

**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](#).