
21 thorough package to help resolve the growing problem  
22 related to e-bike batteries, and I want to thank you  
23 all for working on this. And this is only a first  
24 package. We still have more work to do, and I look  
25 forward to continuing to work with all of you. Thank

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2 you so much. And thank you Chair Ariola for your  
3 leadership.

4 CHAIRPERSON ARIOLA: Thank you. Thank  
5 you, Council Member Feliz. We will now hear from  
6 Council Member Gale Brewer.

7 COUNCIL MEMBER BREWER: Thank you very  
8 much, Madam Chair, because you've been interested in  
9 this from the beginning of our discussions and I  
10 appreciate it. I also want to thank all of the  
11 deliveristas and the people, 65,000 of them who are  
12 delivering our food. I think it was actually Council  
13 Member Feliz and others who when we were in Albany  
14 for the conference there was even a bicycle-- thank  
15 goodness nobody was around-- but the battery blew up  
16 on the plaza in Albany. I saw it myself. So, this  
17 is not just individuals who are concerned generally,  
18 it is a real fire hazard. Council Member Feliz gave  
19 some of the numbers. But just to repeat, in 21 there  
20 were 104 fires, 79 injuries, and four deaths; 22, 216  
21 fires, 147 injuries, six deaths; and today, to-date  
22 in 23, 22 fires, 36 injuries, and 2 deaths, and  
23 people particularly in communities where there are  
24 individuals who are delivering food, one of the  
25 hardest jobs-- give them so much credit, but when



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2 they're in the elevator with the bicycle, then I get  
3 calls-- I'm sure others do-- concerned. And so we  
4 have to be aware. We hope that this package helps.  
5 One of my bills 656 basically asks the Fire  
6 Department to do what they are doing, which is to  
7 give out information about the concerns, the fire  
8 risks posed by these devices, and then the other one  
9 which is the bill that has a little bit more teeth,  
10 752-- and again, we're just trying to figure out how  
11 we can be successful in supporting the deliveristas  
12 at the same time being safe. One of the challenges  
13 of these batteries is that when you have three  
14 batteries a day, you're working goodness knows how  
15 many hours, you need to charge them and then you also  
16 need to be safe. So this bill talks about not  
17 reselling batteries that-- lithium ion batteries that  
18 use cells removed from used storage batteries. In  
19 layman's terms, to me that's a battery that has been  
20 re-constituted in certain different ways. And the  
21 good news is it might make us safer. The bad news is  
22 a new battery is going to cost more. So the question  
23 to me is how do the apps, the big seamless Uber Eats,  
24 Grub Hub, how do they help with some of these costs.  
25 And so we're saying today let's be safe, but at the

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2 same time, we're concerned about charging. We want  
3 to make sure that there's a place to charge. Now,  
4 what's happening, and to the credit of the Fire  
5 Department, they are going to the place where these  
6 batteries are being sold and stating you could be  
7 selling something that's dangerous. Make it new  
8 battery even though they don't have the authorization  
9 or the seller doesn't have to do that until we pass  
10 some of this legislation. I mention this because it  
11 makes it even harder to get things charged. So the  
12 deliveristas are a little bit-- are in a bind. We  
13 have to make sure they're not in a bind by getting  
14 them places to charge, and at the same time making  
15 sure that the batteries are safe. So this is a new  
16 disrupter. We had Uber. We had Airbnb, and this is  
17 a new disrupter that we need to make sure works in  
18 our city, because it delivers food and people can't  
19 get to the store, survived the pandemic with the help  
20 of these deliveristas and now we have to figure out  
21 how they can be safe, they can be safe at home, we  
22 can all be safe at home at the same time they can do  
23 their job. Thank you very much, Madam Chair.

24 CHAIRPERSON ARIOLA: Thank you so much.

25 I strongly urge the committee members, many of who

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2 are sponsoring like myself these bills to vote aye on  
3 the package of legislation which aims to protect all  
4 New Yorkers from deadly fires. I'd now like to yield  
5 the microphone to the clerk for a vote.

6 COUNCIL CLERK: Good morning, William  
7 Martin, Committee Clerk. Roll call vote Committee on  
8 Fire and Emergency Management. All items are  
9 coupled. Chair Ariola?

10 CHAIRPERSON ARIOLA: Aye on all.

11 COUNCIL CLERK: Holden?

12 COUNCIL MEMBER HOLDEN: Permission to  
13 explain?

14 CHAIRPERSON ARIOLA: Of course.

15 COUNCIL MEMBER HOLDEN: I do have-- I do  
16 think this package is great. I do, like I said  
17 before, more has to be done. With 663A, the bill  
18 that would ban the sale-- allowing 180 days for the  
19 storekeeper to get rid of these illegal batteries or  
20 these batteries that explode, they're ticking time  
21 bombs. We're giving them 180 days folks to dump them  
22 on the market, to make our homes more dangerous. I  
23 would not-- and this is what-- you know, I do have a  
24 problem with that in the bill, but I'm still going to  
25 vote for it, but I wish that we could make some kind

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2 of deal here that 30 days or just again, ban the sale  
3 period and not allow these ticking time bombs in our  
4 homes. I don't get it. I don't-- if we had  
5 something-- if we had a high chair that folded and  
6 would endanger or catch fire or something, we would  
7 take it off the market wouldn't we? Why are we  
8 allowing these batteries that can explode at any time  
9 because they're improperly charging these vehicles to  
10 again be on the market for six months? So, I'm  
11 voting yes, aye on all. However, I do have  
12 reservations about that bill. I wish it could be--  
13 as soon as we-- as soon as the Mayor signs this law,  
14 they can't be sold. That's common sense.

15 COUNCIL CLERK: Riley?

16 COUNCIL MEMBER RILEY: Aye.

17 COUNCIL CLERK: Gennaro?

18 COUNCIL MEMBER GENNARO: I vote aye, and  
19 I wish to be associated with the remarks of Council  
20 Member Holden.

21 COUNCIL CLERK: Feliz?

22 COUNCIL MEMBER FELIZ: Permission to  
23 explain my vote? I just want to thank all my  
24 colleagues for your leadership on these bills. I  
25 also look forward to working on a second legislative

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2 package working with all of you and also our  
3 deliveristas. These bills tackle a lot of the  
4 different layers related to e-bike batteries, but we  
5 need additional legislation which we are-- we've  
6 already started working on, including working on a  
7 swap program to make sure that these safe e-bike  
8 batteries are accessible to all New Yorkers. But I  
9 vote aye on all, and I want to thank you all for all  
10 the work all of you have done. And I also want to  
11 thank Andrea Vasquez [sp?] from the Legislative  
12 Division, everyone who has been working behind the  
13 scenes to make this possible. Thank you so much.

14 COUNCIL CLERK: Thank you. De La Rosa?

15 COUNCIL MEMBER DE LA ROSA: Madam Chair,  
16 permission to explain my vote?

17 CHAIRPERSON ARIOLA: Of course.

18 COUNCIL MEMBER DE LA ROSA: Thank you. I  
19 want to thank all of you for the leadership. There  
20 was a devastating fire in my own district just a few  
21 weeks ago, and I understand the-- really the urgency  
22 of this package of legislation. So I thank you all  
23 for your leadership. I do want to speak on behalf of  
24 the workforce that is dependent and reliant on these  
25 bicycles in order to make 12, 14, 16 hours of work

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2 happen daily. That means they need, as Council  
3 Member Brewer said, several batteries at a time.  
4 Remember that this is population that is  
5 marginalized, often times living in apartments that  
6 are overcrowded with no storage possibilities or  
7 options for them to store their e-bikes. They also  
8 have, unfortunately, to depend on cheaper products  
9 that have caused this unsafety across our city. And  
10 so I just look forward to us centering the voices of  
11 those workers, continuing to have these conversations  
12 and listening actively to this workforce that we are  
13 dependent on during the pandemic. If you ordered a  
14 burger, if you ordered, you know, a bowl of salad  
15 during the pandemic because you couldn't go outside,  
16 these were the workers that risked their lives to  
17 bring you your food. They are the workers that live  
18 in our communities and that traverse our city every  
19 single day, and so I look forward to being an active  
20 partner with our colleagues in presenting the follow-  
21 up package of bills that I hope includes this swap,  
22 this idea of a battery swap. We need to make sure  
23 that there are financial incentives as well for these  
24 swaps to happen and these companies should have a  
25 stake in ensuring that their workers are safe. And

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2 so I proudly vote aye on this package of legislation,  
3 and I look forward to the second package that I think  
4 will address some of the issues of these workers. I  
5 also want to take an opportunity to thank my  
6 colleague Oswald Feliz, because we've had some tough  
7 conversations. There's nothing but love here. We've  
8 had some tough conversations, but he's been a  
9 gentleman throughout this process, and I look forward  
10 to working with you and others to make sure that we  
11 get this done. So I vote aye. Thank you.

12 COUNCIL CLERK: Schulman?

13 COUNCIL MEMBER SCHULMAN: Permission to  
14 explain my vote?

15 CHAIRPERSON ARIOLA: Yes,

16 COUNCIL MEMBER SCHULMAN: I think that  
17 this is a good package. I agree that we need to do  
18 something in terms of the deliveristas, but to my  
19 colleague Council Member De La Rosa, I just want to  
20 say that I also have been talking to folks in the Leg  
21 [sic] Division about holding these companies more  
22 responsible for the bikes and the-- what they send  
23 out in terms of the deliveristas. So, with that, I  
24 vote aye on all.

25 COUNCIL CLERK: Carr?

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2 COUNCIL MEMBER CARR: With  
3 congratulations to all my colleagues passing  
4 legislation today, I vote aye on all.

5 COUNCIL CLERK: By a vote of 8 in  
6 affirmative, 0 in the negative and no abstentions,  
7 all items have been adopted by the committee.

8 CHAIRPERSON ARIOLA: Okay. Thank you.  
9 Thank you. Thank you everyone for coming, and I just  
10 would like to thank our Committee Counsel Josh  
11 Kingsley and Senior Analyst Will Hongach for all the  
12 work that they put in for our committee and for this  
13 vote today. Thank you.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date March 10, 2023