

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND  
EMERGENCY MANAGEMENT

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April 17, 2023  
Start: 10:21 a.m.  
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HELD AT: Committee Room - City Hall

B E F O R E: Joann Ariola  
Chairperson

COUNCIL MEMBERS:

David M. Carr  
Carmen N. De La Rosa  
Oswald Feliz  
James F. Genarro  
Robert F. Holden  
Ari Kagan  
Kevin C. Riley  
Lynn C. Schulman  
Kalman Yeger

## A P P E A R A N C E S (CONTINUED)

Carlos Ortiz  
Assistant Commissioner at Department of Consumer  
and Worker Protection

John Esposito  
FDNY Chief of Fire Operations

Julian Bazel  
FDNY Fire Code Counsel

Ronald Butler  
Energy Storage Safety Products International

Robert Slone  
UL solutions Chief Scientist

Ligia Guallpa  
Executive Director at Workers Justice Project

Gustavo

Adam Roberts  
Policy Director for the Community Housing  
Improvement Program



2 SERGEANT AT ARMS: Good morning and  
3 welcome to the New York City hybrid hearing on the  
4 Committee on Fire and Emergency Management. Please  
5 silent all electronic devices. Chair, we are ready to  
6 begin.

7 CHAIRPERSON ARIOLA: Thank you. [gavel]  
8 Good morning. I'm Council Member Joann Ariola, Chair  
9 of the Committee on Fire and Emergency Management.  
10 I'm joined by Council Members Kagan, Schulman, Carr,  
11 De La Rosa, and Powers. Today, this committee will  
12 be conducting a hearing on two bills, Introduction  
13 949 and Introduction 950, both introduced by Majority  
14 Leader Keith Powers. Intro 949 would require the  
15 Department of Consumer and Worker Protection in  
16 collaboration with the Department of Sanitation and  
17 the FDNY to establish a program to provide new  
18 lithium ion batteries for use in powered mobility  
19 devices such as electric scooters or electric e-  
20 bikes. Such batteries would be provided at a reduced  
21 cost or no cost to an individual and could be  
22 provided in exchange for used batteries. Intro 950  
23 would require that all businesses that use bicycles  
24 for commercial purposes provide workers who operate a  
25 motor-assisted bicycle on behalf of such business

2 with fireproof or fire-resistant containers suitable  
3 for charging removable storage batteries used to  
4 power such devices. The requirements of the  
5 legislation would only apply to entities who do not  
6 provide on-site charging options for workers and for  
7 operators who utilize devices with removable  
8 batteries. As we all know, our city has experienced  
9 numerous destructive fires caused by lithium ion  
10 batteries. These fires are incredibly difficult to  
11 extinguish and result in extensive property damage,  
12 and at times turn fatal. Unfortunately, we witnessed  
13 yet another deadly fire last week in Astoria that  
14 caused-- was caused by lithium ion batteries. This  
15 fire resulted in the deaths of a seven-year-old boy  
16 and his 19-year-old sister. I would like to pause and  
17 have a moment of silence for the Alyafi [sp?] family  
18 for their tragic loss as well as those we have lost  
19 in the wake of these tragic senseless fires. Thank  
20 you. Recently, the FDNY testified at the Council's  
21 Preliminary Budget hearing last month that the City  
22 had 220 lithium ion battery-related fires during  
23 calendar year 2022, and it has been reported that the  
24 City has already experienced over 55 fires related to  
25 lithium ion batteries this year. These batteries are

2 most likely to catch fire when charging and cause  
3 significant risks when they do arise from batteries  
4 that are left unattended while charging for long  
5 periods of time such as overnight. In an effort to  
6 help prevent these fires from happening, the  
7 committee previously held an oversight hearing on the  
8 safety risks that e-bikes and lithium ion batteries  
9 pose to the City. Subsequently, the committee passed  
10 a package of bills related to e-bike and lithium ion  
11 batteries that strengthen safety standards for  
12 lithium ion batteries and increase public education  
13 and the potential dangers of these batteries. Today,  
14 we look forward to hearing testimony from the  
15 Administration on Intro 949 and Intro 950, and we  
16 will continue to work collaboratively to find  
17 appropriate solutions to decrease the ever-growing  
18 problem of lithium-ion battery fires, specifically as  
19 they relate to e-bikes. I'd like to acknowledge my  
20 community and Majority Leader Keith Powers for  
21 opening remarks.

22 COUNCIL MEMBER POWERS: Thank you. Thank  
23 you today for the opportunity to speak about my  
24 bills, Intro 949 and Intro 950, to address the urgent  
25 and growing crisis of fires sparked by lithium-ion

2 batteries. I want to thank Chair Ariola for holding  
3 this hearing and my colleagues, nearly 30 of them who  
4 have already signed on in support of this  
5 legislation. We are in crisis in New York City.  
6 Every day you turn on the news and there's another  
7 fire and that's why we're here today. Our city is  
8 facing an unprecedented increase in the number of  
9 fires caused by lithium-ion batteries which are  
10 commonly used to power e-bikes. Fires caused by  
11 these batteries are not like regular fires, they're  
12 particularly dangerous and difficult to put out. And  
13 before I say anything else, I want to thank the FDNY  
14 for all your efforts not only to tackle these, but of  
15 course to be responsive including to fires in my  
16 district. Mine was particularly a heroic rescue  
17 outside of a window on 52<sup>nd</sup> Street. So I wanted to  
18 thank you guys for all your work there. There have  
19 already been 60 fires and five deaths this year due  
20 to fires caused by lithium-ion batteries. By  
21 comparison, six people died in all of last year due  
22 to battery fires, so clearly this is a deepening  
23 problem. Just last week as mentioned, two young New  
24 Yorkers in Queens died in a fire caused by lithium-  
25 ion batteries, even though the FDNY showed up in

2 three minutes. They were 19 and they were seven  
3 years old. These are heartbreaking losses for our  
4 communities and our city and I know my colleagues in  
5 the City Council and I are taking this issue very  
6 seriously, but we have to continue to move with  
7 urgency. Building on package of bills the City  
8 Council passed last month, my bills will help replace  
9 thousands of faulty and dangerous batteries that are  
10 already on the street with certified options and  
11 encourage safe charging. Intro 949 would establish a  
12 program in coordination with the FDNY, the Department  
13 of Consumer and Worker Protection, and other city  
14 agencies to provide workers with safer batteries at  
15 reduced or no cost in exchange for trading those  
16 batteries in. Intro 950 would require businesses that  
17 use e-bikes commercially to provide their operators  
18 with fire-proof or fire-resistant containers so  
19 batteries can be charged in a safe manner. Our goal  
20 is to create effective, practical solutions to a  
21 crisis that presents a danger to our entire city and  
22 every single one of our districts. To that end, we  
23 will continue engaging with stakeholders on every  
24 side of this issue and work to prevent further  
25 tragedies. Once again, I want to thank Chair Ariola

2 for holding this hearing, to Speaker Adams for her  
3 leadership on this issue, to my staff for working on  
4 these pieces of legislation, to my fellow bill  
5 sponsors, committee staff and their advocates for  
6 their support, and I look forward to hearing  
7 testimony today, and of course, moving this  
8 legislation forward.

9 CHAIRPERSON ARIOLA: Thank you. I'll now  
10 turn the microphone over to Committee Counsel to  
11 administer the oath.

12 COMMITTEE COUNSEL: Thank you so much,  
13 Chair. From the Administration today we'll be  
14 hearing from Department of Consumer and Worker  
15 Protections, Carlos Ortiz who's the Assistant  
16 Commissioner. For FDNY we'll be hearing from Chief  
17 John Esposito who's the Chief of Operations, and  
18 Julian Basal [sp?] who's the Fire Code Counsel. I'm  
19 just going to swear you all in at once. So if you  
20 could just please raise your right hand and affirm  
21 the following: I affirm to tell the truth, the whole  
22 truth and nothing but the truth in your testimony  
23 before this committee and to answer honestly to  
24 Council Member questions. I do. Recognizing that,  
25 you may go ahead and testify. Thank you.

2 CHIEF ESPOSITO: Good morning Chair  
3 Ariola and all Council Members present. My name is  
4 John Esposito and I am the Chief of Fire Operations  
5 for the New York City Fire Department. I am joined  
6 today by the Fire Department's Code Counsel Julian  
7 Bazel who is representing the Bureau of Fire  
8 Prevention. Thank you for the opportunity to speak  
9 with you about two pieces of legislation on the topic  
10 of lithium-ion batteries, Introduction 949 and  
11 Introduction 950. As the Council Members are well  
12 aware, fires caused by lithium-ion batteries are  
13 challenging and present a range of potential hazards  
14 including fire, combustion, exploding projectiles,  
15 and thermal runaway. When a battery explodes the  
16 result is a dangerous fire that spreads extremely  
17 quickly. These fires put device users, residents,  
18 neighbors, and nearby businesses at grave risk, and  
19 they draw first responders into operating in perilous  
20 and challenging environments. Recent legislation  
21 passed by the City Council and signed by Mayor Adams  
22 is aimed at combatting lithium-ion battery fires and  
23 promoting safe usage of electric micro-mobility  
24 devices. Today, the committee is considering two  
25 other pieces of legislation that deal with lithium-

2 ion batteries for micro-mobility devices. We are  
3 grateful for the Council Members' unwavering focus on  
4 this issue. Introduction 949 introduced by Council  
5 Member Powers would require the Department of  
6 Consumer and Worker Protection to establish a program  
7 to provide reduced or no-cost replacement lithium-ion  
8 batteries and determine which individuals would be  
9 eligible to participate. It would further require  
10 that all replacement batteries that are distributed  
11 be listed and labeled by a nationally-recognized  
12 testing laboratory. We recognize this could help  
13 existing users upgrade their equipment to be newer  
14 and safer. We are aware that the Mayor's E-  
15 Micromobility Taskforce has been exploring this  
16 concept and we defer to them regarding  
17 implementation. Introduction 950, also introduced by  
18 Council Member Powers, would amend the bicycle safety  
19 section of the New York City Administrative Code to  
20 require that a business using a bicycle for  
21 commercial purposes shall provide at its own expense  
22 a fire-proof or fire-resistant container suitable for  
23 use during the charging of removable storage battery  
24 used to power motor-assisted bicycles. Under the  
25 legislation, the Fire Department would be required to

2 promulgate rules for determining whether a container  
3 is fire-proof or fire-resistant. We are supportive  
4 of this concept and broadly-speaking, we are open-  
5 minded and ready to embrace any tool that can reduce  
6 these harmful fires. I do want to caution, though,  
7 and note that we will have to follow the technology  
8 on this as it evolves. We are intrigued by the idea  
9 of fire-proof charging containers and in fact, we  
10 have already tested one such product. However, we  
11 have not yet identified a product that is effective  
12 during charging as this bill would-- as the bill  
13 language would require. We are very much open to  
14 discussion on this concept, and we thank Council  
15 Member Powers, Chair Ariola and the members of the  
16 Committee for this dialogue. We are appreciative for  
17 the ongoing coordination on this topic. Thank you.

18 CHAIRPERSON ARIOLA: So, welcome. Thank  
19 you for coming to testify. We appreciate it. We  
20 know that this is much-needed legislation, and it's  
21 just-- we're just tipping the iceberg on this  
22 legislation, and I really do thank my colleague again  
23 for continuing in the vein of making people safe and  
24 making our delivery workers safe. So far this year,  
25 as you noted and I noted in my testimony, there were

2 a number of fires caused by motorized bikes and  
3 scooters. How does this number compare to other  
4 years?

5 CHIEF ESPOSITO: So, unfortunately it's  
6 an increasing trend. The-- we're seeing the number  
7 of fires increase and unfortunately the number of  
8 deaths increase as well. Last year total number of  
9 deaths there was six associated with these batteries.  
10 So far this year, and there are five. And the latest  
11 numbers we have for the total number of fires is 63  
12 as of this morning.

13 CHAIRPERSON ARIOLA: And does the FDNY  
14 track the types and manufacturers or models of the e-  
15 bike scooters that are involved in these fires?

16 CHIEF ESPOSITO: If they are known, we  
17 track them. Unfortunately, a lot of the devices that  
18 are involved with fire are so badly damaged that it's  
19 difficult to determine, you know, the make, the  
20 model, and so on, but if we have it we are-- we do  
21 track it.

22 CHAIRPERSON ARIOLA: What do you believe  
23 the contributory factors are for these bikes or the  
24 bikes who are at most risk to go on fire while  
25 charging for at-length hours?

2 CHIEF ESPOSITO: so, there's a  
3 combination of various reasons for the fires. One of  
4 them is batteries that are low-quality batteries that  
5 are not the batteries that are supplied with the  
6 device that's purchased, aftermarket batteries or  
7 batteries that they might be able to order online  
8 that do not meet a safety standard. Another issue is  
9 the improper charging device. Charging device that  
10 is bought with the-- the charger that is bought with  
11 the device stops working. So, again, maybe somebody  
12 buys one, an aftermarket charger, that's not  
13 compatible, charges, provides too much voltage to the  
14 battery and causes the problem. A third reason may  
15 also then be damage to the battery. These lithium-  
16 ion batteries could sustain damage that the user  
17 doesn't realize and that could cause thermal runaway,  
18 even if it's being used with the proper charger.

19 CHAIRPERSON ARIOLA: And I think there's  
20 also a component where some users are creating their  
21 own batteries and they're not buying the UL-certified  
22 which was the whole reason for the legislation in the  
23 package that Council Member Oswald Felíz and I prime  
24 co-sponsored. And do you believe that this  
25 legislation would further help for people to get UL-

2 certified batteries, because it would be, you know,  
3 kind of-- it would be a trade-in, and it will--

4 CHIEF ESPOSITO: [interposing] Yes.

5 CHAIRPERSON ARIOLA: be able to charge  
6 them even if they weren't UL-certified charged them  
7 in a fire-resistant protective environment.

8 CHIEF ESPOSITO: Correct. If we're able  
9 to get the correct batteries in the user's hand. We  
10 have seen some instances where people are the do-it-  
11 yourself and trying to fix battery packs taking  
12 several apart and trying to put them together, and  
13 that's a problem as well. And certainly a fire-proof  
14 or fire-resistant charging container or protective--  
15 some sort of protective container I believe would go  
16 a long way to mitigate the hazards from these  
17 batteries.

18 CHAIRPERSON ARIOLA: And you mentioned in  
19 your test--

20 ASSISTANT COMMISSIONER ORTIZ:  
21 [interposing] Council Member-- apologies, Council  
22 Member. With respect to the portion of your question  
23 about the buy-back program, I just wanted to add that  
24 the Administration is certainly very much aligned in  
25 spirit with the intent behind that program. I think,

2 you know, even in the Mayor's Taskforce report he  
3 identified a like such program as a potential way  
4 that we could improve safety, especially in the  
5 growth of e-micromobility in New York City. So along  
6 those lines, certainly we support the intent of that  
7 legislation.

8 CHAIRPERSON ARIOLA: You mentioned in  
9 your testimony that you do have a product like a  
10 fire-resistant device that-- or box that you have  
11 looked at, and have you tested it,--

12 CHIEF ESPOSITO: So, last week we--

13 CHAIRPERSON ARIOLA: [interposing] The  
14 fire going off in it?

15 CHIEF ESPOSITO: We were able to test.  
16 The product, I believe, was originally intended for  
17 cellphones to be protected when a cellphone is  
18 charging. So, you have to realize that the battery  
19 in a cellphone is significantly smaller than the  
20 battery pack that we tested with with the bicycle,  
21 and the results were not good. The device burned,  
22 the bag burned, and it was able to-- it would have  
23 spread fire through, you know, through the bag. It  
24 was not successful.

2 CHAIRPERSON ARIOLA: What existing Fire  
3 Code regulations pertain to motorized bikes and  
4 scooters powered by lithium-ion batteries?

5 CHIEF ESPOSITO: I would refer to my  
6 colleague Julian Bazel on that.

7 JULIAN BAZEL: I'm sorry, could you just  
8 repeat the question.

9 CHAIRPERSON ARIOLA: Sure. What existing  
10 Fire Code regulations pertain to motorized bikes and  
11 scooters powered by lithium-ion batteries?

12 JULIAN BAZEL: Yes, the 2022 Fire Code  
13 which was enacted at the end of-- or effective April  
14 15<sup>th</sup>, 2022, had certain regulations to address  
15 storage and charging of micromobility devices we call  
16 the personal mobility devices. Essentially, these  
17 were primarily addressed to commercial settings or  
18 building settings, not to individual use of e-bikes.  
19 At the time this was drafted it was before the  
20 current outbreak of fires. There are general safety  
21 requirements regarding electrical-- adequate  
22 electrical facilities to charge the bikes, adequate  
23 ventilation, and if there are more than five bikes  
24 being charged at one location, a dedicated charging  
25 room with a sprinkler and other fire separation from

2 other areas. Essentially, we envisioned this at the  
3 time to be a facility that a building whether it be  
4 an office building or an apartments building could  
5 create a charging room similar to what they've  
6 already had for bicycle storage with adequate  
7 charging. Of course, at that time we did not  
8 anticipate all of the fire hazards associated. There  
9 had been a fire in a fleet facility, and e-bike fleet  
10 facility which is what alerted to us early on in I  
11 would say about 2019 to the potential hazards with  
12 lithium-ion batteries and micromobility devices, and  
13 we did incorporate that provision. But as a-- the  
14 Fire Department doesn't have a program to inspect  
15 people's private dwellings and this did exclude the  
16 storage of batteries in private dwellings, provided  
17 they were limited in number. What we were aware was  
18 that some people were engaging in commercial  
19 activities in their own dwellings, modifying  
20 batteries, making these lithium-ion batteries, and  
21 that was prohibited by the Fire Code.

22 CHAIRPERSON ARIOLA: So, has the FDNY  
23 found there to be a general compliance with  
24 requirements contained within the Fire Code when they  
25 do inspections in areas that they are able to do

2 inspections? Are they finding that these batteries  
3 are being charged in compliance with the Fire Code?

4 CHIEF ESPOSITO: So, the Fire Department  
5 has a taskforce with our Bureau of Fire  
6 Investigation, Bureau of Fire Prevention where they  
7 are inspecting commercial occupancies and enforcing  
8 the Fire Code, and there's varying degrees of  
9 compliance with the Fire Code, but they have shut  
10 down a couple of locations.

11 CHAIRPERSON ARIOLA: And when you go  
12 into-- say there's a residential fire and you go into  
13 a place where there is a fire charging office or  
14 apartment that's used specifically for that, what  
15 measures are taken and what types of fines are levied  
16 to the landlord of that building, the owner of the  
17 home? You know, we've seen horror stories. We've  
18 heard horror stories and seen rooms filled with  
19 hundreds of lithium-ion batteries being charged in  
20 apartments rented just for that purpose. So what  
21 recourse do you have once that is identified?

22 JULIAN BAZEL: If we receive a complaint,  
23 our taskforce would go out and investigate it.  
24 Obviously, we don't typically go into people's  
25 dwellings. We don't typically get information about

2 what's going on within people's dwellings. However,  
3 I would say that the Fire Department has made all of  
4 its inspectors aware of the hazards of e-bike  
5 charging, and our inspectors are in the course of  
6 their duties in inspecting a variety of buildings  
7 including perhaps basements of apartment buildings,  
8 if they do see a condition that gives them concern in  
9 terms of e-bike charging, they would make a referral  
10 and appropriate action would be taken.

11 CHAIRPERSON ARIOLA: And the taskforce  
12 you refer to and the inspectors from the Fire  
13 Department are obviously trained in this type of  
14 identification and what to do, you know, if it's  
15 found.

16 JULIAN BAZEL: Well, I would say from the  
17 Fire Department's perspective, you know, if we see a  
18 bike being charged, you know, our concern is going to  
19 be raised. We're not experts on all the different  
20 kinds of e-bikes, and it's always pointed out to us--  
21 it's pointed out to us regularly that some of these  
22 bikes are illegal. They're, you know, illegal mopeds  
23 and that is a whole separate enforcement program that  
24 I believe the Police Department and DOT are involved  
25 in.

2 CHAIRPERSON ARIOLA: To what extent do we  
3 believe are retailers, repair stores, and other  
4 commercial entities storing and charging multiple e-  
5 bikes at that location?

6 JULIAN BAZEL: I'm sorry, are they  
7 prepared?

8 CHAIRPERSON ARIOLA: So to what extent do  
9 you believe, like--

10 JULIAN BAZEL: [interposing] Yeah.

11 CHAIRPERSON ARIOLA: stores that are  
12 selling food and they have-- they employ deliveristas  
13 to deliver their food or companies that are using,  
14 you know, food delivery workers or any type of  
15 delivery person, like to what extent do we believe  
16 that they are aware, aware that it's not legal and  
17 aware that it's dangerous? And how do you address  
18 that when your inspectors do go to those, because you  
19 are able to go in and inspect those locations?

20 JULIAN BAZEL: Well, I would say that as  
21 a result of all the attention that's being given to  
22 this, all the outreach that's being done, the City  
23 Council's own actions, the media reporting, the  
24 public is starting-- and business people are starting  
25 to become much more aware of the hazards. That's one

2 of the big focuses of the Mayor's taskforce was on  
3 outreach and education to the public, and the Fire  
4 Department in the course of its inspections when it  
5 goes to, for example, bike shops or fleet facilities,  
6 is-- explains to them the hazard and the necessary--  
7 to comply with the Fire Code. Initially, I would say  
8 the focus of enforcement has been on electrical  
9 hazards, you know, and adequate outlets, the use of  
10 extension cords, power strips, stacking of batteries,  
11 you know, we've been to locations where there's 800  
12 batteries and it's clearly a serious immediate fire  
13 hazard. Additionally, there-- you know, the need for  
14 a separate dedicated room is something that I think  
15 we've been trying to get the message out and we're  
16 starting to take enforcement action. I think that  
17 that presents challenges for some businesses.  
18 Obviously, the larger businesses that operate out of  
19 warehouses or other kinds of buildings that can  
20 accommodate that are probably beginning to comply  
21 with that. Smaller stores, it's a challenge. I think  
22 there's a lot of discussion now. One of the  
23 taskforce recommendations is focused on outdoor  
24 charging as a possibility. You know, I think  
25 consideration is being given to a wide range of

2 solutions to this problem, but I would not say that  
3 every business is compliant at this time.

4 CHAIRPERSON ARIOLA: And when they are  
5 not compliant, even after a first visit, what are the  
6 fines? What type of fines are they open to?

7 JULIAN BAZEL: Most of the fines are  
8 under a thousand dollars as an initial penalty goes  
9 up on subsequent penalty. I mean, in some instances  
10 where severe they may be getting multiple violations,  
11 and it think-- I'm not sure if we've even arrested  
12 people on occasion.

13 CHAIRPERSON ARIOLA: Alright. I will now  
14 defer to my colleagues if anyone has questions.

15 COMMITTEE COUNSEL: First we'll hear from  
16 Council Member Schulman followed by Powers.

17 COUNCIL MEMBER SCHULMAN: Hi, thank you.  
18 Thank you for coming today. So I have a question.  
19 So, a regular wall outlet in an apartment is not  
20 adequate, right, for charging these types of  
21 batteries, is that correct?

22 CHIEF ESPOSITO: I'm not-- I'm not sure.  
23 I would-- I think for charging one battery it might  
24 be, but we'll get the answer for that. I'm not sure.

2 COUNCIL MEMBER SCHULMAN: Because if it's  
3 not, because they seem to happen in apartments for  
4 the most part, these fires, then that's something  
5 maybe we need to take another look at in terms of  
6 banning those types of things from doing the wall  
7 outlets, because I know-- I live in an apartment  
8 building, so I know certain things I can't-- I have  
9 to be careful about, especially if they take up a lot  
10 of energy. So, that's one. The other is that-- are  
11 you doing any kind of education campaign around this,  
12 and are you doing it in multiple languages?

13 CHIEF ESPOSITO: So, the Fire Department  
14 is doing in our fire safety education, our outreach,  
15 so far this year we've had contacts with 45,000  
16 people. The lithium-ion battery issue and concern is  
17 brought up at all of our outreach, and the advice  
18 that we are giving and hopefully everybody here has  
19 heard it several times, trying not to charge  
20 overnight, trying not to charge them in the path of  
21 egress in the apartments, and if possible-- and we  
22 realize that it's not always possible, and that's  
23 what makes this such the difficult issue it is, to  
24 try to charge these batteries in a unoccupied room  
25 with the door closed. So, if there is a problem that

2 there's nobody there and we're able to close doors  
3 and leave the occupancy. So, the continued outreach,  
4 the education message that we're getting out and I  
5 will confirm, that it's out in multiple languages.

6 COUNCIL MEMBER SCHULMAN: And then so--

7 CHIEF ESPOSITO: [interposing] [inaudible]

8 COUNCIL MEMBER SCHULMAN: What? I'm  
9 sorry.

10 CHIEF ESPOSITO: It definitely is in  
11 multiple languages.

12 COUNCIL MEMBER SCHULMAN: Thank you. So  
13 I know whenever there's a fire in a community you  
14 send out a team and they do education in the  
15 community. Does-- and at that point, you may or may  
16 not know what caused a fire, but do they have as part  
17 of this education pamphlets or information about if  
18 it's a battery, like what people should do?

19 CHIEF ESPOSITO: You're absolutely  
20 correct. After we have a fatal fire anywhere we do  
21 what we call a Fatal Fire Campaign where we'll put  
22 people in that community to spread the word. We do  
23 talk about the cause of the fire. We stress  
24 sprinklers, and I will confirm that we're also-- when

2 it is the cause of the fire or not, that we have  
3 information about lithium-ion batteries, as well.

4 COUNCIL MEMBER SCHULMAN: And now I'm  
5 going to ask a slightly different question which is,  
6 so these-- when there's a fire caused by a lithium-  
7 ion battery, it explodes rapidly. Am I correct in  
8 that? So that it creates a very-- an intensity that  
9 other fires may not cause. Is there anything that  
10 the Fire Department is looking out and how to combat  
11 these fires in a way that's different maybe than how  
12 you approach other kinds of fires?

13 CHIEF ESPOSITO: When a lithium-ion-- when  
14 there's a fire started by a lithium-ion battery, it's  
15 been compared to when an accelerant is used, for  
16 example gasoline. So, what-- for the Fire Department  
17 what that means is that when we get there it's a much  
18 more advanced fire. So it-- once it has spread to  
19 the building, to the structure, it becomes-- you  
20 know, for us what people might just call a regular  
21 fire. It's a very intense fire. We're trained to  
22 handle this. We don't-- aside from seeing more  
23 fires, it's not unlike many other fires that we've  
24 had. Just the awareness that when we have an

2 advanced fire on arrival that more and more they're  
3 caused by lithium-ion batteries.

4 COUNCIL MEMBER SCHULMAN: Okay, thank you  
5 very much.

6 COMMITTEE COUNSEL: Council Member  
7 Powers?

8 COUNCIL MEMBER POWERS: Thank you. Thank  
9 you guys for all your work and your testimony. Just  
10 based on the numbers alone, do you guys think we're  
11 in a crisis right now when it comes to e-bike fires?

12 CHIEF ESPOSITO: I'm sorry, can you  
13 repeat that?

14 COUNCIL MEMBER POWERS: I said just based  
15 on where we are right now, based on the numbers, and  
16 [inaudible] and certainly compared to last year,  
17 would you call this a crisis when it comes to e-bike  
18 fires?

19 CHIEF ESPOSITO: I think that's a fair  
20 way to categorize it. It's very concerning the  
21 number of fires that we have.

22 COUNCIL MEMBER POWERS: I know you had  
23 mentioned that there were some illegal mopeds. I  
24 think there was different types of bikes that were  
25 being-- were part of fires that we're seeing. Do

2 you-- I know you don't have breakdown because the  
3 bikes will often get destroyed, but do you have any  
4 sort of breakdown in terms of-- that you can share  
5 with us about what types of bikes are being used or  
6 have been recovered in the fires, or have been the  
7 cause of fires?

8 CHIEF ESPOSITO: I don't have that at this  
9 time, but we'll check with Fire Investigation and  
10 what we have we can get to you.

11 COUNCIL MEMBER POWERS: Okay. That'd be  
12 helpful as we try to figure out this. The-- have  
13 you-- I know this is-- builds on some questions the  
14 Chair had asked, but have your investigations  
15 uncovered what the most common source of faulty,  
16 uncertified batteries is? Is it buying online? Is  
17 it from local retailers? Is there any way to tell  
18 what the source is and what is the primary driver?

19 CHIEF ESPOSITO: I don't have that exact  
20 breakdown, but what I've seen is that very rarely is  
21 the device being used with the original battery and  
22 the original charger. There's some sort of change in  
23 there, but again, we'll check with Fire Investigation  
24 and get you what they have. Unfortunately, because  
25 of the damage, you know, they do interviews with the

2 people that own the bikes and we have to rely on the  
3 info that they give us, but I'll be able to share  
4 what we get.

5 COUNCIL MEMBER POWERS: so you're saying  
6 there's a mismatch between bike, battery, charger  
7 that helps cause--

8 CHIEF ESPOSITO: [interposing] From what  
9 I've seen that is the common issue. Very rarely is  
10 it the original battery with the original charger.

11 COUNCIL MEMBER POWERS: Okay. And you  
12 mentioned doing outreach and 45,000 people you've  
13 reached. What is your budget for fire outreach in  
14 the FDNY?

15 CHIEF ESPOSITO: That I'm not sure.  
16 We'll get that for you.

17 COUNCIL MEMBER POWERS: Okay. Helpful to  
18 know. Because I think you have the normal course of  
19 action you can take here with regular residential  
20 fires and things like that if we are now entering a  
21 new phase of needed fire education outreach. It does  
22 sort of seem what we should be talking about, the  
23 ability to increase that budget so that you could do  
24 a separate side to this which is as we said both I  
25 think a crisis around fires and how to educate people

2 that may need it. The-- is there a-- when we talk  
3 about safe-- we did a bill about a month or two ago  
4 that talked about UL certification as a measurement  
5 for being what is considered safe. Are there other  
6 measure-- are there other measurements or tools that  
7 you see available to help determine what would be  
8 deemed safe for folks who are using e-bikes and  
9 charging their batteries?

10 CHIEF ESPOSITO: I think that relying on  
11 the education aspect of it and stressing the  
12 importance of the proper equipment for that battery,  
13 and you know, the part about the charger is very,  
14 very important because we could even go buy a listed  
15 and tested charger, but if it's providing the wrong  
16 or increased voltage to that battery, which could be  
17 a listed and tested and UL-certified battery, we  
18 could still have a problem. So, we've heard talk of  
19 maybe having it that only that proper charger could  
20 connect to that battery if there's some sort of  
21 technology or ability to do that so that you can't  
22 use the wrong charger for a battery.

23 COUNCIL MEMBER POWERS: Alright, okay.  
24 More specific on the legislation we've introduced  
25 here today, Intro 949, which is obviously about a

2 swap-in, swap, buy-back type of program. I know  
3 there's a taskforce that's dealing with this and you  
4 guys are deferring to them in your testimony, but I  
5 just-- you guys are still the folks that are going to  
6 have to be a big part of that if we do it. Do you  
7 have any-- how do you envision a program like that  
8 working? How long do you think it should run? I am  
9 sensitive to the idea that we may not want a program  
10 that rolls on forever where people are buying cheap  
11 ones and trading them in for better ones, but  
12 certainly you're going to need to have a runway to  
13 make sure we get all the unsafe batteries off the  
14 streets. Can you give us any sort of, you know,  
15 additional either recommendations or thoughts on a  
16 program like that?

17 ASSISTANT COMMISSIONER ORTIZ: Thank  
18 you, Council Member. I think-- I'm sorry. Yeah, I  
19 think those are important questions that we are-- on  
20 the taskforce, are also working through as we're  
21 trying to consider how to implement the program. I  
22 think-- significant details, for example, also  
23 include the cost, you know, and that could relate to  
24 the scope. Within the Mayor's Acton Plan he could  
25 identify that. We did identify that federal or state

2 funding might be required or another type of  
3 alternative scalable funding. And for example, you  
4 know, we've heard recently of many major companies  
5 instituting their own buy-back programs. I think it  
6 is an important component to consider that businesses  
7 that rely on the hard work of delivery workers,  
8 whether those delivery workers are independent  
9 contractors or whether they're employees, also have  
10 certain responsibilities to ensure that folks have  
11 safe-- access to safe devices and save vehicle. The  
12 unique needs of workers is something that is a  
13 priority for us, not just the independent contractors  
14 that fall under DCWP's laws but also employees that  
15 might be using bicycles in New York City I think is  
16 important. And then from the perspective of  
17 agencies, you know, I think the taskforce has been a  
18 great convening of many levels of expertise, whether  
19 that's us or the Fire Department, DOT, DSNY. I think  
20 ultimately we'll have to leverage all those pieces  
21 when it comes to procuring storage of batteries,  
22 particularly maybe older batteries the City's  
23 receiving. I think all these pieces are things that  
24 work-- we're currently wrestling with them on the  
25 taskforce.

2 COUNCIL MEMBER POWERS: Okay. I just--  
3 I'll add on this note. We are-- need to act  
4 urgently, and the legislations we did a few months  
5 ago I think does help us put us on a path of  
6 attracting-- addressing the retailers in the sale of  
7 uncertified batteries. This is to help plug that gap  
8 and make sure we get the unsafe ones off the street.  
9 So, I deeply appreciate how quick we got this hearing  
10 and thank the Chair for that and the Speaker as well.  
11 We're going to have to after the hearing move I think  
12 quickly to try to get the details firmed up with you  
13 guys about how the program works. So would  
14 appreciate-- sorry to become detailed oriented  
15 altogether on how we could do that, and we-- and us  
16 as well, because I think the fire last week, losing a  
17 19-year-old and I think a seven-year-old is-- we're  
18 like failing. We're failing as policy makers if  
19 we're not protecting those folks from that. So,  
20 anyway, we'll be looking forward to work with you  
21 guys and try to get something in place, so thanks so  
22 much.

23 COMMITTEE COUNSEL: Thank you, Council  
24 Member. Next we'll hear from Council Member Brewer.

2 COUNCIL MEMBER BREWER: Thank you very  
3 much. A couple issues. First of all-- and I probably  
4 should know this. If you have a bicycle, e-bike,  
5 motor bike, and a battery that are compatible, can  
6 you then-- picking up on Council Member Schulman--  
7 charge them in a regular apartment? Or is that still  
8 challenging? The reason I ask is, not only are we  
9 dealing with the people who are delivering, but every  
10 apartment building in Manhattan is now saying keep  
11 your e-bikes somewhere else. So it's a longer-- it's  
12 a bigger story because nobody wants a fire. So if  
13 you have a bicycle, e-bike, and a new battery and  
14 they're compatible, is that safe in a building?  
15 Nobody knows the answer to these questions, by the  
16 way. I believe you are able to charge them in your  
17 apartment.

18 CHIEF ESPOSITO: I believe you are able  
19 to charge them in your apartment.

20 COUNCIL MEMBER BREWER: Okay, so that  
21 would be-- that's the goal in other words. That  
22 would be the goal, right? But then also sometimes--  
23 and my knowledge is not perfect. You need more than  
24 one battery because the delivery workers are working  
25 so hard, 12-14 hours a day, you need more than one

2 battery. So would all of those batteries be  
3 compatible to that bike? Because you need more than  
4 one just keep going with all your deliveries.

5 CHIEF ESPOSITO: I'm going to-- on that  
6 specific question defer to Julian, but I just want to  
7 go back to the previous question of, you know, what  
8 the rules and what the law allows and what are best  
9 practices sometimes are two different things. So,  
10 you know, you have a new bike with a battery and a  
11 compatible charger. The law will probably allow you  
12 to charge that in your apartment, and that might--  
13 may not necessarily be the safest course of action.

14 COUNCIL MEMBER BREWER: Okay, that's why  
15 we need to understand all of this. Thank you.

16 CHIEF ESPOSITO: Correct.

17 JULIAN BAZEL: I think this is where the  
18 certification by a national testing laboratory comes  
19 in. Pretty much all the products that we're used to  
20 dealing with in everyday life, electrical products,  
21 have these certifications, and the certification is  
22 all the different components. In many cases, there's  
23 more than one certification for a particular device,  
24 and it makes sure that they all, you know, work  
25 together the way it's described is that there's a

2 handshake between the different components. So, the  
3 way it's supposed to work is that the-- obviously the  
4 manufacturer that gets certification of the original  
5 product, they've designed the products to work  
6 together, and the certification that they obtain from  
7 a testing laboratory would show that. But it-- UL  
8 has indicated to me, for example, it doesn't have to  
9 be the same manufacturer. They will accept  
10 applications from other manufacturers who want to  
11 sell, you know, generic or aftermarket products, and  
12 they will say that this has been designed to work  
13 with a particular bike or a bike battery, and they  
14 can get certified for that bike battery even though  
15 they're not the manufacturer of that battery. So  
16 this is-- and they will test it with that battery to  
17 make sure it works. So, ideally, that will over time  
18 solve this problem. But you know, this is-- the  
19 lithium-ion is an emergent technology. It's not  
20 perfected. Obviously it has this thermal runaway.  
21 And you know, the concern with this technology is  
22 that even under perfect circumstances, you know, a  
23 manufacturing flaw or some other, you know, damage to  
24 the product can cause it to go into thermal runaway,  
25 even you know, a certified product potentially. So

2 it's not-- you know, this is something that the  
3 technology has to, you know, has to develop and solve  
4 these problems. The good news is with all the  
5 attention that's been given to this and with the  
6 demand for these products, there's just a lot of  
7 money to be made in this area if these problems are  
8 solved, and I think we believe that on all levels  
9 there's tremendous efforts being made to solve these  
10 problems.

11 COUNCIL MEMBER BREWER: No, I agree. I  
12 just worry that while we're-- I know the Commissioner  
13 said that in a few years we might be out of this  
14 mess, but right now we're in it. We don't want  
15 anybody to die. It's really frightening. So, I'm  
16 concerned about right now. So the other question I  
17 have is the Commissioner indicated that the Fire  
18 Department was talking to the online retailers how  
19 they've been successful in pulling some of the  
20 batteries that are challenging off the online  
21 opportunities for sale. And again, where are the  
22 deliveristas going to get batteries. This is really  
23 hard on everybody, but where we-- how is that going  
24 in terms of batteries online that are not safe?

2 CHIEF ESPOSITO: The Fire Department has  
3 been in touch with the Consumer Product Safety  
4 Commission. They have instituted some recalls of  
5 devices, and we continue to have our discussion and  
6 try to-- try to get our message out and try to get  
7 these batteries from-- not available.

8 COUNCIL MEMBER BREWER: One more  
9 question, Madam Chair? The other question I have is  
10 we're back to the charging station problem, I think,  
11 because if I don't know how many of us have an extra  
12 room where we close the door and not worry that we're  
13 going to oversleep. So my question would be-- that's  
14 not to me going to be a satisfactory answer that is  
15 going to solve the charging problem. I mean, the  
16 Mayor has a couple of suggestions or the taskforce on  
17 newsstands. I'm aware of the NYCHA suggestions, but  
18 that would be just be as I understand it for NYCHA  
19 employees who are-- have bikes. Any other ideas?  
20 Because we need more charging stations. I'm going  
21 around literally looking for charging locations, but  
22 is there other-- any other ideas for charging  
23 stations? I know when I went to the cruise ship  
24 terminal where there were people who were from--  
25 migrants, to the credit of the City, tons of bikes

2 because everybody's working when you're supposed or  
3 not, we're all working and charging bikes, it was  
4 working really well. So, is there something else you  
5 could think of that would be satisfactory to get  
6 charging in a more healthy situation? We need  
7 charging stations. I had a crazy idea. Nobody liked  
8 it. Police stations and fire stations. Nobody liked  
9 it. Any ideas? Any other ideas?

10 CHIEF ESPOSITO: So, the Fire Department  
11 is part of the, you know, the Micromobility Taskforce  
12 and they're working on it, trying to address and  
13 implement the recommendations from the taskforce.

14 COUNCIL MEMBER BREWER: You don't want it  
15 at the fire stations, I assume?

16 CHIEF ESPOSITO: A lot of fire stations  
17 don't have the room for it.

18 COUNCIL MEMBER BREWER: No other ideas?

19 JULIAN BAZEL: You know, the taskforce  
20 was looking at outdoor charging, you know, at  
21 locations that have the space to do it.

22 COUNCIL MEMBER BREWER: So far they've  
23 come up with two. And they're both--

24 JULIAN BAZEL: [interposing] I'm sorry?

2 COUNCIL MEMBER BREWER: So far they've  
3 come up with two in the whole city, just so you know.

4 JULIAN BAZEL: Yeah. It's difficult.  
5 It's difficult.

6 COUNCIL MEMBER BREWER: Thank you. That's  
7 not helpful, but thank you.

8 COMMITTEE COUNSEL: Thank you, Council  
9 Member. Next we'll hear from Council Member Feliz,  
10 followed by De La Rosa.

11 COUNCIL MEMBER FELIZ: Good morning  
12 everyone. Thank you so much for being here. I want  
13 to thank you, Chair Ariola, for this very important  
14 hearing, and I also want to thank Majority Leader  
15 Powers for these two very important bills, bills that  
16 will literally save lives. We're talking about  
17 fires. We're talking about families being put at  
18 risk. We're also talking about families losing their  
19 homes and all their belongings, literally from one  
20 second to the next. So thank you so much Majority  
21 Leader for working on these two bills. So, I have a  
22 few questions. We have two bills, one about the swap  
23 program, and another one about the safe storage, the  
24 container. So, the first question is about--  
25 actually, a few general questions. How many fires

2 have we had this year already, and how many of them  
3 have been due to lithium-ion batteries?

4 CHIEF ESPOSITO: We've had 63 fires  
5 related to lithium-ion batteries. I'll get you the  
6 total number of fires that we've had this year. I  
7 don't have that with me right now. But 63 from  
8 lithium-ion batteries.

9 COUNCIL MEMBER FELIZ: And how do those  
10 numbers compare to the lithium-ion battery fires last  
11 year during the same period?

12 CHIEF ESPOSITO: I don't have the  
13 breakdown from last year up to this time, but last  
14 year we had a total of 220 lithium-ion battery fires  
15 throughout the City, and we'll break that down for  
16 the April time period for the year-over-year.

17 COUNCIL MEMBER FELIZ: Okay. And how  
18 many fires did we have last year caused by lithium-  
19 ion batteries and everything else, whether it's an  
20 electrical fire-- how many total fires roughly?

21 CHIEF ESPOSITO: I don't have-- I don't  
22 have the numbers of total fires. We'll get you that  
23 as well.

24 COUNCIL MEMBER FELIZ: Okay. So going to  
25 the questions about the swap program. I know we're

2 still exploring and thinking about ways of  
3 implementing the program, but what would the ideal  
4 program look like? Who would be the one-- let's say  
5 assuming there's a swap, who would be-- what would be  
6 the agency receiving the uncertified unsafe  
7 batteries? Who would be the agency providing the  
8 voucher or the safe batteries?

9 ASSISTANT COMMISSIONER ORTIZ: Thank you,  
10 Council Member. I think those are-- I think those are  
11 some of the details that still need to be resolved. I  
12 know particularly in respect to DCWP, we have limited  
13 expertise with respect to procurements or even  
14 storage of these types of devices. But I think the  
15 bill is constructed well in the sense it acknowledges  
16 that this is going to take many players. You know,  
17 we have FDNY in there, we have DSNY. Other members of  
18 the taskforce can have valuable expertise too like  
19 DOT. So, I think it's ultimately something that  
20 we're still working to determine of how to best  
21 implement that and its home, so to speak.

22 COUNCIL MEMBER FELIZ: Okay. Do you  
23 think more resources would be needed to fully and  
24 properly implement the program, including more funds  
25 for staff and etcetera?

2 ASSISTANT COMMISSIONER ORTIZ: I'm not--  
3 I mean, I'm not sure about staff necessarily. I just  
4 think in terms of the products themselves, there  
5 would be cost particularly if we consider scope. You  
6 know, as I mentioned earlier, the taskforce did  
7 identify possible alternative funding coming from the  
8 state or federal government. I think Council Member  
9 Brewer brought up a great point about the unique  
10 needs of workers, whether they're independent  
11 contractors or whether they're employees about having  
12 multiple batteries. I think the report, the action  
13 plan itself identified that some batteries can cost  
14 upwards of \$500. So those types of cost are something  
15 that the City will need to tackle of there's an  
16 implementation.

17 COUNCIL MEMBER FELIZ: Okay.

18 ASSISTANT COMMISSIONER ORTIZ: But let  
19 me-- I'm sorry. One last point, I want to make sure  
20 that I get it in as well. I also do-- we do believe  
21 that businesses, major employers also have a certain  
22 responsibility to ensure that deliveristas, employees  
23 have access to safe devices too if they're  
24 completing-- fi they're doing the hard work on behalf  
25 of these employers.

2 COUNCIL MEMBER FELIZ: Okay. And also, I  
3 know it's still very early. We're still working on  
4 the specifics, but do we have a plan for getting rid  
5 of the bad batteries? I know when we're talking  
6 about disposing the batteries that could cause  
7 additional fire safety issues and the DSNY Department  
8 and etcetera.

9 ASSISTANT COMMISSIONER ORTIZ: I think  
10 that's going to be a fundamental component of this  
11 type of program of how we dispose them safely. I  
12 mean, ultimately, we don't want to create a  
13 situation, I'm sure. My colleagues can speak to this  
14 more of just moving batteries to a place that is  
15 unsafe or storing them unsafely. I think we would  
16 need to leverage the appropriate experts of being  
17 able to get rid of those things appropriately.

18 COUNCIL MEMBER FELIZ: Okay. And final  
19 question, what do you think the ideal swap program  
20 would look like? Do you think it'll be providing the  
21 battery or providing a voucher? And again, I know  
22 it's still very early. We're still working the  
23 specifics, but--

24 ASSISTANT COMMISSIONER ORTIZ: No, I  
25 think that's-- I think it's a fair question

2 regardless. I mean, even though the plan is only a  
3 few weeks old, I think it's a fair question to start  
4 tackling now, the immediacy of this crisis that we've  
5 identified. I think what would be helpful for the  
6 City certainly is to hear from delivery workers  
7 themselves on what they need, what they want for  
8 their products and their vehicle. I think that would  
9 be something that helps us tailor a program that fits  
10 their unique needs.

11 COUNCIL MEMBER FELIZ: Great. Thank you.

12 CHAIRPERSON ARIOLA: Council Member  
13 Feliz, I just would like to get that information for  
14 you. In 2021 there were 104 fires caused by lithium-  
15 ion batteries and four deaths. In 2022, there were  
16 216 fires caused by lithium-ion batteries resulting  
17 in six deaths, and in 2023 we're already at 63 fires  
18 with-- that includes five deaths, including a seven-  
19 year-old and a 19-year-old in Astoria. That's  
20 information-- if I have it, you should have it. You  
21 need to be more prepared when you come because this  
22 is what we're talking about, people's lives that are  
23 at risk and the reason for our legislation. I'm glad  
24 I had that for you. Council Member De La Rosa, thank  
25 you for your consideration.

2 COUNCIL MEMBER DE LA ROSA: Thank you,  
3 Chair Ariola, and I want to thank the colleagues,  
4 too, for putting together this great package and the  
5 ones previous. We're all concerned about this across  
6 the city, obviously. My district just as everyone  
7 else has had a number of fires. I think from my  
8 perspective, something that I'm concerned about is  
9 that as our city is still undergoing a housing  
10 crisis. We are seeing in communities like mine,  
11 predominantly immigrant communities, predominantly  
12 low-income communities where we have people, you  
13 know, renting rooms, subletting rooms, right? You  
14 have multiple families living in one apartment in a  
15 multiple dwelling. Sometimes they're legal set-ups,  
16 sometimes they're not, but workers who are trying to  
17 make ends meet in a city where they're consistently  
18 being priced out have to get creative about their  
19 living conditions. And so with the delivery industry  
20 being predominantly, again, immigrant low-income  
21 workers that are already at risk of exploitation, I'm  
22 interested in pursuing solutions that one, keep them  
23 safe as workers, but also don't seek to penalize  
24 them, right, for having to work, as Council Member  
25 Brewer said, 14-20 hours a day to try to make ends

2 meet. And I know the Department is currently  
3 undergoing wage standard reviews for this industry  
4 which I think will go a long way in preventing the  
5 exploitation, but also thinking about these-- the  
6 infrastructure that exists for these workers to be  
7 able to safely charge, understand the dangers that  
8 are, you know, putting their own families in. I met  
9 a family where the worker-- where there was a fire  
10 and the children were harmed, right? These workers  
11 don't want this for their family either, but as  
12 Council Member Brewer brought up, there isn't any  
13 infrastructure in our city to be able to do this. So  
14 one, I wanted to ask, what have the conversations  
15 been with the industry itself? What are the outreach  
16 efforts to these immigrant workers? Language access  
17 is always an issue. There might be fear of  
18 retaliation due to immigration status. So what are  
19 the cares and opportunities that exist for this  
20 workforce in order to educate them on the dangers  
21 that exist and how they can have other options? So  
22 that's my first question.

23 CHIEF ESPOSITO: The general answer about  
24 the outreach for fire safety education is making sure  
25 that people are aware that these are-- that the

2 lithium-ion batteries are a danger, and as we  
3 described before, possibly a crisis, and talking  
4 about the safe charging, you know, of these batteries  
5 and of these devices and making sure that they're  
6 compatible.

7 ASSISTANT COMMISSIONER ORTIZ: And I  
8 think, Council Member, at DCWP we've also-- we  
9 partner closely with FDNY, DOT on their outreach  
10 initiatives to bring kind of [inaudible] into one-  
11 stop-shop of the different protections that are  
12 available to deliveristas, where they're independent  
13 contractors or where they're employees. I think, you  
14 know, we also work very closely with the  
15 representatives of workers, whether that's those  
16 [inaudible] , Worker's Justice Project, DRUM, I mean  
17 these are key partners for the City and engaging with  
18 workers across many communities and across many  
19 languages.

20 JULIAN BAZEL: And I would just add that  
21 what we said in our-- the materials that we  
22 distributed to the-- that owners distribute to  
23 apartments pursuant to emergency preparedness  
24 requirements of the Fire Code is that people need to  
25 bring this issue to building owners, whether it's

2 apartments building owner or their employer and  
3 explore with them whether or not they can provide  
4 safe charging facilities. You know, apartment  
5 building owners certainly don't want fires in their  
6 apartments, and although obviously this is a  
7 difficult issue as to setting up a charging facility,  
8 whether there's space and security issues. I think  
9 under the current situation people have to step up.  
10 And similarly, as the bill under consideration here  
11 addresses, employers also-- employers of people who  
12 are using e-bikes and other devices need to provide  
13 charging facilities in a safe way so possibly they  
14 don't have to do it in their own home.

15 COUNCIL MEMBER DE LA ROSA: Well, we hope  
16 that with this swap program, we'll also see some  
17 priority given to the workforce to probably be first  
18 in line to try to get some of those swaps. An  
19 adjacent question is, there was a fire in my district  
20 that was caused by a lithium-ion battery, and the  
21 neighbor said that the fire alarms never went off,  
22 and we know that there is sort of a crisis in  
23 communal spaces and hallways where, you know, if  
24 there's a fire in another apartment, there isn't a  
25 fire alarm, doesn't go off to allow the rest of the

2 neighbors to know that they need to get out. Is the  
3 Department looking at inspections for like common  
4 areas, lobbies, stairways in light of the increase of  
5 lithium-ion batteries?

6 CHIEF ESPOSITO: When the Fire Department  
7 inspects residential buildings that is the only area  
8 that we're allowed to inspect. We're not allowed  
9 inside the dwelling space. So we do inspect the  
10 hallways, the cellar, the roof, the stairways, but  
11 remember also that the code does not require fire  
12 alarms aside from smoke detectors in many buildings.

13 COUNCIL MEMBER DE LA ROSA: Yeah. Even  
14 the smoke detectors have not been going off. I think  
15 something that we should maybe partner and try to  
16 look at is post-fire also, making sure that these  
17 building owners are doing-- when they're remedying  
18 the building, that they're putting in these fire--  
19 smoke detectors. Because I hear it constantly. No  
20 one in the building hears any alarms going off until  
21 literally someone's banging on their door. And so  
22 this-- I think this is something that we also have to  
23 consider looking at.

24 CHIEF ESPOSITO: That is an issue with  
25 the lithium-ion battery fires, because they take off

2 and spread so quickly. The way say a normal fire  
3 would start, it would start to smoke and smolder  
4 which gives that smoke detector time to activate and  
5 people to react, and these take off so quickly. And  
6 just to get back to the question from Council Member  
7 Feliz earlier. I might have misheard, I thought you  
8 were asking for the total number of fires this year  
9 and last year. We have the breakdown for lithium-ion  
10 fires. What I don't have is the breakdown for  
11 lithium-ion fires from January to April of last year.  
12 But we have the totals. I apologize for mishearing  
13 the question.

14 COUNCIL MEMBER FELIZ: That's fine. I  
15 actually asked about both, total numbers in the  
16 entire year and also January through to-date.

17 CHIEF ESPOSITO: 10-4, thank you.

18 CHAIRPERSON ARIOLA: Okay, so I thank you  
19 for coming. I thank you for your testimony, and I  
20 believe we can open to public testimony at this  
21 point.

22 ASSISTANT COMMISSIONER ORTIZ: Thank you,  
23 Council Member. We'll have folks also watching as  
24 well on the streaming to follow along with the public  
25 testimony. Thank you.

2 COMMITTEE COUNSEL: Thanks everyone.

3 We're going to do public testimony now. From-- we'll  
4 hear from Ronald Butler [sp?]. Ronald? Ronald?  
5 We'll hear from Ronald Butler followed by Robert  
6 Sloan [sp?]. You can begin when you're ready.

7 RONALD BUTLER: I am sufficiently big-  
8 mouthed, but it's okay. Good morning. My name is  
9 Ron Butler. I represent Energy Storage Safety  
10 Products International out of New York, Brooklyn, New  
11 Ap [sic], and Detroit. I'd like to thank you for  
12 inviting me to offer a brief statement on this  
13 extremely important topic. My company is honored to  
14 be funded by the United States Department of  
15 Transportation through multi-year research grants  
16 that allow us to complete research into and develop  
17 solutions for the safe transport, storage, and  
18 charging of lithium-ion batteries. It's real to this  
19 issue. As an outcome of the projects, we have  
20 identified relevant tools and technologies that might  
21 be leveraged in the effort to better contain and  
22 control battery failure events of all types. We have  
23 completed extensive research into comparing and  
24 contrasting current and future technologies that may  
25 meet the battery safety mission that you have

2 outlined today. As an example, we have done  
3 exhaustive research into characterizing the  
4 performance of materials for containing and  
5 controlling lithium-ion battery fires. Additionally,  
6 we are testing relevant build materials such as those  
7 that would be used in battery bags as an example, and  
8 have developed prototypes of real world battery  
9 transport, storage, and charging tools. We fully  
10 support Int. 949 and Int. 950 and applaud the  
11 proposed initiatives found in today's Council  
12 oversight agenda. We also recognize the challenges  
13 that will be faced when attempting to satisfy and  
14 enforce a couple of the proposed agenda items. For  
15 949, we would encourage the insertion of additional  
16 language that calls for requirements that include  
17 metrics for the safe collection, storage, and  
18 transport of all battery technologies. This would  
19 certainly hold true for batteries accepted and thus  
20 owned by the City as part of an exchange program. We  
21 believe this should be clarified on the front end.  
22 Regarding 950, we would absolutely encourage in-depth  
23 consideration of certain metrics for defining the  
24 types of packaging such as fire resistant bags that  
25 would be accepted for failure containment control use

1 cases. Our research has shown us that there are  
2 considerable limitations relative to claim  
3 defectiveness and usability of these types of  
4 proposed solutions. Many products are touted as  
5 "fire proof." However, this is a term that we avoid.  
6 As few, if any, materials currently available in the  
7 research domain would qualify as fire proof per  
8 definition. Fire resistant is a much better fit.  
9 Additionally, it has become clear to us that the  
10 types of products currently available for sale and  
11 distribution such as bags or containers have severe  
12 capability of limitations. We would encourage  
13 Council to adopt a strategy that clearly outlines  
14 metrics for solution acceptability. This would  
15 include third-party validation as mentioned earlier,  
16 and certification of potential solutions such as  
17 airbags by a nationally-recognized testing  
18 laboratory. Additionally, we would encourage the  
19 requirement of higher-level functionality safety  
20 metrics for these proposed solutions. This would  
21 include requirements for failure detection such as  
22 failure sensing technologies, formal notification  
23 capabilities-- that is audible or visual alert that  
24 would come with a solution-- and failure  
25

2 communications technology. As an example, the  
3 ability to communicate failure to a mobile device at  
4 three o'clock in the morning. Simply put, the claims  
5 that these solutions may make relative to some level  
6 of failure containment, even if validated, simply  
7 isn't enough. We understand the impact of cost and  
8 solution availability on your decision-making.  
9 However, we consider these types of requirements as  
10 absolute. And if I may briefly, please allow me to  
11 say something very positive about your own FDNY, and  
12 I'm sure you all know this already. I've had the  
13 chance to work with FDNY through Chief Michael Mays  
14 and Hazmat, and others in the Department. They are  
15 by far the best in the world. I am constantly  
16 shocked at the depth of their understanding, the  
17 depth to which they continue to seek understanding.  
18 I say that as a retired 32-year fire fighter from the  
19 City of Detroit. I know a little bit about this  
20 subject matter. Thank you, and please do not  
21 hesitate to reach out to me, as you always have, for  
22 additional support.

23 CHAIRPERSON ARIOLA: Thank you for your  
24 testimony.

2 COMMITTEE COUNSEL: Next we'll hear from  
3 Robert Slone from UL Solutions. After Robert, we'll  
4 turn to some folks on Zoom.

5 ROBERT SLONE: Thank you. Good morning.  
6 My name is Robert Slone. I'm the Chief Scientist for  
7 UL Solutions. Thank you for the opportunity to  
8 provide testimony on the two introductions. UL  
9 Solutions and the entire UL enterprise which includes  
10 our not-for-profit parents. UL Research Institutes,  
11 UL Standards and Engagement both applaud and support  
12 the continuing work for this committee, the council,  
13 Mayor Adams, and FDNY continuing to tackle this  
14 problem of lithium-ion batteries and fires.  
15 Regarding Introduction 949, as we testified to last  
16 November, the UL Enterprise has been working to help  
17 increase the safety of lithium-ion batteries and  
18 their end uses since 1985. Given the alarming spike  
19 in e-mobility-related fires in New York over the past  
20 several years, UL Solutions is supportive of efforts  
21 to get safer UL2271 certified batteries in hands of  
22 city e-bike users. However, as has been mentioned  
23 already this morning, we would caution that these  
24 batteries are not "plug and play." Each Original  
25 Equipment Manufacturer or OEM, has its own control

2 circuit tree for the entire electrical system  
3 encompassing the e-bike, the battery, and the battery  
4 charger. The OEM takes steps to ensure those parts  
5 communicate and work safely together. Because  
6 batteries are not cross-compatible right now, we  
7 recommend the proposed program be used to guide  
8 consumers to purchase only the batteries recommended  
9 by the OEM of their e-bike. With regard to  
10 Introduction 950, UL Solutions has performed  
11 extensive research on enclosures for lithium-ion  
12 batteries and contributed heavily to several  
13 standards relevant to storage products for lithium-  
14 ion batteries. UL Solutions is very supportive of  
15 requirements for businesses to supply their workers  
16 who use e-bikes with storage containers for their e-  
17 bike's removable battery. We would further recommend  
18 directing FDNY to require such storage containers be  
19 certified to relevant voluntary consensus standards  
20 as the standards become available. Lithium-ion  
21 batteries undergoing thermal runaway can explode,  
22 release toxic gases, and spread fire. Given the  
23 deflagration that these batteries can produce, UL  
24 Solutions began conducting research in 2018 to help  
25 develop test methods that would allow for the

2 performance evaluation of different battery enclosure  
3 materials. The research culminated at UL2596, which  
4 is a test method for thermal and mechanical  
5 performance of battery enclosure materials, which  
6 uses a blow torch that blasts flames and grit to  
7 evaluate the temperature and mechanical performance  
8 of a material. This research also supported the  
9 development of UL5800, battery fire containment  
10 materials, which supports the design, testing, and  
11 certification of containment products used by the  
12 airline industry for portable electronic devices with  
13 compromised batteries. Both of these standards have  
14 been published by UL Solutions parent organization,  
15 UL Standards and Engagement. UL Solutions is  
16 grateful for this opportunity to testify and commend  
17 your committee's ongoing efforts to improve safety  
18 with regard to micromobility for New Yorkers. We're  
19 always available to serve as a technical resource on  
20 this or any other safety issue that comes before the  
21 Council. Thank you.

22 CHAIRPERSON ARIOLA: Thank you so much.

23 COMMITTEE COUNSEL: Thank you. Next  
24 we'll hear from Ligia Gualpa from the deliveristas

2 followed by Gustavo [sp?]. Yeah, Ligia, she's  
3 available.

4 SERGEANT AT ARMS: Starting time.

5 LIGIA GUALLPA: Oh, right here? Can you  
6 hear me?

7 COMMITTEE COUNSEL: Yeah, we can hear  
8 you.

9 LIGIA GUALLPA: Okay. Nice meeting you.  
10 Thank you so much for the opportunity to testify  
11 today in this committee. My name is Ligia Guallpa.  
12 I'm the Executive Director of the Workers Justice  
13 Project, and we're deeply grateful to be here to  
14 testify. So, I represent Workers Justice Project  
15 which is a worker center [sic] that organizes low-  
16 wage immigrant workers. In the last-- like last year  
17 we been organizing up delivery workers who have been  
18 essential workers providing essential-- delivering  
19 essential service-- I mean, essential goods to New  
20 Yorkers. And just like it has been expressed today,  
21 we're deeply concerned about the spikes in the fires  
22 caused by these lithium batteries, and we fully  
23 support City Council's effort to get unsafe batteries  
24 out of our streets. Safety is a priority not only  
25 for deliveristas, but the entire community and

1  
2 members of Workers Justice Project, and we're  
3 committed to advancing our work and working with  
4 elected officials and leaders in our community to  
5 build a new era where we transition to an era where  
6 we have not only safe batteries, but we allow to  
7 continue to build to a new era of micromobility. And  
8 build the infrastructure that meets the needs of  
9 65,000 deliveristas who are here to stay. But it is  
10 important to recognize important factors. One is  
11 that deliveristas who are essential workers rely on  
12 not only-- rely on these batteries to continue to  
13 provide essen-- to continue to deliver essential  
14 goods to New York City. And most deliveristas rely  
15 on these e-bikes to continue to make a living in the  
16 City of New York. And over the course of-- over the  
17 past two years, more and more deliveristas are moving  
18 to e-batteries as a way to deliver-- to meet the  
19 demand of the industry to be able to travel the long  
20 distances that are required to do these deliveries,  
21 and most importantly to be able to make an income.  
22 And while we are concerned, we want to also make sure  
23 that the City takes the right approach, and the right  
24 approach here is to make sure that the City builds  
25 the infrastructure. The issue are just not the fact

2 that there is unsafe batteries, but the issue is that  
3 there is a lack of infrastructure in our city, and if  
4 we're moving to the new era, we want to make sure  
5 that we're also building the right infrastructure.  
6 We strongly support the legislation that allows  
7 deliveristas to be able to transition at a low-cost  
8 to be able to access the safe batteries.  
9 Unfortunately, despite-- the deliveristas until now  
10 do not have a minimum pay. What our--

11 SERGEANT AT ARMS: [interposing] Time has  
12 expired.

13 LIGIA GUALLPA: concern is that the tran-  
14 - time?

15 COMMITTEE COUNSEL: You may continue.

16 LIGIA GUALLPA: we want to make sure that  
17 this tran-- doing this transition we provide the  
18 resources the deliveristas need to be able to  
19 transition to this new era. Without a minimum pay,  
20 the cost, the economic cost that deliveristas will  
21 incur are significantly impactful, and we want to  
22 make sure that deliveristas are not only are able to  
23 transition safely, but are able to continue to make a  
24 livable pay. And we strongly believe that the right  
25 step is to make sure that we provide the resources

2 that are needed. We would like to see City Council  
3 working very closely with us, not only to figure out  
4 a way we can provide the economic incentive through  
5 this transition, but also we want to make sure that  
6 we build the infrastructure that meets the needs of  
7 deliveristas, such as building charging stations,  
8 making sure that we educate workers, particularly  
9 deliveristas who speak multiple languages. And there  
10 is a clear commitment from City Council by passing  
11 this new proposal to work not only with the  
12 deliverista community but to make sure that the  
13 transition is safe and equitable to all deliveristas.  
14 We here to continue collaborating and continue to be  
15 connecting with deliveristas who are committed to  
16 building to a new era of safe micromobility. Thank  
17 you.

18 COMMITTEE COUNSEL: Great. Thank you so  
19 much for your testimony. Next we'll hear from Gustavo  
20 [sp?].

21 SERGEANT AT ARMS: Starting time.

22 GUSTAVO: [speaking Spanish] Gustavo  
23 [inaudible] [speaking Spanish]

24 COMMITTEE COUNSEL: Thank you so much.  
25 Gracias. Next we'll hear from Adam Roberts on Zoom.

2 Adam you may go ahead once you're unmuted. Hold on a  
3 sec.

4 ADAM ROBERTS: Thank you for holding this  
5 hearing today. I'm Adam Roberts, Policy Director for  
6 the Community Housing Improvement Program, also known  
7 as CHIP. We represent New York's apartment building  
8 worker and owners, and we're here to testify strongly  
9 in support of Intro 950. Lithium batteries have  
10 become a major fire hazard for tenants and apartment  
11 building workers. There are too many stories from  
12 the last few years of apartments or even entire  
13 apartment buildings catching fire because of lithium  
14 batteries. These fires are incredibly intense,  
15 spreading too quickly for fire fighters to properly  
16 respond to. As building workers and owners, there is  
17 little we can do to alleviate the risk caused by  
18 lithium batteries as they're not physically part of  
19 buildings, there are limited design solutions to  
20 mitigate the risk they pose, particularly given how  
21 combustible they are. Therefore, the answer must be  
22 to make the batteries themselves safer, which is what  
23 this bill intends to do. Furthermore, we agree that  
24 the onus should be placed on businesses to ensure  
25 that the batteries are safe, even when they are not

2 being charged at that business. In this era of work  
3 from home and at work, the lines between one's home  
4 and workplace have blurred. When a business requires  
5 their employees to bring dangerous aspects of their  
6 job home, it should be that businesses responsibility  
7 to mitigate the risk. In the future we hope the  
8 Council will consider legislation to go a step  
9 further by requiring businesses to carry insurance on  
10 lithium batteries. Otherwise victims of fires caused  
11 by lithium batteries, including our members and  
12 tenants could be left without proper compensation.  
13 We strongly urge the Council to pass this much-needed  
14 bill. It'll go far towards saving the lives not only  
15 of delivery workers, but of their neighbors and those  
16 who maintain their buildings. It should not be so  
17 deadly to be a delivery worker, nor to live or work  
18 near them. Thank you.

19 CHAIRPERSON ARIOLA: Thank you so much  
20 for your testimony. There are so many things that we  
21 really have to take into consideration when we are  
22 doing legislation, and I couldn't agree with the  
23 people who gave public testimony more, because we  
24 really need to know who's going to be responsible for  
25 the financial cost of replacing dangerous batteries.

2 Where does the Administration believe that there  
3 should be income limitations because some of the  
4 delivery workers cannot afford to even purchase a  
5 certified battery? And then how far do we really ask  
6 the third-party bigger companies like Uber Eats or  
7 Grub Hub or any of those delivery companies to really  
8 invest in their workers and invest in programs to  
9 make them have a safe mode of transportation to  
10 deliver the essential and necessary products that  
11 they are delivering. And again, to the point of our  
12 last public testimony person, there are other people  
13 that are involved. There are people who live within  
14 the buildings that these bikes are being charged in.  
15 so it's not just the lives of the delivery workers.  
16 It's the lives of their neighbors that are at risk as  
17 well. So we do have to continue to put more  
18 legislation forward to make sure that the proper  
19 regulation is intact. We have to make sure that we  
20 know what type of electrical line is necessary in  
21 order to plug in your valid UL-certified battery and  
22 your certified charger. We need to know all those  
23 things. We need to work harder to keep our city  
24 safer, but this has to be a public and private  
25 partnership I think to really make it happen. So I

2 appreciate everyone's testimony tonight. I want to  
3 thank Josh Kingsley, our Senior Legislative Counsel,  
4 Will Hungash [sp?], our Senior Legislative policy  
5 Analyst, Phyllis Insurillo [sp?], my Chief of Staff  
6 who really, you know, put these together. You have  
7 no idea what happens behind the scenes before a  
8 hearing comes forward. I want to thank everyone who  
9 came today, our Sergeants at Arms, and everyone who's  
10 doing our online Zoom work. Have a great rest of the  
11 day everyone.

12 [gavel]

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COMMITTEE ON FIRE AND EMERGENCY SERVICES

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 20, 2023