



Legislation Text

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Res. No. 816

Resolution calling upon the New York State Legislature to pass, and the Governor to sign S.643-C /A.7339-A, an act to amend the environmental conservation law, in relation to extended producer responsibility for rechargeable batteries.

By Council Members Nurse, Hanif, Farías, Hudson, Brewer and Gutiérrez

Whereas, Electric micromobility or e-mobility devices such as electric-assist bicycles (e-bikes), electric scooters (e-scooters), and other small, lightweight, wheeled electric-powered conveyances, are vital to a successful transition away from fossil fuel powered modes of transportation, and are indispensable to the livelihoods of many of New York City's delivery workers; and

Whereas, E-scooters, e-bikes, and other electric micromobility devices are most often powered by rechargeable lithium ion batteries, which are favored for electric vehicles due to their high energy density and low overall weight compared to other comparable battery chemistries, maximizing energy storage while minimizing added weight; and

Whereas, Lithium ion batteries are also favored for transportation uses due to their ability to hold a charge for extended periods of time, only losing 1.5 to 2 percent of their charge per month when not in use, and because lithium based battery chemistries are less toxic than those that require metals such as cadmium and lead; and

Whereas, Disadvantages associated with rechargeable lithium ion batteries include the possibility of overheating, high flammability, susceptibility to combustion due to over-charging or use of improper or mismatched charging equipment, and potential for combustion from thermal runaway, which occurs when lithium ion cells produce heat faster than the batteries can dissipate; and

Whereas, According to educational material distributed by the FDNY, the use of mismatched chargers to charge batteries can lead to overcharging due to incompatible 100% cutoff mechanisms to prevent overcharging, which can increase the likelihood of dangerous malfunction; and

Whereas, The high cost of certified batteries, up to 1,000 dollars in some cases, has resulted in the widespread use of refurbished and second hand batteries, which while cheaper and more accessible to delivery workers, are also more susceptible to dangerous malfunctions and combustion; and

Whereas, In 2022, at least 220 fires and six deaths were attributed to rechargeable batteries from e-bikes and other electric micromobility devices across New York City, with approximately 175 fires, 96 injuries, and 14 fatalities attributed to battery fires between January 1st and September 8th of 2023; and

Whereas, These batteries can also create fire and explosion hazards when improperly disposed of, such as in a 2018 incident where an improperly disposed of lithium ion battery caused a five alarm fire at a recycling facility in Jamaica, Queens, and a 2017 incident where a battery caused an explosion in the back of a New York City garbage truck; and

Whereas, In December 2021, a fire on a barge in the East River required 60 fire fighters to put out and sent four individuals to the hospital for smoke inhalation, and was attributed to an exploding lithium ion battery; and

Whereas, The advocacy group Los Deliveristas Unidos has called attention to a lack of information available to delivery workers regarding proper safe handling, charging, and disposal of e-bike and e-scooter batteries, suggesting that outreach and education efforts be coupled with a trade-in program for used or defective batteries to increase awareness and minimize their improper disposal; and

Whereas, Extended Producer Responsibility (“EPR”) is an environmental policy approach in which producers (brand owners, importers, and retailers) accept responsibility for the management of post-consumer products and packaging so those who produce these materials help bear the costs of recycling; and

Whereas, New York State’s rechargeable battery EPR law currently requires manufacturers of certain

rechargeable batteries to finance the collection and recycling of covered rechargeable batteries collected by retailers, as well as financing outreach and education efforts to consumers regarding proper recycling protocol for rechargeable batteries: and

Whereas, Manufacturers are also required to submit a plan to the New York State Department of Environmental Conservation identifying the methods manufacturers will use to safely collect, transport, and recycle rechargeable batteries collected by retailers, prior to selling in New York State; and

Whereas, Retailers of covered rechargeable batteries are required during business hours to accept up to 10 batteries per day from any person regardless of whether the individual is purchasing batteries, accept as many batteries in return as an individual purchases, and post signage informing customers that it is illegal to dispose of rechargeable batteries in the state of New York as solid waste, and that the retailer accepts used rechargeable batteries for return to the manufacturer; and

Whereas, New York State Senate Bill S.643-C, sponsored by State Senator Brian Kavanagh, and Assembly Bill A.7339-A, sponsored by Assembly Member Deborah Glick seeks to expand the existing rechargeable battery recycling law to include e-mobility device batteries among those for which retailers and manufacturers must participate in the EPR program; and

Whereas, S.643-C and A.7339-A would also amend New York State's Environmental Conservation law to allow New York City to engage in enforcement activities related to the State's rechargeable battery legislation; and

Whereas, The widespread and increasing use of rechargeable batteries for e-mobility devices, coupled with low public awareness of how to properly charge and dispose of these batteries has led to significant loss of life, injury, and severe property damage; and

Whereas, Manufacturers and retailers of rechargeable batteries for e-mobility devices must do their part to ensure that members of the public are aware of their responsibility not to dispose of these potentially dangerous products improperly and assist in the collection and routing of these batteries to the proper disposal

and recycling streams; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign S.643-C /A.7339-A, an act to amend the environmental conservation law, in relation to extended producer responsibility for rechargeable batteries.

NRC
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