



Comments Received by the Department of
Consumer and Worker Protection on

Proposed Rules related to the Safety Standards for Powered
Bicycles, PMDs and Batteries

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From: [Ciliege, John \(Suwanee\)](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] Comments Regarding Public Hearing - Definition of accredited Testing Laboratory
Date: Wednesday, October 4, 2023 2:01:46 PM
Attachments: [image001.png](#)
Importance: High

You don't often get email from john.ciliege@sgs.com. [Learn why this is important](#)

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Dear DCWP:

Thank you for your time to review my comments regarding the topic of defining an “Accredited Laboratory”. I am in charge of global certification for SGS OSHA NRTL program.

For the requirements of Safety in regards to Powered Bicycles, actually OSHA adopted under their jurisdiction UL 2849 – The Safety Standard for Electrical Systems of eBikes.

There are two very comprehensive ways to ensure products have been tested to and meet the requirements of UL 2849.

1. Require that an NRTL certify the products. – One can find out if an NRTL laboratory is accredited for UL 2849 by visiting the following site: [OSHA's Nationally Recognized Testing Laboratory \(NRTL\) Program - Current List of NRTLs | Occupational Safety and Health Administration](#)
 - a. Once you arrive at the above site, click on the lab you want to view, and then click “Recognized Testing Standards”. This is the scope that the lab is accredited for.
 - b. Under the OSHA program, it requires the manufacturers to be audited periodically (2-4 time per year) to ensure continued compliance for the products they are manufacturing. The products are labeled with their certification label as proof of compliance.
2. Another option is to require an “Accredited Lab” to have ISO 17025 accreditation for UL 2849 standard within their scope of accreditation. This means the lab has proven and audited to show compliance for UL 2849. For a lab to get accredited for ISO 17025 they would be accredited by A2LA, NVLAP, IAS, or similar and be able to provide their proof of accreditation and scope. The products could also be labeled with an accredited certification if the lab has ISO 17065 accreditation. This would also require manufacturers to audited at least 2 times per year for continued conformance.

SGS is an accredited lab under the OSHA program to UL 2849 and accredited by A2LA for UL 2849 and our certification is accepted on all 50 states. Proof of compliance would include the below label on the product.



Certified to UL 2849

Thank you for your consideration.

John Ciliege

Vice President, Connectivity & Hardlines

Global Head of NRTL

Mobile: +1 (404) 670-0435

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Oct 4th, 2023

From: Brian Tedesco – President CEO Blaupunkt Americas

RE: Argument Against Accepting International Laboratories for Powered Mobility Devices in NYC:

As President of Blaupunkt Americas a manufacture of consumer electronics products for over 60 years and father of 3-daughters that ride powered emobility devices daily this proposal to allow *“any testing laboratory that is an International Organization for Standardization and International Electrotechnical Commission (“ISO/IEC”) 17025 Accredited Independent Testing Laboratory, an ISO/IEC 17065 Accredited Certifying Body”* is deeply concerning and flawed. Here’s why:

1 Primary Regulatory Jurisdiction: The primary concern for consumer protection in New York City should be under the jurisdiction of nationally recognized U.S. regulatory bodies. Relying on standards set by OSHA, a nationally recognized body, ensures that the devices adhere to regulations that are tailored to the specific needs of American consumers, rather than broad international standards.

2 Tailored Safety Protocols: Nationally Recognized Testing Laboratories (NRTLs) have a comprehensive understanding of local safety protocols, standards, and potential risks specific to the U.S. and, by extension, NYC's unique environment. International standards, while rigorous, might not account for the specific urban dynamics and challenges of New York City.

3 Consumer Safety Risks: The high-density urban environment of NYC presents unique challenges for powered mobility devices, especially electric bicycles. Given the city's fast-paced traffic, frequent stops, variable weather conditions, and rough roads, electric bicycles and their lithium-ion battery packs must undergo rigorous testing. If brands opt for potentially cheaper testing facilities as described in sections (i) and (ii), this might result in lax safety protocols, thereby endangering NYC residents.

4 Dangers of Lithium-ion Batteries: E-bikes utilizing lithium-ion battery packs have the potential to be particularly hazardous if not adequately tested. These batteries can pose risks of overheating, fire, or even explosions if not manufactured or maintained to the highest standards. Given these risks, a testing body recognized at the national level is essential to ensure that every aspect of these battery packs is tested to rigorous standards.

5 Cost-Cutting at the Expense of Safety: If brands of e-bikes are allowed to co-opt cheaper testing facilities, they might cut corners in terms of safety to reduce expenses. This cost-saving move could jeopardize the safety of NYC consumers, subjecting them to products that have not been tested under stringent national safety regulations.

6 Accountability and Oversight: U.S. nationally recognized testing labs are directly accountable to U.S. regulatory bodies. In case of any discrepancies or issues, the direct line of accountability ensures that corrective actions

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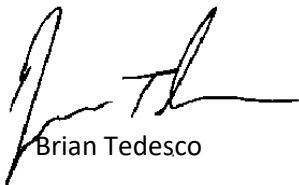
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can be taken swiftly. With international organizations, the chain of accountability is lengthened, possibly leading to delays or reduced effectiveness in addressing safety concerns.

7 Consumer Trust: Relying solely on nationally recognized testing laboratories fosters higher trust among consumers. Knowing that their powered mobility devices have been scrutinized by a laboratory directly overseen by a U.S. regulatory body gives consumers peace of mind.

In light of these arguments, while the intention behind the DCWP's proposal to include multiple testing avenues might be to increase accessibility and variety, it's crucial to prioritize the safety of NYC residents. By focusing on nationally recognized testing standards, New York City can ensure that all powered mobility devices, especially those with potentially hazardous components like lithium-ion batteries, meet the highest safety standards before reaching consumers. Lets move forward with e-powered devices safety.. not backwards.

Sincerely



Brian Tedesco

President

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October 13, 2023

New York City Department of Consumer and Worker Protection
42 Broadway
New York, NY 10004

Re: Comments in Support of DCWP's Proposed Rule to Implement Local Law 39 of 2023

Filed electronically via email at
Rulecomments@dcwp.nyc.gov

Razor USA LLC (Razor) appreciates the opportunity to submit comments in support of the Department of Consumer and Worker Protection's (DCWP) proposed rule to implement Local Law 39 of 2023. We believe Local Law 39 and the proposed rule have the potential to enhance safety for consumers and local businesses in New York City that utilize powered bicycles and powered mobility devices.

BACKGROUND

Razor is a global expert in scooter innovation and has been a worldwide leader in electric scooters, self-balancing scooters (known as hoverboards), and other powered mobility devices since 2000. We have sold millions of mobility devices worldwide, including many in New York City.

Our customers' safety is Razor's #1 priority. Razor began testing its self-balancing scooters to UL2272 in 2016, the same year the standard was introduced. We now test all our mobility devices, e-bikes, and lithium-ion batteries in accordance with the applicable UL2271, UL2272, and UL2849 standards (as applicable) using laboratories that are fully accredited to test and certify products to these robust standards.

DEFINITION OF ACCREDITED TESTING LABORATORY

We fully support DCWP's proposed rule. It defines "accredited testing laboratory" to mean any laboratory that is accredited under one of three sources: ISO 17025, ISO 17065, or the "Nationally Recognized Testing Laboratory" program of the U.S. Occupational Safety and Health Administration (OSHA). By providing three options for identifying suitable certifying laboratories, the proposal provides manufacturers of powered bicycles and powered mobility devices with the needed flexibility to locate a qualified laboratory to conduct certification testing to meet the requirements of Local Law 39. The flexibility to identify a laboratory certified under



one of these three options is needed due to the diversity of small and large manufacturers, retailers, and distributors that are affected by the requirements of Local Law 39.

Availability of these options is also extremely important to maintain competition among qualified test laboratories, which will in turn help assure the availability of enough laboratory capacity to support industry needs. If, for example, the only acceptable test laboratories were those identified in NYC's option three (the OSHA NRTL program), there are only three laboratories currently named in that program as qualified to test and certify compliance with UL 2272.¹ Razor appreciates that the NYC rule avoids conferring an effective monopoly on these three laboratories, and instead maintains the healthy and robust competition that currently exists among the many other qualified laboratories that meet ISO 17025 or ISO 17065 standards. Maintaining this competition is also consistent with the manner in which the U.S. Consumer Product Safety Commission manages its program for acceptance of accredited laboratories to test for compliance with children's product safety standards.

For all these reasons, we believe that the flexibility inherent in the NYC proposed rule will help facilitate compliance with the law, and we urge adoption of the proposed rule in final form.

* * *

If you have any questions regarding our comments on the Proposed Rule, I can be reached at jcochrane@razorusa.com and 562-345-6000.

John Cochrane

A handwritten signature in blue ink that reads "John Cochrane".

General Counsel
Razor USA LLC

[OSHA's Nationally Recognized Testing Laboratory \(NRTL\) Program - Current List of NRTLs | Occupational Safety and Health Administration](#), last checked October 11, 2023.

Razor USA LLC * 12723 166th St. * Cerritos, CA 90703 * 562-345-6000 * 866-467-2967



Date: October 13, 2023

Dear New York City and the Department of Consumer and Worker Protection:

ACT Lab is a globally recognized ISO/IEC 17025 accredited testing firm with locations throughout the globe providing testing and consultation services for the powered mobility, bicycle, motorcycle, outdoor, and many other industries.

ACT Lab firmly supports the proposed rule to clarify the definition of “accredited testing laboratory” for the NYC administrative code for powered mobility device requirements as *“any testing laboratory that is an International Organization for Standardization and International Electrotechnical Commission (“ISO/IEC”) 17025 Accredited Independent Testing Laboratory, an ISO/IEC 17065 Accredited Certifying Body, or participates in the U.S. Department of Labor Occupational Safety and Health Administration Nationally Recognized Testing Laboratory program.”*

By adopting this language and clarifying the acceptance of official electrical system evaluation from competent, accredited, U.S. federal and internationally recognized testing institutions to these important safety standards, we believe NYC and the DCWP will immediately increase consumer protection for the citizens of NYC and the United States from the potential hazards associated from “untested” powered mobility products. This will also increase awareness and education of manufacturers and suppliers worldwide seeking to bring these products to market.

ACT Lab launched the [e-validate](http://act-lab.com/e-validate) initiative to better serve NYC and other entities that adopt similar regulations. This online directory provides immediate validation of products that comply with these important electrical safety standards. We encourage you to look for our labels on powered mobility products and visit this important online consumer resource.

Please contact us if you have any questions on this matter.

Sincerely,

Michael Baker
Director of Corporate Communications
ACT Lab





UPWAY USA INC Public Comments on New York City Department of Consumer and Worker Protection Proposed Safety Standards for Powered Bicycles, PMDs and Batteries

Upway wishes to formally convey its comments to the New York City Department of Consumer and Worker Protection ("DCWP") in support of its proposed rule for the implementation of Local Law 39 of 2023. Additionally, Upway would like to submit certain supplementary amendments to the proposed text.

Upway is an enterprise committed to providing high-quality and secure two-wheel electric mobility solutions that are accessible and affordable to a wide-ranging demographic. Our primary objective is to establish a reliable secondary market characterized by expertise and robust warranties for the world's leading and safest e-bike brands. Our bicycles undergo meticulous assembly, certification, and/or repair processes, adhering rigorously to stringent safety protocols. Subsequently, we offer them for online purchase, featuring discounts off their retail prices.

As the largest secondary e-bike retailer in the country, Upway wholeheartedly supports the city's initiative aimed at fostering a safer e-bike market that prioritizes top-notch, dependable, and secure brands.

In accordance with the outlined proposal, we endorse DCWP's commitment to extending accreditation to certified ISO 17025 or ISO 17065 laboratories, or any Nationally Recognized Testing Laboratory. This definition enhances clarity for those subject to regulation while contributing to the establishment of a secure and dependable riding experience for all stakeholders. The mentioned accreditations represent a positive step towards ensuring the competency of testing laboratories in certifying compliance with applicable safety standards. Furthermore, these accreditations provide greater flexibility for regulated entities when selecting accredited laboratories. Upway encourages the consideration of additional accreditations, notably the European e-bike consensus standard, EN 15194, recognized as the safest accreditation in the EU, the world's largest e-bike market.

We extend our gratitude for considering our suggestions. We acknowledge the progress made and hope to see further enhancements, particularly with the inclusion of EN 15194, which can make two-wheel electric mobility even more accessible and safe. If you have any inquiries regarding our comments, please do not hesitate to contact us at max@upway.shop.



October 13, 2023

Re: Reference # 2023 RG 063

Public Comments on New York City Department of Consumer and Worker Protection, Proposed Safety Standards for Powered Bicycles, PMDs and Batteries.

Alta Cycling Group would like to submit these comments to the New York City Department of Consumer and Worker Protection to support its proposed rule to implement Local Law 30 of 2023.

Alta Cycling Group, our leadership, and staff, along with our brands, Diamondback Bicycles, IZIP Bikes, and Redline BMX Bikes, are thoroughly committed to bringing affordable, high-quality products to market with an emphasis on safety.

With more than twenty years of experience with electric bicycles, we are encouraged to see and support the DCWP's efforts to further clarify, with additional rules, the requirements in Local Law 30 of 2023.

Alta supports the proposed definition of "accredited testing laboratory" as written in the DCWP's proposal, which provides needed clarity to the industry while ensuring safety for riders and the community. The accreditations listed in the proposed definition will ensure that testing labs meet the requirements to certify compliance with these important safety standards while providing needed access to accredited labs as the volume of e-bikes entering the market continues to scale. Sufficient test lab capacity and flexibility of choice will be critical to ensure the continued supply of only certified safe products make it to market.

If you should have any questions, please let me know.

Kind regards,

Larry Pizzi

General Manager

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Rad Power Bikes Inc. Public Comments on New York City Department of Consumer and Worker Protection Proposed Safety Standards for Powered Bicycles, PMDs and Batteries
(Reference Number 2023 RG 063)

Rad Power Bikes is pleased to submit these comments to the New York City Department of Consumer and Worker Protection (“DCWP”) in support of its proposed rule to implement Local Law 39 of 2023.

Rad Power Bikes is the largest direct-to-consumer electric bike maker in North America. We are committed to keeping our riders safe. Our commitment to making high-quality, reliable electric bikes that provide great value at an affordable price is why Rad Power Bikes is the largest electric bike brand in North America, with nearly 600,000 people riding Rad Power Bikes products worldwide.

Because safety is a top priority for us, we welcome the DCWP’s initiative to add rules to clarify the requirements in Local Law 39 of 2023.

We support DCWP’s proposed definition of “accredited testing laboratory” as written in the proposal. This definition provides needed clarity to the regulated community, while also helping to create a safe, reliable riding experience for all. The listed accreditations in the definition are adequate to ensure that testing laboratories are competent to certify compliance with the relevant safety standards, while providing sufficient flexibility to regulated entities with respect to the choice of accredited labs. As the e-bike market continues to grow, and the safety standards for the products are made more rigorous, it will be important to ensure that there is sufficient lab capacity to manage these assessments. For these reasons, we support this proposed rule.

Thank you for considering our comments. If you have any questions about our comments, please contact Batur Oktay, VP and General Counsel, at batur.oktay@radpowerbikes.com.

* * * * *



peopleforbikes

P.O. BOX 2359 BOULDER, CO 80306
PeopleForBikes.org | 303.449.4893

October 15, 2023

To: Department of Consumer and Worker Protection
Submitted via NYC Rules and by email to: Rulecomments@dcwp.nyc.gov

Re: Safety Standards for Powered Bicycles, PMDs and Batteries
Reference # 2023 RG 063

PeopleForBikes submits this comment in response to the Department's proposed rule that would more clearly define the term "accredited laboratory" as used in New York City's ordinance requiring certain testing of e-mobility devices and batteries.

More specifically, the DCWP proposes the following regulation:

"Accredited testing laboratory," as used in § 20-610 of the Administrative Code, shall mean any laboratory that:

(i) is an International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) 17025 Accredited Independent Testing Laboratory;

(ii) is an International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) 17065 Accredited Certifying Body; or

(iii) is identified as a Nationally Recognized Testing Laboratory by the United States Department of Labor Occupational Safety and Health Administration

For the reasons discussed below, PeopleForBikes fully supports the proposed regulation and interpretation of "accredited laboratory."

1. About PeopleForBikes

The PeopleForBikes Coalition is the sole trade association representing U.S. manufacturers, suppliers and distributors of bicycle products, including electric bicycles. In 2019 PeopleForBikes merged with the Bicycle Product Suppliers Association (BPSA) to form a single trade association to represent the interests of the U.S. bicycle industry. We have over 325 members that produce goods in every segment of the bicycle market, from high-end competition bicycles to affordable kid's bikes. Our members produce the full range of components, parts, and accessories used for bicycling, as well as electric bicycles. Our membership is a true cross section of the U.S. bicycle industry.

PeopleForBikes has been the leader in working state-by-state to create modern, harmonized standards for regulation of electric bicycles throughout the United States. PeopleForBikes developed the Three-Class Model Law¹ to better define and regulate the various types of electric bicycles, and which has now been adopted in whole or part by 39 states (including New York) and recognized by the federal government.² PeopleForBikes has recently launched our E-bike safety training program <https://www.ebikesmart.org/> in cooperation with the League of American Bicyclists. We also publish a comprehensive E-Bike Owner's Manual for use by the industry and inclusion with new electric bicycles at the point of sale.

2. The Proposed Regulation

Importantly, it should first be noted that Introduction 0663-2022 (now NYC Administrative Code Section 20-610) as first introduced included a requirement that powered mobility devices and batteries be "listed and labeled by a nationally recognized testing laboratory" or NRTL. This requirement was later amended to the current language of "certified by an accredited testing laboratory." Thus, the City Council expressly declined to limit the available testing laboratories under the ordinance to the relatively few laboratories that are recognized by OSHA as NRTLs. **Only a handful of these NRTLs (including UL Solutions) are able to test to UL 2849, UL 2272 and UL 2271.** The DCWP should therefore resist suggestions to amend its proposed regulation to limit acceptable accredited laboratories to NRTLs.

¹ <https://www.peopleforbikes.org/electric-bikes/policies-and-laws>

² The National Park Service adopted the three class system in 2021, 36 C.F.R. 1.4(a). In authorizing funding for bicycle transportation facilities in 2021, Congress adopted the three class system in defining "electric bicycle" in 23 U.S.C. § 217(j)(2). The three class system was also used in two bills that would have provided a federal income tax credit for the purchase of an electric bicycle. H.R.1019 - E-BIKE Act, S. 2420 Electric Bicycle Incentive Kickstart for the Environment Act, 117th Congress (2021-22).

The NRTL program, administered by the U.S. Occupational Health and Safety Administration (OSHA) is by law limited to products used in commercial settings, and does not cover consumer e-mobility products that are under the jurisdiction of the Consumer Product Safety Commission (CPSC). The CPSC has never required use of an OSHA-regulated NRTL for e-mobility products, and similar to the approach in Section 20-610, has instead urged manufacturers to have their products and batteries tested and certified by an accredited laboratory to applicable safety standards.³ While an NRTL is certainly competent to test e-mobility devices and batteries, its use should not be required to show compliance with Section 20-610.⁴

PeopleForBikes therefore fully supports the DCWP proposal to accept laboratories accredited by the International Standards Organization (ISO) under their published certification standards, ISO 17025 and ISO 17065. These standards are used world-wide to evaluate the ability of laboratories to competently conduct safety and compliance testing. Use of these ISO-accredited third party laboratories by e-mobility manufacturers will ensure that the devices and lithium-ion batteries they make and sell are safe for consumers in New York City and elsewhere.

Last, DCWP should take into consideration the successful regulatory approach to battery and e-mobility safety in the European Union, which requires manufacturers and importers to test and self-certify the compliance of electric bicycles to electrical safety standards that are essentially equivalent to those specified in Section 20-610. Manufacturers use third party laboratories certified to ISO 17025 or ISO 17065 to meet this requirement, as well as the various mechanical requirements for electric bicycles. **In 2022 over 26 million safe, tested electric bicycles were sold in the European market, which has not experienced significant fires related to those products.**

The regulatory approach proposed by DCWP can work in New York City as well, and can help to focus the DCWP's efforts on eliminating those unsafe devices and batteries that have not been tested by any laboratory to any safety standard.

Respectfully submitted,

Matt Moore, Policy Counsel
PeopleForBikes

³ Important Safety Information Concerning Micromobility Devices, December 19, 2022, <https://www.cpsc.gov/s3fs-public/Important%20Safety%20Information%20Concerning%20Micromobility%20Devices.pdf>

⁴ The DCWP should be aware of the commercial interests of parties urging a strict definition of 'accredited laboratory' who are either NRTLs or manufacturers who have chosen to use an NRTL to conduct testing and now seek to limit the options available to competitors.



Safety. Science. Transformation.™

October 16, 2023

Department of Consumer and Worker Protection
42 Broadway
New York City, NY 10004

Subject: DCWP proposed rule for implementation of Local Law 2023-39

UL Solutions appreciates the opportunity to provide comments on the New York City Department of Consumer and Worker Protection proposed rule defining “Accredited Testing Laboratory” for the purpose of carrying out Local Law 2023-39 (Subchapter 2 of Chapter 4 of Title 20 of the New York City Administrative Code). Local Law 2023-39 took an important step toward protecting the safety of New York City residents by requiring e-bikes, e-scooters, micromobility devices, and their batteries to be certified to the proper product safety standards. The changes suggested in these comments will promote a regulatory structure that meets the intent of the legislation and promotes the highest level of safety for New York City residents.

UL Solutions is a premier global safety science company. Together with our not-for-profit parent organizations, UL Standards & Engagement (ULSE) and UL Research Institutes (ULRI), UL Solutions supports the 129-year UL enterprise mission of working for a safer world. ULSE is an ANSI-accredited standards developer who brings the latest scientific advancements into practice through the development of safety standards, like UL 2849, *Standard for Electric System of Ebikes*. ULRI performs fundamental research on a variety of safety, security, and sustainability challenges. UL Solutions’ testing, inspection, and certification services help manufacturers demonstrate their products comply with the relevant standards.

Local Law 2023-39 requires devices like e-bikes and e-scooters, and their traction batteries, be certified¹ to the proper safety standards. A testing laboratory accredited to ISO/IEC 17025 means the accrediting body has determined that the testing lab is competent, consistent, and impartial in providing testing services. **However, ISO/IEC 17025 is limited to testing only and does not cover the ability to certify products.** Product certification is provided by an independent third-party and the certification mark that is issued signals that the product has

¹ 20 NYC Admin Code §§ 610(a)(1), (b)(1), (c)(1) (*i.e.*, “No personal shall distribute . . . a powered bicycle unless . . . [t]he electrical system for such bicycle has been certified by an accredited testing laboratory for compliance with [UL] 2849 . . .”, etc).

demonstrated compliance with the standard. Certification is necessary for compliance with Local Law 2023-239.

A certification body accredited to ISO/IEC 17065 means the accrediting body has determined that the certification body is competent, consistent, and impartial in providing certification services. For an e-bike, product certification services to UL 2849 not only requires testing by a competent laboratory, but it also requires a comprehensive engineering evaluation by a qualified individual from the certification body to verify the construction, materials, components, and other safety critical aspects comply with the requirements of the standard.² A certification body accredited to ISO/IEC 17065 must have qualified individuals who can perform this evaluation.

It is important to note, however, that ISO/IEC 17065 does not necessarily require the ongoing factory surveillance (inspection) of products certified by the certification body. In UL Solutions' view, periodic factory surveillance of products bearing the certification body's certification mark at the location where the product is manufactured is critical to the fulfillment of Local Law 2023-239.

To ensure full compliance with Local Law 2023-239, we recommend requiring the certification of products be carried out by Nationally Recognized Testing Laboratories (NRTL). The NRTL program requires the annual surveillance of certified products bearing the NRTL's certification mark at the product manufacturing/factory location. These inspections allow certifiers to verify that the product being manufactured at factory locations around the world continues to be constructed the same as the product that was evaluated by the certification body. It also allows the certification body to identify any changes that may have been made to the product that might affect the certification of the product and require the manufacturer to make corrections to assure the product's ongoing compliance with relevant standards.

The U.S. Department of Labor Occupational Safety and Health Administration (OSHA) oversees the NRTL program, which "[r]ecognizes private sector organizations to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards."³ Under the program, OSHA recognizes the scope of each NRTL based on the NRTL's demonstration of the necessary competency and equipment to test to a given standard. In 2018 and 2021, OSHA added UL 2271 (2018), UL 2272 (2022), and UL 2849 (2022) appropriate test standards.⁴ NRTLs seeking to certify these products to meet

² Testing provisions comprise less than half of the requirements of UL 2849, UL 2272, and UL 2271. The remaining provisions detail construction, materials, and component requirements.

³ Occupational Safety and Health Administration (n.d.). *OSHA's Nationally Recognized Testing Laboratory (NRTL) Program*. [OSHA's Nationally Recognized Testing Laboratory \(NRTL\) Program | Occupational Safety and Health Administration](#) (last visited Oct. 12, 2023)

⁴ Occupational Safety and Health Administration (n.d.). *Appropriate Test Standards*. <https://www.osha.gov/nationally-recognized-testing-laboratory-program/list-standards> (last visited Oct. 12, 2023)

OSHA requirements⁵ must have those standards within their scope of their recognition from OSHA.

Certification by an NRTL also aligns with the New York City Fire Code, under which certain products and systems must be “listed” for code compliance.⁶ The New York City Fire Code defines listed as:

A material, device, equipment, or system included on a list published by a nationally recognized testing laboratory or other approved organization performing product evaluations that maintains periodic inspection of production of such listed material, device, equipment or system, and whose listing indicates compliance with nationally recognized standards and designates suitable usage.⁷

FDNY has relied on NRTLs for listing to satisfy code requirements and related fire safety needs.⁸

To satisfy the statutory language, support the highest level of safety, and promote alignment between requirements for workplace safety and the New York City Fire Code, we would suggest adopting the following definition for this regulation:

§ 4-150 Accredited Testing Laboratories.

“Accredited testing laboratory,” as used in § 20-610 of the Administrative Code, shall mean ~~any laboratory that:~~

- ~~(i) is an International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) 17025 Accredited Independent Testing Laboratory;~~
- ~~(ii) is an International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) 17065 Accredited Certifying Body; or~~
- ~~(iii) is identified as a Nationally Recognized Testing Laboratory by the United States Department of Labor Occupational Safety and Health Administration~~

An organization which has been recognized by the United States Department of Labor Occupational Safety and Health Administration as a Nationally Recognized Testing Laboratory (NRTL) and for which the Occupational Safety and Health Administration has included UL 2849, UL 2272, and UL 2271 within the scope of the NRTL’s recognition.

⁵ Occupational Safety and Health Administration (n.d.). *Specific References to OSHA Standards Requiring NRTL Approval*. [OSHA’s Nationally Recognized Testing Laboratory \(NRTL\) Program - Specific References | Occupational Safety and Health Administration](#) (last visited Oct. 12, 2023)

⁶ *E.g.*, 29 NYC Admin Code §FC320.1 (“ . . . when tested [in] accordance with ASTM E1354, and shall be listed and labeled as such.”), §FC605.4.2 (“Portable power taps [shall be] listed in accordance with UL 1363”).

⁷ 29 NYC Admin Code §FC202.

⁸ *See e.g.*, Consumer Product Safety Commission July 27, 2023, meeting on lithium-ion battery safety, comments of FDNY Chief Fire Marshal Daniel Flynn (noting FDNY’s expectation that products should be certified to UL 2849, UL 2272, and UL 2271 by NRTLs). [CPSC’s Forum on Lithium-ion Battery Safety | CPSC.gov](#) (last visited Oct. 12, 2023)

UL Solutions appreciates the opportunity to provide comments. If you have any further questions, please contact Derek Greenauer (derek.greenauer@ul.com; 202-296-8092).

Sincerely,

/s Derek Greenauer

Director, Global Government Affairs – Americas Region
UL Solutions
1250 Connecticut Ave., NW
Suite 520
Washington, DC 20036

Trek Bicycle Public Comments on New York City's Proposed Updates to Local Law 39 of 2023

Trek Bicycle Corporation (Trek) appreciates the opportunity to submit comments on the proposed updates to New York City's Local Law 39 of 2023, addressing the safety of electric bicycles (e-bikes), other e-mobility products, and their batteries and will focus specific attention on the definition of which entities may certify these products.

Trek has been involved in the design, development, and manufacturing of e-bikes for over two decades. We have a long history of participating in, and leading, the development of safety standards for bicycles and e-bikes, and we believe minimum safety standards are essential to ensure continued consumer confidence in, and growth of, these products. For these reasons, Trek supports Local Law 39, which sets minimum safety standards for e-mobility devices in New York City. More specifically, Trek supports the Department of Consumer and Worker Protection's proposal as written to clarify what an "accredited testing laboratory" is in the context of Local Law 39. Understanding who can certify these products is important to getting e-bikes and other e-mobility products into compliance with safety standards. Additionally, inclusion of all qualified laboratories, will be essential to completing this effort as expeditiously as possible.

While OSHA's Nationally Recognized Test Laboratory (NRTL) Scheme is an excellent method for accrediting laboratories responsible for evaluating occupational safety and health standards in the United States, it is rather limited in capacity to be solely used for consumer products, such as e-mobility products. Currently, there are 21 laboratories listed in the NRTL database, and there are only a handful of those accredited to perform UL 2849, UL 2272, and UL 2271 testing and certification. However, when you consider accredited laboratories on a global level, the number of labs accredited to perform this testing increases into the hundreds. Given the large number e-mobility devices currently on the market, and an ever-growing number of new products released each year, utilizing the NRTL accreditation system alone is unlikely to provide the necessary capacity, and could result in a bottleneck and delays in certification.

For example, Trek has worked on many battery and e-bike electrical system certifications with NRTL accredited and globally accredited labs alike, and we have found that testing timeframes to be similar: a full system certification to UL 2849 can take approximately 1-2 years, while battery and other component certifications can take between 6-12 months. When these time frames are considered in the context of testing and certifying thousands of e-mobility products, it quickly becomes clear that a handful of NRTLs would likely become overwhelmed. This could dramatically increase product development timelines, introduce additional uncertainty/cost in planning and mfg scheduling, and generally make it more difficult to innovate and iterate new technology and safety features. More importantly though, it would severely hamper NYC's effort to ensure all e-mobility devices are compliant to minimum safety standards, as quickly as possible.

Utilizing the global laboratory accreditation scheme along with NRTLs, provides greater testing and certification capacity. This global scheme utilizes ISO 17025/17065 standards to evaluate

laboratory suitability, and these qualification standards are often very similar, if not identical, to the requirements of the NRTL system. Like the NRTL system, the global laboratory accreditation scheme also requires periodic audits by independent accreditation organizations (ILAC, A2LA, etc.), and this is one of the main differences in comparison to the NRTL system, in which OSHA is the primary audit/accreditation organization.

Having a larger pool of accredited labs to work with, also promotes price competition between the labs. This ultimately benefits the consumer, as the costs to test and certify a full e-system and its components currently, can easily be \$250,000 - \$500,000 in initial costs, plus an additional \$20,000-\$50,000/year in follow-up services, depending on system architecture and complexity. Of course, these costs are often passed on to consumers in the end product pricing.

Hopefully our insight as an American manufacturer of ebikes, standards development leader, and daily participant in ebike testing and certification, can help support DCWP's proposal. Thank you for considering our comments.

If you have any questions about our comments, please contact Jeff Jambois, Product Compliance Engineer at the following email address: jeff_jambois@trekbikes.com.



October 14, 2023

Comments from Human Powered Solutions regarding DCWP proposed rule for implementation of Local Law 2023-39

Human Powered Solutions, LLC (HPS) is a consultancy comprised of bicycle industry professionals with over 200 years of experience in the industry. We are principally focused on the development and proliferation of personal micromobility transportation vehicles in North America. We have worked tirelessly in cooperation with our principal client, the National Bicycle Dealers Association (NBDA) and in close collaboration with Underwriters Laboratories.

Regarding New York's proposed Local Law 2023-39, HPS firmly believes that testing and certification of electric bicycles sold in New York City (and other jurisdictions covered by said proposed law) to the mandated standard UL 2849 be conducted by Nationally Recognized Testing Laboratories (NRTL).

We hold this position for several specific reasons:

- The U.S. Department of Labor Occupational Safety and Health Administration (OSHA) administers the NRTL program, which “recognizes private sector organizations to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.” Under the program, OSHA recognizes the scope of each NRTL based on the NRTL’s demonstration of the necessary competency and equipment to test to a given standard.
- In addition to testing products for compliance to specific standards, a NRTL will also perform a comprehensive engineering analysis by qualified experts from the certification body to verify the construction, materials, components, and other safety critical aspects comply with the requirements of the standard.
- The NRTL program requires the annual surveillance of certified products bearing the NRTL’s certification mark at the product manufacturing/factory location. These inspections allow certifiers to verify that the product being manufactured at factory locations around the world continues to be constructed the same as the product that was evaluated by the certification body. It also allows the certification body to identify any changes that may have been made to the product that might affect the certification of the product and require the manufacturer to make corrections to assure the product’s ongoing compliance with relevant standards.

Given the catastrophic dangers posed by unregulated micromobility devices, as evidenced by New York City’s recent experiences with substandard lithium-ion battery packs, we believe that it is imperative that testing and certification of these devices is carried out by the most qualified

testing laboratories. Testing and certification performed on a one-time basis is not sufficient to prevent potentially hazardous products from entering the marketplace. In-depth engineering analysis of said products, and regular, unannounced inspections of production facilities are required to insure the development of appropriate specifications and on-going adherence to those specifications. Nothing less is acceptable given the risks that substandard products present in the marketplace.

Human Powered Solutions strongly recommends that New York City mandates that compliance testing and certification of micromobility products sold in New York be performed by Nationally Recognized Testing Laboratories certified by the U.S. Department of Labor Occupational Safety and Health Administration.

Thank you for the opportunity to present Human Powered Solution's position on this critically important topic. We are happy to discuss our position at any time in the future.

Michael A. Fritz
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Giant Bicycle, Inc.
3587 Old Conejo Rd
Newbury Park CA 91320

October 15, 2023

Via Website and U.S. Post

New York Department of Consumer and Worker Protection
42 Broadway, 9th Floor
New York, NY 10004

RE: Giant Bicycle, Inc. Public Comments on New York City Department of Consumer and Worker Protection Proposed Safety Standards for Powered Bicycles, PMDs, and Batteries (Reference Number 2023 RG 063)

Giant Bicycle, Inc. is the US Distributor of Giant, Liv, and Momentum branded bicycles and E-Bicycles. Our products are sold through 1000+ independently owned small business retailers throughout the United States. The Giant Bicycle family includes Giant Manufacturing which is the world's largest producer of quality bicycles including engineering and building E-Bikes for over 25 years. Our world-class supply partners for E-Bike components include Yamaha motors and Panasonic batteries.

Giant's E-Bike engineering and manufacturing always put consumer safety and the highest quality product standards as the top priority for long-term sustainable global business. Giant has always met, exceeded, or set industry standards for mechanical and electronic components.

Giant Bicycle, Inc. and Giant Manufacturing focus on continuous improvements and the evolution of products and standards. Giant has adhered to the Internationally adopted "EN15194" global E-Bike safety standards since its inception in 2009, followed by 2nd generation updates instituted in 2017 as well as the globally harmonized United Nations UN38.3 battery transport test standards. Giant uses certified 3rd party validation testing laboratories in Europe, the United States, and Asia, including UL laboratories business testing for the compliance standards listed above.

Choices in safety standards that are equal are good for the industry and acceptable if harmonized by their redundancies. UL Labs created the UL2849 lab product standard from the existing EN15194 standard as a redundant choice. However, a potential monopolization of a redundant standard applies more stress on the consumer economy and small businesses without any improvement in unsafe products imported into the US by non-complying entities or their importers of those products. By endorsing and harmonizing the redundant EN15194 E-Bike global safety standards, Giant affirms our commitment to manufacturing products that adhere to the highest safety and quality standards. We believe that a unified international approach to standards development will harmonize regulations across markets, eliminate trade barriers, and streamline compliance efforts for manufacturers, ultimately benefiting consumers and small businesses as a whole.

Giant Bicycle, Inc.

3587 Old Conejo Road, Newbury Park, CA 91320

800-US-GIANT

FAX: 800-637-9704



A rule that limits testing to only one Nationally Recognized Testing Lab (NRTL) will result in limited product offering to consumers, higher consumer costs and accessibility, unequal product offering, and **will not** provide a product that is safer than a product that meets harmonized and well established International testing standards.

In conclusion, we applaud the New York Mayor's office, the FDNY, and the Department of Consumer and Worker Protection for taking action to protect citizens and businesses from unsafe and untested products. We believe this endeavor aligns with our shared goals of promoting consumer safety and advancing sustainable transportation solutions.

Yours sincerely,

John Munhall
Director of Bicycle Product

Allen Needle
Risk Manager



Memo

September 14, 2023

To: Beam Bike Inc.

From: Joseph Mayonado, PE

Subject: Equivalency Assessment of E-Bike Testing to UL Standards

Executive Summary

This memorandum presents the findings of an equivalency and gap assessment, which was conducted to provide a comparison of the European (EN) and International Electrotechnical Commission (IEC) standards (EN 15194 and IEC 62113) as they align with the Underwriters Laboratories (UL) standards (UL 2849 and UL 2271).

As the EN and IEC listing are intended for comparable products, this assessment finds that these standards largely overlap in scope and intent. Specific areas where testing and evaluations are more and less robust have been identified below.

Scope of Equivalency Assessment

The scope of the equivalency assessment focused on comparing Beam Bike Inc's existing e-bike test reports with the corresponding UL standards. Specifically, this assessment included an examination of the testing methodologies employed in the existing test reports in relation to those required by the UL standards.

EUROPEAN E-BIKE STANDARDS

+ EN 15194 – Standard for Electrically Power Assisted Cycles - EPAC Bicycles.

EN 15194 is the primary European standard specifically developed for electric bicycles. The standard establishes the technical requirements for electric systems, construction, and safety features of e-bikes. EN 15194 has been harmonized under the EU's Machine Directive and was developed to assess response to significant hazards, hazardous situations and hazardous events when the product is used as intended by the manufacturer or during reasonably foreseeable misuse by the user(s).

This standard includes a wide variety of safety tests and performance requirements for electric bikes, including mechanical components, electrical circuitry, power management systems, charging systems, battery design, and battery durability.

+ IEC 62133-2 – Safety Testing for Lithium Ion Batteries

This standard focuses on the safety of lithium-ion cells and batteries, including those used in e-bikes under intended use and reasonably foreseeable misuse. It provides guidelines for testing and evaluating the safety of batteries, including aspects such as electrical, mechanical, and environmental performance.

Test Items:

- T.1 Charging procedures for test purpose
- T.2 Vibration Test
- T.3 Molded case stress at a high ambient temperature
- T.4 Extreme Temperature Charging
- T.5 External short circuit
- T.6 External short circuit
- T.7 Lithium-ion Battery Freefall
- T.8 Thermal abuse
- T.9 Crush
- T.10 Over-charging
- T.11 Forced discharge
- T.12 Transport Tests

UL E-BIKE STANDARDS

+ UL 2849 – *Standard for Electrical Systems in E-bikes.*

This standard is specific to electrical systems in e-bikes. It sets forth safety requirements and testing procedures to ensure the safe and reliable operation of electrical systems in e-bikes.

+ UL 2271 – *Standard for Batteries for Use in Light Electric Vehicle (LEV) Applications.*

This standard focuses on batteries used in light electric vehicle applications, which include e-bikes. This standard provides requirements and testing procedures to evaluate the safety and performance of these batteries.

Findings

COMPARISON OF STANDARDS

Two equivalency comparisons were performed to evaluate the alignment of safety criteria and testing methodologies between the current standards and UL standards as follows:

- EN 15194 versus. UL 2849
- IEC 62133-2 versus. UL 2271

The equivalency assessment revealed that the EU standard methodologies align with many of the requirements of the UL standards. Notable areas of overlap include criteria and testing methodologies related to mechanical safety, battery safety and durability, electrical safety, and environmental conditions testing. These shared attributes within the current test protocols demonstrate substantial similarities with the fundamental safety and performance benchmarks of UL standards. Similarities are highlighted in the table below.

Some discrepancies in EU standards identified mainly relate to (1) electrical circuit testing (2) specific sub-component listings, and (3) specific environmental testing.

Tables 1 and 2 provide a breakdown of alignment and differences between the current EN and IEC standards and corresponding UL standards in various safety and compliance aspects.

Table 1: EN 15194 vs. UL 2849:

Aspect	Similarities	Differences
Mechanical Safety	Alignment in most mechanical safety requirements, including frame/fork strength, brake performance, wheel and tire specifications, and safety features, including lights and reflectors.	EN 15194 includes more robust requirements, while UL 2849 references country installation codes and standards, and these requirements are generally equivalent.
Electrical Safety	Alignment in most electrical safety and abuse testing (impact & free fall) methodologies for batteries, including motors, controllers, batteries, and wiring.	Additional testing criteria in UL 2849 for electrical circuits, including temperature, isolation resistance, dielectric strength, component fault, locked rotor motor, and running overload.
Performance Safety	Alignment in performance criteria, including power output and speed limits, battery performance, control system operation, braking capabilities, stability and handling, noise emissions, and lighting systems.	EN 15194 includes more robust requirements, while UL 2849 references country installation codes and standards.
Environmental Conditions	Similar temperature testing requirements. While other conditions are not explicitly covered in EN 15194, are indirectly addressed through material component requirements, recyclability, and energy efficiency guidelines.	UL 2849 adds safety tests, including humidity conditioning, ventilation, mold stress, ingress protection, and vibration.
Electromagnetic compatibility (EMC)	Alignment in most EMC requirements, including radiated emissions limits, electrostatic discharge, and conducted emissions limits.	EN 15194 includes more robust requirements, while UL 2849 references country installation codes and standards. EN 15194 includes electromagnetic field and electrical fast transients' immunity tests, which are not covered by UL 2849.
Components Requirements	Alignment in some components criteria, including batteries, electric motors, control systems, chargers, lighting systems, brake components, pedals, frames, wheels, tires, saddles, chain guards, and kickstands.	UL 2849 adds specific components requirements, including UL-compliant motors/controllers or additional tests, UL-compliant circuit boards, cables, connectors, and flame-resistant non-metallic enclosures, internal parts, and wiring boards. Permanent marking, UV and corrosion-resistant enclosures, circuit spacings.
Production Surveillance	Not explicitly covered in EN 15194, Manufacturers are expected to perform inspection services, maintain consistent production quality, and adhere to the specified requirements throughout the manufacturing process.	Manufacturer inspection criteria in UL 2849.

Table 2: IEC 62133-2 vs. UL 2271

Aspect	Similarities	Differences
Mechanical Safety	Alignment in some testing criteria for vibration, crush, and mechanical durability.	UL 2271 includes additional mechanical impact testing requirements not covered in IEC 62133.
Electrical Safety	Alignment in most electrical requirements, including overcharge and over-discharge protection, short circuit protection, electrical performance, and insulation.	Cell balancing is not explicitly addressed in UL 2271 but is part of IEC 62133. UL 2271 includes more specific performance criteria than IEC 62133.
Chemical Safety	Alignment for chemical stability, battery chemistry, and thermal testing requirements to minimize the impact of thermal runaway and fires.	UL 2271 includes more specific chemical safety criteria than IEC 62133.
Environmental Conditions	Alignment for temperature tests, mold, marking & labeling requirements, and documentation for safety & compliance (i.e. construction, specifications & safety features).	UL 2271 includes additional endurance and environmental testing requirements.

Conclusion

In comparison to the UL listings, certain aspects of the EN and IEC safety testing and criteria are considered more robust, less so, or simply validated by different approaches. As such, complete equivalency cannot be accredited. However, the equivalency assessment additionally indicates that the requirements of the primary EU E-bike standards (EN 15194 & IEC 62133-2) significantly overlap with their corresponding UL standards and provide a very similar standard of care for these products.

If you have any questions, please contact me at 917-474-1315 or jmayonado@jensenhughes.com.

Respectfully,

Jensen Hughes Engineering, P.C.



Joseph Mayonado, P.E.

Senior Engineer

**American Honda Motor Company Public Comments on New York City
Department of Consumer and Worker Protection Proposed Safety Standards
for Powered Bicycles, PMDs and Batteries
(Local Law 39 of 2023)**

American Honda Motor Company (“Honda”) is pleased to submit these comments to the New York City Department of Consumer and Worker Protection (“DCWP”) in support of its proposed rule to implement Local Law 39 of 2023 (“LL39”).

Honda is committed to the use of safe materials in all of its products. Currently, Honda is working on bringing the Motocompacto, a new electric scooter to the market, which is a homage to the Motocompo scooters from the ’80s and uses a tested and certified Lithium-Ion battery.

Honda supports DCWP’s proposed clarification to the definition of “accredited testing laboratory” as written in the proposal. Allowing manufactures to have multiple labs meets market demand and allows companies flexibility when obtaining tests.

However, DCWP’s clarification of LL39 did not go far enough. DCWP needs to expand the rulemaking on LL39 to clarify the process by which “such other safety standard as the department has established by rule in consultation with the fire department” which is noted multiple times¹ throughout the law after the “accredited testing laboratory”.

Like with additional laboratories, establishing a process to provide and receive approval outside the only one enumerated safety standard in LL39, is critical for safe innovation and growth in this filed. For example, the Motocompacto has been tested to meet the 2271/2272 standards specified in LL39 but these tests were done with several component tests vs. one accreditation. As the law is currently written, it is not clear how Honda would comply with LL39 unless it runs a costly brand-new test. As the market continues to grow, and the safety standards for the products change, having a clear process in place that recognizes equivalent testing methods and safety standards that were in place prior to LL39 is critical to ensure the safety of all New Yorkers.

We encourage DCWP to create a mechanism, as called for in LL39, for business to confirm safety outside a single accreditation. Giving business flexibility is key to ensure compliance.

If you have any questions about our comments, please contact, Craig Orlan, Director of State and Local Government Affairs, American Honda Motor Company, Inc. at craig_orlan@na.honda.com. Thank you for considering our comments.

¹ § 20-610 (a)(1), (b)(1), (c)(1)

Oct 16th, 2023

From: Matias Alvarez – Chief Operations Officer Blaupunkt Americas

RE: Argument Against Accepting International Laboratories for Powered Mobility Devices in NYC:

As COO of Blaupunkt Americas, I echo the sentiment of my colleague, Brian Tedesco on the proposal of allowing *“any testing laboratory that is an International Organization for Standardization and International Electrotechnical Commission (“ISO/IEC”) 17025 Accredited Independent Testing Laboratory, an ISO/IEC 17065 Accredited Certifying Body”* is deeply concerning and flawed. Here’s why:

Having spent more than a decade in the cycling industry in different roles, including directing smaller European ebike brands while entering the US market, it is crucial to maintain safety and quality standards for emobility devices by requiring the use of Nationally Recognized Testing Laboratories before product is distributed within the US. Having worked closely with manufacturers over the last few years, it has become an issue of concern when new brands enter the market with product which has not been evaluated by NRTL’s. Many of the smaller brands which have entered the market and exited within 18 months failed due to untested electronic components, primarily batteries and wiring harnesses, although they were evaluated by their local international laboratories. These failures generated battery warranties, concerns for overcharging when depleted due to subpar engineering/design and use of alternate vendor components which did not meet UL standards. Lithium batteries are extremely sensitive to assembly and design, which can cause failures in various conditions.

A clear indicator of this concern is the volume of batteries which have been recycled by Call2Recycling since November 2021; as of September 2023, 43,000 pounds of lithium batteries have been recycled – many by manufacturers addressing failed batteries.

Local government and regulatory agencies must be focused on preserving the safety of this country’s residents and becoming the global leader in consumer confidence and safety, driving increased responsibility from the manufacturers to provide the safest product to our customers and their loved ones by requiring the use of NRTL’s prior to product distribution in their communities.

Sincerely

Matias Alvarez

Chief Operating Officer
Blaupunkt Americas

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Company ID RUC 80100313-0



October 16, 2023

Filed electronically via
<http://rules.cityofnewyork.us>

New York City Department of Consumer and Worker Protection
42 Broadway
New York, NY 10004

Re: PRBA Comments Supporting DCWP's Proposed Rule to Implement Local Law 39

PRBA – The Rechargeable Battery Association (PRBA) is providing these comments in support of the Department of Consumer and Worker Protection's ("DCWP") September 15, 2023 Proposed Rule to implement Local Law 39 of 2023. PRBA strongly supports DCWP's efforts to improve on the safety of powered bicycles and powered mobility devices and clarify the types of laboratories that can certify these devices and storage batteries subject to testing in accordance with UL 2272, UL 2271, and UL 2849. We have also addressed a separate issue on page 2 related to testing of the storage batteries for your consideration.

BACKGROUND ON PRBA

PRBA is an internationally recognized non-profit trade association based in Washington, D.C. We represent manufacturers of lithium batteries and devices powered by them and various associated industries, including manufacturers of powered bicycles and powered mobility devices. Our members also include testing laboratories, cell manufacturers, battery assemblers, battery recyclers, battery collection programs, retailers, airlines, and leading manufacturers of mobile telephones, tablet and notebook computers, point-of-sale terminals, hand-held scanners, power tools, flashlights, outdoor power equipment, medical devices, electric vehicles, and defense products. We have existed for over 30 years—since 1991, when the portable consumer product revolution had just begun.

PRBA also recently testified before the Consumer Product Safety Commission and filed comments with the Agency in response to their June 6, 2023 Notice on Lithium ion Battery Safety, Meeting and Request for Comments. (*See* 88 Fed. Reg. 37042.)

ACCREDITED TESTING LABORATORIES

We support DCWP's proposal to provide manufacturers of powered bicycles and powered mobility devices the flexibility to use laboratories that meet the requirements of ISO/IEC 17025, ISO/IEC 17065, or Nationally Recognized Testing Laboratory by the United States Department of Labor Occupational Safety and Health Administration. However, we believe the text to define these laboratories could be improved and therefore have provided below our recommended edits to the definition:

“Accredited testing laboratory,” as used in § 20-610 of the Administrative Code, shall mean any laboratory that has within their scope of accreditation UL 2271, UL 2272, and UL 2849, as applicable, and:

~~(i) is an International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) 17025 Accredited Independent Testing Laboratory~~ meets the accreditation requirements found in the ISO/IEC 17025 standard; or

~~(ii) is an International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) 17065 Accredited Certifying Body~~ is an Accredited Certifying Body in accordance with the ISO/IEC 17065 standard; or

(iii) is identified as a Nationally Recognized Testing Laboratory by the United States Department of Labor Occupational Safety and Health Administration

LOCAL LAW 39 STORAGE BATTERY TESTING REQUIREMENTS

PRBA fully supports the testing requirements in Local Law 39 for powered bicycles and powered mobility devices and related storage batteries. We nonetheless have found an inconsistency in the law related to testing of the storage batteries that we believe requires immediate attention by DCWP and should be corrected.

If the electrical system of a powered bicycle is required to be certified to UL 2849, it automatically means that the storage battery complies to one of the four methods stated in UL 2849 has been verified. That is, an electrical system of a powered bicycle cannot be certified to UL 2849 without meeting all requirements for the storage battery. Under this scenario, it would be redundant to require testing of such storage batteries in accordance with Section 20-610.c.1. of Local Law 39.

To address this inconsistency, we request the following amendment to New York City Administrative Code, Chapter 4: Regulation of Commodities and Services, Subchapter 2: Powered Mobility Devices, Section 20-610.c.1:

Such storage battery has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2271, or such storage battery is part of an electrical system for powered bicycle that has been certified by an accredited testing laboratory for compliance with the Underwriters Laboratories (UL) standard 2849, or such other safety standard as the department has established by rule in consultation with the fire department; and

* * *

Thank you for the opportunity to provide these comments. I can be reached at 202.719.4109 or gkerchner@wiley.law if you have any questions regarding our comments.

Respectfully,

George Kerchner

George Kerchner
Executive Director



Amy Healy
Vice President, Government Affairs
(908) 305-1400
1065 6th Ave.
15th Floor
New York, New York, 10018

October 16, 2023

Commissioner Vilda Vera Mayuga
NYC Department of Consumer and Worker Protection
42 Broadway
New York, NY 10004

Dear Commissioner Mayuga,

Grubhub applauds efforts to address the rising issue of e-battery fires that have affected the lives of too many New Yorkers, including the many food delivery couriers on the Grubhub platform. Delivery partners are essential to thousands of communities and businesses, including Grubhub's, and helping to ensure their safety – and the safety of all New Yorkers – is a top priority.

I write to express Grubhub's support for the Department of Consumer and Worker Protection (DCWP) rules to implement new legislation that requires safety standards for all powered bicycles, powered mobility devices and their batteries that are distributed, sold, leased, or rented in New York City. Local Law 39 of 2023, codified in Subchapter 2 of Chapter 4 of Title 20 of the New York City Administrative Code, requires these powered bicycles, powered mobility devices, and their batteries be tested by an accredited testing laboratory for compliance with certain safety standards.

This proposed rule would clarify that an "accredited testing laboratory" is any testing laboratory that is an International Organization for Standardization and International Electrotechnical Commission ("ISO/IEC") 17025 Accredited Independent Testing Laboratory, an ISO/IEC 17065 Accredited Certifying Body, or participates in the U.S. Department of Labor Occupational Safety and Health Administration Nationally Recognized Testing Laboratory program.

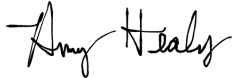
Grubhub also supports Federal legislation introduced by United States Senators Kirsten Gillibrand and Chuck Schumer, and Representative Ritchie Torres, S.1008/H.R. 1797, *Setting Consumer Standards for Lithium-Ion Batteries Act*, which would require the Consumer Product Safety Commission to promote product safety standards in regard to rechargeable lithium-ion batteries in mobility devices.

While this issue goes well beyond the food delivery industry with many other companies and people relying on e-bikes, Grubhub is doing its part on the ground to combat the issue. We recently announced several new initiatives aimed at creating a safer, more sustainable environment for delivery partners who utilize e-bikes in New York City. This includes a [pilot program with JOCO](#), a leading delivery e-bike rental platform founded in New York City in 2021. The JOCO partnership will provide at least 500 delivery partners free access to more than a thousand safety certified e-bikes, as well as more than 55 JOCO hubs for continuous safe e-bike storage, battery exchange and distribution of delivery partner gear. Grubhub is also working collaboratively with New York City leaders, the Fire Department of the City of New York (FDNY), and industry partners to advance the safety of couriers and residents. Key initiatives include a \$100,000 grant from the Grubhub

Community Fund to the FDNY Foundation and a new rest hub for delivery partners, the JOCO Concierge Sponsored by Grubhub, which opened in June 2023.

Grubhub is eager to continue working with our partners in NYC to address this issue by spreading public awareness and directly communicating with delivery partners about safe e-bike use, while preserving access for those who rely on them and tackling the clear need for a better, more cohesive charging infrastructure. We look forward to a continued dialogue with your office on this critical issue and on ways to best partner to pass this important legislation into law.

Sincerely,

A handwritten signature in black ink that reads "Amy Healy". The signature is written in a cursive, flowing style.

Amy Healy
Vice President of Government Affairs
Grubhub

Online comments: 23

- **baruch herzfeld**

The term 'accredited' in the law, as currently written, is too vague. It doesn't say what the criteria for being accredited is, or even where the lab has to be accredited. Conceivably, a bad actor could claim they are certified according to UL standards by a lab accredited in North Korea, with no way of verification of this accreditation.

That being said, accreditation should not be used to keep new companies out of the market, by allowing a few select labs to charge prohibitive fees, or alternatively, add months or years to a product release cycle, because testing labs are backed up.

Ideally, the DWCP should maintain an updated list of accredited labs, so potential vendors that want to service the NY market are not confused. Furthermore, the UL standards checklist should be published on the DWCP website. Vendors that want to service the NY market should not have to purchase standards for battery safety from an outside vendor.

Comment added September 18, 2023 8:08pm

- **Gabriel Centeno**

These scooters and e-bikes need to be more strictly regulated, they are ruining the NYC pedestrian and normal bike rider daily life.

Comment added September 19, 2023 9:23am

- **Virginie Niedermayer**

I agree that battery safety standards are a good idea, especially given the recent fires in apartment building caused by them.

As a pedestrian, however, I am more interested in tightening road rules and ticketing for bicycles (whether electric or not) and scooters. They drive through red lights, on sidewalks and against the traffic, endangering the lives of countless people.

Comment added September 21, 2023 1:32pm

- **Batur Oktay**

Attached are the comments of Rad Power Bikes, Inc.

[Comment attachment](#)

2023-09-21-Rad-Power-Bikes-Public-Comments-to-NY-DCWP-Proposed-Safety-Standards.docx

Comment added September 21, 2023 4:38pm

- **Ron Wisniski**

These rules solve nothing. All battery powered bikes and scooters etc. should be BANNED from NYC streets. The danger is real and absolutely nothing is being done about the chaos on our streets. The only bikes allowed should be of the pedal variety. The Mayor and NYPD MUST ENFORCE TRAFFIC LAWS and write tickets with fines for riding on sidewalks, going the wrong way in bike lanes etc. Every day our streets become more chaotic and dangerous.

Comment added September 22, 2023 7:29am

- **Humayun Zia**

These electric bikes and scooters should be banned and nypd has to step down by writing this tickets with fines whoever is riding against the pediatrician and traffic. They are very dangerous for the people who are moving in NYC traffic

Comment added September 22, 2023 1:10pm

- **Mireille**

Very informative

Comment added October 6, 2023 8:09am

- **Carrie Michaels**

As a core member of the NYC-EVSA, I firmly stand with legislation pending requiring a valid driver's license, registration, plates and insurance from ALL EVEHICLES. The landscape of NYC has drastically

changed and, in my experience, for the worst – with the advent and subsequent onslaught of deliver riders and recreational CITIBIKE users – who are some of the worst violators of traffic laws. Arrogant, irreverent and careless, selfish at the cost of lives, both groups need to be to fined and ticketed and to have their vehicles confiscated if they cannot abide by traffic laws designed for safety for all.

The NYPD, while laws are in place to penalize riding on sidewalks and motorcycle mopeds dangerously zooming through the bike lanes, do not enforce these laws. Daily injuries and worse are recorded in our group. Open Plans is an abuse of NYers city streets, a capture by the Uber and Lyft app system to make enormous money. I agree with another in this thread that now these open areas are unsanitary and trash-filled hangouts. please clean up the city streets!

Signing Bob Holdens bill, 0758-2022, is a great start towards our personal NYC-well-being

Comment added October 7, 2023 12:16am

- **Mergen Saryyev**

Hi there.

we are Bikerent.NYC

we had a fleet of 80 ebikes

because of this legislation damaged our business. even Giant Bikes has EN15194 certificate and got a ticket.

we start selling our bike for 3rd the sale price.

we got financially and unfairly damaged by this law.

Please as a business owner ask to consider allowing other accredited lab testing.

thank you for your consideration.

Sincerely

Mergen

Comment added October 10, 2023 1:13pm

- **Leo Yermakov**

I spent 14 years at UL in different engineering/technical capacities and now 8 years at SRAM as Regulatory Compliance Director. I have seen both sides of the regulatory work and required efforts.

SRAM supports most stringent certification of batteries and battery chargers.

Batteries should be certified to UL2271, which is very similar to its EU counterpart, EN50604.

Battery chargers should be certified to UL60335-1 and UL60335-2-29, which are equivalent of what is required in EU. Or, UL62368-1, which is used to test/certify power supplies for laptops and other ITE equipment.

The testing for both should be performed by NRTL with a test house mark on the product and follow-up procedure to ensure good manufacturing quality.

When it comes to eBikes, we should take similar approach to what is done under EN and ISO standards – test to the required standards through competent and ISO17025 accredited test lab, require a declaration and test reports (technical reference file), but do not require NRTL mark on the eBike. Requiring NRTL certification does not make the system safer or addresses the battery fire issues we see in NY city. It will though make the time to market more complicated and the eBikes more expensive. Bad actors will still be able to avoid any certifications under the de minimis rules, while responsible manufacturers, who already go above and beyond will be placed in further competitive disadvantage without making a system any safer.

Comment added October 10, 2023 5:04pm

- **Brian Anthony Tedesco**

As President of Blaupunkt Americas a manufacture of consumer electronics products for over 60 years and father of 3-daughters that ride powered emobility devices daily this proposal to allow “any

testing laboratory that is an International Organization for Standardization and International Electrotechnical Commission (“ISO/IEC”) 17025 Accredited Independent Testing Laboratory, an ISO/IEC 17065 Accredited Certifying Body” is deeply concerning and flawed. Here’s why:

1 Primary Regulatory Jurisdiction: The primary concern for consumer protection in New York City should be under the jurisdiction of nationally recognized U.S. regulatory bodies. Relying on standards set by OSHA, a nationally recognized body, ensures that the devices adhere to regulations that are tailored to the specific needs of American consumers, rather than broad international standards.

2 Tailored Safety Protocols: Nationally Recognized Testing Laboratories (NRTLs) have a comprehensive understanding of local safety protocols, standards, and potential risks specific to the U.S. and, by extension, NYC’s unique environment. International standards, while rigorous, might not account for the specific urban dynamics and challenges of New York City.

3 Consumer Safety Risks: The high-density urban environment of NYC presents unique challenges for powered mobility devices, especially electric bicycles. Given the city’s fast-paced traffic, frequent stops, variable weather conditions, and rough roads, electric bicycles and their lithium-ion battery packs must undergo rigorous testing. If brands opt for potentially cheaper testing facilities as described in sections (i) and (ii), this might result in lax safety protocols, thereby endangering NYC residents.

4 Dangers of Lithium-ion Batteries: E-bikes utilizing lithium-ion battery packs have the potential to be particularly hazardous if not adequately tested. These batteries can pose risks of overheating, fire, or even explosions if not manufactured or maintained to the highest standards. Given these risks, a testing body recognized at the national level is essential to ensure that every aspect of these battery packs is tested to rigorous standards.

5 Cost-Cutting at the Expense of Safety: If brands of e-bikes are allowed to co-opt cheaper testing facilities, they might cut corners in

terms of safety to reduce expenses. This cost-saving move could jeopardize the safety of NYC consumers, subjecting them to products that have not been tested under stringent national safety regulations.

6 Accountability and Oversight: U.S. nationally recognized testing labs are directly accountable to U.S. regulatory bodies. In case of any discrepancies or issues, the direct line of accountability ensures that corrective actions can be taken swiftly. With international organizations, the chain of accountability is lengthened, possibly leading to delays or reduced effectiveness in addressing safety concerns.

7 Consumer Trust: Relying solely on nationally recognized testing laboratories fosters higher trust among consumers. Knowing that their powered mobility devices have been scrutinized by a laboratory directly overseen by a U.S. regulatory body gives consumers peace of mind.

In light of these arguments, while the intention behind the DCWP's proposal to include multiple testing avenues might be to increase accessibility and variety, it's crucial to prioritize the safety of NYC residents. By focusing on nationally recognized testing standards, New York City can ensure that all powered mobility devices, especially those with potentially hazardous components like lithium-ion batteries, meet the highest safety standards before reaching consumers. Lets move forward with e-powered devices safety.. not backwards.

[Comment attachment](#)

Ltr-Blaupunkt-to-DCWP.pdf

Comment added October 12, 2023 2:41pm

- **Larry Pizzi**

Please find Alta Cycling Group's public comments in the attachment.

[Comment attachment](#)

Alta-Public-Comment_2023_RG_063.pdf

Comment added October 13, 2023 11:28am

- **Upway USA**

Please find attached the comments of Upway USA Inc.

[Comment attachment](#)

UPWAY-USA-INC-Public-Comments-on-New-York-City-Department-of-Consumer-proposal.pdf

Comment added October 13, 2023 1:45pm

- **Michael Baker**

Comments attached from ACT Lab. Thank you.

[Comment attachment](#)

ACT-Public-Comment-on-NYC-DCWP.pdf

Comment added October 13, 2023 2:04pm

- **Meghan Housewright**

Please see attached comments.

[Comment attachment](#)

2023.10.12-Accredited-Lab-Definition-UL-Solutions-Comments.pdf

Comment added October 15, 2023 12:37pm

- **Jeff Jambois**

Please see Trek Bicycle's Comment on this matter (attached). I am a Compliance Engineer at Trek Bicycle, and am responsible for testing, certification, safety, and compliance of all our ebikes and their components. Please do not hesitate to reach out if you have any questions or concerns.

[Comment attachment](#)

Trek-Comments-on-NYC-Proposal-Oct-16-2023-.docx

Comment added October 15, 2023 2:10pm

- **Matt Moore**

Please see attached Comment from PeopleForBikes

[Comment attachment](#)

DCWP-Comment-10-15-23-PeopleForBikes.pdf

Comment added October 15, 2023 5:00pm

- **Mike Fritz**

See attached...

[Comment attachment](#)

NYC-Local-Law-2023-39.pdf

Comment added October 15, 2023 6:34pm

- **Allen Needle**

Please see attached comment from Giant Bicycle.

[Comment attachment](#)

Giant-Public-Comment-DCWP.pdf

Comment added October 15, 2023 9:53pm

- **Matias Alvarez**

Oct 16th, 2023

From: Matias Alvarez – Chief Operations Officer Blaupunkt Americas

RE: Argument Against Accepting International Laboratories for Powered Mobility Devices in NYC:

As COO of Blaupunkt Americas, I echo the sentiment of my colleague, Brian Tedesco on the proposal of allowing “any testing laboratory that is an International Organization for Standardization and International Electrotechnical Commission (“ISO/IEC”) 17025 Accredited Independent Testing Laboratory, an ISO/IEC 17065

Accredited Certifying Body” is deeply concerning and flawed. Here’s why:

Having spent more than a decade in the cycling industry in different roles, including directing smaller European ebike brands while entering the US market, it is crucial to maintain safety and quality standards for emobility devices by requiring the use of Nationally Recognized Testing Laboratories before product is distributed within the US. Having worked closely with manufacturers over the last few years, it has become an issue of concern when new brands enter the market with product which has not been evaluated by NRTL’s. Many of the smaller brands which have entered the market and exited within 18 months failed due to untested electronic components, primarily batteries and wiring harnesses, although they were evaluated by their local international laboratories. These failures generated battery warranties, concerns for overcharging when depleted due to subpar engineering/design and use of alternate vendor components which did not meet UL standards. Lithium batteries are extremely sensitive to assembly and design, which can cause failures in various conditions.

A clear indicator of this concern is the volume of batteries which have been recycled by Call2Recycling since November 2021; as of September 2023, 43,000 pounds of lithium batteries have been recycled – many by manufacturers addressing failed batteries. A quick look at EU based ebike brands who entered the US market in 2021 and left by 2023 would reveal some of these brands.

Local government and regulatory agencies must be focused on preserving the safety of this country’s residents and becoming the global leader in consumer confidence and safety, driving increased responsibility from the manufacturers to provide the safest product to our customers and their loved ones by requiring the use of NRTL’s prior to product distribution in their communities.

Sincerely

Matias Alvarez

Chief Operating Officer
Blaupunkt Americas

[Comment attachment](#)

Ltr-Blaupunkt-to-DCWP-MA.pdf

Comment added October 16, 2023 10:46am

- **Roger Yueh - Brompton Bicycles**

Brompton Bicycles takes the safety of our customers and the wider public extremely seriously, and support efforts to ensure that only safe bicycles and be sold in NYC. In our opinion the best way to do this, whilst maintaining a wide choice of e-bikes for consumers in NYC, is to ensure that as wide a group of test labs can certify bicycles to relevant safety standards as possible. We believe that EN 15194 is amongst these standards as evidenced by the safety record of products compliant with it and support the proposal from People For Bikes to this end.

The laboratories proposed in the draft ordinance are independent, certified, and competent. Limiting to NRTL's only would limit testing capacity, leading to a limited choice of safe product for the New York consumers. Inevitably, if there are not plentiful safe options available, then consumers will find ways to circumvent the new E-bike rules, leading to more unsafe products in the City of NYC."

Comment added October 16, 2023 10:49am

- **American Honda**

See attached comments from American Honda.

[Comment attachment](#)

American-Honda-Comments-on-DCWP-Rule-Making-LL39-of-2023.pdf

Comment added October 16, 2023 1:42pm

- **George Kerchner**

Comments from PRBA – The Rechargeable Battery Association are attached.

[Comment attachment](#)

PRBA-Comments-on-Local-Law-39-of-2023-NY-City-October-2023.pdf

Comment added October 16, 2023 2:41pm