



April 17, 2023
Testimony of Chief John Esposito, FDNY
Introduction 949 & Introduction 950

Good morning Chair Ariola and all Council Members present. My name is John Esposito and I am the Chief of Fire Operations at the New York City Fire Department. I am joined today by the Fire Department's Code Counsel, Julian Bazel, who is representing the Bureau of Fire Prevention. Thank you for the opportunity to speak with you about two pieces of legislation on the topic of lithium-ion batteries, Introduction 949 and Introduction 950.

As the Council Members are well aware, fires caused by lithium-ion batteries are challenging and present a range of potential hazards including fire, combustion, exploding projectiles, and thermal runaway. When a battery explodes, the result is an extremely dangerous fire that spreads quickly. These fires put device-users, residents, neighbors, and nearby businesses at grave risk, and they draw first responders into operating in perilous and challenging environments. Recent legislation passed by the City Council and signed by Mayor Adams is aimed at combating lithium-ion battery fires and promoting the safe usage of electric micro-mobility devices. Today, the Committee is considering two other pieces of legislation that deal with lithium-ion batteries for micro-mobility devices. We are grateful for the Council Members' unwavering focus on this issue.

Introduction 949, introduced by Council Member Powers, would require the Department of Consumer & Worker Protection to establish a program to provide reduced- or no-cost replacement lithium ion batteries and determine which individuals would be eligible to participate. It would further require that all replacement batteries that are distributed be listed and labeled by a nationally recognized testing laboratory. We recognize that this could help existing users upgrade their equipment to be newer and safer. We are aware that the Mayor's E-Micromobility Task Force has been exploring this concept and we defer to them regarding implementation.

Introduction 950, also introduced by Council Member Powers, would amend the bicycle safety section of the New York City Administrative Code to require that a business using a bicycle for commercial purposes shall provide at its own expense a fireproof or fire-resistant container suitable for use during the charging of the removable storage battery used to power motor-assisted bicycles. Under the legislation, the Fire Department would be required to promulgate rules for determining whether a container is fireproof or fire resistant. We are supportive of this concept, and, broadly speaking, we are open-minded and ready to embrace any tool that can reduce these harmful fires. I do want to be forthright, though, and note that we will have to follow the technology on this as it evolves. We are intrigued by the idea of fireproof charging containers and, in fact, we have already tested one such product. However, we have not yet identified a product that is effective during charging, as the bill language would require. We are very much open to discussion on this concept and we thank Council Member Powers, Chair Ariola, and the members of this Committee for this dialogue. We are appreciative for the ongoing coordination on this topic.



JUMAANE D. WILLIAMS

PUBLIC ADVOCATE FOR THE CITY OF NEW YORK
Jumaane D. Williams

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE HEARING FOR THE
COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT
APRIL 17TH, 2023**

Good afternoon,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chair Ariola, and the Committee Members for holding this hearing. Because of the proliferation of ebikes across the city, ebike safety concerns affect all New Yorkers. The Fire and Emergency Committee has held several hearings about the worrying increase in lithium ion battery fires across New York City. And yet, more work must be done to prevent battery fires in New York City. That is why I am proud to support the two pieces of legislation being considered today.

The majority of fires have happened while batteries were being charged. Overnight charging, combined with low quality components, incompatible batteries, the usage of poorly insulated chargers, incorrect outlets, and improper storage have all contributed to an increase in fires. Intro 950 is necessary to reduce the possibility of fires starting from ebike charging, by mandating that companies provide fire proof or fire resistant containers to their bicycle operators.

Delivery workers drive at all hours of the day, through all kinds of weather, and navigate New York City's congested streets. It should not be the sole responsibility of delivery drivers to purchase their own fire-resistant charging setup. Companies that employ delivery drivers, even the companies that classify drivers as "independent contractors," are still responsible for the health and safety of their drivers. By requiring a company to purchase a fireproof or fire resistant container, it is asking companies to minimize the risk of their business to others. Additionally, Intro 950 names the FDNY as the actor in determining what qualifies as a fireproof or fire resistant container. The FDNY's knowledge and experience makes it the best fit for the job.

We must also expand on Intro 950 through further legislation. Bicycle operators who use ebikes for personal transportation should have access to the safest protections available. Additionally, small businesses that employ delivery drivers may have a hard time affording fire safety equipment. Our policy on distributing fireproof containers should not be a one size fits all approach. Instead, the City should provide fireproof containers to small businesses and individuals. My office has submitted potential legislation for FDNY to develop a program that would distribute free fireproof containers for ebike charging and lithium ion battery storage. This will be similar to the FDNY's free distribution of batteries for smoke alarms. We must do everything possible to incentivize ebike adoption for New York City, to prevent overcrowding on city streets and to meet our City's climate goals in a safe way.

Intro 949 is a further step in curbing battery fires. Overly used batteries are more unstable and more likely to lead to fires. By offering new lithium-ion batteries at reduced cost or no cost to eligible individuals, we will be able to remove batteries from the public before issues arise. Delivery drivers and personal use ebike riders are often immigrants and low income New Yorkers who would not be able to afford the



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top-of-the-line batteries, which may be the most safe. It is the responsibility of the City to make sure that bicycle operators are driving safe vehicles for themselves and for the general public, which is why I am proud to cosponsor Intro 949.

Furthermore, more public charging stations may be able to detect poor batteries, and remove them from circulation. In Taiwan, a private battery swap company called Gogoro now has more battery swap stations in Taiwan than there are gas stations in the country. This has incentivized ebike manufacturers to conform to one battery standard in Taiwan. Because of one standard, batteries are cheaper, safer, and easier to regulate. The Council, FDNY, and Mayor's office should look towards Taiwan's example of expanding battery swap stations. We must make sure that there are battery standards that are enforced through incentivizing drivers to monitor and replace batteries.

To properly meet the moment, we must improve on executing New York City and State regulation. For example, Bills Int 0106-2022 and A9181/S7863A were signed into law regulating space heaters, with Int 0106 enacted through this committee. Even though there is city legislation enacted and incoming state law, many online stores like Amazon still carry illegal space heaters. In fact, the official Amazon mini space heater for sale today has no safeguards required in Int 0106, such as a thermostat, automatic shut off during overheating, or is checked by a nationally tested lab. The committee may come up with excellent plans today, but we must see the execution. This may mean increasing penalties for businesses, mandatory outreach to businesses, and mandatory labeling for packages coming through mail carriers on future battery legislation. Thank you.

REBNY Testimony | April 17, 2023

The Real Estate Board of New York to The City Council Committee on Fire and Emergency Management's E-Battery Bills

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY appreciates this opportunity to testify on these bills related to E-batteries for mobile devices.

BILL: Intro 949-2023

SUBJECT: This bill would require the Department of Consumer and Worker Protection, in conjunction with other appropriate agencies, to provide low- or no-cost lithium-ion batteries used to power mobile devices, including by potentially setting up an exchange program whereby certain people could turn in old batteries in exchange for new ones. Any batteries provided to the public would be certified and marked by a nationally recognized testing laboratory.

SPONSORS: Council Members Keith Powers, Gale A. Brewer, Jennifer Gutiérrez, Oswald Feliz, Marjorie Velázquez, Tiffany Cabán, Farah N. Louis, Shaun Abreu, Shahana K. Hanif, Carmen N. De La Rosa, Lincoln Restler, Crystal Hudson, Justin L. Brannan, Julie Menin, Selvena N. Brooks-Powers, Mercedes Narcisse, James F. Gennaro, Nantasha M. Williams, Rafael Salamanca, Jr., Shekar Krishnan, Kamillah Hanks, Robert F. Holden, Diana I. Ayala, Sandra Ung, Kevin C. Riley, Alexa Avilés, Sandy Nurse, Lynn C. Schulman, Vickie Paladino, Inna Vernikov, Public Advocate Jumaane Williams, (in conjunction with the Brooklyn Borough President)

REBNY supports Intro 949 and its pragmatic approach to providing the public with new, safe lithium-ion batteries for their personal mobility devices. It is widely believed that older, damaged, or rebuilt batteries are largely implicated in the E-battery-related fires that are becoming more frequent, with significant damage to property and even loss of life.

REBNY believes that the establishment of a battery exchange program could be effective in removing dangerous, potentially uncertified used batteries from the public. An exchange program is also best suited to ensure that those who most rely on personal mobility devices like e-bikes for work, notably delivery drivers. In addition, the establishment of such a program creates a 'carrot' in lieu of a 'stick'. Considering that enforcement against faulty batteries is very challenging, particularly for property owners, opportunities to alleviate hazardous conditions in lieu of requirements to comply is a good initial step.

Bill: Intro 950-2023

Subject: This bill would require businesses that use motor-assisted bikes for commercial purposes to provide users of such bikes with fire-proof or fire-resistant containers in which they could charge their removable electronic batteries. This requirement would only apply to bikes with removable batteries that are not entirely charged at the place of business.

Sponsors: Keith Powers, Jennifer Gutiérrez, Gale A. Brewer, Oswald Feliz, Marjorie Velázquez, Tiffany Cabán, Farah N. Louis, Shaun Abreu, Shahana K. Hanif, Carmen N. De La Rosa, Lincoln Restler, Crystal Hudson, Justin L. Brannan, Julie Menin, Selvena N. Brooks-Powers, Mercedes Narcisse, Nantasha M. Williams, Rafael Salamanca, Jr., Shekar Krishnan, Kamillah Hanks, Robert F. Holden, Diana I. Ayala, Sandra Ung, Kevin C. Riley, Alexa Avilés, Sandy Nurse, Lynn C. Schulman, Vickie Paladino, Inna Vernikov, Public Advocate Jumaane Williams

REBNY supports this legislation, provided that the equipment mandated is readily available and can be purchased at a reasonable cost. REBNY also recommends that motor-assisted bikes used for commercial purposes be required to use batteries certified and marked by a nationally recognized testing company. Taken together, these measures could help reduce fire-related hazards associated with commercially used E-bikes and their batteries.

We thank the Committee for holding this hearing and look forward to working with you on these very important matters.

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**Testimony of Alia Soomro, Deputy Director for New York City Policy
New York League of Conservation Voters
City Council Committee on Fire and Emergency Management
April 17, 2023**

Good afternoon, my name is Alia Soomro and I am the Deputy Director for New York City Policy at the New York League of Conservation Voters (NYLCV). NYLCV is a statewide environmental advocacy organization representing over 30,000 members in New York City. Thank you, Chair Ariola and members of the Committee on Fire and Emergency Management for the opportunity to comment.

Micromobility devices are an environmentally-friendly method of transportation in New York City, and in the years following the Covid-19 lockdown, they have been increasingly used for commercial purposes. Given recent increases in lithium-ion battery fires and injuries around the City, NYLCV stresses the importance of e-bike safety outreach and education in order to save lives. As advocates of micromobility and other sustainable forms of transit, NYLCV appreciates the City Council's role in finding comprehensive solutions to this safety issue and supports Intros 949 and 950, both sponsored by Council Member Keith Powers.

Intro 949 would require the Department of Consumer and Worker Protection, in collaboration with the Department of Sanitation and the Fire Department, to establish a program to provide new lithium-ion batteries for powered mobility devices at a reduced or no cost and could also be exchanged for used batteries. Since lithium-ion batteries are incredibly useful for low-income workers using battery-assisted mobility devices, NYLCV supports this bill because it can improve worker safety and make costs more affordable. This program would also incentivize users to avoid using second hand lithium-ion batteries, which increases the likelihood of battery fires.

Additionally, given the recent lithium-ion battery fires, we want to stress the importance of a comprehensive approach to worker safety when it comes to handling lithium-ion batteries. Intro 950 would require businesses that use e-bikes for commercial purposes to provide their motor-assisted bicycle operators with fireproof or fire-resistant containers suitable for charging removable storage batteries used to power these bicycles. NYLCV supports this bill because it is critical to provide operators with these containers since they are designed to contain potential fires or explosions, preventing it from spreading to other parts of the charging station or the surrounding environment. This not only ensures the safety of operators and customers, but also reduces the risk of property damage or environmental harm.

Lastly, NYLCV continues to push for other strategies to improve safety, such as increasing the

amount of outdoor, affordable e-bike battery charging stations and e-bike storage around the city so riders, especially delivery workers, don't have to risk carrying multiple batteries with them and don't have to bring e-bikes inside businesses and residences. We also urge the City to increase the number of safe battery disposal locations and explore longer-term solutions to ensure batteries are responsibly disposed of or recycled.

NYLCV looks forward to working with the City Council, Mayoral Administration, and advocates for pushing e-bike safety and increased accessibility to improve reliability, safety, and affordability opportunities for our low-income and immigrant workers.

Thank you for the opportunity to comment.



April 17, 2023

Community Housing Improvement Program Testimony in Support of Int. 950-2023

Thank you for holding this hearing today. I am Adam Roberts, Director of Policy for the Community Housing Improvement Program, also known as CHIP. We represent New York's apartment building workers and owners and we're here to testify strongly in support of Int 950-2023.

Lithium batteries have become a major fire hazard for tenants and apartment building workers. There are too many stories from the last few years of apartments or even entire apartment buildings catching fire because of lithium batteries. These fires are incredibly intense, spreading too quickly for firefighters to properly respond to.

As building workers and owners, there is little we can do to alleviate the risks caused by lithium batteries. As they are not physically part of buildings, there are limited design solutions to mitigate the risks they pose, particularly given how combustible they are. Therefore, the answer must be to make the batteries themselves safer, which is what this bill intends to do.

Furthermore, we agree that the onus should be placed on businesses to ensure that the batteries are safe, even when they are not being charged at that business. In this era of work from home and app work, the lines between one's home and workplace have blurred. When a business requires their employees to bring dangerous aspects of their job home, it should be that business's responsibility to mitigate the risks.

In the future, we hope the council will consider legislation to go a step further, by requiring businesses to carry insurance on lithium batteries. Otherwise, victims of fires caused by lithium batteries, including our members and tenants, could be left without proper compensation.

We strongly urge the Council to pass this much needed bill. It will go far towards saving the lives not only of delivery workers, but of their neighbors and those who maintain their buildings. It should not be so deadly to be a delivery worker, nor to live or work near them. Thank you.

Written testimony for NYC Council per Int. 949 and Int. 950

Good afternoon,

My name is Ronald M. Butler

I represent Energy Storage Safety Products International, LLC out of New York and Detroit.

I'd like to thank the council for inviting me to offer a 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 that allow us to complete research into, and develop solutions for, the safe transport, storage and charging of lithium-ion batteries. As an expectation of the project, we have identified relevant tools and technologies that might be leveraged in the effort to better contain and control battery failure events of all types. We have completed extensive research into comparing and contrasting current and future technologies that may meet the battery safety mission. As an example, we have done exhaustive research into characterizing the performance of materials for containing and controlling battery fires. Additionally, we are testing relevant solution build materials (such as those that would be used in battery bags) and have developed prototypes of real-world battery transport, storage and charging tools.

We fully support Int. 949 and Int. 950 and applaud the proposed initiatives found in today's council oversight agenda. We also recognize the challenges that will be faced when attempting to satisfy and enforce a couple of the proposed agenda items.

Per 949, we would encourage the insertion of additional language that calls for requirements that included metrics for the safe collection, storage, and transport of all battery technologies. This would certainly hold true for batteries accepted (and thus owned) by the city as part of an exchange program.

Regarding 950, we would absolutely encourage in-depth consideration of certain metrics for defining the types of packaging, such as fire-resistant bags, that would be acceptable for failure containment and control use-cases. Our research has shown us that there are considerable limitations relative to claimed effectiveness and usability of any proposed solution. For example, many products are touted as "fire-proof"...this is a term that we avoid, as few (if any) materials currently available in the research domain would qualify as "fire-proof" per definition. "Fire-resistant" is a better fit. Additionally, it has become clear to us that the types of products currently available for sale and distribution, such as bags or containers, have severe capability limitations. For example, most fire-resistant bags show limited effectiveness relative to actually containing and controlling a battery thermal runaway event.

We would encourage council to adopt a strategy that clearly outlines metrics for solution acceptability. This would include third-party validation and certification of potential solutions (e.g., bags, etc.) by a Nationally Recognized Testing Laboratory (NRTL). Additionally, we would encourage the requirement of higher-level functional safety metrics for proposed solutions. This would include requirements for failure detection (or failure sensing technologies), formal notification capabilities (e.g., audible and visual alert, etc. in the case of failure), and failure communications technology (as an example, the ability to communicate failure to a mobile device). Simply put, the "claims" that these solutions may make relative to some level of failure containment, even if validated, simply isn't enough. We understand the impact of cost and solution availability on your decision-making. However, we consider these types of requirements as absolute.

Lastly, please allow me to say something positive about your own FDNY. I'm sure that you already realize the outstanding resource this group is. However, it has become very clear to me that Chief Mike Maiz, and others in the department, are the best in the world at understanding these issues and represent an outstanding resource to be leveraged. I suspect you are exceedingly proud of this group.

Thank you and please do not hesitate to reach out to me for additional support.

Thank you for this opportunity to provide testimony on the two introductions before the Fire and Emergency Management Committee today and on New York City's ongoing efforts to reduce the fire and explosion hazards of e-bikes, e-scooters, and other micromobility products. UL Solutions applauds the continued work of this Committee, the Council, Mayor Adams, and FDNY in continuing to tackle this problem.

Since its founding in 1894, the UL enterprise has promoted 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 facilitates trust in pioneering technologies. We are an organization with deep expertise in product safety, industrial automation, and energy technologies, and in codes and standards. Our 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.

Int. 0949-2023

As we testified to last November when this Committee was considering requirements for micromobility devices and their batteries, the UL enterprise has been working to help ensure the safety of lithium-ion batteries since 1985. Today, UL Solutions certifies thousands of batteries and battery-powered end products to help ensure they meet relevant safety standards. This includes providing product certification services for e-bikes to UL 2849, micromobility devices to UL 2272, and micromobility storage batteries to UL 2271.

Given the alarming spike in e-mobility sparked fires in New York over the past several years, UL Solutions is supportive of efforts to get safer UL 2271 certified batteries into the hands of City e-bike users. However, we would caution that these batteries are not "plug-and-play." Each original equipment manufacturer (OEM) has its own control circuitry for the entire electrical system, encompassing the e-bike, the battery, and the battery charger, and the OEM takes steps to ensure those parts communicate and safely work together. Because batteries are not cross-compatible, we would recommend the proposed program be used to guide consumers to purchase only the batteries recommended by the original equipment manufacturer of their e-bike.

While we will have to wait for a complete investigation from FDNY on last Monday's tragic fire in Queens, initial reports that it involved an after-market charger being used to charge an e-bike underscores the serious safety issues posed by defective or incompatible equipment. Within these

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electrical systems, each part is evaluated to help ensure it meets the requirements of the relevant standard and tested to make sure it does not fail catastrophically when exposed to normal use or adverse conditions. Under UL 2289 or UL 2272, the battery pack and the battery charger are required to be evaluated both independently as elements, and together as a system, to confirm proper functioning. This involves assessing electrical ratings that coordinate, temperature testing, imbalance charging testing, and other normal operation and foreseeable misuse conditions when charging is underway. The certification process for an e-bike under UL 2489 or an e-scooter to UL 2272, involves, in part, testing to confirm that the micromobility equipment is charging and discharging power within the limits of the battery, remaining within operating temperatures that are safe for the battery, and is not susceptible to adverse electrical, environmental, or mechanical conditions that would compromise the safety of the battery. Therefore, while a certified battery is critical, safety also depends on the performance of the battery within the electrical system of the micromobility equipment as well.

Int. 0950-2023

UL Solutions has performed extensive research on enclosures for lithium-ion batteries and contributed heavily to several standards relevant to storage products for lithium-ion batteries. UL Solutions is very supportive of requirements for businesses to supply their e-bike using workers with storage containers for their e-bike's removable battery. We would further recommend directing FDNY to require such storage containers be certified to relevant voluntary consensus standards, as described below, as the standards become available.

Lithium-ion batteries undergoing thermal runaway can explode, release toxic gases, and spread fire. Given the deflagration that these batteries can produce, UL Solutions began conducting research in 2018 to help develop test methods that would allow for the performance evaluation of different battery enclosure materials. This research culminated in UL 2596 *Test Method for Thermal and Mechanical Performance of Battery Enclosure Material*, which uses a blow torch that blasts flames and grit to evaluate the temperature and mechanical performance of a material. This research also supported the development of UL 5800 *Battery Fire Containment Products*, which supports the design, testing, and certification of containment products used by the airline industry for portable electronic devices with compromised batteries. Both of these standards have been published by UL Solutions' parent organization, UL Standards & Engagement.

Building on this background, UL Solutions has supported the development of UL 1487 *Battery Containment Enclosures*. This standard will allow users to evaluate the performance of a cabinet or other storage product to determine if it can contain fire and explosion hazards from batteries in thermal runaway, and if it can shield batteries from an exterior fire so those batteries do not contribute to the fuel load. There are over two dozen individuals participating on the technical committee, including FDNY. The technical committee is still working through the consensus process, but we anticipate the consensus standard will be published sometime within the next year by UL Standards & Engagement.

Finally, UL Solutions has just begun work on standards to address micromobility charging equipment that does not yet have safety standards, including battery swapping stations. One important aspect this work will need to address is that lithium batteries are not fully interchangeable with chargers and devices. A proper charger for the battery must always be used, and a certified battery for the particular micromobility device must always be used, to maintain safety.

UL Solutions is grateful for this opportunity to testify and commends your Committee's ongoing efforts to improve the safety of micromobility for New Yorkers. We are always available to serve as a technical resource on this or any other safety issue that comes before the Council.



Los Deliveristas Unidos
Worker's Justice Project
April 17, 2023

Presented to:
NYC Council Committee on
Sanitation & Solid Waste Management
Hon. Sandy Nurse, Chair
Prepared By: Antonio Solis

Buenos días. Mi nombre es Antonio Solis soy líder de Los Deliveristas Unidos y miembro del Proyecto Justicia Laboral. Gracias a la presidenta de este comité, Sandy Nurse por la oportunidad para hablar y por siempre apoyar a Los Deliveristas. Nos enorgullece tener una concejal que fue Deliverista y entiende nuestras necesidades.

Estoy testificando a favor de la propuesta de la ley Intro 0846, que propone crear más lugares de reciclaje de las baterías de litio y educar a mi comunidad de cómo y dónde dejar las baterías que ya no sirven. Pero también estoy preocupado por los altos costos que vamos a tener solventar en este proceso de la transición a baterías certificadas.

Somos más de 65,000 Deliveristas, en la cual el más de 90% usamos baterías no certificadas y ahora nos va tocar invertir entre \$500 a \$1,000 para comprar baterías certificadas. Y sin un pago mínimo es golpe económico es más duro para el Deliveristas que depende solo de las propinas para proveer a nuestras familias.

Los Deliveristas y nuestras bicicletas y baterías son esenciales para transportar comida, medicina y literalmente todo lo necesario, especialmente en tiempos de pandemia y tormentas. No hay marcha atrás, las bicicletas y motos eléctricas son el presente y futuro de transporte más viable y eficaz para la Ciudad Nueva York. Los Deliveristas estamos llevando a la Ciudad de Nueva York hacia un futuro más sostenible y menos contaminación.

Estamos preocupados por los incendios y estamos dispuestos a trabajar con ustedes para hacer que más de 65,000 Deliveristas transiciones a baterías certificadas. Pero esto requiere que trabajemos juntos para crear un plan que refleje nuestras necesidades. Es importante crear un programa de intercambio de baterías, en donde el Deliveristas pueda intercambiar nuestras baterías expiradas y no certificadas por nuevas baterías certificadas a bajo costo o sin ningún costo. Esto va permitir que la transición a baterías más seguras sea más rápida y segura.

Sin un pago mínimo, transicionar a baterías más seguras es más difícil para los Deliveristas. Esperamos trabajar juntos y ser parte de todas estas nuevas políticas públicas, puesto que somos expertos en el uso de bicicletas y motos eléctricas.

Gracias a la Concejala Sandy Nurse y todos los concejales de este comité por escuchar y espero trabajar con todos ustedes para desechar miles de baterías de más de 65,000 trabajadores, apoyarlos en la transición de la compra de nuevas baterías certificadas. También contar con su apoyo para que la Ciudad de Nueva York ya cumple la ley y ya termine de determinar nuestro pago mínimo sin más retrasos. En este tiempo de transición en donde tenemos que desechar y comprar nuevas baterías certificadas, es imposible hacerlo dependiendo de las propinas de los clientes. Los Deliveristas Unidos estamos aquí para trabajar juntos por un mejor futuro.

Gracias por escucharme y su tiempo.

(Read below for English)



Los Deliveristas Unidos
Worker's Justice Project
April 17, 2023

Presented to:
NYC Council Committee on
Sanitation & Solid Waste Management
Hon. Sandy Nurse, Chair
Prepared By: Antonio Solis

Good morning. My name is Antonio Solis, I am a leader of Los Deliveristas Unidos and a member of the Workers Justice Project. Thank you to the chair of the NYC Committee on Sanitation & Solid Waste Management, Sandy Nurse for the opportunity to speak today and for always supporting Los Deliveristas. We are proud to have a councilwoman who was a Deliverista and understands our needs.

I am testifying in support of Intro 0846, which proposes creating more lithium battery recycling locations and educating my community on how and where to drop off unusable and non-certified batteries. However, I am concerned about the high costs that we are going to have to pay in this process of transition to certified batteries.

It is important to understand that 90% of the 65,000 Deliveristas use non-certified batteries, which means the majority now need to invest between \$500 to \$1,000 to transition to new certified batteries. And without a minimum payment, the economic impact is bigger for the Deliveristas who depend only on tips to provide for our families.

Los Deliveristas and our e-bikes are essential to transport food, medicine and literally everything necessary, especially in times of pandemic and storms. There is no going back, electric bicycles and motorcycles are the most viable and efficient transportation system, and Los Deliveristas are leading the way in moving our city toward a more sustainable, less-polluting future.

We are concerned about the fires and are willing to work with you to transition over 65,000 Deliveristas to a new future of safer micro-mobility with certified batteries. But this requires that we work together to create a plan that reflects our needs. It is important to create a battery exchange program, where the Deliveristas can exchange our expired and non-certified batteries for new certified batteries at low-cost or no cost. This will allow the fast transition to safer batteries to be faster and safer.

Without a minimum payment, transitioning to safer batteries is more difficult for Deliveritas. We hope to work together and be part of all these new public policies, since we are experts in the use of electric bicycles and motorcycles. Thank you for the opportunity to testify today!



Los Deliveristas Unidos
Worker's Justice Project
April 17, 2023

Presented to:
NYC Council Fire & Emergency Management
Hon. Joann Ariola, Chair
Prepared By: Gustavo Ajche

Buenos días. Mi nombre es Gustavo Ajche, miembro del Proyecto Justicia Laboral, líder de los Deliveristas Unidos. Soy Deliverista y llevo más de una década trabajando en la industria de reparto de comida y he sido testigo de los cambios y necesidades que existen desde que las aplicaciones llegaron a Nueva York.

Soy uno de los miles que ahora usa bicicleta electrónica para hacer este trabajo. Las distancias que nos toca recorrer son más largas y sin un pago mínimo muchos nos toca hacer muchas entregas para poder obtener las suficientes propinas en un día. La bicicletas electrónicas es lo que permitió poder sacar a esta ciudad adelante durante la pandemia y también nos permite trabajar sin tener que pedalear por más de 10 horas al día.

Después de la pandemia seguimos siendo esenciales para la Ciudad de Nueva York y más 65,000 seguiremos contribuyendo a la economía de esta ciudad y demostrando que es posible vivir y trabajar en una ciudad más sostenible.

Estoy aquí en apoyo a la propuesta de ley [Int. 949](#), que propone proporcionar baterías de iones de litio a un costo reducido o sin costo utilizadas en bicicletas y scooters eléctricos. Desafortunadamente las 65,000 Deliveristas seguimos sin tener un pago mínimo y seguimos dependiendo de las propinas para poder cubrir todos los gastos operativos que incurrimos como trabajadores independientes y a la vez ganar algo que nos permita proveer a nuestras familias.

La ciudad ha tomado la iniciativa de transicionar a una nueva era en donde todas las baterías estén certificadas por laboratorio UL. En esta transición más del 90% de los Deliveristas tendremos que comprar nuevas baterías que pueden llegar entre \$500 a \$1,000 por baterías. La mayoría tenemos dos baterías para poder trabajar el día completo.

Esta transición golpea económicamente al Deliveristas, quien es el que le toca invertir en dos baterías nuevas para poder seguir trabajando como en la Ciudad de Nueva York. Sin salario mínimo, el golpe económico que enfrentamos es mucho más fuerte. Este programa es importante para miles de Deliveristas que seguimos trabajando para sacar adelante a esta Ciudad. Esperamos contar con su apoyo.

Good morning. My name is Gustavo Ajche, a member of the Worker's Justice Project, leader of the Los Deliveristas Unidos. I am a Deliverista and have been working in the food delivery industry for over a decade and have witnessed the changes and needs that have existed since delivery apps arrived in New York.

I am one of the thousands who now uses an e-bike to do this job. The distances that we have to travel are longer and without a minimum payment many of us have to make many deliveries to be able to get enough tips in one day. E-bikes are what have allowed us to move this city forward during the pandemic and also allow us to work without having to pedal for more than 10 hours a day.

Post-pandemic we remain essential to New York City and more than 65,000 of us will continue to contribute to this city's economy and show that it is possible to live and work in a more sustainable city.

I'm here in support of Int. 949, which proposes to provide low-cost or no-cost lithium-ion batteries used in electric bicycles and scooters. Unfortunately, the 65,000 Deliveristas still do not have a minimum payment and we continue to depend on tips to be able to cover all the operating expenses that we incur as independent workers and at the same time earn something that allows us to provide for our families.

The city has taken the initiative to transition to a new era where all batteries are certified by UL laboratory. In this transition, more than 90% of Deliveristas will have to buy new batteries, which can cost between \$500 to \$1,000 per battery. Most of us have two batteries to be able to work the whole day.

This transition hits Deliveristas financially, who is the one who has to invest in two new batteries to be able to continue working like in New York City. Without minimum wage, the economic blow we face is much stronger. This program is important to thousands of Deliveristas who continue to work to move this City forward. We look forward to your support.



Asian American Federation

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

April 17th, 2023

Thank you, Committee Chair Ariola and the members of the Council Committee on Fire and Emergency Management for holding this hearing and giving us an opportunity to testify. At the Asian American Federation, we represent the collective voice of more than 70 member nonprofits serving 1.5 million Asian New Yorkers.

We are grateful that the needs and safety of our immigrant workers, many who use e-bikes for delivery work, are top of mind today. To put things into perspective, here are some numbers: Many 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%. Additionally, 15.8% of Asian Americans in NYC live in poverty and 19.9% near poverty.

For many years now, 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 City Council, e-bikes are legal in NYC, allowing our immigrant delivery workers to do their work more efficiently. During the height of the pandemic, e-bike workers were, and still are, essential workers.

The pandemic merely put a spotlight on issues that have long been ignored, and provided further clarity on the glaring lack of resources and help our immigrant neighbors faced. We are 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.

Legislation like Int. 949 and Int. 950 highlight additional components of protecting our immigrant workers and making their work safer. Obtaining safe lithium-ion batteries is difficult for many immigrant delivery workers - the lack of affordability, the rising demand, the motives enforced by delivery app companies to make unsafe choices; this is why many resort to using dangerous, more 'affordable' off-market lithium-ion batteries. By establishing a program to provide reduced cost or no cost lithium-ion batteries, our City can ease the burden that many immigrant delivery workers face when they need to purchase a replacement battery. Additionally, requiring businesses that employ and use e-bikes to provide delivery workers with fireproof or fire-resistant containers suitable for charging removable storage batteries used to power these bicycles is an important safety measure.

However, with the safety of our immigrant delivery workers in mind, we must make sure that the onus of their safety doesn't fall on them, alone, nor on the small businesses that they work with. As far as possible, the onus for creating a safe environment for our delivery workers, our small businesses and all New Yorkers, must fall on the delivery app companies, who have the capacity to mitigate any financial burdens arising from this safety-focused legislation, and the City, itself.

Thank you so much for giving us the opportunity to speak on this critical work. We are grateful to see



**New York City Council Committee on Fire and Emergency Management
Chair, Councilmember Joann Ariola**

**Testimony on Intros 949 and 950
Sascha Owen, Senior Manager, Government Relations DoorDash
April 17, 2023**

Thank you Chair Ariola, members of the committee and Councilmember Powers for the opportunity to provide testimony regarding Int. 949 and Int. 950, measures that would establish a battery trade-in program for eligible workers, and mandate the provision of fire-resistant containers to bicycle-based workers. My name is Sascha Owen and I am the Senior Manager of Government Relations for New York at DoorDash. We are a technology company whose mission is to grow and empower local economies, including in New York City. We do that by partnering with thousands of local businesses for online ordering, pickup, delivery, and marketing services. We also empower New Yorkers from all walks of life to earn money when, where, and how they choose by delivering meals and other essentials to their communities.

E-bikes and e-mobility devices have played a critical role in changing our transportation and climate landscape. They provide a fast, reliable, and sustainable mode of transportation for recreational and work use around the world. E-mobility provides enormous possibilities to reduce carbon emissions from gas cars, improve traffic in congested cities, and help people remain active and healthy.

But there's more work to do. E-bikes need to be safe, and we cannot accept fires, injuries, and deaths as a consequence of shifting to new types of mobility. We need a holistic, comprehensive, all hands on deck approach, and DoorDash is committed to supporting our city's communities, delivery workers and policymakers in seeking solutions to the problems associated with some e-mobility devices.

We have long recognized the value of helping Dashers identify and access safe and reliable e-bikes. For over two years, we've partnered with e-bike providers like Zoomo and Dirwin to make these options more accessible to Dashers. In 2022 alone, approximately 600 Dashers took advantage of these partnerships to access high-quality e-bikes. In addition, we have worked with the FDNY to provide the latest fire safety information to Dashers to spread awareness and encourage safer charging and storage practices.

We support the goals of Int. 949 and we agree that some existing batteries are unsafe and must be removed, properly disposed of, and replaced with safe versions. But as the Mayor's recent *Charge Safe, Ride Safe* plan recognized, swapping or trading in existing batteries for certified ones is not as simple as it seems.

There are uncertainties regarding the supply of certified batteries that are compatible with the e-bikes and scooters New Yorkers use

Existing batteries can be swapped with safe, certified ones only if those batteries are readily available. UL – the major testing lab and setter of safety standards – did not adopt standards for e-bike systems until 2020. Until recently, those standards (including applicable substandards for batteries) were not understood to be mandatory, and many suppliers are only obtaining certifications now. In short, it's not entirely clear what types of certified batteries might be available and when. We need to make sure manufacturers are at the table in developing and ensuring this program's success.

The action the Council took last month – passing Int. 663, which requires e-bikes and batteries to meet safety standards – is a major step toward the future of e-mobility, because it will encourage manufacturers, in the longer term, to design and manufacture more products that adhere to these standards. However, the near-term steps that manufacturers of uncertified products will take to meet these new requirements is murky. For example, it is not known whether suppliers will begin producing batteries certified to UL 2271 that can be used with existing devices, or whether they will redesign their products from the ground up to meet UL 2849. Presently, designing a program to swap existing batteries for certified ones may not be feasible until the manufacturing and supply of these batteries catches up with new requirements, and the City may have greater clarity about what types of certified replacement batteries are available.

More information is needed about the types of e-bikes and other devices that are on the streets

To determine what types of certified batteries might be viable for a replacement program, it's essential to know what kinds of e-bikes and e-mobility devices are in use.

There are likely hundreds of different products with different batteries in the marketplace. We need more granular data on the most popular types of products to assess whether certified battery versions are readily available.

Determining eligibility criteria is complicated

It is unclear what criteria will be used to determine eligibility. We would encourage the City to channel the focus of any replacement program to target the most dangerous products that have a higher probability of causing fires in order to quickly impact fire frequency.

Swapping unsafe batteries for safe, certified ones is the right path, but we need to answer questions regarding the needed batteries, available supply, and program details. We encourage



the committee to continue gathering information to answer these questions, and we're willing to partner with the City to help fill in any information gaps we can.

Regarding Int. 950, we agree that it's important to explore interventions that could be implemented right now to reduce the consequences or severity of fires, such as fire-resistant bags for charging and storing e-bike batteries. We understand that there is still uncertainty regarding the effectiveness of many fire-resistant bags or containers, and that FDNY has already begun to test various models to assess their efficacy. This data will be crucial to determining whether providing fire-resistant containers is a good strategy, and we support this data-driven approach.

While fire interventions may prove to be useful tools, they do not address the root cause of unsafe batteries, which ultimately must still be addressed. As long as cheap and uncertified batteries and mobility devices are readily available in the U.S. market, they will continue to pose safety challenges in New York City. It is crucial that we close regulatory gaps to prevent dangerous products from being an option. It is concerning that many people may not be fully informed – or even worse, misled – about the safety of their battery when making their purchase.¹ We support the City's call for clear and enforceable federal safety standards, increased scrutiny of batteries at import, and proactive steps from retailers to remove uncertified batteries will help reduce the flow of dangerous products.

While the Council continues to work through these issues, DoorDash has not – and will not – wait to encourage a transition to a safer, more mature e-mobility future. In addition to our existing, two-year-plus partnerships with e-bike providers, we are actively exploring new and expanded relationships with e-bike suppliers to help expand Dashers' access to more options to obtain safe devices. We're also amplifying our education and outreach to Dashers regarding the City's fire safety information, and we are working to develop more data and information that can help inform us of the best path forward.

Thank you for the opportunity to provide testimony on these bills. We remain committed to working with the Council to improve safety.

¹ One recent example suggests that people have a difficult ascertaining whether their product has been tested to ensure safety, <https://www.amny.com/news/queens-delivery-worker-victim-e-bike-battery-fire-homeless/>

City Council move ahead with policies that protect our immigrant workers and we look forward to continuing this work with all of you.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Danny Chalmers

Address: _____

I represent: LOCAL 2507

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 04/17/2023

(PLEASE PRINT)

Name: MICHAEL REMMON

Address: LOCAL 2507

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

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Name: Chief John Esposito

Address: Chief of operations

I represent: JEDANNY BAZEL

Address: Fire Code Council

FDNY
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Date: _____

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Name: Julian Bazel

Address: Fire Code Council

I represent: FDNY

Address: _____



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I intend to appear and speak on Int. No. 849,850 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Stone

Address: 5 Milemore Drive Northport NY 11768

I represent: UL Solution

Address: _____



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 in favor in opposition

Date: _____

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Name: Carlus Ortiz

Address: _____

I represent: DCWP, Assistant Commissioner

Address: _____

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 949 Res. No. 950
 in favor in opposition

Date: 4/17/23

(PLEASE PRINT)

Name: Ronald M. Butler

Address: _____

I represent: ESSP (NYC / Detroit)

Address: 440 Burroughs Ste 207

Detroit

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