

**Testimony of Assistant Commissioner Carlos A. Ortiz
New York City Department of Consumer and Worker Protection**

**Before the Committee on
Consumer and Worker Protection**

**Hearing on
E-Bikes and Introductions 819, 822, 998, 1163, 1168, and 1220**

October 23, 2023

Introduction

Good morning, Chair Velázquez, and members of the Committee on Consumer and Worker Protection. My name is Carlos Ortiz, I am the Assistant Commissioner for External Affairs at the Department of Consumer and Worker Protection (DCWP). Today, I am joined by our Associate General Counsel, Andrew Schwenk. Thank you for the opportunity to testify on legislation related to powered mobility devices and lithium-ion batteries.

The Administration is committed to protecting New Yorkers from dangerous fires caused by uncertified equipment, from unsafe and illegal equipment operating on our streets, and from exploitative work practices that impact some of our most essential workers. Earlier this year, Mayor Adams’ Interagency Electric Micromobility Task Force released the “Charge Safe, Ride Safe” plan to protect New Yorkers from fires caused by lithium-ion batteries and to promote safe electric micromobility usage. This includes advancing innovative measures promoting safety in our city, and which enhance the quality of life for all New Yorkers, including our workers, consumers, and businesses, through access to safe equipment, outdoor charging stations, and a minimum pay rate for food delivery workers engaged as independent contractors.

DCWP Micromobility Measures

In supporting Mayor Adams’ priorities, DCWP has served New Yorkers who purchase and utilize these devices by ensuring that those products follow safe standards established by accredited testing laboratories, and by facilitating delivery worker education on fire safety.

DCWP is the lead enforcement agency for Local Law 39 of 2023, which went into effect on September 16th, and prohibits businesses from selling powered mobility devices or batteries that are not certified to specific testing standards. Since the start of enforcement, DCWP has conducted about 270 inspections, including 47 joint inspections with the New York City Fire Department, and issued summonses to 79 businesses for violating Local Law 39. Moving forward, our goal is to continue conducting proactive enforcement that builds on multilingual educational efforts that work toward creating a culture of compliance in our city. Additionally, pursuant to Local Law 41 of 2023, DCWP distributed fire safety materials developed by the Fire Department to our third-party app licensees, who are required to provide these materials to their delivery workers.

Introduction 819

Turning to today's legislation, Introduction 819 would require all businesses that sell e-bikes, e-scooters and other powered mobility devices to post lithium-ion battery safety informational materials and guides.

DCWP supports the intent of Introduction 819 and in educating New Yorkers purchasing or utilizing these devices on fire safety and fire risks. As we have done with Local Law 38 of 2023, we plan to work closely with the Fire Department to identify the appropriate educational materials that could serve New Yorkers, given our lack of technical expertise in fire safety.

Introduction 822

Introduction 822 would require DCWP to create new criteria for powered mobility device battery safety certification and require mechanics of powered mobility devices to have this certification.

DCWP would like to understand further from the Council how they intend for this bill to address powered mobility and battery safety. It is currently illegal to sell refurbished batteries. Moreover, many mechanics of powered mobility devices may not be working on batteries themselves, but on other mechanical components of a powered mobility device. Generally, our agency lacks the technical expertise in this field to create and mandate a certification for mechanics in New York City. Without the requisite expertise, we cannot ensure that such standards would improve the safety of powered mobility devices.

Introduction 998

Turning to Introduction 998, this bill would create recordkeeping and reporting requirements for entities that purchase or accept used batteries that power devices such as e-bikes, and e-scooters,. DCWP would make those records available to the Fire Department and the Department of Sanitation, upon request.

DCWP supports this bill. We look forward to working closely with the Fire Department and Sanitation to identify any information that they believe is necessary to be included in the recordkeeping requirements.

Introduction 1163

Introduction 1163 would require the Department of Transportation (DOT) to update their commercial cyclist safety course to include information on the safe and lawful operation of powered bicycles, as well as guidance for lithium-ion batteries and safe charging. It would also require DCWP's third-party app licensees to ensure that their delivery workers wear helmets and complete the bicycle safety course developed by DOT. Lastly, app licensees would be required to ensure delivery workers' bicycles are equipped with safety equipment, including a lamp, a bell, and reflective tires.

The Administration supports and shares Council's interest in e-bike safety and the safety of commercial cyclists. Our colleagues at the Department of Transportation recommend ensuring the bill includes limited use motorcycles and powered vehicles such as pedal-assist and throttle e-bikes, in its scope. Furthermore, DOT recommends that new riders, as well as existing riders, take the updated course.

Introduction 1168

Introduction 1168 requires any powered mobility device used by food delivery workers on behalf of third-party food delivery services and third-party courier services to comply with safety standards laid out in Local Law 39 of 2023. And our understanding is that the bill also intends for these app companies to provide workers with such devices at no expense to the worker.

We applaud the Council for this legislation. As we have commented at previous hearings, the Administration strongly believes that businesses who engage delivery workers in our city bear a responsibility in ensuring that those workers have access to safe equipment and are dispatched on safe equipment. DOT has also been working diligently on this issue and looks forward to engaging with the Council in the legislative process to implement an effective plan in the near future that meets our shared goals. Other components DOT has been considering for this bill include requiring app companies to run a trade-in program for unsafe devices, requiring app companies to submit a safety plan and regular data to demonstrate their compliance with that plan, and linking adherence of these plans and adherence to Intro 1168 to each company's license.

Introduction 1220

Lastly, Introduction 1220 would create a new licensing requirement for businesses selling electric bicycles and scooters. The bill authorizes DCWP to issue civil penalties for violations under the law and deny, suspend, or revoke a license.

While DCWP agrees that it is important to create stronger regulations for these businesses, we believe it is premature to implement a licensing regime at this point in time. Instead of licensing these businesses, we propose strengthening the city's authority to close down these businesses after repeat violations through a "sealing authority". We also have recommendations for improving current local law to facilitate greater compliance. We welcome any discussions on how we can ensure the safety of New Yorkers with respect to unsafe and uncertified devices.

Conclusion

Thank you for the opportunity to testify before your committee on today's legislation. The Administration looks forward to hearing today from stakeholders on the impact of these bills for their constituencies and to collaborating closely with the Council during the legislative process. I welcome any questions you may have for further discussion.