

**Testimony of Assistant Commissioner Carlos A. Ortiz
New York City Department of Consumer and Worker Protection**

**Before the Committee on
Fire and Emergency Management**

**Hearing on
E-Bikes and Lithium-ion Battery Fire Safety and
Introductions 656, 663, 722, 749, and 752**

November 14, 2022

Introduction

Good morning, Chair Ariola and members of the Committee. My name is Carlos Ortiz, and I am the Assistant Commissioner for External Affairs at the Department of Consumer and Worker Protection (DCWP). Today, I am joined by DCWP's General Counsel, Michael Tiger. Thank you for the opportunity to testify today on legislation related to powered mobility devices and lithium-ion batteries.

As an agency, DCWP's mission-oriented priorities focus on consumer protection from deceptive trade practices and worker protections that promote equitable workplaces. While DCWP has no technical expertise regarding the fire risks posed by powered mobility devices and lithium-ion batteries, or recommended safety measures, we do serve New Yorkers who purchase or utilize these devices throughout the course of their daily lives. The Adams Administration is committed to ensuring that the utilization and regulation of these devices occurs in an equitable, sustainable, and safe manner.

Introductions 656, 663, 749, and 752

Turning to today's bills, Introduction 656 would require the New York City Fire Department to work in collaboration with DCWP on a public education campaign to highlight fire risks posed by powered mobility devices and the safety measures that mitigate those risks. Introduction 749 would require DCWP to establish materials providing guidance on the safe use and storage of powered mobility devices and ensure that food service establishments, third-party food delivery services, and third-party courier services distribute that guidance to their food delivery workers.

The Administration supports the intent of these bills and believes that educating the public on fire safety and fire risks is vital. DCWP is eager to partner in these efforts, although we do not believe that our agency has the technical expertise for the creation of public guidance related to the safe use and storage of powered mobility devices, and batteries, as contemplated in Introduction 749.

Moving on to the other bills on the agenda, Introduction 663 would prohibit the sale of batteries for powered mobility devices unless the batteries have been listed and labeled by a nationally recognized testing laboratory or other approved organization. Introduction 752 would prohibit

the sale of “second-use lithium-ion batteries,” which, from our understanding, are batteries that have been assembled or reconditioned with cells removed from previously used batteries. DCWP would be tasked with enforcing both bills and would be empowered to issue civil penalties to any business that illegally sells the prohibited products.

As my colleagues at the Fire Department testified to, the Administration supports the intent of Introductions 663 and 752 to the extent they can address fire safety issues caused by certain identified batteries. DCWP regularly enforces consumer product restrictions, including a law passed earlier this year prohibiting the sale of space heaters that lack certain safety features and clear labeling of those features.¹ For any prohibitions such as these, clear standards, packaging, and labeling are essential for enforcement. DCWP is also interested in hearing today from workers who may utilize powered mobility devices to better understand any impact these bills may have their constituencies.

Conclusion

We look forward to collaborating with the Council on these bills during the legislative process to create equitable and safe standards for New Yorkers. Thank you again for the opportunity to testify, and I look forward to any questions you may have.

¹ See Local Law 64 of 2022.



November 14, 2022
Testimony of Chief Thomas Currao, FDNY
E-bikes and Lithium Ion Battery Fire Safety

Good morning Chair Ariola and all Council Members present. My name is Thomas Currao and I am the Chief of Counterterrorism and Emergency Preparedness and the Acting Chief of Fire Prevention at the New York City Fire Department. I am joined today by Julian Bazel, Fire Code Counsel for FDNY. Thank you for the opportunity to speak with you about E-bikes and Lithium ion Batteries.

We appreciate the Council's attention to this issue. The Fire Department has been carefully tracking the increase in the use of lithium ion batteries in mobility devices over the last several years. These batteries are commonly found in e-bikes, e-scooters, and other powered mobility devices such as electric skateboards and hoverboards. Though they have been on the rise for the past several years, the use of powered mobility devices multiplied dramatically during the pandemic. They have become ubiquitous among delivery workers, fueling a round-the-clock convenience that New Yorkers have come to rely upon. Our challenge is to strike the appropriate balance of ensuring public safety while not unnecessarily disrupting the livelihood and enjoyment of users.

As use has increased, the Fire Department has seen a corresponding spike in the number of fires and incidents related to lithium ion batteries. Many of these fires have been intense and high

profile. This past week, we responded to a fire in a high-rise apartment in Manhattan that began when an e-bike caught fire. It resulted in 38 injuries and required a daring rope rescue of individuals who narrowly escaped death via a window on the 20th floor. Whereas an injury stemming from a lithium ion battery was a relatively rare occurrence in 2019 – when we saw only a total of 13 such injuries – in 2021, we experienced 79. As of today, we’ve already identified 140 injuries and 191 fires attributed to lithium ion batteries this year. Tragically, these fires have also led to six fatalities. As of today, we have experienced as many injuries, deaths, and overall fires involving lithium ion batteries as we have from the previous three years combined.

Year	Investigations	Injuries	Deaths	Structural	Non-Structural
2019	30	13	0	23	7
2020	44	23	0	37	7
2021	104	79	4	77	27
2022	191	140	6	141	48

Lithium ion battery fires present challenges to firefighters that are different from other types of fires. In addition to what we might consider a traditional fire, there’s a threat of thermal runaway. This occurs when an excess of heat is generated within the battery, resulting in an uncontrollable, self-heating status that exceeds the rate at which the heat can be safely dissipated. This causes a domino effect within the cells of the battery and potentially creates an explosive state, producing an ejection of gases, shrapnel and particulates. Some of the councilmembers present today attended a demonstration of a lithium ion battery fire at the Fire Academy last week. Those of you who were there may remember the thermal runaway which was evident by the popping noises and billowing white smoke. This smoke is toxic and highly flammable. A fire in a single lithium ion

battery can easily spread to materials around it. If it is located near other lithium ion batteries, the process may be repeated, increasing the intensity of the fire. In addition to starting fires, the presence of a lithium ion battery at a fire caused by another source makes fighting that fire more dangerous.

Another challenge to lithium ion battery fires is that the danger is not over when the fire is out. The battery is still essentially a box of chemicals, and it's not unusual for it to reignite. Once these batteries are damaged or involved in a fire, they may reignite hours or days after being initially extinguished. Even a thorough inspection may not predict if or when they may reignite. Given the unique difficulty with suppressing this type of fire, we dispatch FDNY HazMat units to help ensure that the batteries are properly handled. HazMat has pioneered a procedure to eliminate the threat of damaged batteries.

This is a new phenomenon in the world of fire suppression. As with a lot of new technology, the FDNY is at the forefront of understanding how the proliferation of lithium ion batteries in vehicles such as e-bikes and e-scooters affects emergency response. Our experience with these devices – though greater than that of any other department in the country – is still relatively limited, and we continue to learn. As more devices appear in our communities, fire incidents have increased. We have observed several factors that contribute to these fires, and we've incorporated this knowledge into outreach pieces and safety materials. We encourage users to be FDNYSmart when using any device powered by a lithium ion battery:

- **Do not store your bike or scooter near your door or windows blocking exits.**
 - We've seen multiple examples of this blocking egress during fires.

- **Do not leave devices unattended when charging or leave them to charge overnight.**
- **Only purchase and use devices that are listed by a qualified testing laboratory, such as Underwriters Laboratory.**
- **Do not charge a device under a pillow, on a bed, or on a couch.**
- **Only use the manufacturer's power cords or batteries that are made specifically for the device.**
- **Keep batteries and devices at room temperature and away from anything flammable.**
- **If a battery overheats or you notice an odor, change in shape or color, leaking, or odd noises from a device, discontinue use immediately.**
- **Finally, putting lithium ion batteries in the trash or recycling is illegal and dangerous.**

As fire incidents involving lithium ion batteries have increased, the Fire Department has ramped up our level of outreach and education on this topic. We've produced informational handouts and materials promoting safe usage of e-mobile devices. This past week, we finalized a video Public Service Announcement informing viewers about the dangers of failing to take appropriate precautions around charging and storing devices, and we've shared that material extensively on social media, with community contacts including community boards and elected officials, and with industry groups that use e-bikes in their businesses. Members of department leadership have given interviews and assisted media outlets with updating the public on this topic.

We now conduct outreach specifically geared towards lithium ion battery safety in neighborhoods where fires involving batteries have occurred, and we've also incorporated lithium ion battery safety content into our general fire safety messaging. We've partnered with the Department of Transportation and the Department of Consumer and Worker Protection to share information about safety, and we've coordinated with the Department of Sanitation to discuss safe removal of

batteries from fire incidents and issues of disposal. Members of FDNY's Community Affairs Unit and our Fire Safety Education Unit have met with the Deliveristas and other organizations, distributing materials and speaking with delivery workers about the safest ways to use and charge their e-bikes. One approach that we are preparing is a "train the trainer" focus, giving tools to individuals so that they can help educate other members of their community on this topic. We continue to identify groups of users to reach out to, and we encourage the councilmembers here today to let us know if you have additional suggestions for groups with whom we should connect.

As the Department does with all fire safety materials, we've made sure to create resources on this topic in a large variety of languages. When we partner with a group for whom an additional language would be useful, we work with members of the group in advance to produce versions in relevant languages. We know that safety material is only valuable when it can be understood by the people who are using it. In addition to the materials aimed at adults, we devoted an episode the FDNYSmart Podcast for Kids to the topic of lithium ion batteries with e-bikes, e-scooters, and other devices.

We recognize that a long-term solution to these issues likely lies with manufacturers creating safer devices, and we have been in communication with the federal authority that has oversight over manufacturers. In a letter this summer to the Chair of the United States Consumer Product Safety Commission, Fire Commissioner Laura Kavanagh relayed the experience that we've observed with fire trends among powered mobility devices here in New York City. She urged the CPSC to enact regulatory measures and incentivize safer designs. The Chair of the CPSC responded in October, noting a variety of measures that the Commission is taking to address the issue, including collecting specimen and conducting research and data analysis here in New York City. CPSC staff

will use that knowledge to develop proposals for new standards. The CPSC has begun recommending that consumers take measures to minimize the risk of fire, and their list of recommendations is similar to our own. The CPSC also announced a recall last month of certain e-bikes, citing the risk of lithium ion batteries igniting, exploding, and creating burn hazards to consumers. We will continue providing information and working with industry and federal regulators to improve these devices.

I will now address the proposed legislation.

- **Introduction 656** – This legislation would require the Fire Department to develop an informational campaign to educate the public on fire risks posed by powered mobility devices. As I've noted, this is something that we already do and we expect to continue developing and improving outreach on this topic. We are supportive of this bill.
- **Introduction 663** – This legislation would prohibit the sale of batteries for mobility devices that are not listed by a nationally-recognized testing laboratory or approved organization. We agree with this objective and it tracks with the safety tips that we use when addressing members of the public who may be considering purchasing e-mobility devices. We are supportive of this bill.
- **Introduction 749** – This legislation would require the Department of Consumer and Worker Protection and the Fire Department to provide information on safety measures that mitigate fire risks and would also require food service establishments to provide delivery workers with safety information. We are supportive of this bill.
- **Introduction 752** – This legislation would prohibit the sale and assembly of second-use lithium ion batteries. We are supportive of this bill.
- **Introduction 722** – This legislation would require an annual report that would include a variety of topics such as all fires caused by powered mobility devices; details of each fire including geographic location, building type, circumstances of each location; an overview of existing New York City Fire Code provisions governing storage and charging of powered mobility devices; an examination of regulatory approaches taken in other jurisdictions or proposed action on the state or federal level for mitigation of fire risks, among others. We are able to comply with the aim of this bill by reporting on powered mobility devices. However, we do have concerns about the best use of resources and what it might take to gather and produce all of the elements of this report. We look forward to discussing potential refinements to ensure that we're maximizing resources towards fire suppression, fire prevention, and education.

On each of these bills, we look forward to hearing from other city agencies, industry stakeholders and powered mobility device users to inform the details. We welcome the Council's interest in the topic. We've had a number of conversations with members of the committee already and we look forward to an ongoing dialogue. Part of our responsibility as first responders in New York City is confronting big challenges before anyone else. FDNY will stay engaged and active as this issue evolves and we are grateful to have partners at the Council to provide support and help to protect the people and property of New York City.

Hi I'm George Farinacci vice president with the [UFOA local 854 /Fire Officers](#).

Thank you, to the council for your attention to this critical safety issue.

Fires and deaths caused by the batteries in powered mobility devices have significantly increased over the past two years. Fires have nearly doubled and deaths have increased by 50%.

2022 is not over yet, as we come in to the colder months it is common to see a rise in fires as electric outlets begin to be strained by supplemental heating devices, we can expect this to be compounded by the increased electrical demand of powered mobility devices.

powered mobility devices are commonly stored for charging near the entrance of the home or apartment. That means when the fire occurs, that fire will be between the occupants and their exit to safety. The intensity of these battery fires is so hot that it has instantly burned through fire-fighters gear.

NYS has become a "right to repair state", we can anticipate an escalating incidence of fires due to the lack of education and understanding regarding the use of this equipment.

Some contributing factors of these fires are:

- Batteries that are out of specification.
- After market batteries without the necessary quality assurance or testing
- Lack of education regarding use and compatibility of batteries and devices.
- Saving money on reused or repurposed batteries.
- Incompatible charging cords and power strips.

Misuse and Lack of education regarding powered mobility devices present a serious fire/ life safety hazard. I applaud the councils' efforts to protect the citizens and fire-fighters in our great city.

Thank you,

George Farinacci
Vice President
UFOA Local 854



Asian American Federation

Testimony for New York City Council Committee on Fire and Emergency Management

November 14th 2022

Thank you, Committee Chair Ariola as well as the members of the Council Committee on Fire and Emergency Management for holding this hearing and giving us an opportunity to testify. I'm Ravi Reddi and I am the Associate Director of Advocacy and Policy at the Asian American Federation (AAF). AAF represents the collective voice of more than 70 member nonprofits serving 1.5 million Asian New Yorkers.

We're here today to discuss the needs and safety of our immigrant workers, many who use e-bikes for delivery work.

Overwhelmingly, Asian New Yorkers are immigrants, with two out of three in the city being foreign-born. Of those Asian immigrants, 47% arrived in 2010 or after. Additionally, language barriers remain high among Asian New Yorkers. Overall, 48% of Asians have limited English proficiency in New York City, compared to a citywide rate of 23%.

For the past several years, AAF has been a staunch advocate for tens of thousands of delivery workers who use electric bicycles to work. As of November 23, 2020, thanks to the City Council, e-bikes are legal in NYC, allowing our immigrant delivery workers to do their work more efficiently. Most individuals who use e-bikes are immigrant workers and during the height of the pandemic, e-bike workers were, and still are, essential workers.

With the pandemic recovery well underway, the conversation on the continuing challenge of being an immigrant worker in our City is one of the most critical dialogues we need to have. But one thing is clear, the pandemic merely put a spotlight on issues that have long been ignored. We're here to make sure the City is prioritizing immigrant worker voices, just as it did when AAF fought with our partners to legalize e-bikes.

To that end, legislation like Int. 656 introduced by Council Member Brewer and Int. 749 introduced by Council Member Aviles highlight critical components of protecting our immigrant workers and making their work safer, in-language outreach and education. Making sure this education and outreach is in-language, and otherwise makes this information as accessible to our immigrant workers as possible, including through the use of ethnic media, is critical. Int. 752 introduced by Council Member Brewer would address the economies behind unsafe e-bikes, without penalizing workers. Prohibiting the sale of second-use batteries that are more likely to cause fires, and addressing back-end safety concerns, is a necessary step that addresses delivery worker safety without placing the onus on them.

Thank you so much for giving us the opportunity to speak on this critical work. We're grateful to see City Council move ahead with policies that protect our immigrant workers. We look forward to continuing this work with all of you. Thank you.



November 14, 2022

Council Member Joann Ariola, Chair
Committee on Fire and Emergency Management
New York City Council
250 Broadway
New York, NY 10007

Re: Comments for Oversight Hearing - E-Bikes and Lithium-ion Battery Fire Safety (T2022-2144).

Dear Chair Ariola and Members of the Committee:

I am DoorDash's Senior Manager of Government Relations for New York. DoorDash is a technology company whose mission is to grow and empower local economies. We do that by partnering with thousands of local merchants throughout the city and connecting New Yorkers with their favorite local businesses for online ordering, takeout, and delivery. We also empower New Yorkers from all walks of life to earn money when, where, and how they choose by delivering meals and essentials to their communities. By building the logistics infrastructure for local commerce, DoorDash is bringing communities closer, one doorstep at a time.

Thousands of New Yorkers earn extra income through DoorDash with the help of electric bicycles and other electric mobility devices. We appreciate the opportunity to provide comments as the City Council considers new policies to improve safety and reduce risks associated with the use of these products. Most importantly, we express our support for Int 0656-2022 and Int 0749-2022.

Dashing opens up earning opportunities for New Yorkers, and e-mobility devices help them get on the road.

"Dashers" – those who use the DoorDash platform to earn extra income – come from all walks of life and economic backgrounds. They're parents, caregivers, students, retirees, and more who use DoorDash because it offers a way to earn income that's different from traditional employment. For many New York Dashers, access to those earnings opportunities depends on their e-bike or e-mobility device. More than that, e-bikes and e-mobility devices are a key part of expanding transportation access and modernizing the city's transportation infrastructure. That's why we applaud the Council's efforts to explore new, common-sense policy solutions that would help keep Dashers – and all New Yorkers – safe, while supporting the growing numbers of New Yorkers who use e-bikes and e-mobility devices to get around.

We strongly support the Council's efforts to introduce smart, common-sense solutions to improve the safety of e-mobility devices.

We agree with members of the Council that a critical component of improving safety is to get important, practical guidance on safe charging, storage, and maintenance practices into the hands of New Yorkers. We recently partnered with the FDNY to use the DoorDash platform to send this kind of safety information – in multiple languages – to NYC Dashers and are planning to

regularly remind Dashers of that guidance. That's why we support **Int 0656-2022** (which would direct the FDNY to develop an public informational campaign on fire risks) and **Int 0749-2022** (which would direct food-service establishments and third-party food-delivery and courier services to provide delivery workers with safety information). These two measures would require the FDNY and DCWP to develop comprehensive safety information covering, at a minimum, safe practices for purchasing, maintaining, caring for, storing, and charging e-bikes and other e-mobility devices. We encourage these agencies to also consider covering safe recycling and disposal practices to ensure that New Yorkers have information pertaining to the full life cycle of their batteries. In sum, we are very supportive of the Council's efforts to close the education and information gap on battery safety. More broadly, we appreciate the Council's efforts to collect data and best practices to inform their decisions.

Battery safety is a complicated problem that defies a single solution. Uniform testing and safety standards for e-bikes and e-mobility devices are still in their early stages and as policymakers and stakeholders seek the best solutions, we need a holistic approach. The city administration and City Council members have rightly called on the U.S. Consumer Product Safety Commission to examine e-mobility product safety and institute consumer safety standards to regulate the batteries used in these products. We also need to prevent unintended consequences, like driving markets underground or targeting New Yorkers who use e-bikes and e-mobility devices as wrongdoers when they are making efforts to adopt modes of transportation that are good for the City and the environment.

Education, product safety, and infrastructure all have a role to play, and we support the City examining this issue through multiple lenses. Becoming less car dependent is a major part of the city's long-range vision,¹ and e-bikes and e-mobility devices can play a major role in bringing that vision to life. But to do it, new infrastructure for these kinds of alternative modes of transportation is essential. This means not only building more protected bike lanes, but also developing secure places to store and charge their bicycles, e-bikes, and e-mobility devices. DoorDash supports the "Reimagine the Curb" campaign, which calls for more e-bike charging stations and secure storage. Likewise, some policymakers have also voiced support for a new vision of how we incorporate mobility device storage into our housing.² We encourage the Council to develop proposals that directly address this infrastructure problem. Improving safety and achieving the City's mobility vision depend on it.

We appreciate the opportunity to express our support for new safety measures and for those New York Dashers who depend on e-mobility to get on the road. We look forward to working with the Council and other policy stakeholders on this important issue.

Sincerely,

Sascha Owen
Senior Manager of Government Relations for New York

¹ Ana Ley, *New York City Moves Ahead with Congestion Pricing Plan*, N.Y. Times (Aug. 18, 2022), <https://www.nytimes.com/2022/08/18/nyregion/nyc-congestion-pricing-manhattan.html>.

² Gale Brewer, *How to Stop the Next E-Bike-Caused Fire*, N.Y. Daily News (Aug. 10, 2022), <http://www.nydailynews.com/opinion/ny-oped-how-to-stop-the-next-e-bike-caused-fire-20220810-6gj3rf4f4fvvxa777gnbhj3vgq-story.html>; Jumaane Williams (@nycpa), Twitter (Jul. 8, 2022, 1:31 PM), <https://twitter.com/nycpa/status/1545460484777943041>.

- Details

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- Meeting Items (6)

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Good afternoon,

My name is Ronald Butler

I represent Energy Storage Safety Products International, LLC (in very cold Detroit, MI).

I'd like to thank the council for inviting me to offer a prepared statement on this extremely important topic.

My company is honored to be funded by the United States Department of Transportation, through multi-year research grants (phases 1 & 2 SBIR), that seek to complete research into, and develop solutions for, the safe transport, storage and charging of lithium-ion batteries. As an outcome of the project, we are moving into prototyping specialized systems for safe e-mobility battery charging and battery transport and storage. As part of the Phase 1, we characterized the performance of materials on containing and controlling battery burns. As part of Phase 2, we are characterizing external system build materials and completing early ideation of real-world battery transport, storage and charging tools.

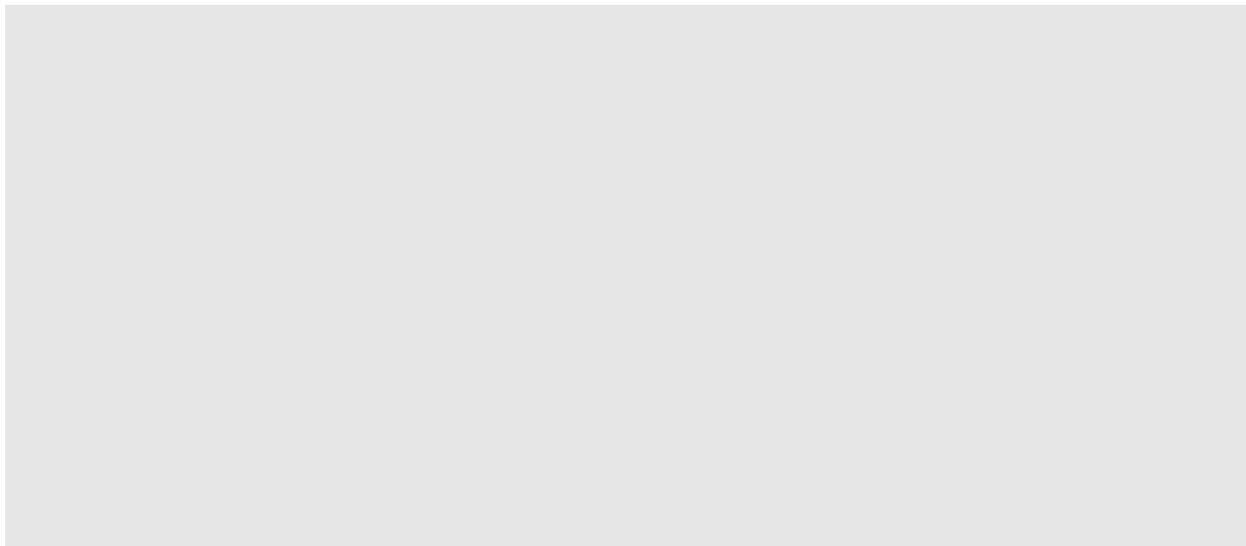
We fully support and applaud the proposed initiatives found in today's council oversight agenda. We also recognize the challenges that will be faced when attempting to enforce a couple of the agenda items. As a retired Detroit firefighter, I can also speak to the challenges that this may add to an already full FDNY plate. Lastly, we stand ready to support the City of New York as you complete and refine this extremely important work.

We would encourage consideration of additional language that calls for requirements that included the ability for physical separation of batteries from commodities for charging (an example would be removable batteries for e-bikes and scooters always keeping in mind that this is a “battery” problem and not necessarily an “e-mobility” one). We would also encourage any language that calls for batteries to be charged and stored in approved container devices (such as lockers and storage devices) that are fully enclosed, contain active fire suppression components, can communicate failures to interested third-parties (such as building owners and FDNY), and, maybe most importantly, can control pressure increases and toxic gases and vent burn byproducts to the outside environment. Our research for the US Department of Transportation as well as work with the National Fire Protection Association (NFPA) and Underwriters Laboratories (UL), and the National Bicycle Dealers Association (NBDA) has shown us that charging and storage safety is better ensured with the application of this type of systematic approach. There may be a way for the City of New York to cooperate with the USDOT on this project.

Lastly, we would suggest that, in order to encourage buy-in from all of New York’s citizens, formal “voice of the customer” activities be held to ensure that those who would be most affected by these agenda items, are fully engaged in the process and have the opportunity to offer input into the design and development of safe charging and storage solutions. We have spoken with NBDA, Energy Storage Response Group, Los Deliveristas Unidos, the New York City Council, FDNY, the Fire and Life Safety Directors Association of Greater New York (FLSDA), and others convene this day-long event to seek input on solutions to the battery fire problem.

If I can add, I attended a recent Lithium-Ion Battery Safety Symposium presented by the FDNY Foundation and the FDNY. I was absolutely blown away by the preparedness and professionalism of the FDNY and their openness to both teach and learn more on the battery safety subject matter. I’m sure you’re extremely proud of your fire department.

I would like to push back a tiny bit on the idea that any listing provides a safety panacea...the data shows us that all batteries can fail, with some more than others. This is an issue of intrinsically safe vs. “safer”.



<u>File #</u>	<u>Ver.</u>	<u>Prime Sponsor</u>	<u>Agenda #</u>	<u>Agenda Note</u>	<u>Name</u>	<u>Type</u>
T2022-2144	*				Oversight - E-Bikes and Lithium-ion Battery Fire Safety.	Oversight
Int 0656-2022	*	Gale A. Brewer			Requiring the fire department to develop an informational campaign to educate the public on fire risks posed by powered mobility devices. We fully support this proposed initiative.	Introduction
Int 0663-2022	*	Oswald Feliz			Sale of storage batteries for powered mobility devices. This bill would prohibit the sale of batteries for mobility devices such as electric bicycles or scooters unless such batteries have been listed and labeled by a nationally recognized testing laboratory or other approved organization. A person who violated the proposed local law would be subject to a civil penalty. The civil penalty would range from no monetary penalty for a first violation to \$1,000 for each subsequent violation within two years. We support this proposed initiative. We are concerned with the	Introduction

challenges that may come with determining which battery commodities meet these metrics and the impact of enforcement on underserved and gig communities.

Int 0722-2022	*	Robert F. Holden			<p>This bill would require the Fire Department to report on safety measures to mitigate fire risk associated with powered mobility devices. Specifically, the Department would be required to report on: (a) each fire, occurring the prior calendar year, where powered mobility devices were determined to be the suspected cause; (b) a review of fire risks posed by powered mobility devices and any design or use limitations to mitigate such risks; (c) a review of existing Fire Code provisions, and an evaluation of additional local regulatory measures, that mitigate fire risks posed by powered mobility devices; (d) an examination of regulatory approaches taken in other jurisdictions to mitigate fire risks posed by powered mobility devices; and (e) a summary of all activities taken by the fire department to decrease the occurrence of fires caused by powered mobility devices. The Fire Department would be required to submit to such reports to City Council, one due on January 30, 2023 and an update due on January 30, 2024.</p> <p>We fully support this proposed initiative.</p>	Introduction
Int 0749-2022	*	Alexa Avilés			<p>Providing food delivery workers with information on safety measures that mitigate the fire risks posed by powered mobility devices.</p> <p>We fully support this proposed initiative.</p>	Introduction

Int 0752-2022	*	Gale A. Brewer			<p>This bill would prohibit the sale of second-use lithium-ion batteries that have been assembled or reconditioned using cells removed from used batteries. A person who violated the proposed local law would be subject to a civil penalty. The civil penalty would range from \$200 for a first violation to \$1,000 for each subsequent violation within two years. It would also prohibit the assembly of such batteries.</p>	Introduction
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We support this proposed initiative. We are concerned about the impact that it may have on the gig community, many of whom may not be in a position to purchase more expensive prime quality batteries.

Anna Pycior - Senior Public Policy Manager, Lyft
to the New York City Council, Committee on Fire and Emergency Management
November 14, 2022

Good afternoon Chair Ariola, members of the Committee. My name is Anna Pycior, Senior Policy Manager for Transit, Bikes, and Scooters at Lyft which proudly manages Citi Bike, North America's largest bike share program.

Firstly, I want to thank the committee for having this hearing today, as Lyft believes that safety is of the utmost importance for all New Yorkers. The sale of untested and unregulated electric mobility batteries and chargers poses a risk to New Yorkers and their neighbors. We at Lyft appreciate that New York City is at the forefront of regulating faulty equipment that gives a bad name to electric mobility devices.

Citi Bike is proud to exemplify what safe e-mobility can and should look like in the nation's largest and most dense city. Our ebike fleet is at the forefront of the growing demand and record-breaking rides we have seen during the Covid-19 pandemic.

Demand for ebikes has been astronomical. While 20% of Citi Bikes's fleet is electric, over 45% of Citi Bike trips are on ebikes. Among our Reduced-Fare members, over 60% of trips taken are on ebike. They are also the most common means of getting over bridges, between boroughs and in hilly neighborhoods.

The rollout of our most recent ebike, which you may have seen across the network, was a resounding success, resulting in record numbers of new Citi Bike memberships and an average of 11.5 daily rides per bike.

Ebikes are proving to be even more critical to lowering car dependence than classic bikes. Ebike riders connect with transit on a weekly basis more than twice as much as pedal bike riders and ebike trips are longer than pedal bikes, suggesting they're more likely to replace car trips. In fact, 44% of Citi Bike riders use their car less due to the availability of ebikes, as opposed to 28% for classics. Some of our most popular ebike rides start or end at stations in the Bronx that are located in low transit access neighborhoods, including Melrose, Concourse, and Claremont.

A piece of legislation under consideration by the committee today, we believe, unintentionally captures professional fleets, most notably Citi Bike's. The intent of Int 663 is to prevent the tragic loss of life caused by charging lower-quality and largely untested and uncertified battery systems in residential settings using generic battery chargers that are not purpose-designed for charging Li-Ion batteries. The e-bikes, batteries and charger modules used in the Citi Bike network have been thoroughly tested and are compliant to the most widely accepted safety

standards from organizations such as UL, IEC and SAE. The E-bikes within the Citi Bike network also have integral monitoring systems that continuously report the health and status of the bike and battery using our IoT devices. Our fleet is maintained by a professional team of mechanics to ensure that e-bikes and pedal bikes are always safe to use. In addition, Citi Bike's staff can prevent the use of any device in the field if these systems signal a potential issue with the battery. Likewise, Citi Bikes are never meant to be inside residences or interior public spaces. Citi Bike ebikes are meant to live and be used on the public right of way.

Straightforward fixes to the legislation can remedy these issues, while still focusing on the intent of ensuring safe operations of all ebikes, allowing the bill to capture the truly dangerous actors while avoiding unintended consequences that could adversely impact one of New York City's foundational transportation services. We have begun conversations with the sponsor's office and committee staff and look forward to modifying this legislation to match the intent without unintentionally capturing Citi Bike's professional fleet.

Again, I thank you for convening this conversation today. E-mobility is an exciting option to increase health and reach climate goals and should be integrated into New York City thoughtfully to avoid the tragic unintended consequences we have seen. I am confident that together we can build on e-mobility's potential for this city in a thoughtful and thorough manner.



Northeast Region

NWRA Testimony For NYC Council Committee on Fire and Emergency Management

The National Waste & Recycling Association (NWRA) represents the private sector waste and recycling services industry. Association members conduct business in New York City and all 50 states and include companies that manage waste, recycling and medical waste, equipment manufacturers and distributors, and a variety of other service providers.

Fires at waste and recycling facilities and in garbage trucks continue to rise due in part to the increased popularity of lithium-ion batteries (LIB) in consumer products. When these batteries are disposed of improperly, they can unknowingly catch fire and sometimes explode, causing injuries to workers and equipment and potentially destroying an entire facility.

Consumers lack awareness of this threat and often do not know how to manage LIB correctly when ready to dispose of them. To help prevent these batteries from entering the municipal waste and recycling stream in the first place.

That is why we partnered with the Institute of Scrap Recycling Industries, Inc. (ISRI) and the Solid Waste Association of North America (SWANA) in 2020 to develop a *Guide for Developing Lithium Battery Management Practices at Materials Recovery Facilities*. The guide was written to assist materials recovery facilities (MRFs) with properly managing and disposing of lithium-ion batteries when spotted, responding correctly in case of a fire and managing a fire if one does break out.

Even with that guide, these hazards are increasing as the number of discarded lithium-ion batteries increases and are placed improperly in curbside residential waste or recycling collection containers or bags. According to data collected by FireRover, a leading fire prevention company active in the waste & recycling industry, May 2022 saw the highest number of reported fires at waste & recycling



Northeast Region

facilities in the seven years that the company has tracked this data. 1 Further, according to FireRover, 2022 is likely to have more reported fires than any of the past seven years.

That is why we are so happy with the introduction of these legislative proposals to educate the public on the dangers and fire risks posed by lithium-ion batteries as well as implement safety measures to mitigate the risk of further LIB related fires. NWRA fully supports these proposals and we look forward to working with the City Council in any way we can to help educate New York City residents on the dangers of disposing of lithium-ion batteries.

Sincerely,

Lewis A. Dubuque

Lewis A. Dubuque
Vice President, New York City Chapter
National Waste & Recycling Association



Comments on Intros. 656, 663, 722, 749 and 752

The Rent Stabilization Association of New York City represents 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout the city. We thank the Committee and Chair Ariola for giving us the opportunity to submit these comments on Intros. 656, 663 722, 749 and 752, all of which relate to the fire-danger associated with batteries that power battery-operated mobility devices such as e-bikes and to offer some additional comments on the subject.

Over the past few years, there have been an increasing number of fires in residential buildings caused by these devices. We have seen significant property damage, daring fire department rescues and, sadly, injuries and death. The council must act to address the fire-related dangers associated with these devices. While we support these bills that will seek to provide education, reports, limits on the sale of used batteries, and require those that are sold to be listed and labeled by a nationally recognized testing laboratory or other approved organizations, this is not enough.

The Council needs to enact a ban on the storage of e-bikes and other mobility devices - with the exception of those used for medically-related purposes - powered by lithium-ion batteries in multi-family residential properties. The fire-risk is too great. The batteries are dangerous not only when charged incorrectly but also because of the inherent instability of the battery itself. They can explode even when not being charged, and for this reason they are banned from aircraft. Lithium-ion-powered mobility devices are too dangerous for multi-family housing and must be prohibited.

**BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON FIRE AND
EMERGENCY MANAGEMENT**

Comment on **Int 0749-2022**

Public Review & Comment
November 2022

COMMENTS OF UBER TECHNOLOGIES, INC.

Uber Technologies welcomes the opportunity to provide comments related to e-bike battery safety to the Council’s Committee on Fire and Emergency Management.

As this committee knows, New Yorkers who deliver on our platform often rely on e-bikes as a critical tool for their work, allowing them to complete more jobs and earn more. For this reason, Uber is committed to working together to find a solution to keep people safe. No one should have to choose between their safety and their livelihood.

For that reason, we write in *support* of Int. 0749-2022, a bill sponsored by Councilwoman Aviles, which would “require the Department of Consumer and Worker Protection, in consultation with the Fire Department of New York (FDNY), to establish materials that provide guidance on safe use and storage of powered mobility devices.” Additionally, third-party food delivery services, such as Uber Eats, would be required to distribute such materials to food delivery workers.

Last year, Uber worked with the FDNY to create and disseminate educational materials to couriers using electric bicycles, and we look forward to continuing to provide delivery workers with the most accurate safety information from the Department. Individuals who use e-bikes every day should have the most up-to-date information on how to make sure they are operating in the safest way possible, including the best practices if they are storing them in their apartments overnight to ensure they are not creating a risky environment for themselves or their loved ones.

Outside of the legislation being heard today, Uber has been outspoken about the need for the City to invest in infrastructure to support electric mobility long term - including automobiles, but also electric bicycles. In May of 2020, Uber’s head of Federal Affairs sent a letter¹ to Secretary of Transportation Pete Buttigieg encouraging him and other leads in New York to use a portion of the \$1.2 trillion infrastructure bill signed into law by President Biden to invest in safe e-bike battery charging stations across New York City. If the City were to begin this investment in key communities all over the City, and build out both electric car charging and electric bicycle

¹ May 20, 2022 Letter Attached

charging infrastructure, it would be creating a broad network of charging stations across all five boroughs, taking a major step toward its sustainability goals, and solving another problem which lies in the safety issues related to charging electric vehicles in spaces that aren't equipped to handle such equipment in a safe manner.

The issues surrounding e-bikes and e-bike battery safety in New York City are complex, and any solution will likely require the coordination of the government, workers, delivery companies, retailers, and more. Uber will continue to support measures that prioritize safety in the industry and would welcome the opportunity to participate in any conversation around this issue.

###



May 20, 2022

The Honorable Peter Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, D.C. 20590

Dear Secretary Buttigieg:

We thank you and the White House for your leadership on efforts to invest in electric vehicles (“EVs”) and their supporting charging infrastructure. We commend the Department for its role in advancing strategic deployment of EV charging stations and we share the Department’s ambition to reduce emissions while making dramatic improvements to advance equitable and widespread access to clean transportation.

Uber has its own goal¹ to operate as a 100% zero-emission mobility platform in Canada, Europe, and the US by the year 2030 and everywhere globally by 2040. Since making our commitment, [battery EV usage on Uber's platform has doubled](#) and we now support the largest all-electric driver network in the US, Canada and Europe, with thousands of drivers using battery EVs.

Last November, President Biden signed the \$1.2 trillion Bipartisan Infrastructure Law that includes billions of dollars to help build a network of charging stations across the country for EVs.² As the Department develops guidance to implement the Charging and Refueling Infrastructure Grant Program, we believe that the Department should pursue maximum funding flexibility to help cities like New York create the infrastructure needed to support an equitable transition to EVs and address their unique local needs. The Department can also expedite the establishment of charging stations, especially in boroughs outside of Manhattan, so that the City can reach its goal³ of being carbon neutral by 2050. However, to fully realize New York City’s—and the nation’s—emissions reduction goals, **it’s critical that the Department also prioritize funding for public infrastructure that supports the safe and efficient charging of e-bike batteries.**

Replacing last mile deliveries by vans and trucks with micromobility is a needed way for cities to reduce emissions. However, in places like New York City where this transition is starting to occur, many delivery workers resort to charging stations in the back of convenience stores or in the

¹ <https://www.uber.com/newsroom/driving-a-green-recovery/>

² Uber’s Response to RFI. <https://www.regulations.gov/comment/FHWA-2021-0022-0460>

³ <https://www1.nyc.gov/site/sustainability/our-programs/carbon-neutral-nyc-pr-04-15-2021.page>

apartments where they live, which often means charging several batteries at once, and creating potential safety issues. We have seen reports⁴ of incidents related to the safety of batteries due to the lack of public charging infrastructure, including several where batteries being charged in this way have exploded or caught fire and have caused serious injury or death. Safe charging infrastructure in cities like New York, such as what Senate Majority Leader Schumer has advocated for,⁵ is essential to continuing the transition to electrification across all modes, including for micromobility.

We respectfully request that the Department prioritize funding innovative solutions that not only expand access to electric vehicles throughout the county but also expand access to safe, affordable e-bike charging solutions.

Sincerely,



CR Wooters
Head of Federal Affairs
Uber Technologies, Inc.

CC: Senate Majority Leader Charles Schumer
CC: Deputy Administrator Jane Pollack, Federal Highway Administration
CC: Commissioner Ydanis Rodriguez, New York City Department of Transportation

⁴ <https://www.consumerreports.org/electric-bikes/how-to-prevent-e-bike-fires-a2493889574/>

⁵ <https://twitter.com/SenSchumer/status/1488338180168368132>

November 14, 2022

UL Solutions Statement on NYC Council Battery and E-Mobility Device Safety Initiatives

Thank you for this opportunity to provide comments on the initiatives before the Fire and Emergency Management Committee to improve the safety of batteries and e-mobility devices, including Initiatives 656, 663, 722, 749, and 752. UL Solutions is highly supportive of New York City's efforts to reduce the risk of fire, explosion, and other hazards associated with lithium-ion battery (LIB) operated products.

Since its inception in 1894, UL Solutions serves its mission of promoting safe living and working environments for people everywhere. A global leader in applied safety science, UL Solutions transforms safety, security, and sustainability challenges into opportunities in more than 100 countries. Grounded in science and collaboration, UL Solutions' work empowers trust in pioneering technologies. We help innovators deliver safer, more secure products and more sustainable technologies through a wide range of applied research and testing and certification services. UL Solutions is an organization with deep expertise in product safety, industrial automation and energy technologies, and in codes and standards. UL Solutions' public safety mission includes a focus on supporting the introduction and adoption of safe and sustainable technologies while supporting governments and regulatory authorities with a foundation of trust based on safety science and innovation.

In 1985, to improve the safety of LIB, UL 1642, the Standard for Safety for Lithium Batteries, was first published and since then has undergone six revisions. Additionally, our parent organization, UL Standards & Engagement, has published over 20 standards on the safety of battery-operated products including those with lithium-ion batteries. These include UL 2849, the Standard for Electrical Systems for e-Bikes, UL 2272, the Standard for Electrical Systems for Personal E-Mobility Devices, and UL 2271, the Standard for Safety of Light Electric Vehicle Batteries¹.

Through our extensive testing, inspection, and certification services, UL Solutions has further helped the battery industry cultivate trust in the safety of their products and assisted end-users, from LIB-operated product manufacturers to facility owners, in evaluating and verifying the safety of the LIB in each application. Standards, testing, and certification are critical to reducing fire and explosion hazards. Also critical is consumer education. Consumers must be educated on how to choose batteries and e-mobility devices that meet recognized standards, how to properly charge and store them, and how to maintain the devices over their useful lives.

Reports from the Fire Department of New York (FDNY) of at least 150 fires sparked by LIB-operated products so far in 2022, leading to six fatalities and scores of injuries, reveal the dangers of these energy-dense batteries, especially when they have not been tested to demonstrate compliance with safety standards. The likelihood of fires, explosions, and thermal runaway events increases in products that do not have adequate electrical or mechanical protection, have low quality components, or employ components outside of manufacturers' specifications. Compliance with applicable safety standards

¹ UL 2271 covers those batteries used in e-bikes and other personal e-mobility devices.

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greatly reduces the risk of these deficiencies and improves the safety performance of the LIB. Therefore, UL supports the proposed requirement in Initiative No. 0663 to prohibit the sale of storage batteries for mobility devices that have not been certified (“listed”) and labeled by an OSHA Nationally Recognized Testing Laboratory (NRTL). Furthermore, UL Solutions recommends that New York City should not only require that the LIB be certified and labeled by a NRTL to UL 2271, but that micro-mobility devices also be listed and labeled to the appropriate standard (UL 2849 for e-Bikes and UL 2272 for e-scooters and other personal e-mobility devices).

Certified and labeled products have guarded the safety of New Yorkers for decades. Both the New York City Department of Buildings and FDNY require safety testing and certification by a qualified NRTL for electrical equipment, and other safety critical building components. Mobility devices should be held to the same requirements to help ensure that the full system utilizing the batteries, electric motors, electronic control circuits, and battery chargers are evaluated and tested and certified as a system to reduce risk of fire and explosion.

UL Solutions also supports the proposal in Initiative No. 0752 to prohibit the sale of previously used batteries, though we would offer a narrow exception to reflect the fact that when done correctly, batteries can be safely repurposed. Generally, consumers should not purchase or use previously-used LIB in applications like e-bikes or e-scooters. However, there are processes, like those detailed in UL 1974, the Standard for EV Battery Repurposing Facilities, that can separate damaged and unreliable LIB from those that can be safely reused in other applications. UL 1974 provides guidance on application specific requirements for reuse to ensure the repurposing of a battery will be based on its suitability for its intended end-use application. Therefore, we would suggest creating a narrow exception to allow for the sale of second-life products from facilities certified to UL 1974 by an OSHA NRTL. However, we would also note that these second-life products should also be expected to undergo product safety certification and labeling for their specific application, like helping to ensure batteries repurposed for backup power or energy storage meet the requirements of UL 1973, the Standard for Batteries for Use in Stationary and Motive Auxiliary Power Applications.

Permitting the resale of certified second-life batteries from facilities certified to UL 1974 enables the growth of a safe repurpose and second life battery industry in the US. In addition to driving cost-effective energy applications, such an industry will help reduce resource consumption and promote a circular economy for batteries. For example, LIBs that have reached the end of their useful performance life in electric vehicles can still have up to 80 percent of their storage capacity remaining. These batteries can still be utilized in commercial-scale battery energy storage systems, microgrids, or other back-up power applications. They can also be used in heavy equipment, like forklifts, that require less frequent battery cycling. Especially as the global battery market is expected to grow five- to ten-fold over the next decade, greater reuse can reduce the demand for battery production, potentially easing the extraction pressure on critical materials like cobalt, graphite, lithium, and manganese—often mined under negative labor and environmental conditions.

Finally, UL Solutions is highly supportive of the proposals before the Committee, Initiatives 0656 and 0749, to educate consumers on how they can more safely use LIB, e-bikes, and e-scooters. As micro-mobility devices grow in popularity, it is critically important to raise public awareness of the dangers of batteries that do not meet safety standards, and of charging and storage practices that pose fire safety dangers. In recent years we have partnered with PeopleForBikes, the National Bicycle Dealership Association (NBDA), National Fire Protection Association (NFPA), FDNY, and many others to increase



the education consumers have on lithium battery operated products. We are committed to work directly with the city approved committee to continue these education efforts.

UL Solutions is thankful for the opportunity to offer comments on these initiatives. We would also like to extend our willingness to be a resource to the Council as it considers additional laws and policies to help protect New Yorkers from battery-related hazards, or any other safety matter to which we can lend expertise. We would also like to encourage the Council to ensure that the FDNY has adequate resources in training, equipment, and personnel to meet this challenge.

Should you have further questions, please do not hesitate to contact UL Solutions' Director of Global Government Affairs, Derek Greenauer (derek.greenauer@ul.com).

Sincerely,

Robert Slone
Senior Vice President & Chief Scientist
UL Solutions



11/14/2022 - NYC Hearing on Lithium Batteries Memo

Date: November 14, 2022

To: **NYC City Council Fire & Emergency Management Committee Members**

From: Hildalyn Colón Hernández, Director of Policy & Strategic Partnerships for Los Deliveristas Unidos/ Workers Justice Project

RE: Oversight Hearing - E-Bikes and Lithium-ion Battery Fire Safety

Los Deliveristas Unidos (LDU) is the most significant worker-led movement founded by Deliveristas, app delivery workers that work for multiple delivery platforms in NYC. Since 2020, LDU has been fighting to build and establish new labor rights and work standards that empower and better the working conditions of app delivery workers in NYC and beyond. *LDU is a new organizing effort powered by the Workers Justice Project (WJP).*

LDU's journey to justice started as Deliveristas band together throughout NYC streets. First, they served and fed New Yorkers and helped sustain millions of small businesses like restaurants during the COVID -19 pandemic. Then, on April 21st, 2021 - Los Deliveristas Unidos (LDU) organized a [historic march of more than 2,000 app delivery workers biked from Times Square to Foley Square](#) to demand better wages and protections from the tech giants that run delivery app platforms.

In September 2021, Los Deliveristas partnered with the NYC City Council Members to introduce and pass the LDU bill package - **NYC Delivered Justice to Los Deliveristas**. [LDU obtained a significant labor victory in their journey to seek justice when the NYC Council overwhelmingly voted to approve this landmark bill package](#). These first-of-its-kind have provided new labor rights for more than 65,000 NYC's app delivery workers, such as bathroom access, tip transparency, establishing distance, minimum pay, and other provisions. The Department of Consumers & Workers Protection (DCWP) has been implementing and enforcing these rules since the beginning of 2022. This week, the NYC Department of Consumer Affairs & Workers Protection will release the new rule to establish a minimum pay for app delivery workers in the industry on Jan 1, 2023.

Electric Micromobility Work Tools



11/14/2022 - NYC Hearing on Lithium Batteries Memo

Los Deliveristas Unidos represents more than 65,000 app delivery workers that work for multiple app delivery companies, including DoorDash, GrubHub, Relay, and UberEats. Most deliveries in NYC are done in two wheels - from fixed bikes, e-bikes, electric or gas mopeds, or scooters. A small amount of Deliveristas in New York City uses cars to do deliveries, especially in Manhattan.

For Deliveristas, two-wheel micromobility equipment like mopeds (electric and gas) and e-bikes are their primary work tool used daily to work and feed workers' families. Deliveristas need to make an initial investment of \$1,500 to \$4,000 to start working in the app delivery industry. In the most recent years, these prices have increase as inflation raise. For example- if a new worker decides to buy an e-bike or moped - he or she may spend:

	Monthly Expenses						Total Expenses
	Cell	Maintnance	Garage	Bike Payments	Metrocards	Other	
Avg	\$78.65	\$138.84	\$93.03	\$367.59	\$103.25	\$103.25	\$338.99
Med	\$70.00	\$120.0	\$100.00	\$100.00	\$125.00	\$125.00	\$280.00

"Sometimes the pay is too little. We can go down 50 blocks and only receive \$5."

- E-Bike (Arrow 9 & 10) - Deliveristas spend approximately \$1,500 to \$2,000 buying an e-bike. In addition, Deliveristas will pay \$600 for each lithium battery. Usually, Deliveristas buy two lithium batteries so they can work a shirt of 10 to 12 hours a day.
- Electric or Gas Moped - Deliveristas spend approximately \$1,500 to \$3,000 on buying this equipment, which doesn't include expenses for registration, license, insurance, or protective gear required under the NYS State Law.

Deliveristas spend approximately more than \$300 to \$350 a month on work expenses, not counting the cost of inflation. In addition, Deliveristas must purchase one or two cell phones, unlimited data cell phone plans, raincoats jackets, and cover their equipment's monthly maintenance costs, such as brake changes, oil changes, flat tire repair, e-battery charging, helmet, cloth, food, parking, tickets, etc. All these expenses come out of Deliveristas own pockets as they are consider independent contractors under the law.



11/14/2022 - NYC Hearing on Lithium Batteries Memo

Microbility Education Campaign - Int 0656-2022 & Int 0749-2022

For the past three years, Los Deliveristas Unidos have taken the lead and proactive approach to address many issues related to the micro mobility industry and the lack of government regulation that affects our workers and their families. But, more importantly, LDU has been developing and proposing solutions to issues raised over the past years - like the most recent joint announcement with [NYC Mayor Adams and US Senator Schumer of the creation of the first of its kind - Street Deliveristas HUBs](#).

For years Deliveristas have raised government agencies and elected officials the following issues:

- Raised the fact that US Customs has allowed this equipment to come thru our ports and enter NYC without meeting the basic safety guidelines;
- Asked NYC DOT and ConEdison the fundamental question of NYC allowing charging of these tools inside or outside;
- Lack of safe infrastructure for people to charge these tools;
- Raised to NYPD, NYC DOT, and DCWP the issue of hundred of unscrupulous stores that have made a fortune selling this equipment without guidance or questionable registration titles to Deliveristas;
- Raised to NYC DOT and elected officials the lack of licensing and registration of individuals and stores that repair micromobility equipment and charged hundreds to Deliveristas for those repairs;
- Raised to NYC DOT and FDNY the existence of the stores, parking garages, and other locations across the city that don't comply with basic safety protections and charge hundreds of dollars a month to Deliveristas to store and charge their equipment.
- Raised to the NYPD, DOT, and DCWP the multiple incidents of robbery and assaults that Deliveristas confront during their workday as individuals try to steal their tools daily.

Many Deliveristas have been using these tools that utilize lithium batteries for more than eight years. For workers, this equipment is not a toy - it is their primary equipment tool. As a result, Deliveristas spend thousands of dollars from their own pockets caring for and maintaining their equipment in optimal condition.



11/14/2022 - NYC Hearing on Lithium Batteries Memo

For years, Los Deliveristas Unidos (LDU) have been hosting Bike/Mopeds tune-ups for Deliveristas across the city, teaching workers how to document their expenses, care for their equipment, and teach them about safety. In addition, as LDU has centered its efforts on empowering and educating workers, we support **Int 0656-2022** and **Int 0749-2022**. However, these bills that focus on educational campaign targets workers and the general public, but we need to ensure it doesn't eliminate the liability of the manufacturers and distributors of lithium batteries, stores that sell them, landlords and apps, or employers of Deliveristas.

Regarding **Int 0749-2022**, this bill doesn't consider the reality of the market. All safety measures are not the same for every electric micromobility equipment, as hundreds of brands and manufacturers are sold in NYC. In addition, this bill excludes "motorcycles or other mobility devices that must be registered with NYS DMV" based on the FDNY reports, electric scooters or mopeds have been responsible for the most recent fires in NYC. In addition, this bill has a severe issue with implementation as it doesn't provide 1) a mechanism to ensure that accurate information is provided to Deliveristas or workers; 2) it doesn't impose penalties to apps of employers that don't provide this information.

FDNY & Lithium Batteries

Los Deliveristas Unidos completely support **Int 0722-2022**, which will require FDNY to report on safety measures to mitigate fire risk associated with powered mobility devices. **Int 0722-2022** is the common sense approach and the first step the City should take to address micromobility battery safety. However, Los Deliveristas Unidos believe that FDNY must spend some of its resources on testing and identifying the lithium batteries that are more propensity to get fired and alert the public. In addition, FDNY must test protective equipment like battery safety boxes or other alternatives that people can use by people to charge their batteries at home and in commercial spaces.

Into 07520-2022 - Second Hand Lithium Batteries

LDU opposes **Int 0752-2022**, which prohibits selling and assembling second-use lithium-ion batteries. The concept of **USED** equipment is not a default of unsafe - it is



11/14/2022 - NYC Hearing on Lithium Batteries Memo

wrong. Millions of New Yorkers sell and buy used electric equipment daily - people sell hybrid and electric cars, motorcycles, bikes, computers, cell phones, and other products daily. However, those individuals are not penalized for that behavior. In addition, this bill has a serious problem with implementation as no people or authorities on mere observation if the batteries in possession of an individual or Deliveristas are new, used, or even been modified, which it can lead to wrongful allegation that an individual possessed this equipment.

In NYC, DoorDash, UberEats, and GrubHub pay workers a portion of the delivery order (base pay), while only Relay offers workers an hourly rate. For the apps that pay Deliveristas a portion of the order their earnings are based on the company's base pay rate plus promotions and tips. These apps paid Deliveristas a base pay, which is estimated on delivery time, distance and the "desirability" of the order. **An average base pay ranges between \$2.00 to \$5.00 per delivery trip without tips. If the average base pay is \$2.50, a Deliverista must complete at least 8 trips just to make \$20.00 without tips. Deliveristas earn and live on a poverty wage.**

To achieve these pay levels, well below legal minimums in New York, many Deliveristas have to labor faster, long hours, for multiple apps, and buy used equipment until they can afford new equipment since each app does not generate income to sustain themselves barely.

We agree that manipulating or modifying e-batteries or equipment without the proper safety certifications puts end users at risk. However, as drafted, [Int 0752-2022](#) will penalize Deliveristas and people who cannot afford new equipment or allege to plain view to possess this equipment. Los Deliveristas Unidos believes the problem is rooted in the lack of regulation and safety standards on the whole chain of the lithium batteries industry- from the equipment that enters our ports, distribution, sale, and stores and personnel that perform repairs.

We are encouraging the NY City Council to consider issuing legislation regulating the manufacturing, distribution, stores, retail sales, and modification and repairs of micro-mobility equipment. NYC City must consider implementing a local law requiring



11/14/2022 - NYC Hearing on Lithium Batteries Memo

distributors and stores that sell e-mobility equipment and vehicles to be licensed by DCWP. Licenses must be displayed at the stores, and shops must enter sales and consumer information (like name and form of payment, mechanic, and other relevant information) in a city-wide sale database. E-batteries must have a visible inscription of the store that sold them, which could be visible and easy to identify. In addition, sales history must be accessible by agencies like the FDNY, NYPD, and DCWP.

Int 0752-2022 has serious problems with implementation as many individuals, or even government agency officials, can not even visually identify a secondhand e-battery from a new one or non modify the battery. Three years ago, Deliveristas were arrested, imprisoned, and punished for using an e-bike to work or transport themselves. NYC wrote that wrong; as of November 23, 2020, all e-bikes (Class 1-3) are legally allowed in NYC. NYC cannot go back to those days, were Deliveristas or individuals that sold their used equipment or offered to sell that equipment ended up with a penalty or fine. In addition, these bills don't address the regulation of online markets like Facebook or Craigslist.

Int 0663-2022 - UL Batteries

DU opposes **Int 0663-2022** because the current market doesn't offer or provide Deliveristas to buy UL-certified batteries used for work. Deliveristas, as many New Yorkers resell their used equipment as they cannot afford better equipment or upgrade to newer models once they can afford it. This bill would penalize thousands of Deliveristas who used that extra cash to afford new equipment or sustain their families. For this reason, NYC must establish Deliveristas' Living Wage so not they can afford quality equipment and support their family members. In addition, NYC must set standards that keep New Yorkers and Deliveristas safe instead of penalizing individuals who use this equipment to work or even transport themselves to places. NYC City Council must keep New Yorkers safe and be vigilant of corporations and apps that, under the slogan of "battery safety," are more interested in passing legislation that opens new billion-dollar markets on behalf of Deliveristas and working people. Instead, the city should use government funding and rules to promote community initiatives and infrastructure that benefit everyone, like the [Street Deliveristas HUBs](#).



11/14/2022 - NYC Hearing on Lithium Batteries Memo

Conclusion

- For the past three years, Los Deliveristas Unidos (LDU) have taken the lead and proactive approach to addressing many issues related to the micro-mobility industry and the lack of government regulation that affects our workers and their families.
- LDU has been developing and proposing innovative solutions to issues of battery safety raised over the past years, such as hosting Bike/Moped Tune-Ups and Street Deliveristas HUBs.
- Deliveristas, as workers and customers, are in favor of safer batteries.
- Today we are encouraging the NY City Council and NY City to implement safety standard regulations that regulate the lithium battery industry chain, starting with the manufacture, distribution, sale, and repair of these types of equipment.
- Any regulation that the city imposes must be aimed at seeking the safety of Deliveristas, workers, their families, and the community in general - and not penalizing the Deliveristas or people who possess and use the equipment as work tools or methods of transportation.
- More importantly, Deliveristas need a Living Wage that will allow them to sustain their families and afford safe batteries and equipment.

From: Dahlia Goldenberg <dahliag@hotmail.com>
Sent: Wednesday, November 16, 2022 3:51 PM
To: Testimony
Subject: [EXTERNAL] Committee on fire and emergency management - EBIKES

Testimony to City Council regarding e-bike safety

I live Prospect Heights Brooklyn and have a 4 year old child. I'm sharing my testimony regarding ebikes because I care about the safety of children, people with physical disabilities and other people in our community.

The root cause is not the individual deliveristas, it is these corporations like Grub Hub, Door Dash, etc. that require faster and faster delivery, which can only be achieved on the ebikes. They should not be allowed to operate like this.

We heard in the hearing that there are many many different kinds of batteries and points of sale, making it very difficult to regulate.

My child's father was hit by a car while crossing the street in our neighborhood several years ago and was badly injured with several months of recovery. Had the car not stopped as quickly as it did, his dad would not be alive today. This experience has left me with an up close knowledge of the real dangers we all face when walking around.

Cars and trucks pose the most dangers to us when we are walking. However, the growth of e-bikes over the past three years has contributed significantly to a sense of lawlessness and disregard for red lights, stop signs and pedestrians on the streets.

SOME EXAMPLES:

When I was pregnant, I remember an ebike quickly cut in front of me, seemingly out of nowhere as I stepped into the street, causing me to jump back and shriek.

Now, we often see people driving ebikes and motor scooters on the sidewalk. I have seen them riding down sidewalks even when they are going the correct way on a one way street and could be in the street. On streets with many restaurants, there is constant traffic from these devices. So many times if I had stepped to the side instead of walking in a straight line at the wrong time, I would have gotten run over.

When I walk down the sidewalk, instead of relaxing, I have to stay on guard and look over my shoulder every time I hear an ebike because it could be coming up behind me, expecting me to move. I frequently have to step aside on the sidewalk to let a fast bike through.

I frequently exchange looks and comments with strangers on the street about this – everybody is shaking their heads about these ebikes!

Let me give you a picture of what it's like with a child:

When my child was 1 ½ - 2 years old, every time we left home or returned home, I would go under the stoop and bend over using both hands to unfold the stroller to set it up, then put our bags under it, or maybe take out a rain cover and attach it. While I did that, he would sit or toddle around the area by the stoop, often stepping out onto the sidewalk.

When we came home, if he was feeling rebellious, he would dart out onto the sidewalk and start running away while I folded the stroller. I would chase after him and carry him back, and he would do it over and over again. Though I did my best to stop it, no mom is perfect, and this is very typical 2 year old behavior.

If an ebike, scooter or god forbid a motorcycle were to come down the sidewalk at the wrong moment, a child this age could easily dart out and not be noticed in time.

My child and his friends now like to ride their bikes or scooters to the end of the block and wait at the corner as we go to school, the playground, etc. It gives them a sense of independence.

But my friends have started telling me they don't let their children do that anymore because of the ebikes. And I see parents walking down the street with toddlers who are just learning to walk. Kids tired at the end of the day walking, jumping, spinning around, running in circles on the sidewalk. Crossing the street with ebikes riding at full speed toward the red light with no indication that they will stop.

And I wonder, is this safe?

Even if people aren't getting hit in large numbers, that is because we are all on guard more. We have given up a huge sense of safety and security in an already chaotic, overwhelming city with little public space to move freely.

I have seen a full size motorcycle driving slowly down the center of the sidewalk on my quiet residential block, and driving through a children's play area in the middle of Prospect Park. This is because the general sense of lawlessness that has grown our streets because of the delivery workers on ebikes.

SO WHAT IS THE ANSWER?

Cyclist behavior will not change unless there are structural changes that force it.

My friends and I certainly don't want to see undocumented immigrants fined, arrested or deported for trying to make a living. They have children and families and needs too. But we also want to see our kids be able to walk and play freely on the sidewalks. There must be a solution that gets at the root cause.

The root cause is these corporations like Grub Hub, Door Dash, etc. that require faster and faster delivery, which can only be achieved on the ebikes. They should not be allowed to operate like this!!! If they didn't operate like this, deliveristas wouldn't have to go so fast, cutting corners, going through red lights and riding on the sidewalk. Just three years ago the sidewalks of our neighborhoods felt very very different, and it IS possible to go back.

New Yorkers are sacrificing a general sense of safety with the only benefit being that we can get our burritos delivered in 15 minutes instead of 30 minutes. Big deal.

These corporations must be reined in, and ebikes should not be allowed on our streets.

In Monday's hearing, we heard that these batteries are generally unsafe. The fire department declined to recommend that they be banned because they know the workers depend on them. But they did not say they are safe.

Please don't let this become the status quo – sometimes reversing positions is the smartest thing to do.

Dahlia Goldenberg

Sent: Monday, November 14, 2022 11:48 AM
To: RAQIBAH F BASIR; Testimony; NYC Council Hearings
Cc: basirraqibahf@gmail.com
Subject: Re: [EXTERNAL] Wish to Attend City Council hearing On Ebikes

On Nov 14, 2022, at 11:44 AM, RAQIBAH F BASIR <basirrf1@gmail.com> wrote:

November 14 2022

Dear Sir/ Madame,

My name is Raqibah F Basir and am requesting the Zoom Meeting link at City Hall regarding the Ebikes!

I am a disabled Senior Citizen and a Resident if the Bronx! I live on Third Ave and am disturbed out of my sleep by the revving of these Ebikes not to mention the wheelies these folks execute on them in front of police on Third Avenue, Webster Avenue, and Fordham Road! I have repeatedly complained to the super, property manager, and security at C&C about the possibilities of threats of fires in my building and I complained to Oscar Feliz Office as well! Even the fact that our building had a fire in December, 2020 concerns me of others! The response was well it's like plugging in your TV or other appliances Inre of the Ebikes in the Apts here and abroad!

Please send me the link for this meeting because I would like to address this Ebikes issue up here in the Bronx!

Respectfully

Raqibah F. Basir

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THE CITY OF NEW YORK**

Appearance Card

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in favor in opposition

Date: 11/14/2022

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Name: Hidalgo Colon

Address: _____

I represent: Los Delinuentes Unidos

Address: _____

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Name: Delores Sabonon

Address: 740 Greene Ave

I represent: Safer Charging

Address: _____

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Name: BRANCH HERZFELD

Address: 1299 DEWITT

I represent: SAFER CHARGING

Address: _____

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Name: NORA MCCAULEY

Address: COURT ST. 11201

I represent: PROPEL ELECTRIC BIKES

Address: 141 FLUSHING AVE 11205

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Name: WALTON WILSON

Address: PACIFIC ST

I represent: Senior Citizens Coalition for Safety

Address: 20 NEW YORK AV. BROOKLYN 11210

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Name: Carlos Ortiz

Address: 42 Broadway

I represent: DCWP

Address: 42 Broadway

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(PLEASE PRINT)

Name: Michael Tiger

Address: Hick St, Brooklyn, NY

I represent: NYC PLWP

Address: 42 Broadway, NY, NY

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in favor in opposition

Date: 11/14/2022

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Name: Chief of Bureau of Fire Prevention - Acting Chief of Dept

Address: Bureau of Fire Prevention

I represent: FDNY

Address: HA - 9 Metropolitan

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Julian Bazzani - Fire Code Counsel

Address: _____

I represent: FDNY

Address: HA - 9 Metropolitan

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