

NEW YORK CITY
DEPARTMENT OF CONSUMER AND WORKER PROTECTION

DCWP RULES HEARING: IMPLEMENTATION OF
LL 49 AND LL 50 OF 2024

VIRTUAL PUBLIC HEARING

REMOTE - VIA TELECONFERENCE

August 30, 2024

INDEX

| Name/Title | Page |
|--|------|
| Karline Jung, Hearing Officer | 3 |
| Sam Goldsmith, Councilmember Brewer's Office | 5 |
| Jenna Powers, Member of Public | 7 |
| Julia Bryant, Member of Public | 8 |
| Councilmember Gail Brewer | 9 |
| Karl, Member of Public | 13 |

1 MS. KARLINE JUNG: Hi, everyone. We're going
2 to get started in a minute or two. I'm just going to
3 let some more people come in. Hi, everyone. I'm just
4 going to wait another minute for anyone else who would
5 like to join. Okay, we will get started.

6 Good morning, everyone. My name is Karline
7 Jung. I have been designated as the Hearing Officer
8 for the public hearing of the Department of Consumer
9 and Worker Protection on the proposed rules to
10 implement Local Law 49 and Local Law 50 of 2024. This
11 hearing is being held by teleconference call. It is
12 now 11:02 a.m. on Friday, August 30, 2024. This
13 hearing is being held by telecon-, oh, sorry. And I
14 am -- it is now 11:03 a.m. on Friday, August 30, 2024,
15 and I am hereby convening the public hearing on this
16 proposed rule.

17 The proposed rule was published in The City
18 Record on July 31, 2024. The published notice and
19 rules are available online and on the NYC Rules
20 website and the Department's website. The Department
21 has proposed these rules pursuant to the authority
22 vested in the Commissioner of the Department of
23 Consumer and Worker Tec-, Worker Protection by
24 sections 1043 and 2203(f) of the New York City
25 Charter, and sections 20-104(b), 20-610, and 20-610.1

1 of the New York City Administrative Code.

2 This hearing affords the public the
3 opportunity to comment on all aspects of the rules the
4 Department has proposed. The Department will
5 carefully review all testimony and written comments
6 received at this hearing and will give due weight and
7 consideration to proposals and recommendations that
8 are submitted for the record at this hearing.

9 To ensure that everyone seeking to testify
10 will have an opportunity to do so, I ask that we all
11 follow these ground rules. During the hearing, all
12 participants should give due respect and consideration
13 to the folks offering their testimony, and please mute
14 your lines if you are not speaking. Each witness will
15 have a maximum of three minutes to provide oral
16 testimony. If your comments take longer than three
17 minutes, please synthesize your oral testimony and
18 leave a written copy for the record. Unlike the limit
19 on the time for oral testimony, there is no limit on
20 the number of pages you can submit as written
21 testimony or as documents for the record. The written
22 submission will be made part of the public record.

23 At this point, if you are looking to testify
24 today and you have not let me know, please do so now
25 in the chat.

1 Okay. Before we begin, I will remind
2 everyone to mute your line until called to provide
3 testimony. I will now call the first witness. You
4 will have three minutes for testimony and you may
5 begin whenever you're ready. I have first up Alicia
6 Boyd. Okay. It seems like Alicia is not here. And,
7 then, I have Councilmember Brewer.

8 Alright. Okay. Seeing no one present to
9 offer testimony, I will go off camera and adjourn the
10 hearing for now, until individuals appear to offer
11 testimony or until 12:00 p.m., whichever comes first.
12 Thank you.

13 [OFF THE RECORD] [00:08:08]

14 [ON THE RECORD] [00:13:30]

15 Hello. If you've just joined and you'd like
16 to testify today, please let me know in the chat.
17 Thank you. Yes, I see Sam. You have your hand up.

18 MR. SAM GOLDSMITH: Hi. I'm unable to chat,
19 so I thought I'd raise my hand.

20 MS. JUNG: Oh, would you like to testify?

21 MR. GOLDSMITH: Yes, just briefly, on behalf
22 of Councilmember Brewer, who is the prime sponsor of
23 what's now Local Law 49 and Local Law 50. Testify in
24 support of the proposed rules to update and add
25 violations related to the sale, lease, and rental of

1 powered bicycles, mobility devices, and storage of
2 batteries.

3 Some of the most hazardous environments are
4 e-bike shops where batteries are stored, often where
5 many batteries are stored at once. There was a
6 terrible fire that broke out last year at an e-bike
7 shop on the Lower East Side that killed four. And the
8 fire department had inspected the shop the year, in
9 2022, and issued citations for safety violations. And
10 they weren't, they weren't tough enough, and the, the
11 shop was able to keep violating, which ultimately led
12 to those deaths.

13 Similar instances around the City all the
14 time, and the, you know, there are reports that say
15 there are, you know, as many as four fires per week
16 related to lithium ion batteries, and that these rules
17 would protect New Yorkers, which is key for this
18 issue.

19 The, the -- our office [unintelligible]
20 [00:18:19] is committed to protecting New Yorkers from
21 these fires. Cities across America are grappling with
22 this issue. And the absence of federal oversight
23 means the City must continue to regulate sale and use.
24 Businesses can't sell unsafe products and have to
25 participate in the effort to stop these fires.

1 So, thank you for the opportunity and for
2 the proposed rules.

3 MS. JUNG: Alright. Thank you so much, Sam.
4 If there is anyone else who would like to testify or
5 provide comments, please let me know.

6 MS. JENNA POWERS: I just have a question
7 regarding the last testimony there. Is there, is
8 there any documentation on, or report access regarding
9 which manufacturers these batteries came from that led
10 to the fires? Or, like, whether they were OEM, or?
11 Is, is there any further detail? Because I requested
12 a FOIL a while back and never received anything.

13 MS. JUNG: So, unfortunately, this rules
14 hearing is just for providing testimony. It's not
15 necessarily discussion based. So, yeah.

16 MS. POWERS: Okay. I just meant the, the
17 fires and the report was just mentioned, so I was just
18 wondering if that, there was availability to access
19 that anywhere.

20 MS. JUNG: I'm not aware of that, but you
21 are definitely able to provide any comments that you'd
22 like, whether it's spoken or written, through our NYC
23 Rules website or through our Rulecomments@DCWP.nyc.gov
24 e-mail. And --

25 MS. POWERS: Okay, thank you. I did, I did

1 submit via the e-mail, so.

2 MS. JUNG: Okay, got it. Thank you. I see
3 someone else has their hand up. There's a 347 phone
4 number.

5 MS. JULIA BRYANT: Can you hear me?

6 MS. JUNG: Yes. Would to provide --

7 MS. BRYANT: Okay. My name is --

8 MS. JUNG: -- testimony?

9 MS. BRYANT: Yes, I would. My name is Julia
10 Bryant, and I live on St. Marks Avenue in Brooklyn
11 between Carlton and Vanderbilt. On Vanderbilt Avenue
12 is a bit of a restaurant row, and it also has a open
13 streets program. That means that the streets are
14 closed to regular traffic between Friday at about 5:00
15 and until Sunday, again until about 5:00 or 6:00. The
16 problem is, because there are restaurants on this
17 stre-, on the Vanderbilt end of that block, we have a,
18 it's almost as if there are swarms of e-bikes, little
19 motorcycles. And I'm an elderly person, and sometimes
20 it, it's almost frightening.

21 I have called 311 and they told me to
22 register my complaint as if it were like a gang of
23 bikes. But, you know, that's the, that's the
24 complaint that I've already made, and this is my
25 testimony to say that it's unsafe, it's scary. For

1 something to be an open street, it has now frightened
2 people who are elderly or have disabilities to cross
3 the street, because the bikes, they, they have, they,
4 they use no, what do you call it, street traffic
5 signaling. They go on the sidewalks, they go in front
6 of people. That's my testimony. Thank you.

7 MS. JUNG: Alright. Thank you so much. If
8 there is anyone else who would like to provide
9 testimony, please let me know. Alright. Seeing no
10 one present to offer testimony, I will again go off
11 camera and adjourn the hearing until an individual
12 appears to offer testimony, or until 12:00 p.m. Thank
13 you.

14 [OFF THE RECORD] [00:23:07]

15 [ON THE RECORD] [00:24:46]

16 Hello. If you've just joined and you would
17 like to provide testimony, please let me know. Thank
18 you.

19 Hi, Councilmember Brewer.

20 COUNCILMEMBER GAIL BREWER: Oh, I can't hear
21 anything, though. Maybe I'm not supposed to. There's
22 headphones. Oh, this, is this going to be a problem?
23 Speakers/headphones. Can I undo it? I'm sorry about
24 this. We have to, I'm going to have a real
25 conversation with Rosa about this. Her phone -- is

1 that it? No. It's this one. It should be bold,
2 right?

3 Yeah, hello. Can you hear me?

4 MS. JUNG: Yes. Can you hear me?

5 COUNCILMEMBER BREWER: Yes. Thank you very
6 much. I'm sorry about all the technical problems.

7 MS. JUNG: No worries. You may provide
8 testimony whenever you're ready.

9 COUNCILMEMBER BREWER: Okay. Thank you very
10 much. I am Gail Brewer. I represent the Upper West
11 Side, Clinton, and Central Park. And I know, in
12 recent years, e-bikes, e-scooters, and powered
13 mobility devices have become very prevalent. I hear
14 about them every day from constituents. And, of
15 course, even just as recently as last weekend, we
16 heard about battery-related fires from lithium ion
17 batteries. And it has been reported that an e-bike or
18 e-scooter battery causes a fire in the City four times
19 a week, on average. And we heard about even a
20 sanitation truck having a fire.

21 So, as primary sponsors of Local Law 49 and
22 50, I'm proud to testify in support of the rules,
23 which update and add violations related to the sale,
24 lease, and rental of powered bicycles, mobility
25 devices that are powered, and storage of batteries.

1 Local Law 49 requires businesses, as you
2 know, that sell e-bikes, e-scooters, and other
3 mobility devices powered by batteries to post lithium
4 ion battery safety infor- informational material. I
5 know it doesn't solve the problem, but it's to at
6 least give people guidance. And violations would go
7 from \$150.00 to \$350.00, if one violates that posting.

8 50, this legislation authorizes the Fire
9 Department to have authority with Consumer and Worker
10 Protection, both of them, to enforce violations
11 related to the prohibition of the sale, lease, or
12 rental of these mobility devices and powered bicycles
13 that fail to meet recognized safety standards. It
14 requires retailers to maintain records that each
15 device sold, leased, or rented is certified. And it
16 increases the penalties for illegal device sales,
17 leases, or rentals, which would include sealing the
18 premises for repeated violations.

19 And I think we know that the, these are very
20 hazardous environments. These e-bikes, where lithium
21 ion batteries are stored, obviously, and if you live
22 above, it's even quite more frightening. And I think
23 se all know about the fires that broke out in 2023 in
24 June, killing four people, and the e-bike below
25 hurting others. And the Fire Department had inspected

1 the shop in '22 and issued citations for violations
2 related to battery charging, the numbers of batteries
3 on the site, and the electrical system. And then, on
4 June 29th, the inspectors found that more than 100
5 lithium ion batteries, damaged batteries, and
6 overloaded power strips inside the shop. And several
7 of them caught on fire.

8 So, I am committed, as are the agencies and
9 the City of New York, to protecting New Yorkers from
10 dangerous fires caused by uncertified equipment. This
11 is not a New York problem. It exists all across the
12 United States. We're all trying to deal with these
13 battery fires, and the federal government should be
14 taking more appropriate action. Without that
15 oversight from the federal government, it means the
16 City has to continue to regulate sales and uses.
17 Businesses must not sell unsafe products and must
18 participate in the effort to end lithium ion battery
19 fires.

20 Thank you very much for this opportunity to
21 testify. If I went over time, I apologize.

22 MS. JUNG: No worries at all. Thank you so
23 much, Councilmember.

24 COUNCILMEMBER BREWER: Thank you very much.

25 MS. JUNG: And if there's anyone else who

1 would like to provide testimony, please let me know
2 now. Alright. Seeing no one present to offer
3 testimony, I will adjourn this hearing until someone
4 appears to offer testimony or until 12:00 p.m.,
5 whichever comes first. Thank you.

6 COUNCILMEMBER BREWER: Thank you.

7 [OFF THE RECORD] [00:32:57]

8 [ON THE RECORD] [00:35:31]

9 MS. JUNG: Hello. If you're looking to
10 provide testimony, please let me know. Alright.
11 Seeing no one present to offer testimony, I will go
12 off camera and adjourn the hearing until someone
13 appears to offer testimony or until 12:00 p.m. Thank
14 you.

15 [OFF THE RECORD] [00:35:53]

16 [ON THE RECORD] [00:53:43]

17 KARL: Hello.

18 MS. JUNG: Hello. I see that someone has
19 their hand up.

20 KARL: Yes. So, this is the thing. Oh,
21 first, I noticed, how do you say your last name?
22 Karline?

23 MS. JUNG: Jung. Karline Jung.

24 KARL: Oh, Karline. That was the first
25 name, yeah. Well, we have that in common. My first

1 name is Karl, K-A-R-L. This is, real quick, though.
2 Like, I realize that hearings like this, they don't
3 allow, like, the reception of questions, you know,
4 pertaining to --

5 MS. JUNG: Yeah.

6 KARL: -- certain, to the rules. Right?
7 But what I'd like to know is, if, if someone wanted
8 clarification on the particular rules that's
9 presented, who would we --

10 MS. JUNG: Yes?

11 KARL: -- reach out to in an e-mail or phone
12 call? Like, where would we -- do you have that
13 information? I'm just curious.

14 MS. JUNG: Yes. If it's any rule that's
15 related to DCWP in particular, so any DCWP rule, you
16 can send it to our e-mail, which I'm going to put in
17 the chat right now. But you can send over any inquiry
18 which you have relating to any rules that we are
19 putting out, proposing or adopting, through that e-
20 mail.

21 KARL: Okay. Now, we, as citizens, once we,
22 like, I guess try to get these rules clarified from
23 whatever question we ask, if we are in opposition to
24 the rules, in order to, you know, maybe try to have
25 these rules abrogated, how would we do that?

1 MS. JUNG: Oh, you would either provide oral
2 testimony, which is what this hearing is for, and we
3 give about three minutes for that. If your comments
4 are longer than that, you can also provide written
5 testimony for the record, and you can do that by
6 sending us an e-mail to the same e-mail that I just
7 put in the chat, or you can post a comment on the NYC
8 Rules website.

9 KARL: Oh, interesting.

10 MS. JUNG: Yes.

11 KARL: NYC--

12 MS. JUNG: So, I can also put the link to
13 this specific rule on the NYC website in the chat for
14 you, but --

15 KARL: Yes, that would be helpful.

16 MS. JUNG: Yes, no problem.

17 KARL: And, and, okay. So I'll give a
18 little testimony. I don't, you know, first of all, I
19 am, I do approve this particular rule, even though I'm
20 not 100 percent clear on everything. But, from what I
21 have read, it, it appears to be, like, something that
22 would be valuable.

23 Also, I would also recommend that, and I'm
24 not sure if the rule encompasses this, but I would
25 recommend that here in the City, because I'm in the

1 Bronx, like Allerton Avenue area. And one of the
2 things that I constantly observe is that when, let's
3 say customers or people who rent these, these bikes,
4 electrical bikes, once they use them, many times,
5 oftentimes, they just, it's like they're strewn all
6 over the place. You'll be walking, they'll be laying
7 down. This one is there, another is there. I mean,
8 it's really, it's really, you know, ridiculous.

9 Because, you know, from elderly -- and, and
10 it doesn't matter, whether elderly or someone young
11 walking, they could trip. I mean, it's a lot of times
12 you see this, they're not organized. And I, and I'm
13 not even sure if the, the people who own these bikes,
14 that actually put them out for rental, care enough to
15 make sure that they're disposed of in an orderly
16 fashion. Because, trust me, if you, if you take a
17 ride around the City, I don't know if I'm the only one
18 seeing this, but I see it a lot. It's like once
19 somebody finishes with these bikes, they just throw
20 them on the floor. It's like all over the place.

21 So, I think there should be a new rule in
22 addition. Maybe it's already in the rule that you
23 guys are presenting, because, like I said, I'm not
24 sure because I didn't really get a chance to read the
25 entire thing. But if that's not the case, that should

1 be part of the rule that whenever a bike is placed,
2 whoever leaves the bike in such a disorderly fashion
3 should be fined for that. There should be fines for
4 improper disposal of these vehicles. This is just
5 something that I'm, that I've been observing.

6 But, anyway, that's, that's my piece, and
7 I'll land my plane, as they would say on TikTok.

8 MS. JUNG: Alright, thank you so much. And
9 I put the link in the chat for you, if you'd like to
10 provide any more written comments on the website or
11 through e-mail.

12 KARL: Absolutely. And thank you for that.
13 I'm going to screenshot that.

14 MS. JUNG: Alright. Seeing that it is now
15 12:00 p.m., I will adjourn the hearing. Thank you,
16 everyone, for participating.

17 [END OF PUBLIC HEARING]

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CERTIFICATE OF ACCURACY

I, Ryan Manaloto, certify that the foregoing transcript of DCWP Rules Hearing: Implementation of LL 49 and LL 50 of 2024 on August 30, 2024, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Certified By



Date: October 18, 2024

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