

**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**

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**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***

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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.



**JUMAANE D. WILLIAMS**

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS  
TO THE NEW YORK CITY COUNCIL COMMITTEE ON CONSUMER AND  
WORKER PROTECTION  
OCTOBER 23RD, 2023**

Good morning,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chair Velázquez and the Committee members for holding this hearing.

Because of the proliferation of micromobility devices across the city, lithium ion battery related safety concerns affect all New Yorkers. Micromobility devices, which are human or electric powered small and low speed transportation devices, have the potential to significantly reduce New Yorkers' reliance on fossil fuels. However, citywide planning has gone so poorly that many are choosing instead to utilize gas powered mopeds for transportation. These mopeds are noisier and pollute as compared to electric powered micromobility devices. It should be the goal of the Council to make micromobility devices powered by lithium ion batteries as attractive as possible to adapt.

Yet, we cannot allow unsafe practices to spring up to support the micromobility movement. AS has been heard today, there have been many deaths, unfortunately, not to mention the loss of treasured items – I heard from one person yesterday who lost items in the storage unit that burned as well. I recently heard from a landlord who stated his tenant operates a micromobility charging business and repair shop within his apartment. He reported the issue to FDNY. He claimed FDNY told him there are no laws preventing the tenant unless a fire starts. Thus, the tenant is still able to continue charging multiple micromobility devices in a residential building. This is a huge fire risk to the whole building.

We must prioritize legal and safe infrastructure around the usage of micromobility devices, which is why Intro 1220 is so critical. Ebike repair shops should be as safe as any auto repair shop. Additionally, I would like to work with the Council to include in this bill language that would explicitly exclude residential areas from becoming ebike repair shops and have limits on how many devices can be charged in one home.

Micromobility device users currently operate in an untenable situation. Owners have to navigate unclear regulations about their potentially hazardous vehicles. Furthermore, there is little public



**JUMAANE D. WILLIAMS**

infrastructure that can accommodate micromobility devices. Ultimately, the state and federal government must develop standards and monitoring practices for lithium ion batteries, which both resolutions today recognize. Through clear standards the Council can make ownership of micromobility devices as simple as owning a car. Third-party delivery companies have a unique role to play in facilitating safe practices, and the legislation before us today does a great job at addressing third-party companies' responsibility to ensure delivery workers' safety.

Additionally, there must be more public information about best practices for lithium ion battery safety, which is why Intro 0819 is also important. The legislation highlights a larger problem that New York City Council must grapple with. Bills in Council are passed adding new regulations for business owners, but little is done to let business owners know about these new requirements. Bills such as 0819 must also be coupled with new funding for outreach campaigns so that business owners can be informed about what they are required to post.

Lastly, online retailers do not have the same burden placed on them when we just require physical posters to be displayed. This is a mistake, as many ebike customers in particular buy their ebikes online. We must protect New Yorkers from future lithium ion battery fires, and we must make sure everyone is aware of potential dangers. Through promoting micromobility device use, we will get more cars off of the streets and reduce both noise and air pollution. We also have to make sure that New Yorkers are safe with speed, which is another question, so I'm happy the Council seems to be trying to find a balance to make these available, particularly for workers who need them, to fit the demand. As New Yorkers want things quicker and quicker, we'll try to find the service that will provide it - but we have to make sure everyone is safe.

Thank you.



# Testimony: Lithium Ion Battery & Device Safety

10.23.23

## NYC COUNCIL COMMITTEE ON CONSUMER & WORKER PROTECTION

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.

Since they were first introduced in NYC, delivery platforms have become increasingly popular with New Yorkers. It is estimated that today there are over 65,000 delivery workers and 23,000 restaurants in New York City. As the delivery workforce has grown and New Yorkers look to e-bikes for commuting and personal use, the demand for e-bikes has also increased. Unfortunately, to meet this demand, e-bikes and batteries of varying quality have been sold – resulting in some devastating circumstances for New Yorkers. Tech:NYC applauds the City Council's quick and thoughtful response in requiring safety certifications for e-bikes and batteries, establishing an e-bike and battery buy-back program, and creating more safety education requirements. Still, the demand for safety-certified batteries outweighs the supply, but we are optimistic that these new laws will encourage manufacturers to increase production and provide more access to safety-certified batteries for New Yorkers.

Today's hearing includes a number of proposals that aim to increase safety standards for e-bikes and batteries. Tech:NYC supports Introductions 819-2022 and 1220-2023, which will help to increase education and requirements for e-bike retailers and maintenance businesses, as well as Resolution 718-2023, which calls for new national standards for lithium ion batteries.

However, there are two proposals that, while well intentioned, are redundant to existing law and lack clarity. Introductions 1163-2023 and 1168-2023 both require delivery platforms to provide various types of equipment to delivery workers, including helmets, lamps, bells or horns, brakes, and reflectors, as well as the e-bikes and batteries themselves, should delivery workers be unable to purchase or locate safety-certified e-bikes and batteries. While Tech:NYC agrees with the goal that all delivery workers should have access to safety equipment and certified batteries, these proposals place these costs entirely on delivery platforms and are inconsistent with the realities of delivery workers, many of whom prefer to work with multiple platforms at once. DCWP's 2022 report on delivery worker pay found that 56.3% of workers have more than one account with delivery platforms, proving their preference to switch between platforms based on the time of day, neighborhood, and other factors.



Introductions 1163-2023 and 1168-2023 do not recognize these practices, as they require platforms to provide equipment, batteries, and e-bikes for delivery workers without specifying how to determine which platform is held responsible for those requirements. Additionally, the recently implemented delivery worker minimum pay rates include over \$2 per hour for expenses, which was calculated by DCWP to include the purchase of a new \$1,800 e-bike, and 1.74 batteries per year, each at a cost of \$550. This expense formula was designed to provide workers with direct compensation, as DCWP recognized the practice of multi-apping. Tech:NYC believes these proposed requirements are redundant and will require platforms to increase costs on customers – costs that are already at record levels.

Given that the recently passed e-bike and battery buy-back law has not yet been implemented, we believe it is important to understand the effectiveness of this new law before layering it with additional – and potentially confusing – requirements. To ensure we achieve a thorough conversation on the future of e-bike and lithium ion battery regulations, Tech:NYC recommends that all current and future proposals be discussed holistically. We encourage the City Council to continue these discussions with not only delivery platforms and workers, but also bike and battery manufacturers, retailers, and newer solutions like the Whizz and Zoomo delivery bike rental services.

Thank you for your consideration, and Tech:NYC looks forward to working with the City Council to continue increasing safety standards for e-bikes, delivery workers, and all New Yorkers.



**Paul Zuber**  
**Executive Vice President**

The Business Council of New York State is New York's largest business trade association representing over 3,200 businesses statewide. Our diversity of membership is what makes us unique as we represent large, small, and medium sized businesses with many of those businesses located in New York City. Please accept this testimony in connection with the Committee's oversight hearing on battery safety.

Battery fires are a critical problem in New York City, and we commend this Committee and the Council for the actions it has taken so far. Setting safety standards, creating a trade-in program, and investing in education are key steps that will underpin a long-term solution.

However, some of the current proposals in this Committee would move the City off track. We are specifically concerned about new requirements to provide workers with e-bikes and safety equipment as outlined in Int. 1168 and 1163. As currently drafted, these bills will discourage bike and e-bike use, hurt workers and businesses that utilize delivery, and won't actually solve the City's battery fire problem. These bills also conflict with existing laws, and they would undermine the policies the Council has already passed.

We are particularly concerned that:

1. Unlike the City's existing e-bike incentive program, which requires people to trade-in their old battery, these proposals have no mechanism to address battery recycling and disposal. This should be a foundational component of any policy the Council considers, as fires will not stop if dangerous batteries aren't removed from circulation. This is simply not an effective approach.
2. These policies could effectively shut down or dramatically reduce e-bike delivery through third-party platforms. We struggle to see how platforms will be able to purchase this much equipment for every worker that wants to use a bike given that many workers only work a few hours per week, and many use multiple platforms to find work. At the least, they create heavy, permanent disincentives to use e-bikes for deliveries. It's unlikely that these deliveries could fully be replaced with cars, and encouraging workers to shift their delivery mode to motor vehicles (or even worse, illegal mopeds) would be a step backwards for issues like congestion, climate, and safety. The City's streets are a shared resource, and businesses across the City – across all industries – depend on them to move the people and goods that keep this City running. Imposing new, heavy handed regulation on e-bikes will inevitably trade those e-bikes for cars and trucks, flooding the streets with more vehicles and threatening the flow of commerce. This will be hugely disruptive not just to restaurants and other businesses that use delivery, but all of the City's economy, and it will undermine other City objectives.
3. If platforms are required to provide e-bikes or other bike safety gear to workers— equipment that workers are already going to be compensated for through the City's minimum pay standard—it will drive up the cost of delivery. Higher prices mean fewer orders, and fewer orders mean less revenue for businesses. Duplicating efforts to pay for vehicles and gear is bad policy that is likely to increase prices and hurt local businesses.

The City needs a plan that harmonizes with the actions it has already taken to address this problem and the City's broader infrastructure goals. Existing initiatives need to be implemented before the Council imposes new requirements that will harm businesses and workers. It is crucial that the City focus on administering the existing trade-in program, funding it, and getting it running. It is also important the City



enforce its existing battery safety standards and prevent retailers from selling dangerous products into New York City. This supply must be shut off, and these entities must be part of the City's solution.

We firmly support efforts to stop battery fires. However, this is also a broad problem that goes beyond delivery. We encourage the City to continue building on its existing policies so that it can be most effective.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Zuber". The signature is fluid and cursive, with the first name "Paul" being more prominent than the last name "Zuber".

Paul Zuber  
Executive Vice President  
The Business Council of New York State, Inc.



October 23, 2023

## **Community Housing Improvement Program Testimony on Ebike Bills**

Thank you for holding this hearing today. I am Adam Roberts, Policy Director for the Community Housing Improvement Program, also known as CHIP. We represent New York's housing providers, including apartment building owners and managers. We are here to testify in support of stronger ebike regulations, particularly regarding lithium batteries.

Lithium batteries are an increasing safety risk for tenants and apartment building workers. The fires they cause are often deadly and leave survivors homeless. As we have seen, these fires most directly harm tenants and workers in affordable housing, including rent-stabilized housing. Last week, an ebike fire in Bushwick left five tenants, two of whom were children, seriously injured.

These fires are also detrimental to the continued operation of the buildings themselves, depleting funds for maintenance and sending insurance rates skyrocketing. This comes at a time in which banks refuse to provide loans to buildings with rent-stabilized apartments and insurers charge exorbitant rates.

Currently, the law places little responsibility on those using or distributing unsafe batteries, as well as the companies that benefit from ebike deliveries. DEP and FDNY have increasingly put the onus on housing providers to remove these batteries, issuing substantial fines and requiring removal at their expense. Yet, housing providers and their workers do not have a legal right to enter occupied apartments and seize these batteries without permission or court order.

None of these bills directly address the major safety risks this situation poses. Until liability for unsafe conditions is assigned to the businesses and individuals who are using lithium batteries, ebike fires will continue to spread. Similar to illegal short term rentals, until enforcement targets those conducting illegal and unsafe business in apartments, those activities will continue. Legislation must be introduced to close this loophole.

Until lithium batteries are regulated and enforcement is properly targeted, ebike fires will grow in number and the dangers to tenants and workers will continue. We welcome the opportunity to work with the Council on drafting legislation that will address the lack of regulation and enforcement. Again, thank you for holding this hearing today.

**BEFORE THE NEW YORK CITY COUNCIL  
COMMITTEE ON CONSUMER AND WORKER PROTECTION**

**Oversight hearing on Lithium-Ion Battery, Powered  
Bicycle and Powered Mobility Device Safety.**

Public Hearing: October 23, 2023

**COMMENTS OF UBER TECHNOLOGIES, INC.**

Josh Gold  
175 Greenwich St.  
New York, NY 10001

Dear Members of the New York City Council,

Thank you for the opportunity to comment on bills in the Consumer and Worker Protection Oversight Hearing on Lithium-Ion Battery, Powered Bicycle and Powered Mobility Device Safety.

Building safety into our platform is a top priority, and we are continuously working to make safety improvements to benefit drivers, riders, couriers, restaurants, and consumers. This hearing focuses on legislation related to lithium-ion batteries and e-bikes, and while we have specific concerns and feedback related to some of the bills, we believe it's crucial to look at the landscape of New York City as a whole - including third party delivery workers and methods of transportation they use, restaurants and restaurant delivery workers, retailers and manufacturers of e-bikes and batteries, enforcement agents in the City, and others.

**Creating Access to affordable UL certified e-bikes and batteries**

Earlier this year we established partnerships with Zoomo and Equitable Commute Project that allow couriers multiple options for accessing UL certified bikes, through trade-in programs, and discounted rentals. The Zoomo partnership focuses on pathways to ownership for couriers, including a pioneering Trade and Save program in which couriers can trade in old e-bikes for credit to invest in new Zoomo e-bikes. This partnership offers discounted pricing that lowers the barrier to entry for certified e-bikes and safety accessories. We also formed a partnership with Equitable Commute Project to pilot a trade-in program with local NYC bike shops. Delivery workers can trade in non-compliant vehicles for discounted UL-certified e-bikes. Through its innovative e-bike loan program, ECP partner Spring Bank, a B Corp. CDFI offers financing to those who need it, regardless of credit history, and non-compliant bikes and batteries are safely recycled. Finally, earlier this year we donated \$100,000 to the FDNY Foundation for e-bike safety campaigns to help the agency spread awareness and education about safe practices for using lithium-ion batteries.

Since the launch this summer, 157 delivery workers have signed up for the Zoomo partnership, with a waitlist of more than 100 delivery workers in place while Zoomo works on producing more bikes that meet NYC's new strict UL certification standards. Equitable Commute Project only launched in September 2023 but already 250 individuals have applied to trade in their bikes, with 22 trade-ins complete. Both of these programs are working, and we expect uptake to increase as delivery workers become more familiar with the programs and bikes become more available.

Importantly, both of these programs target the key problems delivery workers face, including a way to easily find UL certified bikes, at a price point that aligns with the needs of the industry, as well as safe disposal of used batteries. As this issue is a priority for the City, we hope leaders at the Council and City Hall decide to devote resources to these programs so that they can continue to grow.

While we fully support the long term goals of the bills being heard in this committee, which we see as increasing access to certified equipment and promoting safety for workers, the way these bills are drafted would not actually increase safety, but would instead create an expensive, burdensome, duplicative and potentially impossible process to comply with for workers and third party delivery companies.

#### **Resolutions 718 and 746**

Uber strongly supports Resolutions 718 and 746, both the federal and state governments play a significant role in reducing the availability of non UL-certified e-powered devices and promoting safer transportation choices. No matter what other pieces of legislation the Council passes, New York City will not be able to stop the flood of dangerous devices and batteries and effectively promote safer devices without leadership at the State and Federal levels.

#### **Intros 819, 822 and 998**

Uber supports these measures but notes that these will likely impact businesses and organizations who are critical to the availability of UL certified e-bikes in the City and other legislation must take into account that impact.

#### **Intro 1168**

Intro 1168 aims to require all third party delivery or courier service workers to operate devices which meet specific UL certification established by the City. The legislation is duplicative, presents potential constitutional issues and significant operational challenges. While the City should move to eliminate non UL e-powered mobility devices from operating on its Streets, this legislation is not the solution.

Intro 1168 completely ignores the City's delivery worker minimum pay law. While portions of how the City is choosing to implement Local Law 115 are currently being litigated, the existence of a law requiring a minimum pay rule that factors into account worker expenses is not under dispute. DCWP's [study](#) on which the rule is based, released in November of last year, reviewed worker expenses. In creating the pay standard, the agency took into account the cost of E-bikes, batteries, and helmets and factored them into the expense formula. DCWP included generous expense costs (\$1,800 for an e-bike and \$1,100 for two batteries) in the earnings standard so that worker earnings would cover the purchase of any equipment needed. DCWP also took this approach to solve the problem of how to logistically determine which company would be responsible for the equipment -- a problem that would resurface under this bill. With the earnings rule, workers can earn on the platforms of multiple companies, while earning money to procure the e-bikes, batteries and any other accessories on their own. In New York City, there are more than [two dozen](#) licensed third party delivery and third party courier services, and more than 65,000 workers. While looking at just the four major delivery services, the same study notes that more than 56% of workers hold more than one account. As written, this rule would not only duplicate local law 115, it would result in a significant duplication of equipment given to workers as multiple companies would be required to give the same equipment to just one worker.

Intro 1168 also ignores that there is no way to ensure that workers are using UL certified equipment when making deliveries. Unlike four-wheeled vehicles, there are no license, registration, or insurance requirements for e-bikes. Additionally, there is no clear way to demonstrate an e-bike and battery is UL certified, based on § 20-610. If the Council requires companies to verify that bikes are UL certified, the City must first create a licensing regime for workers, and the vehicles they operate - similar to how the TLC regulates all pieces of the for-hire industry. Intro 758 (Holden) or State Senate bill 7587 (Hoylman-Sigal) would create a licensing regime for electric bikes and scooters, with unique identifiers. Only with that level of certification, could companies set up processes to track the vehicles workers are using. We encourage Councilmember Holden to adopt SB7587's requirement that registration take place at the point-of-sale.

Intro 1168 also excludes restaurants and grocery delivery services from this requirement, even though the same [study](#) by the City notes that 40% of restaurants facilitate their own delivery workers. Unlike the delivery worker pay standard that applies to third party delivery and third party courier services, the City has no mechanism to ensure those workers are properly compensated for obtaining UL certified equipment, and yet, that is the portion of the industry this bill ignores. This is not only inexcusable, but also potentially violates Third Party Delivery Service's and Third Party Courier Service's constitutional right to equal protection.

Finally, the City should look to a law it passed in 2021, which required third party delivery services to provide insulated bags to workers. This bill had such a low threshold that a year and a half after it was implemented more than half of the couriers who were active on Uber Eats and received bags, no longer operate on the platform. While this is incredibly wasteful and costly while looking at insulated bags, it becomes completely unworkable when contemplating the same idea for bikes or helmets.

### **Intro 1163**

Intro 1163 is also problematic as drafted, with some overlap of similar concerns as Intro 1168. While we support the piece requiring the provision of important safety educational materials to workers, the section placing full liability on third party delivery services for the actions of workers is unworkable, as we have no way to know, for example, if a worker is taking off his or her helmet while on the road.

Additionally, it ignores the DCWP's [study](#) released last year, which along with E-bikes, and batteries - also includes helmets in the minimum earnings standard as part of the expense formula. This earnings standard was created to relieve complexities such as this one and remove the possibility of duplicative payments by companies.

We encourage the City Council to revisit this bill. Requiring workers to wear helmets is a smart policy that will increase safety for road users, but the companies that these workers contract through have no way of verifying a worker's behavior while on the road. Creating a safety course applicable to the work these individuals are engaged in along with the current landscape of transportation, bike lanes and other road safety rules would likely be welcome. Many of these workers may not be native to New York, and a course such as this one could be helpful.

### **Looking at the changing landscape of New York City and Micro Mobility**

Putting forth workable solutions to create a safer atmosphere around e-bikes and e-bike batteries is not an easy task, and one which should involve all of those who are involved in the industry with a top down approach, instead

of a piecemeal passage of laws related to different parts of the industry. A taskforce to determine the best solutions for this issue could include stakeholders not limited to those listed below:

- Restaurants who employ delivery workers
- Courier Services
- Third Party Delivery Services
- Third Party Courier Services
- Grocery Delivery Services
- City agencies and officials including: FDNY, NYPD, DOT, DCWP, TLC, and City Hall
- Retailers of e-bikes including Amazon, Best Buy, Dicks Sporting Goods, among others
- Companies that rent e-bikes including: Zoomo, Joko, and Lime, among others
- Manufacturers including: Rad, Lectric, Aventon, Ariel, Blix, Fly, among others

This list is not exhaustive but aims to be an illustrative example of how complicated this issue is and who needs to be at the table to ensure all of the pieces are working together. Passing a law to require workers to use a certain type of bike, while not working with the manufacturers to ensure those bikes are available is a missed opportunity and would create confusion and chaos in the industry as stakeholders attempt to comply with no pathway to do so. Not creating a licensing regime or registration requirement at the point of sale for these e-bikes means that any future regulation or requirements will be impossible. And not including retailers who have helped the pervasive influx of non-certified bikes onto New York City's streets is missing an essential piece.

Uber has invested in the safety of its platform, and worked to establish meaningful partnerships to help workers move from uncertified bikes to UL certified bikes without any legal obligation to do so. Before passing a package of unworkable legislation that will ultimately push these workers who want to use e-bikes onto gas powered mopeds, which also have significant safety issues, or gas powered cars, we urge you to think comprehensively about how we can all work together to come up with solutions to the problem at hand. While complicated, it is possible to create a roadmap for progress that benefits the workers, pedestrians, neighbors in apartment buildings, and the businesses that operate here.



**Written Testimony, DoorDash, Inc.**  
**New York City Council Committee on Consumer and Worker Protection**  
**Oversight Hearing - Lithium-Ion Battery, Powered Bicycle and**  
**Powered Mobility Device Safety**  
**October 23, 2023**

Dear Chair Velázquez and Members of the Committee:

Thank you for the opportunity to testify at Monday's hearing regarding e-bike and lithium-ion battery safety. These written comments provide additional details regarding our views on the current proposals before the committee and our perspective on the best path forward.

DoorDash is a technology company whose mission is to grow and empower local economies, including in New York City. We do that by partnering with thousands of local restaurants for online ordering, pickup, delivery, and marketing services. We also empower New Yorkers from all walks of life to earn money when, where, and how they choose by delivering meals and other essentials. Finally, we are helping customers access more of their communities while also saving time that they can spend on other activities.

Battery safety is a critical problem in New York City. We all must work together to eliminate dangerous products from our streets and homes. However, we are concerned that new requirements for e-bikes and mobility devices could harm the businesses, workers, and customers that use our platform if policies are not carefully crafted.

**Existing DoorDash E-Bike Initiatives**

At DoorDash, we have been proactively engaged on multiple projects to help delivery workers that use our platform, or Dashers, access safer products, bolster battery safety education and awareness, and find long-term solutions that prevent dangerous batteries from being sold.

- ***Improving access to certified e-bikes:***
  - We are financially supporting the [Equitable Commute Project](#) to fund the development of the first trade-in program dedicated to delivery workers in NYC.
    - This program runs events on a regular basis to help delivery workers transition from their existing device to a **new UL-certified e-bike, with e-bikes priced to the participant as low as \$700.**
    - Old, uncertified batteries are properly recycled and disposed of.
  - We are forging partnerships with reputable manufacturers and retailers to offer certified e-bikes to Dashers at affordable prices.
    - We have partnerships with Dirwin, REI, Whizz, and Zoomo, who offer delivery workers discounted e-bikes and batteries.



- These partnerships offer a versatile suite of options for Dashers who use e-bikes to choose from, regardless of whether they want to rent or own.
- ***Investing in education:***
  - We have provided \$100,000 to the FDNY Foundation to support battery safety education.
  - We are partnering with industry and advocacy leader PeopleForBikes to develop best in class e-bike safety information for Dashers.
  - We regularly share resources on safety with Dashers to help them understand best practices and what kinds of devices can be used in the city.
- ***We are supporting new product safety standards:***
  - We are advocating for [Congress](#) and the [U.S. Consumer Product Safety Commission](#) to set federal battery safety standards for e-bikes and all micromobility devices to stop uncertified products from entering the U.S. in the first place.

However, we acknowledge that these are first steps to address this issue for delivery workers and all New Yorkers. We are committed to helping New York City and the Council enact the right policies that actually solve this problem.

### **Current Proposals**

We are broadly supportive of many of the proposals that are before the committee. We believe that setting federal product safety standards is crucial, and strongly support Resolution 718. We have directly engaged federal policymakers on this issue, and we will continue to push for an enforceable federal rule that can help prevent dangerous batteries from being manufactured or imported. Likewise, we applaud Resolution 746. State law may also play an important role in improving battery safety across mobility devices and other products, and we support efforts to ensure chargers and batteries meet the appropriate standards.

Several bills before the committee would impose new licensing, reporting, and notice requirements on businesses that sell or service e-bikes and batteries. These requirements may further help police bad actors that continue to sell illegal products or engage in other unsafe practices. We support efforts that will prevent dangerous devices from reaching consumers. Requirements that will support responsible retailers and repair shops while creating effective enforcement mechanisms for those that don't follow the rules are a good step.

However, we oppose two bills that are before the committee as currently drafted. Intro 1168 would require that only certified e-bikes be used for third-party food delivery, and envisions that platforms could provide certified e-bikes to workers that don't have them. Intro 1163 would create new e-bike and battery safety requirements for bike-based workers, and require platforms to provide workers with safety gear like helmets and lights. While these bills differ in





substance, they suffer from the same key flaws. They conflict with the minimum pay standard for delivery workers, they are unworkable in practice due to the nature of third-party delivery work, they are likely to create harmful unintended consequences, and they leave crucial regulatory gaps unfilled.

**1. *Intros 1163 and 1168 conflict with and undermine the minimum pay standard.***

The minimum pay standard for delivery workers set by the Department of Consumer and Worker Protection (DCWP) already requires that platforms pay workers directly for the estimated cost of their e-bikes, batteries, accessories, and safety equipment. The assumed expenses underlying these pay requirements are significant, particularly for e-bikes. In fact, the rate DCWP set to reimburse workers for e-bike batteries alone was nearly eight times higher than the projected cost of gas for people who deliver by car. DCWP based its pay calculation on the premise that workers would need \$1,800 for an e-bike, \$550 for a battery that would be replaced almost twice per year, and annual expenses for gloves, bike racks, baskets, helmets, lights, horns, reflective vests, locks, alarms, anti-theft cameras, anti-theft GPS systems, and clothes, shoes or rain gear for work.

By requiring that platforms provide many of these items to workers in addition to their wage, these bills conflict with the pay standard. The overlapping requirements in Intros 1163 and 1168 would further undermine the DCWP's stated rationale for the hourly pay requirements promulgated in the minimum pay rule and could require DCWP to reduce worker pay minimums down the road.

**2. *The requirements of Intros 1163 and 1168 are unworkable in practice.***

These bills are currently structured as if third-party delivery workers were employees of the platforms who report to work each day at one of our facilities to pick up their platform-provided bike and helmet. This does not reflect reality. Any adult New Yorker can sign up to dash and hit the road as soon as they pass a background check. Some people sign up, try a delivery or two, and then decide dashing isn't for them. And Dashers don't – and don't want – to report to a designated location each time they dash.

Plus, most workers do not work with a single platform. Multiple workers at the hearing testified to this exact point, naming at least three platforms that they each worked for. These are significant practical challenges. These bills offer no reasonable way to determine which workers should be eligible for equipment or which platform should help provide it for a particular worker.

Existing rules regarding insulated bags are illustrative. As the Committee heard on Monday, approximately half of the workers who received these bags through one platform no longer work in food delivery. E-bikes and safety gear cost far more than an insulated bag, and are much more desirable for people to try and get for free. Incentives for workers to upgrade their equipment must be centralized with the City to avoid duplication, waste, and abuse.



### **3. Intros 1163 and 1168 will result in unintended consequences for workers, restaurants, and the City.**

Bike-based delivery offers significant benefits. As the Committee heard from one worker at the hearing, it is a low-barrier pathway to earning money without the significant expense of obtaining a motor vehicle. It also helps businesses. Increasing car-based delivery would be unworkable in many parts of the city that could not sustain more traffic or lack available parking. This enables businesses to leverage delivery in a way that wouldn't be possible without micromobility. Finally, e-bikes are small and emission free, which means they can help the City meet its climate and congestion goals.

However, as drafted, Intros 1163 and 1168 jeopardize these benefits and could lead to significant unintended consequences. Due to the cost and implementation problems described above, it may no longer make sense to maintain e-bike delivery. This would result in one of two things: 1) workers shifting to less desirable vehicle types, like cars or gas-powered scooters; or 2) workers losing pay and merchants losing business as deliveries go unfulfilled.

These consequences are not hypothetical. On October 23, the Committee heard about several unintended consequences that recently enacted e-bike laws have caused. Witnesses stated that the shortage of UL certified replacement batteries has caused people to seek out even more dangerous used and refurbished batteries, or replace e-bikes with illegal gas-powered scooters. [We've also seen reports of fake UL stickers being circulated](#). These are not outcomes that further the City's congestion, climate, or safety goals. Intros 1163 and 1168 would likely magnify these issues.

Alternatively, these policies could risk the earnings of workers and businesses if e-bike deliveries can't be replaced by other modes. Based on the DCWP's estimates, there are approximately 56,000 workers using e-bikes in any given quarter, and that estimate was from nearly two years ago. That means tens of thousands of workers could lose earnings opportunities. A petition from 221 Dashers has also been submitted to the Committee that expresses the significant concerns that these workers have over banning their e-bikes without an effective plan to replace them. Further, merchants could also suffer, as DCWP estimates that e-bikes account for 66% of the city's 124 million annual deliveries.

There is no question that the fire issue must be addressed. However, the Council should also not overcorrect and enact policies that have the effect of banning e-bikes. As we've outlined below, there are better strategies to avoid the consequences of that outcome.

### **4. These bills leave crucial regulatory gaps unfilled**

Both bills also suffer from shortfalls that will make them ineffective. Most importantly, Intro 1168 won't eliminate dangerous batteries from circulation because it does not require that old batteries be recycled. Recycling and disposal should be at the heart of any and all policies in



this space. Both bills also fail to include other businesses that should be part of the solution (while also differing in exactly which types of businesses are covered). Between them, they leave crucial gaps with respect to third-party grocery delivery services, third-party courier services, businesses that deliver themselves, and the retailers that are responsible for putting these products into the hands of New Yorkers without ensuring that they are safe.

### **Moving Forward**

Multiple groups at the October 23 hearing expressed support for a robust, City-run program to help ensure delivery workers and other New Yorkers have safe, certified, and affordable alternatives to the uncertified e-bikes that are currently on the streets and still being sold. DoorDash also supports this approach. Fortunately, the Council has already created a program, providing a solid foundation to work from. We encourage the Council and the City to focus on scaling this program, and take the following factors into account when considering how to implement existing policies and whether to adopt new ones:

- **Emphasize battery recycling and disposal.** Mandating that people turn in dangerous batteries to a responsible recycling and disposal entity as part of a product replacement program is the only way to ensure that bad batteries are permanently removed from circulation. An effective program cannot be built upon the framework of only providing new devices while not taking care of the old ones that caused this problem. This will simply allow the fire problem to persist as dangerous devices continue to circulate through second-hand sales. It is also critical that disposal be managed properly to prevent fire risks within the waste disposal stream and environmental harm.
- **Bring all stakeholders to the table.** Third-party platforms like DoorDash are a part of the solution, but we cannot solve this problem alone. The City should engage the many other businesses that deliver by e-bike, such as restaurants and other merchants that do direct delivery, and grocery-only delivery platforms. Also, retailers, distributors, and manufacturers that have sold dangerous batteries and e-bikes should play a key role. Delivery workers that use third-party platforms are not the only people in New York City using uncertified batteries, and a real solution must extend beyond delivery work.
- **Create an equitable funding model that considers existing policies.** Platforms like DoorDash can and should contribute to solving this problem. However, the stakeholders above also have a role to play. Further, the many New Yorkers who use e-bikes for everyday transportation, mobility, or recreation may also need support transitioning to a safer device. The City must tap into a broader funding solution.

As it currently stands, delivery platforms are the only entities that have an established pathway to contribute financially. Under the minimum pay standard, platforms may be paying tens of millions of dollars to workers each year for new equipment. If a centralized fund is created, that conflicting financial obligation must be taken into account. The



concept of funding through a delivery tax or surcharge on customer orders came up several times during Monday's hearing. We have significant reservations about delivery taxes and surcharges due to their regressive nature, negative impacts on customers (higher prices), merchants (less revenue), and Dashers (fewer opportunities to earn), and effects on customers using delivery to obtain necessities. However, we are committed to working with the City to establish alternative, sustainable funding models.

- **Avoid unintended consequences and align with closely-connected goals.** A centralized city trade-in program can address many of the unintended consequences we identified above. Battery safety policies can and should support progress on closely-related issues like climate, congestion, and reducing traffic fatalities. By having a trade-in program under the control of the City, it could choose which types of certified devices are included, and focus on products whose speed, size, and functionality align with these goals. This program should also be aligned with the City's enforcement plan for illegal vehicles. If people continue to think that they can use bigger and faster vehicles in the City's bike lanes and off-street infrastructure, they won't make the switch to safer e-bikes. By looking at its broader objectives and existing policies in these key areas, the City could make headway on multiple goals at once.
- **Avoid one size fits all proposals.** There are many different types of mobility devices in New York City, used by many types of people. It's not clear that there is one solution for every product and person. As the Committee heard on Monday, full device replacement may not be the only pathway to solving this problem. Innovative concepts like battery swapping systems are being piloted in the City, and there may be a range of options that ultimately solve this problem.

Thank you for considering our input as you work to identify solutions to ensure that e-bikes are a safe, sustainable part of New York City's transportation future. DoorDash is committed to engaging with this Committee and the Council to pass effective policies that can address this issue and help save lives.

Sincerely,

Toney Anaya  
Head of Strategic Corporate Engagement



## Take Action to Keep Your E-Bike Legal in NYC

Dear New York City Council,

We are Dashers in New York City who are asking you to oppose Int. 1168, a law that would make it illegal for most delivery workers to use their existing e-bike. This would make it harder for us to earn money.

E-bikes are a great way for workers to earn income by doing deliveries efficiently. Many of us have saved up for an e-bike so that it would be easier to complete more deliveries and earn more money. Using an e-bike is also more environmentally friendly than delivering by car.

We know that e-bike batteries can be unsafe when they are not manufactured correctly. We urge the City to come up with effective solutions that will help get these products out of our communities. But Int. 1168 would not fix this problem. It would simply punish delivery workers by making it impossible for us to use the e-bikes we already own, without a real plan for helping us get new bikes that meet the existing standard.

We urge you to work with platforms, retailers, manufacturers, and other businesses in the city to find solutions that will protect our community without putting our ability to earn income at risk.

**Please oppose Int. 1168.**

Dasher First Name	Last Name	City Council District
Fazle	A.	1
Shakhriyor	A.	48
Cadrime	A.	4
Sherzod	A.	48
Tego	A.	42
Jonathan	A.	12
Bikash	A.	30
Jason	A.	9
Andrew	A.	28
Brad	A.	25
Jeffrey	A.	36
Cenatus	A.	45
Kentysh	A.	11
Ali	A.	40

Nirosha	B.	49
Mohamed	B.	43
Tyamese	B.	31
Umar	B.	35
Azaryah	B.	45
Sylvio	B.	27
Yassine	B.	50
Barton	B.	24
Jessica	B.	50
James	B.	28
Ricardo	C.	10
Julian	C.	18
Neilon	C.	42
Ryan	C.	33
Joyturja	C.	26
Mamadou	C.	3
James	C.	23
Carlos	C.	21
Ismael	C.	44
Joy	D.	18
Juan	D.	
Abdoulaye	D.	8
Amadou	D.	18
Mamadou	D.	16
Javier	D.	7
Billie	D.	15
Andrew	D.	
Ronald	D.	27
Estevez	D.	38
Wildy	D.	17
Jerome	E.	41
Ebube	E.	46
Anthony	E.	9
Omar	F.	42
Brandon	F.	42
Oniel	F.	14
Ivan	F.	34

Justin	F.	27
Ravi	G.	32
Linda	G.	30
Olivia	G.	17
Andres	G.	8
Daniel	G.	43
Delsia	G.	6
Ricardo	G.	26
Luis	G.	44
Alwayne	G.	31
Hector	G.	21
Mohammed	H.	14
Irem	H.	36
Mario	H.	25
Moises	H.	10
Nalini	H.	33
Louis	H.	
Mohammad	H.	40
Mohammad	H.	32
Saiful	I.	40
Shohidul	I.	39
Ashli	J.	13
Pavel	J.	7
Christopher	J.	46
Anthonie	J.	16
Paul	J.	27
Aidel	J.	30
Demetrez	J.	36
EQ	J.	46
Davy	K.	8
Ayako	K.	37
Souleymane	K.	15
Daniel	K.	40
Xiu	L.	43
Kareem	L.	41
Nyjae	L.	41
Tommy	L.	1

Henry	L.	35
Mei	L.	38
Najee	L.	North
Francisco	L.	26
William	L.	21
Luis	L.	10
Shawn	M.	2
Ibrahima	M.	17
Abdullah	M.	39
Carlos	M.	
Próspero	M.	43
Ismael	M.	34
Moctar	M.	16
Rachid	M.	3
Raul	M.	10
Rafael	M.	10
Steven	M.	28
Juan	M.	8
Luis	M.	24
Galo	M.	
Samara	M.	43
Jannatul	N.	18
Edward	N.	33
Mujahid	N.	35
Edvin	O.	8
Muhammed	O.	31
Gregory	O.	35
Pablo	P.	21
Sean	P.	31
Edgar	P.	15
Jose	P.	34
Rony	P.	45
Fernando	P.	38
Francisco	R.	24
Abidur	R.	23
Mohammad	R.	26
Dalerdzhon	R.	43



Angelo	R.	50
Marco	R.	23
Miguel	R.	34
Tommy	R.	17
Hector	R.	12
Randy	R.	9
Carlos	R.	17
Brian	R.	8
Marco	R.	11
Michelle	R.	8
Domingo	S.	3
Radames	S.	34
Shobanan	S.	23
Angel	S.	36
Ramphal	S.	28
Tai-Lee	S.	6
Oneil	S.	45
Henry	S.	6
Sha-Mir	S.	
Marisa	S.	49
Ismael	S.	15
Kade	S.	15
Ronnie	T.	11
Franklin	T.	45
Manoj	T.	30
Edison	T.	22
Edwin	T.	43
Yoryi	T.	7
Monir	U.	32
Amanot	U.	37
DANIELLA	V.	29
Gregory	V.	21
William	V.	42
Jorge	V.	22
Erick	V.	8
P	W.	42
Laura	W.	26

Alicia	W.	17
Toe	W.	25
Mohammed	Y.	42
Vadym	Y.	50
Marvin	A.	44
Sumeyya	A.	48
Alexis	B.	43
Amadu	B.	
Shaima	B.	32
Dylan	B.	32
Daniel	C.	38
Widzer	C.	40
Danny	C.	13
Fidel	C.	26
Gasser	E.	22
Dame	F.	8
John	F.	8
Jose	F.	42
Carlos	G.	20
Tyrique	H.	33
Mozammel	H.	39
Nazrul	I.	36
Avalyn	J.	28
Muhammad	K.	43
Rohit	K.	25
Md	K.	18
Ruksana	K.	27
Qiang	L.	43
Galison	L.	36
Rodolfo	M.	29
Tony	M.	30
Carmelo	M.	8
Ryelik	M.	8
Jay-son	M.	14
Daniel	M.	45
Danny	O.	29
Raúl	O.	18

Jose	O.	8
bin	O.	43
Alexis	P.	
Jose	P.	41
Antonio	Q.	15
Libis	Q.	14
Yaya	R.	41
Isaias	R.	25
Md	S.	35
Md	S.	30
Luqman	S.	40
Sam	S.	48
Sergio	S.	8
David	T.	23
Daniel	V.	7
Kevin	V.	21
Christina	W.	9
Lisa	W.	46
Enbo	Z.	38



**NYC Council Committee on Consumer & Worker Protection  
Oversight: Lithium-Ion Battery, Powered Bicycle and Powered Mobility Device Safety  
Monday, October 23, 2023**

**Introduction**

Good morning, Chair Velázquez, and members of the Committee. It is our pleasure to again be before the Committee on Consumer and Worker Protection to discuss pivotal issues facing the City, specifically regarding the safety of delivery workers and collaboration with the delivery industry, including delivery app platforms like Grubhub.

My name is Amy Healy and I am the Vice President of Government Affairs for Grubhub. Thank you for the opportunity to testify today regarding the topic of Lithium-Ion Battery, Powered Bicycle and Powered Mobility Device Safety and the various pieces of proposed legislation pertaining to this issue that is not only important to us at Grubhub, but to the many other companies, workers and consumers that rely on this technology each day. The loss of life caused by fires related to faulty lithium-ion batteries is tragic. Grubhub looks forward to additional collaboration on common sense proposals to address this issue as well as ongoing engagement with all stakeholders to ensure the safety of New Yorkers. The dangers of unsafe e-bikes extends far beyond the restaurant industry as groceries, convenience products, cargo, flowers and many other goods are now delivered via couriers on e-bikes,

While it may go without saying, it warrants emphasis that the safety of the delivery workers is a paramount priority. Their health and safety is essential to thousands of communities and businesses across New York City, including Grubhub's. Simply put, our business doesn't work without the right safeguards in place to protect delivery workers.

**Our Commitment to Investing in Safety**

Grubhub has recently expanded efforts to address creating a safer, more sustainable environment for delivery workers that utilize e-bikes in New York City.

Several months ago, we announced a pilot program with JOCO, a leading delivery e-bike rental platform founded in New York City in 2021. The JOCO partnership provides 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 rider gear.

Additionally, Grubhub is working collaboratively with City leaders, the Fire Department of the City of New York (FDNY), and industry partners to advance the safety of the entire e-bike lifecycle. Key initiatives include a \$100,000 grant from the Grubhub Community Fund to the FDNY Foundation, an organization working to spread awareness and education about safe practices for using lithium-ion batteries.

Grubhub has also called upon Congress to pass the ***Setting Consumer Standards for Lithium-Ion Batteries Act***, which has been introduced by Congressman Ritchie Torres and United States Senators Kirsten Gillibrand and Chuck Schumer. This legislation would require the Consumer Product Safety Commission to establish a final product safety standard for rechargeable lithium-ion batteries used in mobility devices.

These are just a few examples of ways industry can partner on this pivotal issue, and Grubhub is committed to further dialogue on how we and our peers can optimize additional resources that will have real meaningful impact.

### **Flawed Legislation**

We applaud the Council's focus on delivery worker safety and ways to eliminate the fatal threats posed by illegal e-bike batteries. And there are proposed bills that we can strongly support; including requiring the posting of battery safety guides by all businesses that sell e-bikes, establishing a battery safety certification for e-bike mechanics, the creation of record keeping and reporting requirements for entities that purchase or accept second-hand batteries, requiring DOT to develop a safety course to cover e-bicycles and e-batteries, and requiring e-bike businesses to obtain licenses in order to do business in the City.

However, we must point out some flaws, particularly in Int. 1168, that are unworkable.

I would encourage the Committee to acknowledge the following facts that make this legislation both impracticable, unworkable and unenforceable:

- Grubhub's delivery partners maintain their own equipment and certify that such equipment meets all industry and regulatory safety standards, similar to how for-hire vehicle service drivers do the same for their own cars.
- This responsibility is recognized in the proposed minimum pay structure for delivery workers as set forth by DCWP, which calls for \$2.26 of the hourly minimum rate to go toward worker expenses including purchase and upkeep of equipment.
- Because delivery partners are independent contractors, we have no right to require them to use certain types of mobility equipment. Any legislation that forced platforms to impose this would also be a direct violation of the Contracts Clause of the U.S. Constitution.

- While Grubhub and other delivery platforms already require that delivery partners certify that the equipment they use meets all laws and required safety standards, it is not possible for GH or any other platform to enforce the law and prevent a delivery person from falsely certifying that they are following the rules; such enforcement is already the legal responsibility of public safety authorities. Delivery platforms are not a law enforcement entity.
- If we were forced to purchase equipment for any worker on our platform, there still would be no way to ensure that equipment was being used in making deliveries – or that it *wasn't* being used to perform other services, including for personal use or for other companies.
- If by some chance all of the above were theoretically possible, the cost of such a program would be so expensive that it would force platforms to charge significantly higher prices to consumers – leading to much fewer orders, fewer restaurant sales and fewer delivery opportunities.
- Finally, we must remind the Council that our business continues to operate at a loss in New York City, despite persistent myths about billion dollar profits. And while Grubhub is committed to significant investments in delivery worker safety as a critical part of its business model, imposing additional cost on the industry without new revenue sources is completely unsustainable.

These are just a handful of facts that have been overlooked in proposing this legislation that help illustrate why it is not an effective solution to the problem.

The vast complexities of this issue call for a more comprehensive analysis involving all stakeholders who are part of the growing e-bike and public safety ecosystems. We very much encourage this dialogue and would be willing and active participants.

And Grubhub will continue to strongly support and be receptive to additional measures we can collaborate on to further our commitment to delivery worker safety.

Thank you for the opportunity to share our perspective.

### JOCO Testimony

Our names are Jonny & Jonny and we are the co-founders of JOCO. We provide premium e-bike rentals for delivery workers and companies, with the stated mission of removing cars & trucks off the streets for last mile delivery while improving the lives of the delivery rider.

We have been operating for over 2 years and have had over 5,000 delivery riders benefit from JOCO. We have had 0 battery related incidents. We estimate that in 2022 alone, riders using JOCO's vehicles completed ~2.5 million deliveries.

Providing a bike to a delivery rider solves just one part of the problem. Maintenance, storage, charging and theft prevention constitutes a far larger part of the equation. At JOCO we focus on all these areas to improve the life of the delivery driver.

We are the first company in NY to have FDNY approval for our proprietary fireproof battery charging cabinets and the first and only company to provide a "JOCO Concierge", in partnership with Grubhub, where riders can charge their phones, use the restroom, take a break, grab a bike or swap their battery.

Alongside Grubhub, we were honored to host CM Feliz at one of our hubs, where he was able to see much of what we provide firsthand.

We recommend that the City Council focus on the broader task; simply providing Ebikes to delivery riders is like providing electric cars to all Uber drivers, but with nowhere to charge, park or maintain them.

We are happy to speak further if we can be helpful.

Best

Jonny, Jonny & the JOCO team



## Equitable Commute Project City Council Testimony

October 23, 2023

Good afternoon. My name is Melinda Hanson, and I'm a co-founder of the Equitable Commute Project, a coalition of seven NYC organizations working to expand economic opportunity through e-bikes.

The ECP is currently running an e-bike trade-in program for delivery workers. Through the program, workers can exchange their non-certified e-bikes, e-mopeds, or e-scooters for a \$1400 subsidy on a UL-2849 certified e-bike. With this discount, our bikes cost between \$700 to \$1900— **including two UL-certified batteries**. Low-interest, credit-building financing is available through our partner Spring Bank.

The program launched in late summer, with trade-ins beginning in September and happening every other Wednesday. A vendor with special equipment picks up old batteries at the end of each day and ensures they are safely and sustainably recycled. We currently have more than 250 applicants and have exchanged about 20 bikes, with 10 more scheduled for next week.

Now let me share a bit about what we've learned. About 60% of those who have applied are full-time delivery workers, 25% deliver part-time, and 15% deliver occasionally. About 45% of applicants purchased their current vehicle at a shop in NYC, while around 30% purchased online. Roughly 90% of applicants charge their batteries at home, and 67% say they are applying to the program because they are concerned about battery safety.

**While we believe the program is succeeding, it's moving more slowly than we'd like.** We're having a relatively easy time with enrollment, but getting workers to agree to give up an asset they've already invested in, and then spend between \$700 and \$1900—a very large expense for workers—on a new, unfamiliar e-bike is a challenge. To help speed things along, we're partnering with community groups and enrolling participants to become ambassadors for the program. We're also working with manufacturers to customize the e-bikes to better meet worker needs, for example, by adding racks to store second batteries and extend range.

**There is a reluctance to give up Arrow bikes.** For those folks who are interested in the program, many are reluctant to give up their uncertified Arrow bikes, which have especially large batteries. We have searched high and low, and as of now, there are no UL-certified batteries that work for these bikes. Furthermore, we have been advised by dozens of industry experts that system-level UL certification (UL-2849) is by far the safest option, and that exchanging just batteries could introduce new hazards.

**Some program applicants have instead opted to switch to gas-powered mopeds, which are cheaper, faster, and can be conveniently refueled at gas stations.** The switch to mopeds is catastrophic for our city. Mopeds are significantly faster and heavier than e-bikes, posing a greater road safety risk to all





New Yorkers. If this trend continues, it will result in an additional 51,000 metric tons of carbon equivalent emissions per year, as well as 470 kilograms of hydrocarbons and nitrogen oxides. That is equivalent to adding an additional 11,300 cars to NYC streets. We must do everything possible to reverse this trend, trade in programs that bring the cost of certified bikes is an essential component.

Regarding the bills today, we strongly support Resolutions 718 and 746. We need the state and federal governments to act urgently to stop the import of hazardous batteries and send a consistent regulatory message that will encourage innovation in UL-certified e-bikes.

We also support Bill 1220, which would create licensing requirements for retailers. We have seen a lot of misinformation being spread by retailers, some of whom claim their devices are UL-certified when they are not, and others who tell customers that mopeds do not require a license to operate. More must be done to reign this in, and this bill is a step in the right direction.

We support Bill 822, which would create a safety certification program for mechanics. The micromobility industry is expected to be a \$440 billion market by 2030, and New York is poised to be a market leader. In addition to creating this certification, the city should embrace and fund e-bike technician training as part of its broader workforce development initiatives.

Though it's not up for discussion today, **we'd also like to voice our adamant support to adequately fund a large-scale trade-in program** (Bill 949). We strongly support creating a fund—similar to the Black Car fund—paid for by delivery apps and restaurants, with contributions from the City and State—that would support delivery workers to upgrade to UL-2849 certified bikes. The demand is there; if we can bring the cost of these bikes down for all our city's 65,000 workers, we can stop the fires, protect livelihoods, and support sustainable mobility.

I will close by saying that we encourage the city and state to do **much more** to support access to e-bikes through purchase subsidies and investing in infrastructure. E-bikes support economic activity without adding harmful emissions or traffic congestion. They replace car trips and bring joy to riders. ECP research found that more than 60% of New Yorkers would buy an e-bike if given a purchase subsidy. Studies show that building continuous, protected bike lanes dramatically increases the number of people choosing bikes while virtually eliminating sidewalk riding. With more investment from the city and state, we can stop the lithium-ion battery fires and set the stage for a more livable, sustainable, and equitable New York.

Thank you for your time and thoughtful consideration.



159 East 116th Street, 2nd Floor | New York, New York, 10029

Please accept this testimony in connection with the Committee’s oversight hearing on battery safety. Battery fires are a critical problem in New York City, and we commend this Committee and the Council for the actions it has taken so far. Setting safety standards, creating a trade-in program, and investing in education are key steps that will underpin a long-term solution.

However, some of the current proposals in this Committee would move the City off track. We are specifically concerned about new requirements to provide workers with e-bikes and safety equipment as outlined in Int. 1168 and 1163. As currently drafted, these bills will discourage bike and e-bike use, hurt workers and businesses that utilize delivery, and won’t actually solve the City’s battery fire problem. These bills also conflict with existing laws, and they would undermine the policies the Council has already passed.

We are particularly concerned that:

1. Unlike the City’s existing e-bike incentive program, which requires people to trade-in their old battery, these proposals have no mechanism to address battery recycling and disposal. This should be a foundational component of any policy the Council considers, as fires will not stop if dangerous batteries aren’t removed from circulation. This is simply not an effective approach.
2. These policies could effectively shut down or dramatically reduce e-bike delivery through third-party platforms. We struggle to see how platforms will be able to purchase this much equipment for every worker that wants to use a bike given that many workers only work a few hours per week, and many use multiple platforms to find work. At the least, They create heavy, permanent disincentives to use e-bikes for deliveries. It’s unlikely that these deliveries could fully be replaced with cars, and encouraging workers to shift their delivery mode to motor vehicles (or even worse, illegal mopeds) would be a step backwards for issues like congestion, climate, and safety. The City’s streets are a shared resource, and businesses across the City – across all industries – depend on them to move the people and goods that keep this City running. Imposing new, heavy handed regulation on e-bikes will inevitably trade those e-bikes for cars and trucks, flooding the streets with more vehicles and threatening the flow of commerce. This will be hugely disruptive not just to restaurants and other businesses that use delivery, but all of the City’s economy, and it will undermine other City objectives.
3. If platforms are required to provide e-bikes or other bike safety gear to workers–



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equipment that workers are already going to be compensated for through the City’s minimum pay standard—it will drive up the cost of delivery. Higher prices mean fewer orders, and fewer orders mean less revenue for businesses. Duplicating efforts to pay for vehicles and gear is bad policy that is likely to increase prices and hurt local businesses.

The City needs a plan that harmonizes with the actions it has already taken to address this problem and the City’s broader infrastructure goals. Existing initiatives need to be implemented before the Council imposes new requirements that will harm businesses and workers. It is crucial that the City focus on administering the existing trade-in program, funding it, and getting it running. It is also important the City enforce its existing battery safety standards and prevent retailers from selling dangerous products into New York City. This supply must be shut off, and these entities must be part of the City’s solution.

We firmly support efforts to stop battery fires. However, this is also a broad problem that goes beyond delivery. We encourage the City to continue building on its existing policies so that it can be most effective.

Thank you,

Cindy Estrada  
Executive Director  
NYCHCC



## **Testimony of the Partnership for New York City**

### **New York City Council Committee on Consumer and Worker Protection**

#### **Lithium-Ion Battery-Powered Vehicles October 23, 2023**

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Thank you, Chair Velázquez and members of the committee, for the opportunity to testify on bills related to the safety of lithium-ion battery-powered vehicles. The Partnership for New York City represents private sector employers of more than one million New Yorkers. We work together with government, labor, and the nonprofit sector to maintain the city's position as the preeminent global center of commerce, innovation, and economic opportunity.

The Partnership supports measures to increase the safety of vehicles powered by lithium-ion batteries including electric bicycles (e-bikes) and electric scooters (e-scooters). After gaining permission from the state, in 2020 the city legalized three types of e-bikes and e-scooters, all of which commonly use lithium-ion batteries. These vehicles have potential to alleviate traffic congestion, improve the environment, and increase the mobility of those who live far from public transportation. They also are a critical transportation mode for delivery workers.

Unfortunately, the rapid increase in e-bikes and e-scooters has overwhelmed many areas of the city with fast moving vehicles that often ignore the safety of pedestrians and cyclists using non-electric bicycles. In 2022, 239 pedestrians were injured in crashes involving e-bikes and e-scooters, a 30% increase from 2021; e-bike riders made up 70% of the 26 cyclists who have died so far in 2023.

Fires caused by the lithium-ion batteries that power these vehicles have dramatically increased and have become a leading cause of fatal fires in the city. So far in 2023, there have been 216 battery-related fires that have caused 120 injuries and 14 fatalities.

The Council has taken significant legislative steps to address the causes of lithium-ion battery fires including placing restrictions on the sale of e-bikes, e-scooters, and batteries as well as creating education programs on battery safety. The Partnership supports legislative efforts to improve safety, as well as more aggressive enforcement of existing laws. We are particularly supportive of Int. 1220, sponsored by Council Member Brewer, which would create a license for businesses that sell, rent, or maintain e-bikes and e-scooters, ensuring that these businesses maintain insurance and comply with relevant city laws.

Thank you.



**peopleforbikes**

P.O. BOX 2359 BOULDER, CO 80306

PeopleForBikes.org | 303.449.4893

**October 25, 2023**

**To: Hon. Marjorie Velázquez, Chair  
Committee on Consumer and Worker Protection  
New York City Council  
Via email to: [District13@council.nyc.gov](mailto:District13@council.nyc.gov)**

**RE: Powered Bicycle and Mobility Device Safety Legislation**

Dear Chair Velázquez,

Thank you for leading the Committee as they consider important new legislation to address ongoing safety issues with respect to powered mobility devices and the hardworking community of delivery workers who use them every day in New York City. PeopleForBikes respectfully offers these comments on this package of legislation with a view to increasing both effectiveness and enforceability should these bills become law.

### **About PeopleForBikes**

The PeopleForBikes Coalition is the sole trade association for U.S. manufacturers, suppliers and distributors of bicycle products, including electric bicycles. We represent over 300 members that produce goods in every segment of the bicycle market, from high-end competition bicycles to affordable kids' 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 works at the federal level and state-by-state to create favorable laws and modern, harmonized standards for regulation of electric bicycles throughout the United States, as well as publishing significant educational and safety content for consumers.

PeopleForBikes developed the Three-Class Model Law to better define and regulate the various types of electric bicycles, which has now been adopted by 41 states (including New York) and the federal government. We have engaged with the CPSC to address a variety of regulatory issues related to electric bicycles, including new safety standards for e-mobility batteries and electric bicycles. PeopleForBikes is the leading national advocacy organization in the e-bike space.

**With respect to the bill package before the Committee:**

**We support Resolution 0718-2023** and H.R. 1797/S. 1008, the Setting Consumer Standards for Lithium-Ion Batteries Act. PeopleForBikes has consistently advocated for a mandatory federal safety standard for lithium-ion batteries for all powered mobility devices to both Congress and the CPSC. We engaged with the New York Congressional delegation on these bills prior to their introduction. We understand that the CPSC has proposed a rulemaking on mandatory e-mobility battery standards in their 2024 budget proposal, and stand ready to support that effort.

**We support Int 0998-2023**, which would require recordkeeping and reporting of the receipt and disposal of all lithium-ion batteries for powered mobility devices.

As the sale and use of e-mobility devices grew, PeopleForBikes recognized the need to safely dispose of used lithium ion batteries. Along with our partner, Call2Recycle, PeopleForBikes created the nation's first recycling program for e-bike manufacturers and retailers to address safe recovery and recycling of lithium-ion batteries. Currently our program, called Hungry for Batteries, already operates dozens of collection sites through bicycle retailers in New York City, which can be found through our website, [www.hungryforbatteries.org](http://www.hungryforbatteries.org).

The program includes safety training for retailers on safe handling practices and fire prevention, and uses a specially designed shipping container to safely transport lithium ion batteries from a retailer to a recycling center.

The program has no cost to consumers as the program costs are paid upfront by our participating e-bike manufacturer members. Call2Recycle assures us that retailers who participate in the program will be able to track and report to DCWP on the batteries they recover from consumers.

Our recycling program is limited to e-bike batteries produced by participating e-bike manufacturers and bicycle retailers who have agreed to serve as collection points. We therefore continue to urge all e-bike manufacturers to join and support

this important program, which addresses the crucial need to keep used lithium ion batteries out of the waste stream, reduce risks of fires, and recover valuable materials that can be used to make new batteries.

PeopleForBikes is ready to provide any additional information about our battery recycling program that the Committee or Council may require.

**We Support Int. 0819-2022:** PeopleForBikes has addressed the need for more consumer education regarding safe operation and charging of electric bicycles.

PeopleForBikes has published an E-Bike Owner's Manual for inclusion by the industry with new electric bicycles. Our Manual contains extensive educational content on safe practices for lithium-ion batteries. Our [E-Bike Smart](#) program presents online educational content on safety and etiquette for consumers. This program is free and can be accessed at our website, [www.ebikesmart.org](http://www.ebikesmart.org)

PeopleForBikes is ready to assist the DCWP with development of educational content and postings that retailers would be required to provide under Introduction 0819-2022, which has our full support.

### **We Offer These Suggestions With Respect to Int. 0822-2022**

This bill would direct the Commissioner of the Department of Consumer and Worker Protection to establish a process for certification of powered mobility device mechanics, require all mechanics to be so certified, and maintain on the DCWP website a list of all such certified mechanics.

This legislation places significant responsibility on the DCWP to develop a process to certify mechanics who service powered mobility devices. As representatives of the DCWP testified at the October 23rd hearing, the department lacks the expertise needed to create such a program.

Currently there exists a wide range of powered mobility devices and an equally wide range of specific technologies, systems and batteries. PeopleForBikes is unaware of any training or training materials provided by E-scooter or electric moped manufacturers, or for the many brands of these devices that are sold online. It is our understanding that the fires experienced in New York City have predominantly been found to have originated in batteries for such relatively unsupported products that are sold and serviced outside of established traditional bicycle shops.

With respect to electric bicycles sold by established bicycle retailers, more training resources are available for both the mechanical and electrical aspects of e-bikes. Traditional bicycle retailers train their mechanics in-house with more senior staff, use various online training resources, or send them out for classroom training. Major drive system manufacturers such as [Bosch](#) regularly offer training for bicycle shop employees who service their specific products. A few organizations like [LEVA](#) and a handful of trade schools offer more general e-bike maintenance training for a fee. These organizations all have limited capacity, and there currently is no universally accepted e-bike mechanic training and certification process.

Int. 0822-2022 therefore presents the DCWP with somewhat of a heavy lift in order to develop the desired certification, especially with respect to the wide variety of mobility products other than electric bicycles. With considerable expense and effort, the Department could potentially work with industry organizations such as PeopleForBikes, the National Bicycle Dealers Association (NBDA) and LEVA to develop an appropriate standard and training certification process, at least with respect to electric bicycles.

In the alternative, Int. 0822-2022 could be amended to direct the DCWP to **focus more specifically on lithium-ion battery safety training and certification**, rather than whole product mechanic certification. Lithium-ion batteries are the common thread to all powered mobility devices, and most fires originate either with batteries or during the charging process. Focusing on battery safety certification would make the training more generally applicable, and the certification process more manageable.

### **Comments on Int. 1220-2023:**

This bill would require the DCWP to create a licensing regimen for “any business that ... is focused on the sale, rental or maintenance of powered bicycles or powered mobility devices ... and related storage batteries.” All such businesses would be required to apply to the DCWP to obtain a license to operate with various certification requirements, including:

- compliance with section 20-610 (LL-39)
- compliance with the New York City Fire Code
- obtaining liability insurance that “as determined by the department, adequately protects the public”
- submission of copies of such insurance policy or a certificate of insurance
- annually certify their continued compliance with all of the above



The DCWP and FDNY would conduct inspections of all businesses applying for a license as well as routine inspections at any time. DCWP would have the ability, after notice and a hearing, to deny, revoke or suspend a license. Operation of an unlicensed e-bike or e-scooter business would subject the business to a civil fine of “not less than one thousand dollars per day of unlicensed operation.”

At the hearing, DCWP testified that in their view, this bill is premature at this time as they are still near the beginning of their enforcement efforts with respect to LL-39, which are showing promise. The Department suggested that they could better enforce existing ordinances if given the ability to “seal” the businesses of repeat offenders rather than create a new licensing program and then go through a licensing revocation process. PeopleForBikes agrees with this testimony.

We recognize that the proposed ordinance is intended to address the serious risk of additional fatal fires that have already occurred in certain businesses that sell or service low-quality e-mobility devices, or because of these devices or their batteries. We note that e-mobility businesses are already subject to the Fire Code, which is being vigorously enforced by the FDNY when violations are discovered.

PeopleForBikes may be able to support a licensing approach because our members who manufacture e-bikes do not sell to those non-traditional ‘problem’ businesses; rather, our members sell their high-quality electric bicycles through established bicycle retailers who are already licensed and responsible businesses. However, this proposed licensing process places additional regulatory burdens on both compliant and non-compliant businesses.

Additionally, the current language of the bill appears to be somewhat overbroad, and does not set clear expectations for the required insurance coverage.

First, it is not clear from the bill whether it would apply to online businesses. PeopleForBikes suggests that the bill be limited to businesses **with physical locations within New York City**. Businesses with physical locations outside the city are not subject to local fire codes and should not be required to certify compliance with the New York City Fire Code. They are also not subject to inspection for compliance with licensing requirements.

With respect to the insurance requirement, traditional and reputable bicycle retailers who sell electric bicycles typically already carry product liability insurance for their own protection, as well as to comply with contractual requirements of their suppliers. The typical product liability insurance policy in the bicycle industry provides coverage of \$1M per occurrence, and \$2M in the aggregate (for all claims made during the

policy coverage period, usually one year). PeopleForBikes is concerned that the bill allows the DCWP the discretion to require some other, higher amount, or specific types of coverage which would require all bicycle retailers to obtain new insurance with a resulting higher premium cost. **We therefore suggest that the bill set the amount of required liability insurance at the customary \$1M/\$2M level.**

Lastly, PeopleForBikes understands that the National Bicycle Dealers Association (NBDA) also has concerns with this bill package. The NBDA is the national trade association for bicycle retailers, and may offer the Committee and Council additional insights into the impact of the proposed legislation on their members and the industry in general. We support their work and advocacy on behalf of their members.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matt Moore', written in a cursive style.

Matt Moore

Policy Counsel

[matt@peopleforbikes.org](mailto:matt@peopleforbikes.org)

Please accept this testimony in connection with the Committee's oversight hearing on battery safety. The Five-Borough Chamber Alliance includes the Bronx, Brooklyn, Manhattan, Staten Island, and Queens Chambers of Commerce, and represents most of the 200,000 small businesses throughout New York City.

Battery fires are a critical problem in New York City, and we commend this Committee and the Council for the actions it has taken so far. Setting safety standards, creating a trade-in program, and investing in education are key steps that will underpin a long-term solution.

However, some of the current proposals in this Committee would move the City off track. We are specifically concerned about new requirements to provide workers with e-bikes and safety equipment as outlined in Int. 1168 and 1163. As currently drafted, these bills will discourage bike and e-bike use, hurt workers and businesses that utilize delivery, and won't actually solve the City's battery fire problem. These bills also conflict with existing laws, and they would undermine the policies the Council has already passed.

We are particularly concerned that:

1. Unlike the City's existing e-bike incentive program, which requires people to trade-in their old battery, these proposals have no mechanism to address battery recycling and disposal. This should be a foundational component of any policy the Council considers, as fires will not stop if dangerous batteries aren't removed from circulation. This is simply not an effective approach.
2. These policies could effectively shut down or dramatically reduce e-bike delivery through third-party platforms. We struggle to see how platforms will be able to purchase this much equipment for every worker that wants to use a bike given that many workers only work a few hours per week, and many use multiple platforms to find work. At the least, they create heavy, permanent disincentives to use e-bikes for deliveries. It's unlikely that these deliveries could fully be replaced with cars, and encouraging workers to shift their delivery mode to motor vehicles (or even worse, illegal mopeds) would be a step backwards for issues like congestion, climate, and safety. The City's streets are a shared resource, and businesses across the City – across all industries – depend on them to move the people and goods that keep this City running. Imposing new, heavy handed regulation on e-bikes will inevitably trade those e-bikes for cars and trucks, flooding the streets with more vehicles and threatening the flow of commerce. This will be hugely disruptive not just to restaurants and other businesses that use delivery, but all of the City's economy, and it will undermine other City objectives.
3. If platforms are required to provide e-bikes or other bike safety gear to workers—equipment that workers are already going to be compensated for through the City's minimum pay standard—it will drive up the cost of delivery. Higher prices mean fewer orders, and fewer orders mean less revenue for businesses. Duplicating efforts to pay

for vehicles and gear is bad policy that is likely to increase prices and hurt local businesses.

The City needs a plan that harmonizes with the actions it has already taken to address this problem and the City's broader infrastructure goals. Existing initiatives need to be implemented before the Council imposes new requirements that will harm businesses and workers. It is crucial that the City focus on administering the existing trade-in program, funding it, and getting it running. It is also important the City enforce its existing battery safety standards and prevent retailers from selling dangerous products into New York City. This supply must be shut off, and these entities must be part of the City's solution.

We firmly support efforts to stop battery fires. However, this is also a broad problem that goes beyond delivery. We encourage the City to continue building on its existing policies so that it can be most effective.

Sincerely,  
Lisa Sorin  
President & Chief Executive Officer  
Bronx Chamber

Randy Peers  
President & Chief Executive Officer  
Brooklyn Chamber

Jessica Walker  
President & Chief Executive Officer  
Manhattan Chamber

Linda Baran  
President & Chief Executive Officer  
Staten Island Chamber

Thomas Grech  
President & Chief Executive Officer  
Queens Chamber





Safety. Science. Transformation.™

October 23, 2023

Committee on Consumer and Worker Protection  
The New York City Council  
City Hall  
New York, NY 10007

UL Solutions appreciates the opportunity to provide this testimony to the New York City Council's Committee on Consumer and Worker Protection. We applaud the Council's continued hard work to address the public safety challenge of the proliferation of uncertified micromobility products on the streets of New York.

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 2489, Standard for Electrical Systems of E-Bikes. ULRI performs fundamental research on a variety of safety, security, and sustainability challenges. UL Solutions' testing, inspection, and certification services validate whether products meet standards for safety, security, or sustainability.

We support the Committee's efforts to address the fire hazards associated with e-bikes, e-scooters, and other micromobility products. In particular, we are supportive of Int. 0819-2022. Consumers should be fully informed of the hazards of lithium-ion batteries, and how to mitigate those hazards, as soon as possible in the purchasing process. Critically, this information could alert consumers to the dangers of using non-original equipment manufacturer (OEM) chargers or using batteries other than those recommended by the equipment manufacturer in the device. Requiring this information online could also alert consumers as to New York City requirements for the certification of micromobility devices to relevant safety standards.

In addition, UL Solutions strongly agrees that the burden of reducing noncertified lithium-ion battery powered micromobility equipment, and batteries, on the market should not be born by local government alone, and thus we are supportive of state and federal action to address these products. We would urge the U.S. Consumer Product Safety Commission (CPSC) to adopt the same safety standards as New York City<sup>1</sup> as consumer product safety standards, and we

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<sup>1</sup> UL 2849, UL 2272, and UL 2271

would urge the CPSC to require these products be certified by an U.S. Occupational Safety and Health Administration (OSHA) Nationally Recognized Testing Laboratory (NRTL). In our view, amending HR 1797 and S. 1008 to reference the existing US national standards for these products and require independent third-party certification would enable faster implementation and promote stricter compliance.

We are also supportive of state action to restrict the sale of noncertified lithium-ion batteries and micromobility equipment. We would urge New York, as well as the surrounding states, to take this action for the safety of their own residents, and to reduce the burden on New York City. In support of that, the New York Legislature should pass A. 4938-B/S. 154-C.

The benefits of these new modes of transportation cannot come at the price of increased fire fatalities and injuries, or the disruption to residents' lives and property. The New York City Council should be recognized for its continued leadership on addressing the safety hazards associated with lithium-ion battery powered micromobility equipment and helping to ensure New York City residents can enjoy the benefits safely. UL Solutions appreciates the opportunity to provide comments. If you have any further questions, please contact Derek Greenauer ([derek.greenauer@ul.com](mailto: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



**Monday, October 23, 2023**

**New York City Council Hearing on Consumer Affairs and Workforce Protections  
Regarding E-Bike and E-Battery Safety  
Testimony by Ligia Guallpa, Executive Director, Workers Justice Project (WJP)**

Thank you so much, Speaker Adams, Chairwoman Velazquez and the Consumer Affairs Committee for the opportunity to testify today on this crucial topic of legislation to promote e-battery safety. As the Executive Director of the Workers Justice Project, we are committed to working with City government to make sure that e-bike fires are prevented and that we are investing in resources and solutions to enhance safety on our streets and in our communities.

As an important first step, it is critical to create a transition process to newer e-bike and UL certified battery models that is equitable and affordable for 65,000 deliveristas who continue to rely on this job to provide to their families. These are the 65,000 deliveristas who continue to show up through the floods, the rain, air quality emergencies, and blizzards to ensure communities across the City are fed and safe at home.

The reality is that as dependency on e-bikes and e-scooters continues to grow, food delivery companies continue to widen the delivery radius recklessly, forcing delivery workers to travel longer distances to fulfill the orders as quickly as possible. The streets of New York City have become the workplace for thousands of deliveristas who have become the first responders in times of climate change, just like in the recent events of flooding and air quality emergencies that our City has experienced.

We are here to urge the Council to consider a comprehensive approach to safety. One of our priorities is investing not only in education, but also in an effective transition process that enables deliveristas to transition to newer, safer e-bike batteries in an affordable and equitable way. We are grateful for Majority Leader Keith Powers' leadership legislation to establish the first e-bike and e-battery trade in program in the City and look forward to its implementation, but this is only the first step.

We strongly support the package of legislation that is about preventing manufacturers from bringing batteries that are not safe. We strongly support enforcement on retailers who are selling e-bikes and motor scooters irresponsibly. We strongly support the enforcement of manufacturers who are not doing the right thing and continuing to produce faulty equipment that don't meet minimum safety standards. We strongly support legislation that also mandates the responsibility of the apps.

One of the biggest concerns that we want to bring to your attention is that while we understand the urgency to bring forth legislative solutions in a rapid and timely manner, the development and approval of UL-certified batteries in the market do not come fast enough. The biggest struggle that deliveristas are experiencing right now is that there is not enough UL-certified batteries that deliveristas can access.

The few that are available in the market come at a huge expense – we are talking about 3,000 to 5,000 dollars, so the transition cost is creating a financial burden on deliveristas. We also strongly support measures to ensure additional accountability from delivery apps because at the end of the day, they are the ones who are profiting and benefiting from the labor of deliveristas.

As we think about transition and enforcement, we must also make sure we are bringing manufacturers and workers to the table. Because when we are thinking about the transition, we need to make sure the market adapts to the new reality of our City, the transition costs do not create a burden on workers, and also does not push deliveristas from e-bikes to motor scooters.

I think you have all seen more and more motor scooters on our streets. What we are observing on the ground is that deliveristas are transitioning to motor scooters because they are finding it really hard to afford and find UL-certified batteries. Our concern with motor scooters is there is a huge range of motor scooters that are being sold illegally, and many of them are being sold without informing deliveristas that they need to register.

We are eager to work with the City Council to bring every player to the table and ensure that we are tackling the issue of safety from a multi-pronged lens centered in justice, with worker's protections playing a key part in the solution. I'm going to pass it on to the leaders who will speak more on issues on what things they would like to see what we want to see happening in the Council.

To the Committee on Consumer and Worker Protection,

Thank you for offering a chance for me to share my perspective on how delivery workers can safely use e-bikes to earn income in the city. While there are many bills being discussed about this issue, I'm particularly concerned about Int. 1163 and Int. 1168, which together would make it more difficult for me to keep using my existing e-bike for delivery, and could ultimately be harmful for many other delivery workers just like me.

I've lived in New York City for two decades, and previously worked for the City with the Parks Department. Still, I'm always looking to balance a couple of side hustles to make some extra income, so I started delivering with DoorDash as well as doing work with Task Rabbit. I loved how easy it was for me to get started with my e-bike and hit the road, and now it's the only mode of transportation I use to dash.

Importantly, I want to make clear that I share many of the concerns that the City has around making sure e-bike batteries are safe to use for all New Yorkers. I know that doing this will not only keep me safe, but also help protect those around me.

However, these bills create more questions than answers when it comes to making it easier for delivery workers to use safe e-bikes. For example, if Int. 1168 is passed, it would effectively ban me from delivery work until I can figure out how to get a new vehicle. I worked hard to be able to get the bike that I use today, and now I'm worried that I won't be able to keep using it.

Meanwhile, these bills don't give a real way for me to get a replacement e-bike that I could use to keep delivering with these platforms. The bill seems to expect that either delivery workers will find new certified bikes, or the delivery platforms will provide everyone with a free e-bike. However, there are tens of thousands of delivery workers like me, and few have certified e-bikes. This plan just isn't realistic and affordable for either workers or platforms. The bill will work more like a ban on e-bikes altogether rather than a pathway to get safer ones.

As a result, those of us whose e-bikes don't meet the new standards would probably be forced to use a car or another gas-powered vehicle if we want to keep delivering. For example, mopeds have caused just as many problems for the City and its delivery workers, with many people being misled about when they are legal. It simply doesn't seem like the right way for the City to make it safer for delivery workers to use e-bikes.

Targeting us with these new requirements is also unfair and won't stop the battery fires. Delivery workers aren't the only ones using e-bikes. Many people in the city have them and use them for all sorts of other reasons. Instead of cracking down on people who buy them just for fun, you're cracking down on the people who are using their e-bikes to work and make extra money for themselves and their families. Us delivery workers will end up sidelined, while everyone else with an e-bike is free to keep riding them and charging them in their homes. The City needs a better



plan to solve this problem and ensure that bad batteries are actually eliminated from our communities.

Finally, these proposals don't take into account the fact that providing unlimited free e-bikes and safety gear just doesn't make sense with how we work. A lot of delivery workers frequently use different platforms. Which one is supposed to be providing us with a bike, helmet, and lights? Delivery will never be affordable if every platform is supposed to provide everyone who signs up with thousands of dollars worth of gear. And if delivery isn't affordable, I won't be able to earn extra money.

There are more reasonable, long-term solutions that the City Council should consider instead of these harsh measures. Just last month the City took a great step forward by starting a publicly funded battery and mobility device trade-in program. It seems like the Council should consider more ways like this that both get bad batteries off the street and easily replace them with affordable, safer versions for delivery workers while also ensuring that these items that are supposed to help delivery workers aren't abused.

I respectfully ask the Committee to reconsider these bills and instead explore ways to build up the programs already in place so that e-bikes remain a viable way to safely earn in New York City, rather than take away these options.

Sincerely,  
Alonzo Whitted

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/23

(PLEASE PRINT)

Name: Andrew Schwenk

Address: \_\_\_\_\_

I represent: DCWP

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Carlos Cruz

Address: Assistant Commissioner

I represent: DCWP

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/23/23

(PLEASE PRINT)

Name: Amy Healy

Address: 5 Bryant Park

I represent: Grubhub

Address: 5 Bryant Park

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1168 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Toney Anaya

Address: \_\_\_\_\_

I represent: Door Dash

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1168 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Alonzo Whitted

Address: \_\_\_\_\_

I represent: Door Dash

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1168 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Julian Kline

Address: \_\_\_\_\_

I represent: Tech: NYC

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 09 23 - 2023

(PLEASE PRINT)

Name: DAVID HAMMER

Address: \_\_\_\_\_

I represent: Popwheels

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/23/23

(PLEASE PRINT)

Name: Christopher Leon Johnson

Address: Durham Ave 21/14

I represent: Self

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Joshua Gold

Address: \_\_\_\_\_

I represent: Uber

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1168 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Elizabeth Adams

Address: \_\_\_\_\_

I represent: Transportation Alternatives

Address: 111 John Street

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 10/23/2023

(PLEASE PRINT)

Name: Raul Rivera

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: LIGIA GUALIPA

Address: 365 Broadway OK NY 11211

I represent: Workers Justice Project

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Alejandro Grajales

Address: 82nd St

I represent: Los Delinistas Unidos

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ANTONIO SOLIS

Address: 365 Broadway BK NY 11211

I represent: Los Delinistas Unidos

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: WILLIAM MEDINA

Address: 365 Broadway BK NY 11211

I represent: Los Delinistas Unidos

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms