



## Legislation Text

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### Res. No. 394

Resolution calling on the United States Consumer Product Safety Commission to establish rules and regulations for the safe use of e-bike batteries

By Council Members Gutiérrez, Powers, Hanif, Stevens, Restler, Hudson, Joseph, Avilés, Brewer, Riley, Nurse and Cabán

Whereas, Over the past several years, micromobility devices, such as e-bikes, have become a popular transportation option in cities across the United States (U.S.); and

Whereas, In 2020, New York State law was amended to make it lawful for e-bikes to operate on some of the State's streets and highways; and

Whereas, Subsequently, New York City also enacted legislation that legalized the use of certain types of e-bikes throughout the City; and

Whereas, Many of the e-bikes in use today are powered by lithium-ion batteries, a type of battery that uses electrically connected lithium cells to store and release power by converting chemical potential energy into electrical energy using lithium in ionic form, for its rechargeability, instead of in its solid metallic form, which is non-rechargeable; and

Whereas, According to the U.S. Environmental Protection Agency, lithium-ion batteries are made of materials such as cobalt, graphite and lithium, each of which can cause harm to human health or the environment if they are not properly managed or disposed of at the end of their useful life; and

Whereas, Lithium cells and batteries are considered a hazardous material under the U.S. Department of Transportation's Hazardous Materials Regulations, and thus there are communication requirements for their packaging to govern the markings, labeling, shipping papers and emergency response information, when they

are being transported by air, highway, rail, or water, in order to prevent incidents, including fires, on airplanes and other transportation vehicles; and

Whereas, Physical impacts, exposure to extreme temperatures, improper use, or improper charging can damage lithium-ion batteries, rendering them defective, and potentially causing individual cells to fail, which generates heat that damages neighboring cells in a chain reaction known as thermal runaway, potentially creating a hazardous situation that can lead to a fire or an explosion; and

Whereas, According to published reports, as of September 1, 2022, the New York City Fire Department had investigated 130 fires so far this year tied to lithium-ion batteries, resulting in 73 injuries and five deaths, and representing an increase from the 104 lithium-ion battery related investigations the agency conducted in 2021, the 44 conducted in 2020 and the 30 conducted in 2019; and

Whereas, In January 2020, Underwriters Laboratories (UL), a global safety certification company, published UL 2849 a new standard for e-bike systems and certification of an e-bikes' electrical components, in order to address specific issues related to those devices, including mechanical, electrical and functional safety; and

Whereas, Currently, UL certification is not required by federal law for e-bikes; and

Whereas, A federal law enacted in 2002 placed certain e-bikes under the purview of the U.S. Consumer Product Safety Commission (CPSC), an independent federal regulatory agency formed in 1972 whose mission is “to protect the public against unreasonable risks of injury or death from consumer products through education, safety standards activities, regulation, and enforcement,” and applied to e-bikes the existing regulations meant for human powered bicycles; and

Whereas, In the past, the CPSC has implemented safety rules on other commercial products, including hoverboards that used lithium-ion batteries that did not meet the UL safety standard; now, therefore, be it

Resolved, That the Council of the City of New York, calls on the United States Consumer Product Safety Commission to establish rules and regulations for the safe use of e-bike batteries.

RA  
LS # 10,540  
9/28/2022