



Comments Received by the Department of
Consumer and Worker Protection on

Proposed Rules related to the Implementation of Local Law 49
and Local Law 50 of 2024

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From: [Jen Na](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] August 30 hearing:
Date: Friday, August 30, 2024 10:48:46 AM

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While I agree that regulations are necessary, I am concerned about the overgeneralization that lumps reputable e-bike brands using OEM batteries with those that are non-OEM, unbranded, and don't have proper frames leading to cell to cell propagation and causing fires. Instead of adopting a phased approach that targets the real problem—full-throttle, unbranded bikes—People for Bikes (whose legal, legislative, and safety teams are representatives from the four major retail giants) has been working with legislators on UL 2849 requirements. These regulations, developed in collaboration with Underwriters Laboratories, effectively stifle competition and create an even more extreme oligopoly by using state law to impose requirements (that are both lengthy and costly) that could drive small companies out of business, along with the local shops that support them.

The major players are using "safety" and "fire hazard" concerns to gain support from officials while perpetuating an overgeneralized view of the e-bike market for their own benefit. Quality brands that work with the same manufacturers are at a disadvantage because they weren't part of the discussions that led to these regulations.

Since the establishment of the Underwriters Laboratories requirements for e-bike batteries, there has been a bottleneck in obtaining certification. With regulations set to take effect 90 days after signing, it will be impossible for brands undergoing the lengthy (9+ months, according to a manufacturer in the process) certification process to meet the deadline. If UL succeeds in limiting acceptable certifications to UL 2271 or 2849 and excludes globally accepted testing from state and CPSC requirements, it will further entrench the dominance of companies like Specialized, Trek, Giant, Pon Holdings, and Canyon, while reinforcing the monopoly of UL Solutions (which conveniently went public in April).

This situation threatens the viability of bike shops that carry brands like Rocky Mountain, Pivot, and Transition. Once they lose their e-bike inventory and pending orders, they may be forced to switch to one of the big four or close their doors. Even if they survive the loss, they will face challenges in dealing with the retail giants that have increasingly

moved into the direct-to-consumer market, leaving dealers at the mercy of these companies. This reduction in the number of local bike shops will also reduce the availability of professionals who can service these e-bikes, which ironically undermines the safety concerns driving these regulations.

A unified approach, with consistent regulations and reasonable time to obtain necessary certifications would both benefit consumers and small companies trying to keep up.

From: [Jessame Hannus](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] Proposed Amendments to Local Law 49 and Local Law 50 of 2024
Date: Friday, August 30, 2024 5:46:29 PM

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Thank you for working on this effort to balance our transportation needs with public safety.

I have long had conflict with drivers of electric motorcycles without plates. They think they are not subject to the same laws as other motorized vehicles (or don't care because they are hard to catch). I have also been at Precinct meetings where they discuss how dangerous it is to chase them.

With the necessary legalization of electric pedal assist bicycles people misinterpreted the law change to think it applied to all electric 2 wheeled vehicles. I've always been shocked that buyers are able to leave the shops without first needing registration documentation, and now the problem is much worse. Changes to these rules are greatly needed. This would provide the opportunity for rules of the road to be shared as well.

However, I also have concern for the workers who use these vehicles. Some are problematic road users, but many are just hard working folks trying to make a living. And overall, e-motorcycles are a better use of space on our streets than cars or delivery vans/trucks. I worry that the current state of things allows for a continuation of the terrible stop and frisk behavior that is used to harrass people of color in public.

What's more, I find it shocking that the NYPD and Mayor brag about confiscating and destroying these people's modes of transportation (and labor in most cases), posing for photos like they are deer hunters looking for trophies for their wall. These vehicles cost money and may represent a family's only source of income AND mobility.

Let's move the enforcement tool to the point of sale rather than the tip of the spear on the street.

Best regards,
Jessame Hannus
Rego Park, NY 11374

From: [DRG](#)
To: [rulecomments \(DCWP\)](#)
Subject: [EXTERNAL] Amendments to E-Bike
Date: Friday, August 23, 2024 7:01:16 PM

You don't often get email from drgatewood58@gmail.com. [Learn why this is important](#)

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I approved the change in penalties.

The vehicles are out of control on sidewalks, streets, running through red lights, traveling the wrong way on streets. I know this control issue is not a part of the amendments, but these vehicle drivers are out of control.

Diane Gatewood
CB9
Rutland Road, Brooklyn

Comments regarding Rules in support of management of batteries associated with e-mobility devices, pursuant to the implementation of Local Laws 49 and 50 of 2024

To the maximum extent possible, any and all Rules adopted by City of New York agencies related to e-mobility devices and the batteries associated with their use should encourage, compel and eventually require the proper end-of-life management of such batteries, and promote their recovery and recycling.

Often totally overlooked by product inventors, manufacturers and every aspect of a product's sale, distribution and use system, proper end-of-life management is essential both as a matter of public safety and to ensure the recovery and recycling of the component materials, which are fully recyclable for future use.

As e-mobility devices and batteries are still relatively new in the marketplace – and fast-growing - now is the time to devote serious attention to the development of battery recovery, consolidation and transportation systems, and to be clear about financial responsibility for the effectiveness of recycling systems. Such systems are being studied and being deployed by the U.S. EPA, numerous states and cities, and private industry; public-private partnerships will be an essential approach. The City should consider both an inter-agency approach, as well as active consultation with companies engaged in this field.

Thank you for your consideration.

Kendall Christiansen

The writer is principal of Gaia Strategies, his consultancy since 1992 focused on waste and recycling related industries, with client interests in NYC, and across the U.S. and Canada. He was the founding Assistant Director of the NYC's recycling system, and chaired the Citywide Recycling Advisory Board.

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peopleforbikes

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August 30, 2024

To: Department of Consumer and Worker Protection
42 Broadway, 8th Floor
New York, NY 10004

Submitted via: Rulecomments@dcwp.nyc.gov

RE: Proposed Rule - Penalties for Local Laws 49 and 50

Dear Commissioner Vera Mayuga,

PeopleForBikes Coalition, the national trade association for manufacturers of bicycles and electric bicycles, submits this comment in response to the Notice of Public Hearing and Opportunity to Comment with respect to proposed rules doubling the existing penalties for Administrative Code violations § 20-610(a-c) and establishing penalties for violations of Local Law 49 and 50, now codified as Administrative Code § 20-610(e) and (h), and § 20-610.1(c) and (d).

About PeopleForBikes

The PeopleForBikes Coalition is the sole trade association for 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 300 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.

Since 2015, PeopleForBikes has worked 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, which has now been adopted in whole or part

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

by 40 states (including New York) and the federal government. PeopleForBikes recently published an electric bicycle-specific Owner's Manual for use by the industry with new electric bicycles, as well as additional educational content for consumers who purchase and use electric bicycles. PeopleForBikes is the voice of the U.S. bicycle industry with regard to regulatory standards and safety.

The DCWP Must Add Additional Test Standards to § 20-610

The current language of § 20-610(a)(1) only recognizes **one** testing standard for the electrical system of an electric bicycle (or e-bike): UL 2849. UL 2849 was developed by Underwriters Laboratories and first published in 2020. Prior to the issuance of UL 2849, many safe electric bicycles were designed and tested to the European Standard, EN 15194, which was first effective in 2009 and is still in use today in multiple countries. Both of these product standards incorporate by reference other national and international battery safety standards; a total of five different standards are referenced in UL 2849 and EN 15194 and may be used by manufacturers to prove compliance with these electric bicycle product standards.

Similarly, § 20-610(c)(1) only recognizes **one** battery testing standard (UL 2271) for all batteries for all types of powered micro mobility devices, including e-scooters, hoverboards, electric mopeds, electric skateboards, and electric bicycles. The ordinance applies to all replacement batteries for these various devices that are sold in, or into, New York City. While all manner of e-mobility devices other than electric bicycles have only a single applicable consensus battery safety standard (UL 2271) that is simply not the case for electric bicycles. Safe, tested batteries for electric bicycles that do not meet UL 2271 are now unlawful to sell or offer for sale.

Importantly, both § 20-610(a)(1) and § 20-610(c)(1) include a provision that allows the Department to add to each section "such other safety standard as the department has established by rule in consultation with the fire department." In May, 2023, PeopleForBikes submitted a Petition to the Department requesting that a rulemaking be conducted to add these consensus safety standards to § 20-610. To date no action has been taken on our Petition.

Since passage of § 20-610, the State of New York has enacted [S154F/A4838D](#), which recognizes **both** UL 2849 and EN 15194, as well as all **five** battery safety standards referenced in both UL 2849 and EN 15194 as acceptable safety standards for electric bicycles and their batteries. The bill and others were [signed](#) by Governor Hochul on July 11th in New York City. We therefore respectfully request that our Petition be taken up at this time, that the Department exercise its discretion and accept these additional test standards for electric bicycles and their batteries and that New York City's Administrative Code be made consistent with New York law.

The Proposed Rule: § 20-610 Penalties

With respect to the increased penalties now proposed for violations of § 20-610(a-c), PeopleForBikes understands that certain local retailers and online platforms have resisted the Department's concerted efforts to obtain their compliance with the law. Responsible retailers and manufacturers, including our members, are and have been in compliance with the law. Since the ordinance took effect almost one year ago, PeopleForBikes has learned of only two instances of initial citations being issued to our members, and we are not aware of any fines having been imposed for subsequent violations. At the same time, we note that media reports of fines, cease and desist orders and even arrests for alleged violations of these same provisions by others.

Most importantly - the ordinance seems to be having the desired effect. With a few tragic exceptions, media reports of battery-related fires and deaths seem to be on the decline in recent months. While much work and vigilance remains, the Department, the Fire Department of New York and the Administration should be encouraged by these results. PeopleForBikes supports these ongoing efforts and therefore has no objection to increasing the penalties for sellers of untested and unsafe mobility devices and batteries as prohibited by § 20-610(a-c).

Similarly, we do not oppose the proposed penalties for violations of § 20-610(e) (requirement to display testing laboratory information on online product pages) and (h) (recordkeeping requirements). We have informed our members of these new requirements and fully expect they will be in compliance by the effective date.

The Proposed Rule: § 20-610.1 Penalties

Our sole concern with the proposed penalties for violations of § 20-610.1 (c) and (d) are centered on the requirement in Local Law 49 that retail locations must post, and online sellers must provide a link to, certain "informational materials regarding lithium-ion and other storage battery safety" to be developed by the Department in coordination with the Fire Department. To our knowledge, these "informational materials" have not yet been published. As a result, retailers currently have nothing to post, and online sellers cannot begin the process of modifying their product web pages to include the required information. And the deadline for compliance is approaching rapidly.

At the same time, PeopleForBikes and our members are working to comply with the "operating manual" requirement in [S7503B/A1910B](#) which must be printed in English and three other languages, and translated into 12 languages and provided online.

This new law specifies certain basic content, but also authorizes the Department of State to make any regulations needed to implement the law. So our industry is faced with meeting two looming deadlines to provide prescribed battery safety information to consumers without knowing exactly what the final “operating manual” requirements (or in the case of Local Law 49, the “informational materials”) will be, or whether one document (or even existing manufacturer safety content) can satisfy both legal requirements.

Our objection to the proposed rule with respect to § 20-610.1 (c) and (d) is this: the Department seems to have to put the e-cart ahead of the e-horse by focusing first on penalties, and leaving the specific content requirements for some future date. The Department needs to tell us now exactly what “informational materials” will be required so that our members and others who seek to comply can do so, and ideally, before moving to establish the penalties for non-compliance. Or, at least before seeking supportive public comments about those possible penalties.

Conclusion

PeopleForBikes strongly urges the Department to exercise its authority to add additional safety standards as recognized in New York state law to § 20-610 in order to allow the continued availability of safe electric bicycles with drive systems that are fully certified to the leading global powered bicycle electrical system safety standard, EN 15194, as well as continue the availability of replacement batteries for drive systems that meet battery standards referenced in that standard or UL 2849. Manufacturers, retailers and consumers should have consistent e-mobility device safety standards both within New York City and in greater New York.

Subject to the addition of these important standards, PeopleForBikes supports the Department’s efforts to enforce § 20-610 and those portions of the proposed rule that would increase the penalties for repeated violations. PeopleForBikes cannot support the proposed penalties for violation of § 20-610.1 (c) and (d) until the Department issues the “informational materials” required by this provision.

Respectfully submitted,



Matt Moore

Policy Counsel

matt@peopleforbikes.org



**Public Comment of Transportation Alternatives
Regarding the proposed rule on the sale, lease, and rental of powered bicycles,
powered mobility devices, and storage batteries
Aug 30, 2024**

Thank you for holding today's hearing on the proposed rule regarding the sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries. My name is Elizabeth Adams and I am the Interim Co-Executive Director for Transportation Alternatives.

E-bikes are increasingly popular and becoming an integral part of New York City's transit network: in the first half of 2024, e-bike rides accounted for [two-thirds](#) of the total rides across Citi Bike's system, and in NYC, adding e-bikes to the Citi Bike fleet has allowed the system to reach [150,000 rides per day](#), with low-income riders choosing e-bikes over non-electric bikes [75% of the time](#). The City should be taking every step to ensure safe and sustainable adoption of these devices.

TA writes in support of today's proposed rule, which solidifies Local Law 49, which requires e-bike and e-micromobility device businesses to post information from the fire department and DCWP, and Local Law 50 of 2024, which increases the penalties for selling, leasing, or renting uncertified devices.

New Yorkers deserve safe batteries and e-micromobility devices, and these regulations and enforcement rightly focus on the businesses selling the batteries and devices rather than on individuals, and will have a greater impact to ensure batteries and devices sold and used in New York City are safe and certified. These steps, taken together with safe and accessible infrastructure, such as charging hubs, dedicated lanes, and safe parking facilities increase bike uptake and make e-bikes safer for everyone.

Electric Micromobility Device Sales

Last Updated 8.27.24

Testimony on Proposed Rule Regarding Local Laws 49 and 50 of 2024

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

Commissioner Vera Mayuga,

Tech:NYC is a nonprofit member-based organization representing over 800 technology companies in New York. Our membership includes hundreds of innovative startups as well as some of the largest tech companies in the world. We are committed to ensuring that the tech sector remains a leading driver of the city's overall economy and that all New Yorkers can benefit from innovation.

On behalf of Tech:NYC, I am writing to express concerns and recommendations on the proposed modifications to Section 6-86 of subchapter B of chapter 6 of Title 6 of the Rules of the City of New York, as they relate to Local Laws 49 and 50 of 2024.

While Tech:NYC supports the goals of protecting consumers by increasing penalties to retailers and ensuring that safety information is available at the time of purchase, the complexities of online retail operations, particularly those involving global supply chains and various vendors, present challenges in maintaining continuous compliance and ensuring informational material is consistently posted. Online retailers vary in terms of selling techniques, and often online retailers offer multiple selling techniques which can include direct sales from warehouse or stock, direct sales from physical retail locations, and

sales conducted by third parties. Notifications of violations to the various types of online retailers is not always reliable or received, and can result in fines accruing without notice being properly served.

The proposed language in the amendment for § 20-610.1 could lead to unintended consequences, including the potential for retailers to receive delayed notification of violations while they are being fined each day, thereby increasing penalties rather than promoting consumer safety and results. We recommend that the Department revise the language to clarify that violations should only be counted as continuing from the time the retailer is notified. This approach would ensure fairness to retailers while still protecting consumers.

Furthermore, it is critical that the Department provide the required informational and safety materials to retailers promptly, as delays in this provision make compliance impossible for many online retailers, particularly those with complex operations. We appreciate your attention to these important issues and welcome the opportunity to discuss our recommendations further. We are committed to working with the City to promote fair regulatory practices.

Online comments: 3

- **Katherine O'Sullivan**

Yes I approve of these amendments. Will the regulations be enforced?

Comment added August 14, 2024 6:41pm

- **Terrorized By E-Microbidity Cycles of ALL SORTS!**

Scofflaws endangering the safety of residents -and yes, pedestrians, should not merely be charged with a penalty. If lawbreaking suppliers (and users!) harm someone or cause them to loose their home... a band-aid fine will be inadequate...indeed, not even a misdemeanor suffices..it should be a felony!

This city government and its lawmakers have twisted themselves into a pretzel to allow unfettered harm to its citizens.

"Noncompliance"...give me a break!

Are Local law 49 and 50 of 2024 a step in the right direction?

Going to damn these proposals with faint praise...your life and mine are in jeopardy...is that what you and your loved ones are willing to compromise with? No applause here.

Comment added August 26, 2024 5:32pm

- **Council Member Gale Brewer**

See attached

[Comment attachment](#)

local-laws-50-and-49.pdf

Comment added August 30, 2024 11:20am



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Testimony before the Department of Consumer and Worker Protection

Proposed Rules for Implementation of Local Laws 49 and 50 of 2024

August 30, 2024

Good morning. My name is Gale Brewer and I represent the Upper West Side, parts of Clinton, and all of Central Park in the New York City Council. In recent years, as e-bikes, e-scooters and powered mobility devices have become more prevalent, the City has experienced a rapid increase in lithium-ion battery related fires in both residential and commercial properties that not only destroy property but result in injuries and fatalities. It has been reported that an e-bike or e-scooter battery causes a fire in the City four times per week, on average.

As primary sponsor of Local Law 49 and Local Law 50, I am proud to testify in support of the proposed rules, which update and add violations related to the sale, lease, and rental of powered bicycles, powered mobility devices, and storage of batteries for such devices. Specifically:

- Local Law 49: The legislation requires all businesses that sell e-bikes, e-scooters and other personal mobility devices powered by batteries to post lithium-ion battery safety informational materials and guides. Violations for failure to post such materials would be subject to civil penalties ranging from \$150 to \$350 per violation.
- Local Law 50: This legislation authorizes the Fire Department to have concurrent authority with the Department of Consumer and Worker Protection to enforce violations related to the prohibition of the sale, lease or rental of powered mobility devices and powered bicycles that fail to meet recognized safety standards. The legislation also requires retailers to maintain records that each device sold, leased or rented is certified. It increases penalties for illegal device sales, leases or rentals, which would include sealing the premises for repeated violations.

Some of the most hazardous environments are e-bike shops, where many lithium-ion batteries are stored at once. On June 20, 2023, a fire broke out in an e-bike shop on the Lower East Side, killing four people and critically injuring two others. The Fire Department had inspected the shop in August 2022 and issued citations for safety violations related to battery charging, the number of batteries at the site and the electrical system. On June 29, City inspectors found more than 100 lithium-ion batteries, damaged batteries and overloaded power strips inside an e-bike shop on Canal Street—and several of the batteries caught fire as they were being removed from the premises.

I am committed to protecting New Yorkers from dangerous fires caused by uncertified equipment. Cities across America are grappling with lithium-ion battery fires. The absence of federal oversight means the City must continue to regulate sales and uses. Businesses must not sell unsafe products and must participate in the effort to end lithium-ion battery fires.

Thank you for the opportunity to testify.