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COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT

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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November 14, 2022
Start: 10:20 a.m.
Recess: 12:42 p.m.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Joann Ariola, Chairperson

COUNCIL MEMBERS:

- David M. Carr
- Oswald Feliz
- Robert F. Holden
- Kevin C. Riley
- Kalman Yeger
- Gale A. Brewer
- Jennifer Gutierrez

2 A P P E A R A N C E S

3 Julian Bazel, Fire Code Counsel

4 Thomas Currao, Acting Chief of Bureau of Fire
5 Prevention

6 Carlos Ortiz, Assistant Commissioner for External
7 Affairs at Department of Consumer and Worker
Protection

8 Michael Tiger, General Counsel at Department of
Consumer and Worker Protection

9 George Farinacci, Vice President of Uniformed
10 Fire Officers Association, Local 854

11 Hildalyn Colon-Hernandez, Director of Policy and
12 Strategic Partnerships at Los Deliveristas Unidos

13 Nora McCauley, Propel Electric Bikes

14 Baruch Herzfeld, bicycle advocate

15 Walton Wilson, community activist

16 Dolores Solomon

17 Ronald Butler, Energy Storage Safety Products,
International

18 Nico Probst, Head of Government Affairs at Getir

19 Melinda Hanson, cofounder of Equitable Commute
20 Project

21 Lyric Thompson

22 Justin Aiello

23

24

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2 SERGEANT-AT-ARMS: This is a microphone
3 test for the Committee on Fire and Emergency
4 Management. Today's date is November 14, 2022.
5 Location Chambers. Recorded by (INAUDIBLE) Gonzalez-
6 Rodriguez.

7 SERGEANT-AT-ARMS: Good morning and
8 welcome to the New York City Council hearing on the
9 Committee on Fire and Emergency Management.

10 At this time, can everyone please silence
11 your cell phones.

12 If you wish to testify today, please come
13 up to the Sergeant's desk so you can fill out one of
14 these witness slips.

15 Written testimony can be emailed to
16 testimony@council.nyc.gov. Again, that is
17 testimony@council.nyc.gov.

18 Thank you for your cooperation. Chair, we
19 are ready to begin.

20 CHAIRPERSON ARIOLA: Thank you. [GAVEL]
21 Good morning. I'm Council Member Joann Ariola, Chair
22 to the Committee on Fire and Emergency Management. I
23 am joined by Council Members Brewer, Carr in person,
24 and Holden via Zoom.

1 Today, this Committee will be conducting
2 oversight on e-bikes and lithium-ion batteries fire
3 safety as well as hearing a package of related
4 legislation. So far this year, the Fire Department
5 has investigated over 175 related fires. At total,
6 that puts the City on track to more than double the
7 number of battery-related fires from 2021 and
8 quadruple the number of such fires in 2020. Reports
9 indicate that lithium-ion batteries, especially those
10 that are damaged, refurbished, or inexpensive, are
11 most likely to catch fire when charging, and
12 significant fire risks arise from batteries that are
13 left unattended while charging for long periods of
14 time such as overnight. Discussion of this issue
15 often highlights delivery workers who utilize e-
16 bikes, many of whom may not have access to proper
17 charging locations during work or after work hours
18 and charge their devices at home. As part of the
19 2021-NYC New York City Fire Code Revision, provisions
20 were added establishing safe storage and charging
21 requirements for lithium-ion batteries used for
22 mobility devices such as e-bikes and scooters.
23 However, it is unclear to what extent these
24 provisions will adequately address fire risks posed
25

2 by e-bikes in residential homes, such as locations
3 are largely exempt from those regulations.

4 The Committee hopes to examine the
5 circumstances surrounding the proliferation of e-
6 bike-related fires, evaluate FDNY's response to this
7 emerging fire safety risk, and consider potential
8 measures to mitigate fire risks arising from these
9 devices. To that end, the Committee will also hear a
10 package of legislation that aims to protect customers
11 from dangerous products and increase public awareness
12 regarding the fire safety risks posed by lithium-ion
13 batteries and motorized bikes and scooters.

14 Introduction 656 sponsored by Council
15 Member Brewer requires the Fire Department to develop
16 an informational campaign to educate the public on
17 fire risks by powered mobility devices.

18 Introduction 663 sponsored by Council
19 Member Feliz regulates the sale of storage batteries
20 for powered mobility devices by requiring such
21 batteries be approved by a recognized testing
22 laboratory.

23 Introduction 772 sponsored by Council
24 Member Holden requires the Fire Department to report

2 on safety measures to mitigate fire risks associated
3 with powered mobility devices.

4 Introduction 749 sponsored by Council
5 Member Aviles relates to providing food delivery
6 workers with information on safety measures that
7 mitigate the fire risks posed by powered mobility
8 devices.

9 Introduction 752 sponsored by Council
10 Member Brewer which seeks to prohibit the sale and
11 assembly of second-use lithium-ion batteries.

12 The Committee looks forward to hearing
13 from the Fire Department on this legislation and
14 hopes to work collaboratively to find appropriate
15 solutions to decrease ever-growing problems of e-bike
16 fires.

17 I'd now like to invite our bill sponsors
18 to speak on these bills. Council Member Gale Brewer,
19 if you wouldn't mind going first.

20 COUNCIL MEMBER BREWER: Thank you very
21 much, Madam Chair, and I want to thank you for
22 holding this hearing. I think we all know that there
23 are more fires and we're all trying to figure out how
24 to address both the need to have safety and at the
25 same time make sure that there's good operations for

2 the 65,000 delivery workers. We all are concerned
3 about safety so I have a bill, as you heard from the
4 Chair, that would mandate that there be Fire
5 Department information so that the notion of what a
6 lithium battery is or is not is very clear to the
7 public.

8 The second bill I have is more
9 controversial. We're all trying to address this
10 issue. If we are to not sell batteries that are
11 reconstituted, refurbished. I think that we all want
12 to recognize too that although we're having this here
13 locally, we do need the federal government to step up
14 because these batteries are coming in from China, to
15 be very honest with you, and we need the folks at
16 Customs or whatever is appropriate to make sure that
17 the batteries that do arrive from either U.S. or
18 overseas are the ones that are safe for all workers.
19 I think it's great that the State provided the
20 opportunity for these faster bikes, e-bikes, but I
21 think they forgot at the same time to make sure that
22 they have a safe accompanying battery and bike. It's
23 expensive for the workers to get started between the
24 bike and the batteries so I want to reiterate this is
25 the beginning of the conversation and we look forward

2 to figuring out what's a win-win for everybody. Thank
3 you very much, Madam Chair.

4 CHAIRPERSON ARIOLA: Thank you, Council
5 Member Brewer. I'd also like to recognize Council
6 Member Oswald Feliz.

7 COUNCIL MEMBER FELIZ: Thank you so much.
8 Good morning, everyone. Thank you so much for being
9 here. I'm New York City Council Member Oswald Feliz.
10 I want to thank you, Chair Ariola, for this very
11 important hearing, and I also want to thank all my
12 Colleagues that have introduced fire safety bills
13 before this hearing today.

14 The sharp rise in e-bike fires is
15 concerning. The sharp rise in fires related to e-bike
16 batteries is alarming. This year, we've had over 180
17 fires caused by lithium-ion batteries including last
18 week in a mid-town high rise wherein 43 people were
19 injured. We need to make sure that products sold in
20 the City of New York are safe for New Yorkers. It is
21 why I am proud to be introducing and today we'll be
22 hearing one of my bills which requires that in order
23 for lithium-ion batteries to be sold that they be
24 certified by a nationally recognized testing
25 laboratory. We have various bills related to e-bike

2 batteries, but we also want to make it very clear
3 that there is a space in the City of New York for e-
4 bikes. Delivery workers, aka Deliveristas, they work
5 very hard, they work hard to keep our city running at
6 all hours, and they also work very hard to support
7 their families, and every single step of this process
8 we'll be engaging with them and we look forward to
9 constructing legislation that works for everyone in
10 our city including the families in our buildings and
11 on our streets and our businesses and also to our
12 hardworking Deliveristas. Thank you so much, and I'm
13 looking very forward to the testimony and the
14 conversations on this very important matter. Thank
15 you.

16 CHAIRPERSON ARIOLA: Thank you so much,
17 Council Member Feliz. I will now turn the mic over to
18 our Counsel, Josh Kingsley.

19 COMMITTEE COUNSEL KINGSLEY: Thank you,
20 Chair. We'll hear first from the administration
21 today. We'll be hearing from FDNY and DCWP,
22 Department of Consumer and Worker Protection. We'll
23 also have individuals from DSNY for questions.

24 For the Fire Department, we will hear
25 from Julian Bazel, the Fire Code Counsel, Chief

2 Thomas Currao, the Acting Chief of the Bureau of Fire
3 Prevention, Michael Tiger from DCWP, and Carlos
4 Ortiz.

5 I'm just going to swear you all in. If
6 you could just raise your right hand and affirm the
7 following. Do you affirm to tell the truth, the whole
8 truth, and nothing but the truth in your testimony
9 before this Committee and to answer honestly to
10 Council Member questions? I do.

11 ADMINISTRATION: I do.

12 COMMITTEE COUNSEL KINGSLEY: You may go
13 ahead.

14 ACTING CHIEF CARRAO: Good morning, Chair
15 Ariola and all Council Members present. My name is
16 Thomas Currao, and I am the Chief of Counterterrorism
17 and Emergency Preparedness and the Acting Chief of
18 Fire Prevention at the New York City Fire Department.
19 I am joined today by Julian Bazel, Fire Code Counsel,
20 for the FDNY. Thank you for the opportunity to speak
21 with you about e-bikes and lithium-ion batteries.

22 We appreciate the Council's attention to
23 this issue. The Fire Department has been carefully
24 tracking the increase in the use of lithium-ion
25 batteries in mobility devices over the last several

years. These batteries are commonly found in e-bikes, e-scooters, and other powered mobility devices such as electric skateboards and hoverboards. Though they have been on the rise for the past several years, the use of powered mobility devices multiplied dramatically during the pandemic. They have been ubiquitous among delivery workers filling an around-the-clock convenience that New Yorkers have come to rely upon. Our challenge is to strike the appropriate balance of ensuring public safety while not necessarily disrupting the livelihood and the enjoyment of others. As use has increased, the Fire Department has seen a corresponding spike in the number of fires and incidents related to lithium-ion batteries. Many of these fires have been intense and high profile. This past week, we responded to a fire in a high-rise apartment in Manhattan that began when an e-bike caught fire. It resulted in 38 injuries and required a daring rope rescue of individuals who narrowly escaped death via a window on the 20th floor. Whereas an injury stemming from a lithium-ion battery was a relatively rare occurrence in 2019 when we saw only a total of 13 such injuries, in 2021 we experienced 79. As of today, we've already identified

140 injuries and 191 fires attributed to lithium-ion batteries this year. Tragically, these fires have also led to six fatalities. As of today, we've experienced as many injuries, deaths, and overall fires involving lithium-ion batteries as we have from the previous three years combined. Lithium-ion battery fires present challenges to firefighters that are different from other types of fires. In addition to what we might consider a traditional fire, there's a threat of thermal runaway. This occurs when excessive heat is generated within the battery resulting in an uncontrollable, self-heating status that exceeds the rate at which the heat can be safely dissipated. This causes a domino effect within the cells of the battery and potentially creates an explosive state producing an ejection of gases, shrapnel, and particulates. Some of the Council Members present today attended a demonstration of a lithium-ion battery fire at the Fire Academy last week. Those of you who were there remember the thermal runaway which was evident by the popping noises and billowing white smoke. This smoke is toxic and highly flammable. A fire in a single lithium-ion battery can easily spread to materials around it. If

1 it is located near other lithium-ion batteries, the
2 process may be repeated, increasing the intensity of
3 the fire. In addition to starting fires, the presence
4 of the lithium-ion battery at a fire caused by
5 another source makes fighting the fire more
6 dangerous. Another challenge to lithium-ion battery
7 fires is that the danger is not over when the fire is
8 out. The battery is still essentially a box of
9 chemicals, and it's not unusual for it to reignite.
10 Once these batteries are damaged or involved in a
11 fire, they may reignite hours or days after being
12 initially extinguished. Even a thorough inspection
13 may not predict if and when they may reignite.

14
15 Given the unique difficulty with
16 suppressing this type of fire, we dispatch FDNY
17 Hazardous Materials Units to help ensure that the
18 batteries are properly handled. Hazardous Materials
19 has pioneered a procedure to eliminate the threat of
20 damaged batteries. This is a new phenomenon in the
21 world of fire suppression. As with a lot of new
22 technology, the FDNY is at the forefront of
23 understanding how the proliferation of lithium-ion
24 batteries in vehicles such as e-bikes and e-scooters
25 affects emergency response. Our experience with these

1 devices, though greater than that of any other
2 department in the country, is still relatively
3 limited, and we continue to learn. As more devices
4 appear in our communities, fire incidents have
5 increased. We have observed several factors that
6 contributed to these fires, and we've incorporated
7 this knowledge into outreach pieces and safety
8 materials. We encourage users to be FDNY smart when
9 using any device powered by a lithium-ion battery.
10 Examples include do not store your bike or scooter
11 near your door or windows blocking exits. We've seen
12 multiple examples of this blocking egress during
13 fires, including the recent fire we had last week. Do
14 not leave devices unattended when charging or leaving
15 them to charge overnight. Only purchase or use
16 devices that are listed by a qualified testing
17 laboratory such as Underwriters Laboratory. Do not
18 charge a device under a pillow, a bed, or a couch.
19 Only use the manufacturer's power cords and batteries
20 that are made specifically for the device. Keep
21 batteries and devices at room temperature and away
22 from anything flammable. If the battery overheats or
23 you notice an odor, change in shape or color,
24 leaking, or odd noises from a device, discontinue use
25

1 immediately. Finally, putting lithium-ion batteries
2 into trash or recycling is illegal and dangerous.

3
4 As fire incidents involving lithium-ion
5 batteries have increased, the Fire Department has
6 ramped up our level of outreach and education on the
7 topic. We have produced informational handouts and
8 materials promoting safe usage of e-mobile devices.
9 This past week, we finalized a video public service
10 announcement informing viewers about the dangers of
11 failing to take appropriate precautions around
12 charging and storing these devices, and we share the
13 material extensively on social media with community
14 contacts including Community Boards and elected
15 officials and with industry groups that use e-bikes
16 in their businesses. Many of the Department
17 leadership have given interviews and assisted media
18 outlets with updating this public on this topic.

19 We now conduct outreach specifically
20 geared towards lithium-ion battery safety in
21 neighborhoods where fires involving batteries have
22 occurred, and we've also incorporated lithium-ion
23 battery safety content into our general fire safety
24 messaging. We partner with the Department of
25 Transportation and the Department of Consumer and

1 Worker Protection to share information about safety,
2 and we've coordinated with the Department of
3 Sanitation to discuss safe removal of batteries from
4 fire incidents and issues of disposal. Members of the
5 FDNY's Community Affairs Unit and our Fire Safety
6 Education Unit have met with the Deliveristas and
7 other organizations distributing materials and
8 speaking with delivery workers about the safest ways
9 to use and charge their e-bikes. One approach that we
10 are preparing is the Train the Trainer focus, giving
11 tools to individuals so that they can help educate
12 other members of the community on this topic. We
13 continue to identify groups of users to reach out to,
14 and we encourage the Council Members here today to
15 let us know if you have additional suggestions for
16 groups of whom we should connect with. As the
17 Department does with all Fire Safety materials, we
18 made sure to create resources on this topic in a
19 large variety of languages. When we partner with
20 groups for whom an additional language would be
21 useful, we work with members of the group in advance
22 to produce versions in relevant languages. We know
23 that safety material is only valuable when it can be
24 understood by the people who are using it. In
25

1 addition to the materials aimed at adults, we devoted
2 an episode of the episode of the FDNY Smart podcast
3 for kids to the topic of lithium-ion batteries for e-
4 bikes, e-scooters, and other devices.

5
6 We recognize that a long-term solution to
7 these issues likely lies in manufacturers creating
8 safer devices, and we have been in communication with
9 the federal authority that has oversight over
10 manufacturers. In a letter this summer to the Chair
11 of the United States Consumer Product Safety
12 Commission, Fire Commissioner Laura Kavanaugh relayed
13 this experience that we've observed with fire trends
14 among powered mobility devices here in New York City.
15 She urged the Consumer Product Safety Commission to
16 enact regulatory measures and incentivize safer
17 designs. The Chair of the Consumer Product Safety
18 Commission responded in October noting that a variety
19 of measures that the Commission is taking to address
20 this issue including collecting specimen and
21 conducting research and data analysis here in New
22 York City. The Consumer Product Safety Commission
23 staff will use that knowledge to develop proposals
24 for new standards. The Consumer Product Safety
25 Commission has begun recommending that consumers take

2 measures to minimize the risk of fire and their list
3 of recommendations is similar to our own. The
4 Consumer Product Safety Commission also announced a
5 recall last month on certain e-bikes, citing the risk
6 of lithium-ion batteries igniting, exploding, and
7 creating burnt houses to consumers. We will continue
8 providing information and working with industry and
9 federal regulators to improve these devices.

10 I will now address the proposed
11 legislation. Introduction 656. This legislation will
12 require the Fire Department to develop an
13 informational campaign to educate the public on fire
14 risk posed by powered mobility devices. As I've
15 noted, this is something that we already do and we
16 expect to continue developing and improving outreach
17 on this topic. We are supportive of this bill.

18 Introduction 663. This legislation would
19 prohibit the sale of batteries for mobility devices
20 that are not listed by a nationally recognized
21 testing laboratory or approved organization. We agree
22 with this objective, and it tracks with the safety
23 tips that we use when addressing members of the
24 public who may be considering purchasing e-mobility
25 devices. We are supportive of this bill.

2 Introduction 749. This legislation will
3 require the Department of Consumer and Worker
4 Protection and the Fire Department to provide
5 information on safety measures that mitigate fire
6 risk and would also require food service
7 establishments to provide delivery workers with
8 safety information. We are supportive of this bill.

9 Introduction 752. This legislation would
10 prohibit the sale and assembly of second-use lithium-
11 ion batteries. We are supportive of this bill.

12 Introduction 722. This legislation will
13 require an annual report that would include a variety
14 of topics such as all fires caused by powered
15 mobility devices, details of each fire including
16 geographic location, building type, circumstances of
17 each location, an overview of existing New York City
18 Fire Code provisions governing storage and charging
19 of powered mobility devices, an examination of
20 regulatory approaches taken in other jurisdictions or
21 proposed action on the state or federal level for
22 mitigation of fire risk among others. We were able to
23 comply with the aim of this bill by reporting on
24 powered mobility devices. However, we do have
25 concerns about the best use of resources and what it

1 might takes to gather and produce all the elements of
2 this report. We look forward to discussing potential
3 refinements to ensure that we are maximizing
4 resources towards fire suppression, fire prevention,
5 and education.

6
7 Each of these bills, we look forward to
8 hearing from other city agencies, industry
9 stakeholders, and powered mobility device users to
10 inform the details. We welcome the Council's interest
11 in this topic. We have had a number of conversations
12 with members of the Committee already, and we look
13 forward to the ongoing dialogue. Part of our
14 responsibility as first responders in New York City
15 is confronting big challenges before anyone else.
16 FDNY will stay engaged and active as this issue
17 evolves, and we are grateful to have partners at the
18 Council to provide support and help to protect the
19 people and property of New York City. Thank you.

20 CHAIRPERSON ARIOLA: Thank you so much.
21 Just a few questions. What existing Fire Code
22 regulations pertain to motorized bikes and scooters
23 powered by lithium-ion batteries? What existing Fire
24 Codes exist?

2 ACTING CHIEF CARRAO: Chair, I'm going to
3 turn that over to the Fire Code Counsel, Julian
4 Bazel.

5 FIRE CODE COUNSEL BAZEL: Thank you, Madam
6 Chair. The Fire Department from a regulatory
7 perspective as well as from a fire prevention and
8 fire operations perspective has been in the forefront
9 of this issue. We were involved very early on in
10 developing standards to address lithium-ion
11 batteries. In our 2022 Fire Code, we have provisions
12 relating the storage and charging of e-bikes and
13 other powered mobility devices. Those regulations
14 establish general safety requirements for e-bike
15 charging in a wide range of occupancies and
16 businesses.

17 CHAIRPERSON ARIOLA: Thank you. Did you
18 want to add to that?

19 ASSISTANT COMMISSIONER ORTIZ: Just to
20 offer our testimony from the Department of Consumer
21 and Worker Protection.

22 CHAIRPERSON ARIOLA: Oh, I'm sorry. Okay.

23 ASSISTANT COMMISSIONER ORTIZ: Good
24 morning, Chair Ariola and Members of the Committee.
25 My name is Carlos Ortiz, and I'm the Assistant

2 Commissioner for External Affairs at the Department
3 of Consumer and Worker Protection. Today, I'm joined
4 by DCWP's General Counsel, Michael Tiger. Thank you
5 for the opportunity to testify on the legislation
6 related to powered mobility devices and lithium-ion
7 batteries.

8 As an agency, DCWP's mission-oriented
9 priorities focus on consumer protection from
10 deceptive trade practices and worker protections that
11 promote equitable workplaces. While DCWP has no
12 technical expertise regarding the fire risk posed by
13 powered mobility devices and lithium-ion batteries,
14 we do serve New Yorkers who purchase or utilize these
15 devices throughout the course of their daily lives.
16 The Adams' administration is committed to ensuring
17 that the utilization and regulation of these devices
18 occurs in an equitable, sustainable, and safe manner.

19 Turning to today's bills, Introduction
20 656 will require the New York City Fire Department to
21 work in collaboration with DCWP on a public education
22 campaign to highlight fire risk posed by powered
23 mobility devices and the safety measures that
24 mitigate those risks.

2 Introduction 749 would require DCWP to
3 establish materials providing guidance on the safe
4 use and storage of powered mobility devices and
5 ensure that food service establishments, third party
6 food delivery services, and third party courier
7 services distribute that guidance to their food
8 delivery workers.

9 The administration supports the intent of
10 these bills and believes that educating the public on
11 fire safety and risk is vital. DCWP is eager to
12 partner in these efforts. Although we do not believe
13 our agency has the technical expertise for the
14 creation of public guidance related to the safe use
15 and storage of powered mobility devices and batteries
16 as contemplated in Introduction 749.

17 Moving on to the other bills in the
18 agenda, Introduction 663 would prohibit the sale of
19 batteries for powered mobility devices unless the
20 batteries have been listed and labeled by a
21 nationally recognized testing laboratory or other
22 approved organization.

23 Introduction 752 would prohibit the sale
24 of second use lithium-ion batteries, which from our
25 understanding are batteries that have been assembled

2 or reconditioned with cells removed from previously
3 used batteries.

4 DCWP would be tasked with enforcing both
5 bills and would be empowered to issue civil penalties
6 to any business that illegally sells the prohibited
7 products.

8 As my colleagues at the Fire Department
9 testified to, the administration supports the intent
10 of Introduction 663 and 752 to the extent they can
11 address fire safety issues caused by certain
12 identified batteries. DCWP regularly enforces
13 consumer product restrictions including a law passed
14 earlier this year prohibiting the sale of space
15 heaters that lack certain safety features and clear
16 labeling of those features. For any prohibition such
17 as these, clear standards, packaging, and labeling
18 are essential for enforcement. DCWP is also
19 interested in hearing today from workers who may
20 utilize powered mobility devices to better understand
21 any impact these bills may have on their (INAUDIBLE).
22 We look forward to collaborating with the Council on
23 these bills during the legislative process to create
24 equitable and safe standards for New Yorkers. Thank

2 you, again, for the opportunity to testify, and I
3 look forward to any questions you may have.

4 CHAIRPERSON ARIOLA: Thank you so much.
5 What types of mobility devices are subject to these
6 regulations and what specific fire safety
7 requirements are included in the Fire Code?

8 FIRE CODE COUNSEL BAZEL: The Fire Code
9 has a definition of powered mobility device, and it
10 encompasses all kinds of battery-powered micro-
11 mobility devices except those that are required to be
12 registered with the New York State Department of
13 Motor Vehicles.

14 In terms of the types of regulations, the
15 Fire Code requires that any place where e-bikes or
16 other micro-mobility devices are going to be charged
17 that they have adequate electrical supply outlets,
18 prohibits use of extension cords and power strips, it
19 requires separation of the batteries or devices for
20 safety purposes, it requires a natural or mechanical
21 ventilation, separation from combustible materials,
22 combustible waste, and hazardous materials,
23 separation from any areas in which work is being done
24 on powered mobility devices, and where there's six or
25 more devices that they be in a separate fire-rated

2 room with sprinklers and smoke detectors. That's a
3 general characterization of what's required for
4 charging.

5 A simple storage room has fewer
6 requirements but is basically intended not to place
7 these bikes in areas where they would come into
8 contact with combustible materials or hazardous
9 waste.

10 CHAIRPERSON ARIOLA: Thank you. We've all
11 seen the photographs of 10 and 15 bikes being plugged
12 in in a basement in a commercial building or a
13 restaurant so what type of outreach are you doing and
14 when you do the outreach there and you find a
15 condition like that, this is both for the Fire
16 Department and Department of Consumer and Worker
17 Protection, how often are you going out to check
18 places, are you reactive or proactive? I guess that's
19 my question.

20 ACTING CHIEF CARRAO: Thank you very much
21 for the question. I would say both. Let me start with
22 proactive. We have a very robust educational and
23 awareness safety campaign that involves a whole FDNY
24 effort that includes safety material that is
25 published on social media, Facebook, Instagram. We

1 also have podcasts so that we get that information
2 out to the public in general. In addition, our
3 Special Investigations Unit for the Bureau of Fire
4 Prevention will respond, and they've actually done
5 inspections in a lot of these commercial buildings
6 where we have had fires. They've issued to date 19
7 summons and 10 violations so I would say it is both
8 proactive and response mode as well. We have a weekly
9 working group, a Personal Mobility Device Working
10 Group, where we're developing outreach material to
11 the public including targeted material to food
12 delivery workers. That material will be handed out
13 from our Fire Inspectors direct outreach. We also
14 have a Train the Trainer program where we're really
15 trying a force multiplier so if we can train and
16 partner with those in the food delivery industry to
17 train and get the word out about safe practices so we
18 are really trying from a whole suite of different
19 areas as well as, unfortunately, after we had the
20 fatal fire, ma'am, we actually have a Fatal Fire
21 Campaign that goes out, and we will provide
22 information right after the incident to try to
23 address the safety issues. We've also done multiple
24 Community Board demonstrations and presentations on
25

2 best safety devices and safety practices and, of
3 course, we do everything interagency. We work closely
4 with the Department of Sanitation, Department of
5 Consumer and Worker Protection, and we will continue
6 to do so to try to put out the best information we
7 possibly can to the public.

8 CHAIRPERSON ARIOLA: Appreciate that.

9 ASSISTANT COMMISSIONER ORTIZ: Council
10 Member, we are in close communication with our
11 colleagues at the Fire Department and in coordination
12 as well on outreach. As I mentioned in my testimony,
13 we're certainly supportive of deepening that
14 partnership and to ensure that workers, New Yorkers
15 are getting the safety materials that they need and
16 that we have an equitable and sustainable use of
17 these devices.

18 CHAIRPERSON ARIOLA: Great. When you do
19 find a situation where a summons or a violation is
20 given out, what are the summons, what are the ranges
21 for those summons, what is the amount attached to the
22 summons for any person who is in violation of these
23 Fire Code regulations?

24 FIRE CODE COUNSEL BAZEL: I would have to
25 doublecheck what category this falls into, but as a

2 general matter, depending on the kind of violation,
3 typically first violation would be under 1,000
4 dollars. If a criminal court summons, it could be
5 more, but it's in that range. I'd have to get back to
6 you on the specifics.

7 CHAIRPERSON ARIOLA: Okay, and it's not
8 just commercial businesses. It's private homes so
9 what provisions of the Fire Code apply to individuals
10 who charge their motorized bikes or scooters in their
11 homes or apartments?

12 FIRE CODE COUNSEL BAZEL: The Fire
13 Department does not have an inspection program for
14 private homes, one- and two-family homes. For
15 historical reasons, we don't go into people's homes
16 and inspect them under normal circumstances obviously
17 absent an emergency such as a fire or other emergency
18 condition. What the 2022 Fire Code did try to do was
19 to restrict the number of powered mobility devices
20 that are allowed in a one- or two-family home or in a
21 dwelling unit in an apartment building. Obviously,
22 before the 2022 Fire Code, you could have as many of
23 these devices as you wanted. The 2022 Fire Code
24 restricted it to five unless you were going to comply
25 with the regulations applicable to other kinds of

1 buildings and businesses, which in most circumstances
2 would be impractical. We understood that this was not
3 something that the Fire Department would be going out
4 and enforcing in a normal course. However, our hope
5 was that by putting this in the Code, we would
6 empower building owners including apartment building
7 owners, landlords, to enforce limits on this, and we
8 were specifically addressing the concern which we
9 were aware of at the time that the Code was drafted
10 back in 2019 and early 2020 before the current
11 outbreak of fires, we were aware that there were
12 things called app gigs or people being employed
13 through apps on their phone or otherwise to engage in
14 commercial activity in their apartments or private
15 dwellings. They would be recruited to take e-bikes
16 off the streets, bring them back to their homes and
17 charge them, and bring them back to the street for
18 money and obviously that is not appropriate use of
19 residential premises to conduct a business, and it
20 did increase the hazard by bringing multiple e-bikes
21 into the home and charging them probably under
22 conditions that are less than optimal, if not
23 outright unsafe. We allowed five in recognition of
24 the fact that this is not just about e-bikes, that
25

1 we're regulating any type of battery-powered device,
2 lithium-ion battery-powered device and increasingly
3 people may have this for other kinds of devices and
4 that was just the number we chose as a way of trying
5 to put a reasonable limit on the personal use. Now,
6 they're only allowed to have up to five devices of
7 any type for personal use, not for commercial use.

8
9 CHAIRPERSON ARIOLA: Thank you. I'll now
10 yield my time to Council Member Feliz who has a few
11 questions.

12 COUNCIL MEMBER FELIZ: Thank you so much,
13 Chair Ariola. Let me start by thanking every single
14 member of our Fire Department. We see your bravery
15 every single day at all hours, including last week
16 when we had that horrible high-rise fire in mid-town
17 Manhattan wherein 43 people were injured. That day,
18 many if not all of us saw that video, that incredibly
19 dangerous rescue operation, wherein they crossed
20 floors with a rope, putting their lives at risk to
21 save the lives of other people, and we're incredibly
22 thankful for the work that our Fire Department does,
23 again, every single day at all hours.

2 I also want to thank you for that very
3 informative lithium-ion battery fire demonstration
4 last week in Randall's Island. That was very helpful.

5 A few questions. We're seeing the number
6 of fires related to lithium-ion batteries quickly
7 rise. This year, we've had about 180 fires. That's
8 about double the amount compared to last year, and
9 that's four times the amount compared to maybe four
10 or five years ago. Why are the numbers going up now?
11 What are factors that are playing a role?

12 ACTING CHIEF CARRAO: Thank you very much
13 for the question, Council Member. We did see a
14 dramatic rise, I think, during the pandemic as well
15 as it's just its ability to be such a useful device.
16 We all see the type of traffic conditions that are
17 used and I think ease of use and being able to get
18 around. It's a good device to be able to use as well
19 as its commercial use in delivery operations so I
20 think the combination of the two, I think has led to
21 the increase in its availability and its use.

22 COUNCIL MEMBER FELIZ: Thank you. We've
23 seen these batteries explode in our streets,
24 literally explode in our streets, in our businesses,

2 in our homes. What about these batteries make them
3 susceptible to fires and explosions?

4 ACTING CHIEF CARRAO: The exact
5 electrical, chemical nature of this. The science that
6 actually makes it so useful as a personal mobility
7 device is also its downfall in a fire. There's so
8 much energy that in that lithium-ion mixture,
9 basically a box of chemicals so to speak, that when
10 it goes wrong for a multiple of reasons it sets off a
11 thermal runaway. It's a chemical chain reaction. It
12 rapidly heats up to the point where the heat cannot
13 be contained. One battery will propagate fire to
14 another battery to another battery, and you really
15 have an explosive type of event occur, and that's
16 what we've been finding in many of these fires.

17 COUNCIL MEMBER FELIZ: Thank you for the
18 information. We have different types of lithium-ion
19 batteries, some are certified, some are not
20 certified. What about certified batteries makes them
21 safer compared to non-certified batteries?

22 ACTING CHIEF CARRAO: I think when we look
23 at lithium-ion technology, we have to really look at
24 it as a safety handshake. The device, the battery,
25 the charger. All that's meant to work together so

2 when you have a rated device, when you have something
3 that's used according to manufacturer's
4 specifications, that's the very best safety equation
5 we can achieve.

6 COUNCIL MEMBER FELIZ: Okay, and we have
7 many different items and devices that use lithium-ion
8 batteries, cars, cell phones, so to talk to us about
9 those devices and also are those devices safer
10 compared to e-bike batteries and why or why not?

11 ACTING CHIEF CARRAO: This is an area that
12 we're continuing to research on. Certainly, in the
13 public sphere we've seen fires in electric vehicles
14 and things like that, but I think the powered
15 mobility devices, I think the wear and tear and the
16 use of them and the proliferation of them, I think is
17 almost putting them in like a special category. That
18 doesn't mean that a larger energy storage system, it
19 still has to be manufactured, installed, very close
20 fire code, and specifications. It still has the
21 potential to cause a problem, but I think the powered
22 mobility devices are almost in a separate category
23 because of the proliferation and their use, but we're
24 also finding hazards associated with that.

2 COUNCIL MEMBER FELIZ: Thank you. Final
3 question. I know my time is up for now. Going to the
4 issue of enforcement, if the FDNY becomes aware of an
5 apartment wherein there's like 10 batteries being
6 charged, what enforcement powers, if any, does FDNY
7 currently have?

8 ACTING CHIEF CARRAO: As I think Code
9 Counsel had said, in terms of in the apartment itself
10 we don't have statutory authority to be able to
11 address that. We try in really every fire and
12 emergency medical run that we go on to educate. If we
13 see something that, we might be there on a separate
14 run, we might be on an emergency medical call, we try
15 to educate the public, we try to point out things so
16 education is our strongest foundation.

17 FIRE CODE COUNSEL BAZEL: Let me just add
18 one thing to that. If it was brought to our attention
19 and we were able to confirm that there was unlawful
20 storage or activities going on in an apartment, we
21 typically would write violations to the building
22 owner, typically. Now, it may be that under certain
23 circumstances we could write it to the lessee or the
24 tenant. Obviously, I assume you're talking about a
25 residential setting. In a commercial setting, we may

2 also write it to the commercial tenant, but, under
3 the right circumstances, we would be able to write a
4 violation for that, but establishing this, as I said
5 we don't typically go in an inspect this, so
6 enforcement within dwelling units is always a
7 challenge and not something that have a regular
8 inspection program for.

9 COUNCIL MEMBER FELIZ: Thank you so much.

10 CHAIRPERSON ARIOLA: Council Member
11 Brewer.

12 COUNCIL MEMBER BREWER: Thank you very
13 much, and I, too, want to thank the Fire Department
14 for all of your work on this issue and others and
15 Jason Shelly is always very responsive. I want you to
16 know that. I call him often.

17 We're very concerned about this issue.
18 The concern I have is what, because I am very
19 cognizant of the need to have safety and I'm very
20 cognizant of the fact that the delivery workers have
21 to work, just like you are. There's a conundrum here
22 in some ways so my question to you is how do we
23 figure out how to have no refurbished batteries, if
24 that is the probably, and, even though it's my bill,
25 I want to be clear that I am open to ideas because I

1 feel strongly that that's one way that the bike and
2 the batteries should not be coexisting at the same
3 time. As you indicated earlier, if you start mixing
4 cells, you could end up with a problem so I want to
5 understand more is there some way we should be
6 regulating the stores that sell them, that would be
7 Consumer Affairs perhaps in addition to the Fire
8 Department, and is the problem really the refurbished
9 batteries? Would everybody be safer if we were using
10 new batteries, certified or not? I don't know the
11 difference between a new battery and a certified
12 battery. I need some clarification on what would be
13 the safest and then we have to deal with the cost of
14 safety because that's also a problem so I could use
15 some help on some of these issues.

17 ASSISTANT COMMISSIONER ORTIZ: Thank you
18 for the question, Council Member. I think certainly
19 with a multidimensional issue such as this with the
20 e-bike batteries and the workers and the fact that
21 they're utilizing this for their livelihoods, we
22 certainly want to be mindful of equity but also
23 safety as my colleagues at the Fire Department have
24 pointed out. Certainly, we're supportive of the
25 Introduction that you mentioned. Of course, want you

2 to hear from the workers here today to see how this
3 bill could possibly impact them. Additionally, I
4 think the educational piece is always a fundamental
5 component of any new regulation to ensure that
6 consumers, workers are empowered with that
7 information and know that they should be pointed
8 towards perhaps a different product or looking at a
9 different product, and I think the point that you
10 raised earlier about the federal government stepping
11 up and ensuring that we have nationwide standards
12 that promote safety, I think is going to be key to
13 making sure that the market appropriately provides
14 the right product...

15 COUNCIL MEMBER BREWER: That's not going
16 to happen soon.

17 ASSISTANT COMMISSIONER ORTIZ: No, I think
18 these are complementary pieces, Council Member, and
19 that's why I think we're encouraged to work on these
20 bills with you all and with our Colleagues here at
21 the Fire Department and other sister agencies that
22 touch upon this issue.

23 COUNCIL MEMBER BREWER: But do you
24 regulate any of the stores now that sell batteries or
25 not?

2 ASSISTANT COMMISSIONER ORTIZ: Currently,
3 I think we have consumer-facing protections with
4 respect to deception that we would apply to many
5 stores across New York City, but there isn't
6 currently, I would say, any type of licensing
7 requirement as there is. I mean, sometimes that is
8 not necessarily an easy way to address an issue
9 because it's not necessarily an industry that sells
10 batteries necessarily. These stores also have
11 multiple different products that they're selling..

12 COUNCIL MEMBER BREWER: And there's online
13 also.

14 ASSISTANT COMMISSIONER ORTIZ: Yeah, and
15 there's online as well, although we would consider
16 online sales to be something subject to these
17 regulations too. I think that is all to say that I
18 think we're encouraged with this piece of legislation
19 and would want to work to create those clear
20 standards around these products to make sure that
21 workers are able to buy products that are safe for
22 them.

23 COUNCIL MEMBER BREWER: Okay. For the Fire
24 Department then, what is it that is in the
25 reconstituted that's not in the new, and is there any

2 reconstituted battery that is safe or is it just
3 haphazard? How do we decide what's safe and what's
4 not safe?

5 FIRE CODE COUNSEL BAZEL: I think what the
6 Chief said earlier is that these systems have to be
7 designed to work together, that the battery has to be
8 designed for the particular device and it has to be
9 meshed with the charging system. That's where it
10 appears we're having significant safety issues is
11 that charging batteries, they may be charged at
12 different power levels, different amperage, if
13 they're not meshed they may not know whether it's
14 fully charged so they continue to overcharge and
15 cause overheating. Now, given that, I think
16 indications are at this point in time, do-it-
17 yourselfers are not doing anyone a favor. They are
18 creating hazards, and they are not equipped or
19 capable of designing systems, replacement batteries
20 or whatever they call them that can work with the
21 devices. UL is there for many, many consumer
22 products, and this is obviously a consumer product
23 issue that in some ways exceeds the scope of the Fire
24 Department's role here. We're struggling to manage it
25 through our normal regulatory processes, but the

2 reality is that this is a consumer product that has
3 some issues. The UL process or similar processes are
4 there to make sure that the battery is designed and
5 manufactured to work in a way that is safe and in the
6 way that it's designed to work, and having all people
7 taking what looks like a AA battery and reconfiguring
8 them or adding batteries to soup up the battery to
9 get more performance or longer battery life is
10 dangerous, and I think enforcement may be a challenge
11 but obviously the first step is to prohibit it.

12 COUNCIL MEMBER BREWER: All right. Thank
13 you. Madam Chair.

14 CHAIRPERSON ARIOLA: Thank you. I'd just
15 like to note that Council Member Gutierrez and
16 Council Member Yeger have joined us. Thank you so
17 much.

18 Before I yield back to my Colleagues, I
19 just wondered if when doing your outreach, when
20 thinking about how we can keep people safe, because
21 we have had an uptick now of people using motorized
22 bikes that use lithium-ion batteries for deliveries,
23 for personal use, have you looked outside our
24 jurisdiction, looked into other countries as to how
25 they're handling it because they were way ahead of us

2 on that, and they were using ion-battery charged
3 vehicles in large numbers before we were so are we
4 looking outside of our own jurisdiction to find ways
5 to help keep people safe? What did they do? Did they
6 use only certified? Were there charging stations
7 available where they could swap out so they're not
8 overcharging their batteries? Were delivery companies
9 who were utilizing deliveristas held accountable for
10 regulating what type of battery their deliveristas
11 are using? Are we looking outside of our own little
12 bubble here to make sure that we're doing everything
13 we can to keep people safe?

14 ACTING CHIEF CARRAO: Thank you for the
15 question, Chair. If it would be okay, I'd like to
16 just follow up on one thing that Code Counsel had
17 said with the refurbishment or adding batteries. We
18 actually had two fatalities that were directly
19 related to that so I just did want to mention that,
20 that it is a particular problem.

21 In answer to your question, that is one
22 of the reasons that we held a recent symposium on
23 lithium-ion technology and we brought together many
24 fire departments, industry experts, the Underwriters
25 Laboratory, and really the answer is actually many

2 folks are actually looking to us. The FDNY and NYC is
3 really taking the lead on this, and we're really
4 happy to share information but a lot of the
5 jurisdictions are actually looking to us to see how
6 we're handling this and what comes out in terms of
7 safety regulations and best practices.

8 CHAIRPERSON ARIOLA: For Mr. Ortiz, what
9 are you doing when you find that there is someone who
10 is a delivery company or a certain restaurant that is
11 always, maybe not the first time, maybe not the
12 second time, but the third time you got there and
13 they're still not compliant with the regulations?
14 What do you do with say the delivery companies that
15 are now just partnering with the restaurant and not
16 requiring their deliveristas to be registered or have
17 the proper batteries or have safety guidelines for
18 their deliveristas? We're worried about people's
19 lives, and that's why this package of bills is so
20 important.

21 ASSISTANT COMMISSIONER ORTIZ: Yes,
22 Council Member. I think, speaking more broadly first,
23 I'd say the types of regulations that we're enforcing
24 at Department of Consumer and Worker Protection
25 really relate to the fair working conditions of food

2 delivery workers engaged by third party apps and
3 third party courier services so typically, let me say
4 I think that some of those laws and rules for
5 protecting delivery workers are some of the most
6 forward thinking in the country certainly, and we've
7 been working closely with stakeholders such as Los
8 Deliveristas Unidos to ensure that we're constantly
9 in contact and receiving feedback and working closely
10 with them as well as working closely with apps as
11 well to understand the conditions of the industry. I
12 think if there are certainly any violations of our
13 laws and rules, we would look into an investigation,
14 also whether that's an implication on the rights of
15 the workers or an implication on the app's license. I
16 think if we ever receive any types of complaints or
17 any information related to a fire safety issue, we
18 would work closely with the Fire Department to make
19 sure that that information gets to them with respect
20 to any workplaces or businesses that are not
21 compliant with their code.

22 CHAIRPERSON ARIOLA: I must say in my own
23 experience in my District, both the Fire Department
24 and Consumer Affairs and Worker Protection has been
25 very, very responsive when called if we find that

2 there is an issue. I will now yield my time to
3 Council Member Gutierrez who has questions.

4 COUNCIL MEMBER GUTIERREZ: Thank you,
5 Chair, and thank you for hosting today's hearing, and
6 thank you both for being here. This is obviously an
7 issue that I think based on the summary that you all
8 provided on where the fires are being found I think
9 is impacting every community, every income level.
10 It's really important that we spend the time to
11 resolve.

12 I'm curious in the instances where we've
13 seen a significant amount of fires in public housing
14 and NYCHA versus residential, is there anything that
15 you can share with us about what those investigations
16 afterwards have demonstrated? Are there any
17 distinctions between fires occurring in NYCHA versus
18 fires occurring in other residential, the same
19 density versus like one- to two-family, are there any
20 distinct circumstances that you can point to in those
21 instances?

22 ACTING CHIEF CARRAO: Thank you very much
23 for the question. Fires in high-rise multiple
24 dwellings are a tremendous challenge under any
25 circumstances so really it's a race for time between

2 the heat of the fire, the toxicity of the chemicals
3 in the smoke, and the smoke itself. These lithium-ion
4 fires are really a game-changer. It's almost like a
5 quantum leap, similar to what we found when we had to
6 change our firefighting operations from older type of
7 legacy fires to new modern fires. This is yet again
8 another quantum leap, and the problem is they take
9 off with such explosive force that, again, they
10 decrease that egress time for those occupants,
11 particularly if they're stored near the front door so
12 it's a challenge in any occupancy, but really in a
13 high-rise multiple dwelling such as New York City
14 Housing Authority dwelling, it's a major safety
15 concern.

16 COUNCIL MEMBER GUTIERREZ: Is there
17 anything unique about NYCHA's composition that it
18 poses like a higher level of a challenge in these
19 instances?

20 ACTING CHIEF CARRAO: I look at really
21 high-rise multiple dwellings in terms of the generic
22 state in terms of what we've experienced with fire
23 and smoke and the hazards to occupants as well as the
24 challenges to firefighting so I don't think I would
25

2 break out NYCHA. I think I would just look at it
3 holistically, a high-rise multiple dwelling.

4 COUNCIL MEMBER GUTIERREZ: All right.

5 Thank you. The FDNY puts battery fires at
6 approximately 200 this year. In any of those cases of
7 fires involving the batteries, is there any proof of
8 aging or faulty wiring being an issue?

9 ACTING CHIEF CARRAO: One of the major
10 problems with investigating these types of fires is
11 that the evidence so to speak or the material is so
12 heavily damaged. However, when our Fire Marshalls and
13 we have our Chief Fire Marshall here today, when they
14 do their cause and origin investigation, a big part
15 of what they do is interviews and they speak to
16 witnesses, they speak to people in the apartment, and
17 they've actually went beyond what their normal duties
18 would be in terms of cause and origin to really try
19 to determine what was the type of device, when was it
20 charged last, what type of charger so we're trying to
21 continually pull that together. Anecdotally we find
22 that there are many reasons for this. It could be, as
23 we've stated before, using mismatched products. It's
24 a device that's heavily used. It could also be caused

2 by being damaged, overheating. There's a whole host
3 of issues that could occur.

4 COUNCIL MEMBER GUTIERREZ: Thank you. What
5 education exists today in regards to disseminating
6 information to safely charging these batteries for
7 folks, and does it differ between folks looking to
8 charge in residential spaces versus commercial or is
9 there a blanket kind of safety protocol that people
10 can access?

11 ACTING CHIEF CARRAO: Sure. We're really
12 trying to address both audiences. My Code Counsel can
13 speak even more, but we have an annual fire safety
14 bulletin that is addressed for residents of
15 residential high-rise type of dwellings so we've
16 recently updated that to include lithium-ion safety.
17 We also will be addressing it with the commercial
18 industry as well. We are partnering with the
19 Department of Consumer and Worker Protection to reach
20 out to deliveristas. We are beginning a train the
21 trainer program to be the widest possible footprint
22 that we can to make sure that we get best safety
23 practices out there. It's a partnership. It's really
24 taking ownership with us to try to make it as safe as
25 possible. We also address schools, community boards,

2 social media on three different social media
3 platforms so really the widest possible audience that
4 we can reach we try to do so.

5 COUNCIL MEMBER GUTIERREZ: Thank you.

6 Chair, may I ask one more question? Thank you so
7 much. My last question is for both agencies. Have you
8 had conversations or can you share if you are in
9 support of city-owned operating charging stations
10 across the city?

11 ACTING CHIEF CARRAO: Okay, I have not had
12 those conversations. I'd be happy to engage in
13 further conversation on that and sort of find out
14 more.

15 ASSISTANT COMMISSIONER ORTIZ: Similar. I
16 have not had those conversations either but can
17 certainly touch base with the Mayor's Office for
18 (INAUDIBLE)

19 COUNCIL MEMBER GUTIERREZ: Okay. Thank you
20 both. Thank you, Chair, so much.

21 CHAIRPERSON ARIOLA: Thank you. As you
22 know, Council Member Holden is on Zoom and this
23 question is from him, and I'm happy to ask it for
24 him. Of the 191 battery fires, how many were due to
25

2 faulty equipment or improper mismatched products if
3 you know?

4 ACTING CHIEF CARRAO: That's an area that
5 we're still developing out and continuing to
6 research. As I said, it's very difficult because a
7 lot of time it's so damaged, and we have to really
8 put it together by interviews, but it's something
9 that we're actually trying to pull together those
10 specific trends so we'd be happy to try to get
11 further information for you on that.

12 CHAIRPERSON ARIOLA: Thank you. What to
13 extent do we believe are retailers, repair stores, or
14 other commercial entities storing and charging
15 multiple e-bikes in the same location, ballpark?

16 ASSISTANT COMMISSIONER ORTIZ: I'm not
17 sure that we currently have that information, Council
18 Member, in terms of retailers that are charging
19 batteries for folks who are utilizing them for their
20 bikes.

21 CHAIRPERSON ARIOLA: Okay. All right.
22 Thank you. We're going into a second round, and
23 Council Member Brewer has a question.

24 COUNCIL MEMBER BREWER: Thank you. I do
25 want to follow up on the retail situation because we

2 have retail and we have online. We understand both of
3 them. Is there, in addition to what we're talking
4 about, the fires and the batteries themselves, is
5 anybody thinking about the retail issue? I know you
6 just asked about it, but is that something that's on
7 your agenda, to figure out who is selling them and if
8 they're doing so legally? I just want to understand
9 because I know that the deliveristas are concerned
10 about that. They are worried, understandably, and I
11 think that Consumer Affairs indicated that, that if
12 we are outlawing, which I think is necessary, but
13 it's still of concern, some of these reconstituted
14 batteries, they have to pay more for the new
15 batteries, why is it that they're actually being sold
16 in the first place, batteries that are unsafe, so
17 what are we doing about the retail aspect of this,
18 online and in the store?

19 ASSISTANT COMMISSIONER ORTIZ: I think
20 what we've been trying to identify is working with
21 deliveristas to better understand the types of
22 equipment that they're utilizing throughout the
23 course of the outreach efforts that the City's been
24 engaging in, also educating them on the proper use of
25 that equipment. With respect to these bills, I think

2 they do look into the retailer question by
3 prohibiting the sale of certain products that based
4 on the expertise of our colleagues at the Fire
5 Department that these products are not necessarily
6 safe as currently being sold and that there are other
7 mechanisms we can establish to ensure that we have
8 safe products sold. I think again from the
9 perspective of the DCWP, ensuring that there's
10 consistent communication with those Deliveristas
11 Unidos and other worker advocates I think is
12 important for this package of bills as well.

13 COUNCIL MEMBER BREWER: Okay. I know the
14 Fire Department talked about talking to some of the
15 federal agencies, but I believe that most of these
16 batteries are coming from China. I'm no expert, but
17 that's my understanding so the U.S. Customs, have we
18 also been in touch with them to see that we could
19 have basic safety guidelines for the batteries that
20 are coming through U.S. Customs. Otherwise, they
21 can't come. Is that also something that's on your
22 agenda at the Fire Department talking through the
23 Mayor's Washington Office, Crystal Price, etc.?

24 ACTING CHIEF CARRAO: One of the things
25 that I want to highlight is at a local level, so our

2 Bureau of Fire Investigation, works closely with the
3 Consumer Product Safety Commission to effect a recall
4 of a troublesome device that it was an online sale so
5 we're trying to address it right away. Also, our
6 Commissioner, Laura Kavanaugh, has engaged with the
7 head of the Consumer Product Safety Commission really
8 to bold out what is occurring, what we're
9 experiencing in New York City. They have reengaged
10 with us, and they're also doing research, specimen
11 analysis on different types of devices that are
12 involved in the city so we are engaging at that
13 level. As far as the Customs and Border Protection, I
14 would have to check into that, ma'am, further.

15 FIRE CODE COUNSEL BAZEL: I would just add
16 one thing with regard to the question about
17 reconstituted or second-use batteries. We've had
18 conversations with UL about their certification
19 procedures. They indicated that they are able and
20 willing to certify replacement products. These are
21 products not necessarily by the original
22 manufacturer, and they would be willing to work with
23 the replacement product manufacturer to certify that
24 this is designed for us in a particular kind of bike
25 or e-bike or other mobility device, and they maintain

2 that the certification is not directly related to the
3 cost. The product costs what the manufacturer decides
4 it can sell it for, and the certification does not,
5 in their view, significantly change that so one
6 should not assume that valid, listed, certified
7 replacement products could not be made available at a
8 modest price.

9 COUNCIL MEMBER BREWER: Thank you.

10 CHAIRPERSON ARIOLA: Council Member Feliz.

11 COUNCIL MEMBER FELIZ: Thank you so much
12 for all the information. A few more questions. Where
13 does lithium-ion-related fires rank when compared to
14 other fires that we've had this past year or the last
15 two years, the last three years?

16 ACTING CHIEF CARRAO: Do you want like on
17 a city basis or you want it by Community Board? I
18 just want to clarify the question, sir.

19 COUNCIL MEMBER FELIZ: I think general
20 city-basis would be fine.

21 ACTING CHIEF CARRAO: Okay, great, great.
22 In 2002 (sic), just referring to my notes, sir, we
23 had basically 191 investigations. We've had 142
24 structural fires and 49 non-structural fires. We've
25 had a significant amount, almost three times the

2 amount, in residential occupancies and commercial. I
3 just want to make sure I'm answering your question,
4 sir.

5 COUNCIL MEMBER FELIZ: Well, more
6 specifically on the issue of different causes of
7 fires. Where do fires caused by e-bike batteries rank
8 when compared to fires caused by space heaters,
9 electrical wiring systems, and other problems?

10 ACTING CHIEF CARRAO: I want to get you a
11 specific correct answer, sir, so obviously we respond
12 to thousands of fires every single year. Anecdotally,
13 we know that this is an increasing issue, especially
14 with the severity of the fires, but I'd be happy to
15 get you a very specific answer to that, sir.

16 COUNCIL MEMBER FELIZ: Okay, perfect.
17 Also, is there any enforcement system that FDNY
18 currently has where they could seize an item that
19 poses fire safety problems, obviously not e-bikes I
20 know, earlier you said you don't have that for e-bike
21 batteries, but for any other device that poses fire
22 safety problems?

23 FIRE CODE COUNSEL BAZEL: The Fire
24 Department does have the ability to seize products
25 that are hazardous or deemed to be hazardous at the

2 particular location at which they're found. The
3 problem is for any specific battery or e-bike or
4 other powered mobility devices, it's unclear whether
5 that device is unsafe at any particular point in time
6 so that would be a challenge, but if we were able to
7 ascertain, obviously if the battery is failing or
8 showing signs of failing, obviously we could seize it
9 and arrange for its removal. I'm not sure if that
10 answers your question, but I'm trying to address...

11 COUNCIL MEMBER FELIZ: Oh, it does, yeah.
12 Also, I think a lot of us are talking about e-bikes,
13 but there's other mobility devices that use these
14 lithium-ion batteries. Have we seen similar
15 challenges with the scooters, mopeds, and those types
16 of mobility devices?

17 ACTING CHIEF CARRAO: I think it's
18 important in general to look at this as a lithium-ion
19 challenge so certainly we find them in other devices.
20 I think with the proliferation of the use of certain
21 devices, we maybe have seen that more, but I think
22 it's very important to look at it as a lithium-ion
23 general challenge because of the type of thermal
24 runaway hazard that we could have seen.

1
2 FIRE CODE COUNSEL BAZEL: I think it's
3 fair to say that as a chief indicator that lithium-
4 ion technology has this issue about thermal runaway
5 and it's applicable to many devices, and I think what
6 we said earlier is what seems to be a contributing
7 factor in the case of e-bikes and other personal
8 mobility devices including scooters is that they're
9 really getting a beating out there. This is not a
10 recreational item that people use for a couple hours
11 and put it away. This is something that's being used
12 16 hours a day on city roads with potholes, in all
13 sorts of weather with road salt on it, heated. This
14 may be a contributing factor. That's what our
15 Marshall investigations are trying to get additional
16 details.

17 COUNCIL MEMBER FELIZ: All right. Two
18 final questions and my time is going to be up very
19 soon. Number one, the Fire Department generally
20 recommends that people purchase UL-certified e-bike
21 batteries. Does the FDNY think that allowing any
22 nationally recognized testing laboratory would help
23 resolve the issue or are you strongly suggesting that
24 the requirement be UL, and the second question is are
25 there any other suggestions that you have for us that

2 would help resolve this crisis that we haven't talked
3 about today?

4 FIRE CODE COUNSEL BAZEL: As to the first
5 question, yes, we recommend reference to specific UL
6 standards which have become the industry standards
7 that the Bike Dealers Association itself is
8 recommending. Other certifying entities may develop
9 standards similar, but for purposes of enforcement
10 and for clarity, the Fire Code has adopted these UL
11 standards, and we've recommended that you reference
12 those standards.

13 ACTING CHIEF CARRAO: I think to the
14 second question, and it's a credit to what's
15 occurring here, is a layered approach, really
16 starting with the manufacturers, making sure that we
17 have devices that are safe from the beginning in how
18 they're designed, educational literature, a realistic
19 enforcement model. I think really the only way to
20 tackle this challenge is really a layered approach.

21 COUNCIL MEMBER FELIZ: Thank you.

22 FIRE CODE COUNSEL BAZEL: Just to add one
23 thing. I'm told that we did indicate in our comments
24 that we would work with equivalent standards, and we
25 could address that possibly through rules, but we

2 certainly would want to at a minimum reference the UL
3 standards that are in the Fire Code.

4 CHAIRPERSON ARIOLA: Okay. We do have
5 followup questions from Council Member Holden, which
6 I'm happy to ask. Since the issue is very
7 complicated, would the FDNY recommend that no e-bikes
8 be charged indoors?

9 ACTING CHIEF CARRAO: I think that's a
10 complicated issue because it does straddle that line
11 of between, as in anything we do with the FDNY, we
12 want it to be fire-safe, we want civilians to be safe
13 and users to be safe, but we understand it has a very
14 legitimate use so I would say we'd have to build on
15 that and do more research into that and what
16 different charging options and really how realistic
17 they are considering all the other types of use
18 issues that are out there.

19 CHAIRPERSON ARIOLA: Right. Okay, thank
20 you, Chief. For Consumer Affairs, are there any
21 warnings issued about safety hazards at the point of
22 sale, and, if so, what manufacturers are doing a good
23 job and, on the flip side, what manufacturers are
24 doing a poor job if you know?

2 ASSISTANT COMMISSIONER ORTIZ: Council
3 Member, we don't issue warnings at point of sale
4 related to these fire safety issues, and I couldn't
5 speak to the manufacturers question.

6 CHAIRPERSON ARIOLA: Okay. Good enough.
7 Thank you. We do have additional questions from
8 Council Member Gutierrez.

9 COUNCIL MEMBER GUTIERREZ: Thank you,
10 Chair. I just have a couple of followup from the last
11 round. The first one is considering what Council
12 Member Brewer was mentioning about just how easy it
13 is to kind of import these various kinds of
14 batteries, it just seems like it's really
15 inconsistent for us to provide safety protocols
16 around these when these batteries, it seems like it
17 takes 24 hours for them to turn around a new kind of
18 a battery or a new kind of operating device so I'm
19 curious how are you, both agencies, kind of keeping
20 track of these instances and what is the goal because
21 it doesn't seem like a uniform protocol is really
22 appropriate in these instances where they are
23 pounding these out faster than we can keep up with
24 them?

2 ASSISTANT COMMISSIONER ORTIZ: I think
3 from the perspective of DCWP and what prospective
4 enforcement would look like of these bills related to
5 the sale of the batteries, I think for us clear
6 standards and universal standards that are easily
7 identifiable are fundamental for our enforcement as
8 well as for consumers as well who could be purchasing
9 these products.

10 ACTING CHIEF CARRAO: I think from the
11 FDNY standpoint, as I had mentioned earlier, our
12 Bureau of Fire Investigation is really going way
13 beyond the Cause and Origin duties to try to in the
14 course of their investigation to identify what type
15 of brand was used, what type of battery, how long
16 it's being charged, really a whole spectrum of
17 information to be able to get ahead of this and
18 identify specific issues. That being said, we're
19 certainly open to any ideas from the Council to try
20 and build on that.

21 COUNCIL MEMBER GUTIERREZ: Thank you. One
22 of the bills here is specific about education to
23 deliveristas, to folks that use these, but I think
24 something that's really important that we're hearing
25 from the deliveristas on the ground is the onus also

2 needs to be on the manufacturers and the business and
3 the distributors as well. What are some of the steps
4 that the City is taking to combat that? It could be
5 that we're taking no steps, but I'm just curious.

6 ACTING CHIEF CARRAO: I'm sorry. Beg your
7 pardon. Could you repeat the question, please?

8 COUNCIL MEMBER GUTIERREZ: Sure. One of
9 the bills talks about the importance of education and
10 education campaign and outreach campaign to
11 deliveristas specifically or folks that are using
12 these bikes, right, so it's about safety so that they
13 know as much as they can before they get on the road.
14 I also feel that the onus should be on the
15 businesses, on the retailers like mentioned by
16 Council Member Brewer, but as well as the
17 manufacturers and distributors so I'm curious what
18 are the steps that we are taking because the onus
19 needs to be on them as well. If people go into this
20 in good faith, and I don't need to tell you
21 deliveristas are giving up a big chunk of their
22 income to purchase these devices to be able to work,
23 the onus really should also be on these
24 manufacturers, on distributors, so is there something
25 that agencies are doing, that the City is doing to

2 emphasize the importance of safety to these
3 manufacturers and distributors in the same way as
4 with the deliveristas or consumers?

5 ACTING CHIEF CARRAO: Okay. I'm sorry.
6 Thank you for repeating the question and for the
7 question. One of the things that I had mentioned
8 previously was the outreach to the Consumer Product
9 Safety Commission by our Fire Commissioner and really
10 to try to explain the situation that we're dealing
11 with in New York City and the challenges and to get
12 that very important discussion that you mentioned
13 rolling in the right direction. As the fire service,
14 we can't do that without partnership at various
15 regulatory levels so we want to build on that and
16 part of that is also research and defining what the
17 specific problems are, maybe what particular brands,
18 and all those other types of factors so I agree with
19 you. I think there's just more work that needs to be
20 done.

21 COUNCIL MEMBER GUTIERREZ: Yeah.

22 ASSISTANT COMMISSIONER ORTIZ: Council
23 Member, I just want to add as well that the
24 particular bills prohibiting the sale of certain
25 batteries as well. I think that's certainly putting

2 the onus on businesses to make sure that they're
3 selling safe batteries to consumers, but,
4 additionally, New York City as a major market too I
5 think would have implications on what would be sold
6 in our city as well overall so I think as we've all
7 been discussing these are certainly complementary
8 steps that are all working in concert to a goal for
9 safety and equity for workers and New Yorkers.

10 COUNCIL MEMBER GUTIERREZ: Thank you. My
11 last question is related to Citi Bike, mainly
12 because, as you mentioned just a couple of minutes
13 ago, folks that are using these e-bikes, it's not
14 just one hour a day, they're on this for hours a day
15 and it's overused, Citi Bike is obviously I think
16 being used as well. Can you all explain kind of what
17 you think the issue is there versus the bikes that
18 are being utilized at Citi Bike, the e-bike and pedal
19 assist, versus the ones that we are all buying off
20 the street?

21 ACTING CHIEF CARRAO: I think that the
22 issue becomes, as the Code Counsel had mentioned, the
23 type of device that was meant really probably as a
24 personal use that now is being used in a commercial
25 type of way, tremendous wear and tear in the city,

2 that I guess that's where we're beginning to see, not
3 the only issue but perhaps one of many issues, that
4 is leading to some of the safety hazards and fire
5 incidents that are occurring. Did I answer your
6 question correctly?

7 COUNCIL MEMBER GUTIERREZ: Sorry. I'm just
8 curious because if we are aware that overuse is an
9 issue, we don't see the same instances of fires and
10 issues, or just issues with Citi Bike as we see with
11 regular e-bikes that everybody can access.

12 FIRE CODE COUNSEL BAZEL: I don't think we
13 know enough about Citi Bike's operation, but it may
14 be that Citi Bike from its past experiences has
15 become sensitized to this issue and is monitoring
16 battery replacement carefully. Hopefully, that is why
17 they may be having less instances, maybe they're only
18 buying original manufacturer equipment that is
19 designed to work with the bike, we don't really know
20 what they're doing but if they're not having any
21 problems, hopefully they're doing the right thing
22 there.

23 COUNCIL MEMBER GUTIERREZ: Thank you.
24 Thank you, Chair.

2 COUNCIL MEMBER BREWER: I learned from the
3 deliveristas it's a different battery. It's a 900-
4 dollar battery. It's not used very much. It's very
5 different than the ones that the delivery people are
6 using. I've seen them both all thanks to (INAUDIBLE)
7 Thank you.

8 CHAIRPERSON ARIOLA: Thank you. Thank you,
9 Council Member Brewer. We've been joined by Majority
10 Leader Keith Powers, and you have a question.

11 MAJORITY LEADER POWERS: Thank you. Thank
12 you, Chair. Unfortunately, my District had the recent
13 last week in Midtown (INAUDIBLE) First of all, I want
14 to say thank you to all the members of FDNY who I
15 think did great work to minimize and help rescue and
16 prevent that from getting further out of control.
17 It's also my understanding the building had some good
18 fire protections in there that also assisted with it
19 not being worse than we might have imagined.

20 I have a couple questions though. I've
21 been hearing from the residents of that building for
22 the last week who feel like that they have real no
23 basic understanding of what measures are in place,
24 what measures will be put in place when it comes to
25 fire safety, and it seems to be mostly a failure of

1 the building management and the building owner to
2 provide information to the residents of that building
3 so we are trying to work to address that. I think
4 altogether after these incidents, and especially in
5 this one where it's high profile, and thank God, it
6 was minimized, I think there's just a tremendous
7 amount of information that doesn't get into the hands
8 of residents, and I think that there's for sure a
9 role of the property owner there to work with their
10 residents who are paying rent to them and to address
11 it, but I'd ask for assistance here too because I
12 think what I've heard consistently from folks who
13 never called their Council Member but now are
14 suddenly finding out who represents them because they
15 want to know what's going on is (INAUDIBLE)
16 information about what's happening. I think the FDNY
17 also could help play a role and I'd ask for
18 assistance there to work and provide information to
19 the residents about perhaps what is happening, what
20 steps need to happen, if there are violations issued,
21 anything of that sort, but maybe you could tell me
22 what steps, if any, have been taken since the fire
23 last weekend?
24

2 ACTING CHIEF CARRAO: Thank you very much
3 for the question. Yes, to your point, our Fire Safety
4 Education Team went directly out to the building the
5 very next day. It's something we've done with any
6 kind of fatal fire. We try to blanket the area with
7 educational materials. We also send out our Fire
8 Suppression Unit to make sure that standpipes,
9 sprinklers are working correctly. We also send out
10 our Special Inspection Unit to follow up on any other
11 (INAUDIBLE) violations. We found a couple of minor
12 ones but nothing of any great significance. Of
13 course, there's the ongoing Bureau of Fire
14 Investigation looking into the cause of the fire and
15 what occurred so we try to make sure that we get
16 information in the hands of residents as quickly as
17 possible to try to support that education and really
18 that feeling of outreach and that the Fire Department
19 can try to address their questions and needs.

20 MAJORITY LEADER POWERS: One thing I'd ask
21 and I'll follow up with the Department as well is to
22 A) provide me with any information you can that I can
23 talk to the residents there to provide them with some
24 updates and what's going on and, B) if there's any
25 other steps you can take to help address and provide

1 information to them. There's just a noticeable
2 absence here of the property owner, and, by the way,
3 if you are talking to the property owner tell him the
4 Council Member is looking for them and that we would
5 like to find some organized way to provide the
6 residents there with some comfort and security that
7 their building is safe. In this case, I believe they
8 did have a prohibition on the bikes, and I think this
9 person had made (INAUDIBLE) breaking building codes,
10 I guess, but any information that we could provide,
11 any line of communication would be extremely helpful.
12

13 One followup question is I had done a
14 letter with Council Member Brewer and another
15 Colleague of ours a few months back to the federal
16 agencies that could be regulating these. I believe
17 the Fire Department did as well asking for better
18 standards around how to regulate these. Have you been
19 in receipt of a response to that and, if so, can you
20 share with us what was the response and the content
21 of that?

22 ACTING CHIEF CARRAO: What I can share is
23 the response to Commissioner Kavanaugh's letter to
24 the Consumer Product Safety Commission, and the
25 response I had seen was that basically they are

1 looking at the same issues that we are and also the
2 same safety recommendations. They're also working to
3 do further analysis in the City, specimen critical
4 analysis in terms of what types of equipment is being
5 involved in this fire and build conclusions off that.

6
7 MAJORITY LEADER POWERS: Okay, and if you
8 guys can share with me or us the response perhaps? We
9 have not received one yet, but I believe since you
10 have maybe we could get a better understanding of
11 what, I think our letter mirrored the content. I just
12 have one second. I'll ask one question. My last
13 question some of the residents of this (INAUDIBLE)
14 building have asked me just frankly outright do you
15 as their Fire Department and do we as a City find at
16 this moment these e-bikes with the versions of the
17 batteries that seem to be unsafe right now, are we
18 confident that we should continue to have them in
19 people's buildings or on the streets in light of the
20 dangers that are being presented right now
21 (INAUDIBLE) across the city. Do you have a response
22 to that question because I've been asked that
23 multiple times from the residents of that building
24 and in the community?

2 ACTING CHIEF CARRAO: I think with any
3 fire prevention/fire safety issue, the situation is
4 changed when we adhere to the best safety protocols
5 possible. Earlier, I had spoken to a safety
6 handshake, right? We are using rated devices, are we
7 using devices that are meant to be used together such
8 as the battery and the charger? Proper charging
9 protocol. Best safety practices. Don't charge them
10 unattended. I think there's a space where we can
11 safely use different types of devices, but it does
12 require a base of education and awareness of what the
13 challenges are if they're not used properly.

14 MAJORITY LEADER POWERS: Thank you. Thank
15 you, Chair.

16 CHAIRPERSON ARIOLA: Thank you. Seeing
17 that there are no further questions, I just want to
18 end with a statement. Like Council Member Feliz and
19 Council Member Riley, we did go to Randall's Island
20 and you put on a very informational and eye-opening
21 demonstration of what happens when ion batteries that
22 are used for mobile devices catch fire. They don't
23 just catch fire but they explode and the projectiles
24 and the little cells, the many little cells that are
25 part of that battery, they projectile out causing

2 tiny fires everywhere in a home or a business, and
3 that's why we're here today, that's why we're looking
4 at legislation like this today, that's why I thank my
5 Colleagues for putting so much work in for this type
6 of legislation and why I'm a proud co-Sponsor of
7 Introduction 663 because we do have to grow, we do
8 have to learn, and we will, and we'll do it together.
9 Whether we have to make these bills different,
10 better, tighter before we vote on them, we will, but
11 the main focus is to make sure that the residents of
12 this city and the people who are in business in this
13 city and the people who want to do business in this
14 city are safe.

15 I want to thank you for all the work
16 you've done thus far, Fire Department, Consumer
17 Affairs and Worker Protection, and my Colleagues for
18 this legislation. We are finished with this portion.

19 I'm going to ask our Counsel, Josh
20 Kingsley, to end this portion, and we'll head into
21 public testimony.

22 COMMITTEE COUNSEL KINGSLEY: Great. Thank
23 you, Chair. You all are dismissed.

24 We're going to now turn to the public
25 testimony section of the hearing.

2 We're going to start with George
3 Farinacci. He is on Zoom, and he represents the
4 Uniformed Firefighter Officers Association. After
5 him, we will go to Hilda Cologne who is from the
6 Deliveristas organization who is going to testify in
7 person so George, you may begin once you're unmuted,
8 sir.

9 GEORGE FARINACCI: Hello. Are we on?

10 COMMITTEE COUNSEL KINGSLEY: Yeah, we can
11 hear you.

12 GEORGE FARINACCI: Okay. Hi, I'm George
13 Farinacci, Vice President of the UFOA, Local 854,
14 that's the Fire Officers. We seem to be saying a lot
15 of the same things which I think is good. The message
16 is united. I want to thank the Council for the
17 attention to this critical safety issue. I want to
18 thank Chair Ariola for hosting it.

19 Fires and deaths caused by the batteries
20 in powered mobility devices have significantly
21 increased over the past two years. Fires have nearly
22 doubled, deaths have increased by nearly 50 percent.
23 2022 is not over yet. As we come into the colder
24 months, it's common to see a rise in fires as
25 electric outlets begin to be strained by supplemental

1 heating devices. We can expect this to be compounded
2 by the increased electrical demand of powered
3 mobility devices. Powered mobility devices are
4 commonly stored for charging near the entrance of the
5 home or the apartment. That means when the fire
6 occurs, that fire will be between the occupants and
7 their exit to safety. It will also be between the
8 firefighters and the occupants. The intensity of
9 these fires is so hot that at the fire last week, as
10 one of the firefighters was going to close the door,
11 the battery fire instantly burned through his bunker
12 coat. That's gear made specifically to resist fire.
13 It burned through immediately. It protected his skin,
14 but the coat was very, very much damaged. The Fire
15 Department is looking into it now to do a little
16 study. New York State has become a right to repair
17 state. We can anticipate escalating incidents of fire
18 due to the lack of education and understanding
19 regarding the use of this equipment. Some
20 contributing factors of these fires are batteries
21 that are out of specifications, aftermarket batteries
22 without the necessary quality assurance or testing, a
23 lack of education regarding the use and compatibility
24 of the batteries and devices, saving money on reused
25

2 or repurposed batteries, and incompatible charging
3 cords and power strips. Misuse and the lack of
4 education regarding powered mobility devices present
5 a serious life hazard and a serious safety hazard. I
6 applaud the Council's efforts to protect the citizens
7 and firefighters in our great city, and I want to say
8 thank you and that's the end.

9 CHAIRPERSON ARIOLA: Thank you so much for
10 your testimony, George.

11 COMMITTEE COUNSEL KINGSLEY: Thank you so
12 much. Next, we'll hear from Hildalyn Colon. Hildalyn,
13 you may come up.

14 HILDALYN COLON-HERNANDEZ: Good morning.
15 My name is Hildalyn Colon-Hernandez, and I'm the
16 Director of Policy and Strategic Partnerships for Los
17 Deliveristas Unidos, which is the organization that
18 represents more than 65,000 app delivery workers that
19 deliver for Uber, Door Dash, Grubhub. Many of the
20 workers that I represent utilize what we call the
21 two-wheeled micro-mobility equipment to actually
22 perform this work. When I refer to two wheels, I'm
23 meaning from e-bikes to scooters because I know a lot
24 of the conversation that happened was around e-bikes,
25 but I just want to make sure that this is, as all of

1 us agree, a very complicated problem. For the last
2 (INAUDIBLE) years, we have been taking the initiative
3 as the lack of government regulation and even
4 guidance, right, to take it on our own to educate our
5 own workers about how to care for this equipment,
6 what this equipment is about, what are the
7 responsibilities that it entails, and this is why we
8 have hosted many bike tune-ups and mopeds, many in
9 some of the elected officials' districts actually
10 educating workers, getting ahead of the game. Not
11 only that, also proposing innovative ways of how we
12 can provide workers a safe way of how to do this, and
13 this is why we did the most recent announcement with
14 the Mayor and Senator Schumer to actually use the
15 newsstand outside of City Hall to actually convert it
16 into a deliverista hub where people can do this
17 charging safely because we don't want this to go
18 (INAUDIBLE) economy. I think this is what the issue
19 right now is. From our point of view, I think the
20 legislation in terms of education, I think is a right
21 step in the right direction. I think it has to be
22 tailored because, as you've seen, there are thousands
23 of manufacturers actually and different equipment so
24 we don't have a fit-for-all solution in terms of
25

1 education. On the legislation about the Fire
2 Department, I think it's a great idea. This is where
3 it should start. I appreciate that the Fire
4 Department is doing demonstrations. I think that's
5 what they should do. They should try these batteries
6 and also find solutions there as we have done in our
7 research that there are safety boxes that people can
8 probably use in their homes to actually protect while
9 the battery is being charged, but we just need the
10 resources of the Fire Department to prove that is
11 what is accurate. In regards to other legislation,
12 and I know Council Member Feliz and Gale, in
13 principal we're in agreement, but also we worry in
14 some of these bills that are presented, especially
15 for the secondhand, is that nobody today can identify
16 where the secondhand equipment is. If I can put two
17 batteries in front of you, you would not even be able
18 to tell me, and actually we did the presentation to
19 highlight that. Not to shame anybody. This is how
20 complicated the issue is. How are we going to put
21 that (INAUDIBLE) on it? One of the biggest fears that
22 we have is to make sure that the person in possession
23 will be the worker. We cannot go back to the days
24 where workers were getting arrested for actually
25

2 utilizing an e-bike because you passed a legislation
3 to actually make that legal so we just want to
4 highlight that and thank you for the opportunity.

5 CHAIRPERSON ARIOLA: Thank you so much for
6 your testimony.

7 COUNCIL MEMBER BREWER: One question I
8 have and thank you for all your work on this issue
9 and your intuition and also for the demonstration in
10 Brooklyn. That was very helpful. The issue is, I know
11 you also talked about how some of the either federal
12 agencies could be helpful or regulations of stores
13 and manufacturers, how in your mind would that work
14 because we're all trying to figure this out, and I
15 just was wondering if you could elaborate on that a
16 little bit.

17 HILDALYN COLON-HERNANDEZ: Sure. What we
18 have said, and I appreciate that you raised that,
19 what we have said this is coming through our ports.
20 The federal government is saying yes, it's okay to
21 bring it in, and that is the challenge that we have
22 because in New York we are seeing that it's not safe
23 to bring it in. I think what we need are clear
24 guidelines about the regulation of the whole industry
25 because there is fault, it could be at the

2 manufacturer level, it could be at the distribution,
3 maybe they didn't comply or didn't do what they're
4 supposed to, the stores are key on it because the
5 stores are selling, I want to tell you, many
6 deliveristas go to the stores (INAUDIBLE) the store
7 owners will give them (INAUDIBLE) the manufacturer,
8 they will not even give them a box, they will take it
9 out of the box and give it to them. When they ask for
10 it, they will not even provide it, and the thing is
11 that we have, I will tell you I have workers go into
12 a clothing store and buy one of this equipment. I
13 have had workers that go into a computer store and
14 buy this equipment. We need to know who is selling
15 this. Remember, the equipment that we're talking
16 about, until a couple of years ago, people are buying
17 this for their kids, scooters, skateboards, we don't
18 know who's selling, so the first thing to approach in
19 order to put common sense legislation is have a
20 license because that person, if the assumption is two
21 things, if you're selling the device or you're even
22 charging the device, the Fire Department clearly said
23 that they have basic (INAUDIBLE) that they have to
24 comply and that's not happening. I will tell you
25 charging is happening, today it is interesting.

2 They're supposed to have certain regulations. I have
3 been in locations, parking stations, bodegas,
4 basements, you name it, where this is taking place,
5 and that is the part that we need to get out there
6 who's doing this so then we can regulation, but right
7 now the approach, we're going after the user because
8 we can see it and that is the part that we will try
9 to bring to the table to see how, and we're willing
10 to sit at the table and even put some ideas that we
11 have come up.

12 CHAIRPERSON ARIOLA: Thank you. Thank you
13 for your testimony.

14 COMMITTEE COUNSEL KINGSLEY: Thank you so
15 much. Next, we'll hear from Nora McCauley followed by
16 Baruch Herzfeld. You can both go up together.

17 NORA MCCAULEY: Thank you. I wanted to
18 applaud the Council and the Fire Department although
19 they left for their efforts on this. It's a really
20 important issue. I work at Propel Electric Bikes,
21 which is in Brooklyn in the Navy Yard, and we only
22 sell bikes that use the Bosch e-bike system which is
23 Underwriter Laboratories approved, but it is the
24 only, only system that's available that's UL
25 approved. There's only one. When people come in, I

2 spend a lot of time explaining to people why the
3 bicycles that we sell cost twice as much at least as
4 some of the bikes that they would get anywhere else,
5 and it's partly because there's really no competition
6 for UL-listed e-bike systems so the Bosch system is
7 great, it's safe. Because it's UL listed, you can
8 plug it in in your home, you won't burn down your
9 home or your neighbor's, and this is what I also
10 explain to potential customers is that the UL
11 listing, Underwriters Laboratories listing, was
12 started 100 years ago and the testing was started 100
13 years ago when people started making electric
14 appliances that would get plugged into their homes,
15 so this is toasters, this is irons, things that were
16 drawing a lot of current were burning down people's
17 home so the insurance industry got behind creating
18 this certification program so that they didn't
19 constantly have to pay for people's homes to get
20 burned down and of course nobody wants anybody's home
21 to get burned down ever anyway. Essentially, the
22 responsibility was pushed onto the manufacturers so
23 it's very hard in this country now to sell an iron or
24 a toaster that's not actually UL listed. Why is it
25 possible to sell these mobility devices that are not

2 UL listed? The responsibility needs to be pushed back
3 on the manufacturers just so much because at Propel
4 we say it's like selling a car without seatbelts to
5 sell a bike that's going to burn down somebody's
6 home. I get very upset about this, but at the same
7 time we're also charging so much for these bikes. I
8 have two possible solutions that I would like to
9 bring up in addition to everything being UL listed.

10 One is outdoor charging because in China
11 where a lot of these extra other batteries that are
12 not UL listed are getting made, a lot of people are
13 actually charging their batteries in big docks
14 outside so that would be amazing if that could
15 happen.

16 The second thing is in Denver they have
17 rebates for people who buy e-bikes, but you have a
18 special program where you can only get the rebate if
19 you buy a certain bike, and so that would help in so
20 many ways because it would bring the price down for
21 the more expensive safer bikes and, at the same time,
22 it would also provide education because people, in
23 order to get the rebate, would have to understand the
24 dangers that they're bringing into themselves, into
25 their families, into their homes.

2 Thank you. That's it.

3 CHAIRPERSON ARIOLA: Any questions?

4 COUNCIL MEMBER FELIZ: Thank you. Thank
5 you so much for the testimony. Three questions. The
6 first one is how much does the highest quality
7 battery that is UL certified, how much does it cost
8 generally, approximately?

9 NORA MCCAULEY: If you were to buy the
10 battery by itself, it would be 800 to 1,000 dollars
11 for that one battery, but it's an entire system as
12 well. The other thing is that they're also warrantied
13 so if there is any damage to a Bosch battery we can
14 return it to the manufacturer and they will replace
15 it for that customer so because it is part of the
16 system, there's a warranty in place as well which I
17 think is well worth it.

18 COUNCIL MEMBER FELIZ: How much are the
19 non-certified batteries if you know?

20 NORA MCCAULEY: I have no idea. We won't
21 even touch the bikes, work on them for a number of
22 reasons, but one is insurance and safety. If you have
23 that bike in the shop then the insurance goes way up
24 for the store itself, and the second thing is often
25 the parts and the workmanship, it gives my mechanics

2 actual agitas, like they don't want to touch it, like
3 it's not safe.

4 COUNCIL MEMBER FELIZ: How many hours do
5 UL batteries usually last before they run out of
6 charge? I know it depends on how fast you're going
7 but generally.

8 NORA MCCAULEY: Sure. They're guaranteed,
9 right, the Bosch batteries are guaranteed for a
10 minimum of 500 charge cycles, which is three years-
11 ish depending.

12 COUNCIL MEMBER FELIZ: How long can it run
13 for before it runs out of charge, like let's say one
14 long use, five hours?

15 NORA MCCAULEY: We usually say miles so
16 probably, most of the batteries that we sell would be
17 between 30 and 60 miles. A lot of our customers have
18 bikes with two batteries or you can have an extra
19 battery that you switch out so 60 miles would be
20 about right, 40 to 60.

21 COUNCIL MEMBER FELIZ: Thank you. Last
22 question. You mentioned you only use UL-certified
23 batteries. Do you see any potential issues with other
24 nationally recognized testing laboratories or just
25 use it because that's the gold standard?

2 NORA MCCAULEY: I think that we would
3 probably have a bit of a wait-and-see approach.
4 There's a lot of good systems, good batteries, good
5 motors that are very close, and I think that, for
6 instance, they had European certification or in one
7 case they've actually even had a Chinese
8 certification, but we would probably actually talk to
9 FDNY to get their greenlight.

10 COUNCIL MEMBER FELIZ: Thank you so much.

11 CHAIRPERSON ARIOLA: Council Member
12 Brewer.

13 COUNCIL MEMBER BREWER: Thank you. I was
14 just wondering how many people are you working with
15 who are delivering and are they able to afford your
16 batteries because we also hear that people can't
17 afford them so how many people are you working with,
18 do you have any sense of...

19 NORA MCCAULEY: We have very few people
20 using our bikes for deliveries, very few.

21 COUNCIL MEMBER BREWER: Very few?

22 NORA MCCAULEY: Because the cheapest bike
23 we sell is 3,000 dollars. Without a rebate, that's
24 not really going to work.

2 COUNCIL MEMBER BREWER: Because the
3 battery and the bike have to go together obviously,
4 right. Do you think that maybe some solution might be
5 to have the companies that are doing, Door Dash,
6 etc., help with some of this financing because it
7 really is a cost issue. That's what we're dealing
8 with.

9 NORA MCCAULEY: We have financing, but,
10 honestly, the kind of financing we use you actually
11 do have to have a credit score to get and so I'm sure
12 that's a huge problem for a lot of people who are
13 essentially (INAUDIBLE) or operating in cash or all
14 these kinds of other things so yes, it would be
15 great, and we do actually sell a lot of bikes to the
16 companies that then provide them to Whole Foods so if
17 you see the bikes, particularly in Manhattan, they're
18 little bikes that are...

19 COUNCIL MEMBER BREWER: I see them every
20 inch of my neighborhood.

21 NORA MCCAULEY: They're pulling around big
22 trailers.

23 COUNCIL MEMBER BREWER: Those are your
24 bikes?

25 NORA MCCAULEY: Yeah, we do sell those.

2 COUNCIL MEMBER BREWER: And those are
3 going to Whole Foods that are then going to their
4 workers is what you're saying? Okay.

5 NORA MCCAULEY: Yeah. I mean the point is
6 that wherever they're being charged, they're safe so
7 I don't think the workers are taking them home. I
8 think they pick them up at a point..

9 COUNCIL MEMBER BREWER: They can charge
10 them at the stores in some cases, outside.

11 NORA MCCAULEY: Yeah, and then (INAUDIBLE)
12 go back to a central place where they pick up the
13 equipment for the day.

14 COUNCIL MEMBER BREWER: That's very
15 interesting. Thank you very much.

16 CHAIRPERSON ARIOLA: Just a couple of
17 questions. You mentioned that you use the Bosch
18 batteries. Those are certified obviously, and were
19 they involved in any of these fires that..

20 NORA MCCAULEY: No.

21 CHAIRPERSON ARIOLA: None.

22 NORA MCCAULEY: So that's the thing, like
23 they are certified, guaranteed, warrantied, if you
24 suspect damage bring it back, we'll send it back to
25 Germany for you and they'll send you a new one.

2 CHAIRPERSON ARIOLA: And is that part of
3 what you mean when you're talking about the UL-
4 certified system or can you further explain that?

5 NORA MCCAULEY: No. UL is a certification
6 system that was developed in the United States by the
7 insurance companies, but it's an independent identity
8 now and they test products extensively in order to
9 give them sort of a certification of safety so Bosch,
10 the e-bike system, has taken the time and investment
11 to have their system UL listed, but they're the only
12 one, they're the only one which is crazy.

13 CHAIRPERSON ARIOLA: All right. I
14 appreciate that. Thank you.

15 NORA MCCAULEY: Editorial version.

16 CHAIRPERSON ARIOLA: Appreciate your
17 testimony. Thank you.

18 COMMITTEE COUNSEL KINGSLEY: Thank you.
19 You may go ahead, sir.

20 BARUCH HERZFELD: My name is Baruch
21 Herzfeld. I've been a bicycle advocate for many
22 years. I started probably the first bike-sharing
23 program in the city maybe 10 to 15 years ago. I tried
24 to get Chassidim on bicycles because there was
25 tension over bike lanes so I was always involved in

2 bikes that way. I have four kids. I transport them
3 only on an e-bike. I have triplets, and the only way
4 to really move kids around the city is via an e-bike
5 because you can't take them on the bus, you can't
6 take them on the subway, you can't put them in a car,
7 the only way to move them around is on an e-bike.
8 During COVID, I was helping a lot of seniors who did
9 not have any, I would bring them food and meals, and
10 I realized that there's a need to get seniors on
11 mobility scooters to get around so I started a
12 company to get more seniors on mobility scooters and
13 create sort of a Revel for seniors so that they can
14 go everywhere, and they wouldn't be limited. It was a
15 real challenge with Access-A-Ride during COVID. The
16 subways aren't planned to be accessible for the next
17 30 years so I figured a network of mobility scooters
18 that could transport seniors everywhere would be
19 very, very useful for the city, but then I started
20 realizing the dangers of batteries because I started
21 putting seniors on scooters and they kept on running
22 out of battery and I realized that I couldn't really
23 in good faith put batteries in people's houses who
24 are mobility challenged and have them charge because
25 they're not able to get downstairs, they're not able

1 to do anything so like a year ago I started really
2 digging into what are the challenges of battery
3 safety and how can we figure out to create a safe
4 charging system in the city because I can't have a
5 fire inside of a senior's location. I realize that in
6 Taiwan and in India they're using something called
7 the battery swap system so people don't own their own
8 batteries in those countries because what they do is
9 they join a subscription service and in this
10 subscription service they get a battery from the
11 company and then they can change it out all over the
12 city. People don't have to charge the batteries
13 inside their houses and there's no limitation. One of
14 the reasons why there are these giant fires is
15 because the batteries themselves are usually much
16 bigger. The batteries that delivery guys use are
17 usually double the size of this is because the woman
18 who spoke before said that she was comfortable with a
19 30 to 60 mile range and a 500 cycle. The riders that
20 are doing around 100 miles a day, and they're doing
21 20 miles before they even start work and 500 cycles
22 doesn't last them a year so a 1,200 dollar battery
23 that she's talking about won't last them then they go
24 through two and they can't have it limited so one of
25

2 the reasons why there are these giant fires is
3 because the batteries themselves have to be so big
4 and they're keeping two of them in an apartment.
5 Okay, that's my time. I have a lot to add. I've been
6 researching this for a very long time.

7 CHAIRPERSON ARIOLA: If anyone has any
8 questions?

9 If you have any additional testimony that
10 would further describe the battery swap system or
11 your ideas on lithium since you've done so much
12 extensive work, we'd be happy to accept that.

13 BARUCH HERZFELD: Okay, so I should, I
14 just provide the testimony, and I'll...

15 CHAIRPERSON ARIOLA: In writing.

16 BARUCH HERZFELD: Yes.

17 CHAIRPERSON ARIOLA: And we'll be happy to
18 accept that...

19 BARUCH HERZFELD: Okay, thank you.

20 CHAIRPERSON ARIOLA: And add that
21 information in.

22 BARUCH HERZFELD: Okay.

23 CHAIRPERSON ARIOLA: Thank you.

24

25

2 COMMITTEE COUNSEL KINGSLEY: Thank you so
3 much. Again, written testimony can be submitted at
4 testimony@council.nyc.gov.

5 Next, we'll hear from Walton Wilson.
6 Followed by Mr. Wilson, we'll hear from Dolores
7 Solomon.

8 WALTON WILSON: Good afternoon,
9 Councilwoman Ariola and other Members of the City
10 Council. I made an extreme effort to get here because
11 I am a senior and I'm a community activist for the
12 last 40 years in my neighborhood. I love to get
13 around. Unfortunately, I'm limited by scooter, how
14 fast it goes, how long the battery charges. I ran
15 into Mr. Baruch, and he helped me out. I live on a
16 second-floor walk-up. I have a very small opportunity
17 to charge my scooter. I leave it in front of the
18 door, and it's just one problem after another, but I
19 like the idea of using a scooter which has a lithium
20 battery. It gives me more range. I can get around,
21 but the concern is if I have to charge it in my
22 apartment I don't like that because potential fire,
23 and, if there's a fire, I'm the last one that's going
24 to be getting out because, as you can see, I'm
25 disabled so therefore recently we went to our City

2 Councilperson, Chi Osse, and we petitioned and said
3 maybe we can get somebody to do a battery swap in the
4 Council area and see what happens, not only for
5 seniors but perhaps anyone who has this similar
6 battery. I would love that because then I eliminate
7 the idea of having to charge in my apartment and
8 safety is very important to me. In addition to that,
9 we looked at another angle. Seniors are kind of holed
10 up in apartments. If we have the ability to get out
11 to the park, let's say, we could also contribute to a
12 senior exchange between young people and seniors in
13 terms of anti-violence because wherever I go, I talk
14 to young people and that's like a mentoring type of
15 situation which would be good because violence is
16 another problem I'm concerned about so we could kill
17 two birds with one stone. Not only are you going to
18 help with a good battery, but seniors will be able to
19 get out a lot more often, which I know I get out but
20 it's an extra effort but with the help of a good
21 battery it's not a big problem because I can move
22 around all the neighborhood. One thing was not
23 mentioned here, they talked about the planning board.
24 I also belong to the (INAUDIBLE). That's another area
25 where a lot of people are connected, and we should

2 make an input into, I'm going to the (INAUDIBLE)
3 tonight and I'm going to mention what has happened
4 here but, overall, I'm here to support all the
5 Intros. I believe anything with safety of the
6 battery, I want to support. As I educate myself, I'm
7 going to pass this on throughout my community. Thank
8 you and I also want to commend Mr. Baruch for his
9 suggestion to try to alleviate some of the problems
10 for the seniors. Thank you.

11 CHAIRPERSON ARIOLA: Thank you.

12 COMMITTEE COUNSEL KINGSLEY: Thank you so
13 much, sir. Next, we'll hear from Dolores Solomon
14 followed by Mr. Butler who is on Zoom so, Dolores,
15 you may go ahead.

16 DOLORES SOLOMON: Good morning, Council
17 Members. My name is Dolores Solomon, and I'm just
18 here to advocate about safer charging procedures, and
19 I also am a friend and a senior of Mr. Baruch
20 Herzfeld, and he's been a blessing in my life. I also
21 do Uber Eats and Door Dash at 65 years old because
22 I'm one of those seniors that like to get around. I
23 use a mobility scooter, and sometimes I have major
24 issues with the batteries. I've had a battery explode
25 on me on the outside, not even by charging, just by

2 going over bad gaps in the streets, but by the grace
3 of God there was no injury to myself, only the
4 battery. I'm just here to advocate where the City can
5 do more, and the battery swapping network vision is a
6 great one because they do it in other countries and I
7 feel it might be very cost-effective because I live
8 on a fixed income and I can't be paying 1,000 dollars
9 for a battery. I'm just on Social Security and the
10 little bit of hours that I work with Door Dash and
11 Uber so I'm just here to be a part of a vision that
12 it'll be safer for myself and many others, and
13 basically that's all I have to say.

14 COUNCIL MEMBER BREWER: Thank you all both
15 very much. I think it's great, this battery
16 opportunity for seniors exists, and I think that's
17 fantastic. If all the seniors were doing what you're
18 doing, they might stop bugging me about the bikes
19 because they don't like the bikes. My question is how
20 do you charge now? Obviously, you're nervous about
21 doing it in your apartment, we all are, but I assume
22 you'd love to have more charging stations too in your
23 neighborhood so that would help so I'm wondering how
24 you charge now, how much do you pay for the batteries

2 now, and would you like to have charging stations,
3 would that be of assistance?

4 DOLORES SOLOMON: Are you directing it to
5 me or him?

6 COUNCIL MEMBER BREWER: Both of you.

7 DOLORES SOLOMON: Okay.

8 WALTON WILSON: When I first started using
9 a scooter, I know of a Citibank that has an outlet in
10 the lobby. I've used that. I have certain people,
11 certain stores I could go in and pay them a few
12 dollars to charge. I live in a small co-op. At that
13 time, I petitioned the board to put an outlet in
14 front of the building. The old co-op board turned me
15 down, but the new co-op I have, they allowed me to do
16 that, and that's my savior, but that's just a limited
17 solution for me. I don't plug a lithium battery in
18 there, but Mr. Baruch made it possible for me to be
19 using a lithium battery but I'm concerned about even
20 plugging it into an outlet at the building because,
21 again, this could be a potential fire, but I'm making
22 it but I'm more approved of the battery swap
23 (INAUDIBLE) use the battery (INAUDIBLE) lost its
24 charge and just swap it. That to me is a better
25 solution than what I'm doing now.

2 DOLORES SOLOMON: Okay. For myself, yeah,
3 I think the battery swapping network would be a good
4 solution. I, myself, use a long extension cord from
5 my third floor apartment down to where my bike is to
6 charge, but sometimes I'm tired and I wake up and my
7 battery's gone and that's costly to me but thank you
8 to Mr. Baruch, he has replaced one or two of them.
9 Basically, this is a big city with a lot of people,
10 and a lot of people do the essential as delivering as
11 myself. It's fun to me, and I get around and I feel a
12 part of something now. I used to be a carpenter at
13 one time in my life until my mobility accident in
14 2008 so now I feel more of a part of society now
15 being able to do what I do.

16 COUNCIL MEMBER BREWER: Thank you very
17 much. My neighbor does the cord thing, and it gets
18 everybody nervous. Thank you.

19 COMMITTEE COUNSEL KINGSLEY: Thank you
20 both so much for your testimony.

21 Next, we'd like to invite Ronald Butler
22 who is on Zoom to testify followed by Nicholas
23 Probst. Ronald, when you're unmuted, you may begin.

24 SERGEANT-AT-ARMS: Time starts now.
25

2 RONALD BUTLER: Good afternoon. I hope I
3 can be heard loudly and clearly.

4 COMMITTEE COUNSEL KINGSLEY: Yeah, we can
5 hear you.

6 RONALD BUTLER: Excellent. My name is Ron
7 Butler. I represent Energy Storage Safety Products,
8 International in very cold Detroit, Michigan. It's
9 very cold right now. I'd like to thank the Council
10 for inviting me to offer this prepared statement on
11 this extremely important topic.

12 My company has been honored by the United
13 States Department of Transportation through funding
14 on multi-year research grants. ESSPI completes
15 resident into and develops solutions for the safe
16 transport, storage, and charging of lithium-ion
17 batteries. As an op-com of the product, we are moving
18 into prototyping specialized systems for safe e-
19 mobility battery charging and battery transport and
20 storage. We fully support and applaud the proposed
21 initiatives found in today's Council oversight
22 agenda. We also recognize the challenges that will be
23 faced when attempting to enforce a couple of the
24 agenda items. As a retired Detroit firefighter, I can
25 speak to the challenges that this may add to an

2 already full FDNY plate. Lastly, we stand ready to
3 support the City of New York as you complete and
4 refine this extremely work. We would, however,
5 encourage consideration of additional language that
6 calls for requirements that include the ability for
7 physical separation of batteries from commodities for
8 charging. An example would be removable batteries for
9 e-bikes and scooters, always keeping in mind that
10 this is a battery probably and not necessarily an e-
11 mobility one. We would also encourage any language
12 that calls for batteries to be charged and stored in
13 approved container devices such as lockers and
14 storage devices that are fully enclosed, contain
15 active fire suppression components, can communicate
16 failures to interested third parties such as building
17 owners or the Fire Department, and maybe most
18 importantly can control pressure increases and toxic
19 gases and (INAUDIBLE) by-products to the outside
20 environment. Our research for the United States
21 Department of Transportation as well as work with the
22 National Fire Protection Association, Underwriters
23 Laboratories, and most recently the National Bicycle
24 Dealers Association has shown us that charging and
25 storage safety is better ensured with the application

2 of this type of systematic approach. There may be a
3 way for the City of New York to cooperate with the
4 U.S. Department of Transportation on this project.
5 Lastly, we would suggest that in order to encourage
6 buy-in from all New York citizens, formal "voice of
7 the customer activities" would be held to ensure that
8 those who would be most affected by these agenda
9 items are fully engaged in the process and have the
10 opportunity to offer input into the design and
11 development of safe charging and storage
12 infrastructure.

13 Lastly, just as a bit of an aside, if I
14 can add this, I attended the recent lithium-ion
15 battery symposium presented by FDNY Foundation and
16 Fire Department New York. I was absolutely blown away
17 by the preparedness and professionalism of the FDNY.
18 Their openness to both teach and learn more about the
19 battery safety subject matter..

20 CHAIRPERSON ARIOLA: We appreciate, sir...

21 RONALD BUTLER: Extremely proud of your
22 Fire Department. If I could...

23 CHAIRPERSON ARIOLA: If you can wrap up in
24 about 30 seconds, we'll be happy to hear you.

25 RONALD BUTLER: I'm sorry.

2 CHAIRPERSON ARIOLA: Can you wrap up in
3 about 30 seconds? Otherwise, we'll ask you to submit
4 written.

5 RONALD BUTLER: I'm just about done.

6 CHAIRPERSON ARIOLA: Perfect. Thank you.

7 RONALD BUTLER: If I could push back just
8 a tiny bit on the idea that any listing of any form
9 provides a safety panacea, I would. The data shows
10 us, and we burn batteries all the time, that all
11 batteries can fail with some more open to failure
12 than others. This is an issue of intrinsically safe
13 versus safer, and I'm very glad that I've heard over
14 and over again from participants the use of the term
15 safer. Thank you so much.

16 CHAIRPERSON ARIOLA: Thank you and if I
17 could just ask you to submit your written testimony
18 because your testimony was very compelling. Thank
19 you.

20 RONALD BUTLER: Absolutely.

21 COMMITTEE COUNSEL KINGSLEY: Thank you,
22 sir. We'll go to Nicholas Probst on Zoom followed by
23 Antonio Molina who's present I believe and then
24 (INAUDIBLE) Mitchell who's also present so Nicholas
25 on Zoom, you may begin once I unmute you.

2 NICO PROBST: Excellent. Can you hear me?

3 COMMITTEE COUNSEL KINGSLEY: Yes.

4 NICO PROBST: Excellent. Thank you. Hello
5 everyone. My name is Nico Probst, and I'm the Head of
6 Government Affairs at Getir, a global leader in
7 grocery delivery, and I want to thank everyone on the
8 Committee for the attention on this important topic
9 and to Council Member Brewer and her office for
10 engaging with us on it over the course of the past
11 couple of months.

12 Getir is the pioneer of grocery delivery,
13 beginning our operations in Istanbul, Turkey, nearly
14 seven years ago. We've grown to several cities across
15 Europe and launched our operations in New York nearly
16 a year ago, and we operate in over 15 stores
17 throughout New York City with a workforce of about
18 500 employees which also includes our delivery riders
19 as well. Getir primarily conducts grocery deliveries
20 on e-bikes and e-mopeds powered by lithium-ion
21 batteries. We do this intentionally because it allows
22 us to avoid the use of combustible engine vehicles
23 which reduces the noise and traffic congestion around
24 our stores and allows us to do our part in
25 transitioning to a cleaner, more sustainable delivery

2 operations. Adopting this model and the use of
3 lithium batteries has led us down a pretty
4 comprehensive path to create safe internal battery
5 storage guidelines and protocols for each of our
6 stores, and we've had zero incidents of battery-
7 related issues since our launch in New York. Getir
8 importantly owns all of our e-bikes ridden by our
9 delivery riders, and we ensure our e-bikes are
10 utilizing industry-certified e-bike batteries. As
11 recommended by manufacturers, in our stores where our
12 batteries are stored they're intentionally spaced
13 apart with a maximum battery count of three per
14 shelf. Our charging batteries are kept separate from
15 the batteries that are currently charged, and every
16 one of our stores has fire-resistant insulation
17 installed around the walls of where our metal
18 shelving and smoke detectors are located near each
19 rack. Additionally, we've also installed drop pads
20 underneath our storage racks to prevent damage in
21 case a battery were to be dropped, and we also
22 provide each store with a dump tank filled with water
23 so if the battery begins to malfunction and
24 experience a thermal runaway event, we can safely
25 dispose of it in the tank. Batteries are never

1 allowed to be charged overnight or whenever no one is
2 present in the store, and we never store damaged
3 batteries on-site. Our stores all have clearly
4 defined guidelines when it comes to safe handling,
5 storage, and maintenance of these batteries. Our
6 employees are also trained on how to spot a battery
7 that might be damaged, malfunctioned, or defective
8 and appropriate steps for taking to ensure it's
9 disposed of safely and properly. In the event that a
10 thermal runaway event were to occur, our stores are
11 also trained on safety and evacuation procedures. We
12 recognize though that e-bikes and the battery
13 technology have emerged into our city streets as a
14 delivery method relatively quickly, and it's clearly
15 because of their convenience, cost efficiency, and
16 their ability to serve as an important alternative to
17 gas-guzzling trucks as a method of moving commerce
18 throughout our cities. Given the relative quick
19 emergence, we absolutely support a robust public
20 education campaign that will go far in addressing the
21 information gaps that currently exist around battery
22 storage. Educating residents and riders on
23 responsible battery handling, how to spot the warning
24 signs of damaged batteries, and what to do with
25

2 damaged batteries are all vital pieces of information
3 that are needed when owning and using one of these..

4 SERGEANT-AT-ARMS: Time expired.

5 NICO PROBST: I can submit the remaining
6 portions of my testimony.

7 COMMITTEE COUNSEL KINGSLEY: Great. Thank
8 you so much. Next, we'll hear from Antonio Molina and
9 (INAUDIBLE) Mitchell. Are either of you all present
10 here in the Chambers? Molina and Mitchell. Okay, if
11 you're here, great.

12 Next, we'll move to another member of the
13 public online. We will hear from Melinda Hanson
14 followed Lyric (phonetic) Thompson. Melinda, are you
15 available?

16 MELINDA HANSON: Yes, can you hear me now?

17 COMMITTEE COUNSEL KINGSLEY: Yes, can you
18 hear me now?

19 COMMITTEE COUNSEL KINGSLEY: Yes, we can.
20 Go ahead.

21 MELINDA HANSON: Excellent. Good morning.
22 My name is Melinda Hanson. I'm a Brooklyn-based
23 consultant specializing in e-bikes internationally.
24 I'm also a cofounder of Equitable Commute Project, a
25

2 program that connects lower-income New Yorkers with
3 quality e-bikes and accessible financing.

4 The recent battery fires are devastating.
5 Every New Yorker deserves to feel safe in their home,
6 and we must take action to ensure that they do, but
7 as has been well-covered today the problem is not e-
8 bikes in general but rather uncertified, damaged,
9 mismatched, or tampered with lithium-ion batteries.
10 E-bikes are a global phenomenon, and that's a good
11 thing. They're outselling electric cars by a wide
12 margin. Globally, they're reducing 10 times as many
13 barrels of oil per day than electric cars, they're
14 extremely convenient, and more cost-effective than
15 transit, and crucially they're essential to the
16 livelihoods of our city's delivery workers.

17 New York can learn a lot about e-bike
18 safety from global cities. For example, Germans
19 bought 2 million e-bikes in 2021 alone and yet it's
20 rare to hear about an e-bike battery fire in Berlin
21 so how are they achieving this? E-bikes sold in
22 Germany meet exacting standards that ensure that they
23 are street legal and that their batteries are
24 certified safe. Clear definitions and enforcing
25 existing laws is essential. Photos of New York's

1 fires appear to show off-brand e-mopeds and other
2 miscellaneous devices that don't actually meet the
3 legal definition of e-bikes. New York State has a
4 definition of street legal e-bikes, and these
5 regulations should be enforced. As we advance this
6 conversation, it's important that stakeholders stop
7 using e-bikes as a catchall term and focus first on
8 restricting the sale and use of off-brand devices
9 that are not even street legal. I very much support
10 the City Council's bill to ban the use of uncertified
11 batteries, but an equitable transition also requires
12 carrots in addition to sticks. For that reason, I
13 encourage this Council to follow Denver, Colorado's
14 lead and consider a subsidy to support the purchase
15 of high-quality e-bikes as we phase out the lower-
16 cost devices, especially for our city's delivery
17 workers. I also support the proposed education
18 campaigns, but critically these campaigns must strike
19 the right tone so as not to stoke fears that all
20 micro-mobility vehicles are dangerous. Indeed, a UL-
21 certified e-bike is roughly as safe as the iPhone in
22 your pocket. Education campaigns should instead focus
23 on promoting practical solutions, including trading
24 in damaged batteries, only using the power cord that
25

2 came with the device, and using inexpensive wall
3 timers that plug into the wall and provide an extra
4 layer of protection to prevent dangerous
5 overcharging. I think that's about my time so I will
6 leave it there, but I thank you all very much for
7 your time and thoughtful consideration of this
8 matter.

9 CHAIRPERSON ARIOLA: Thank you so much for
10 your testimony. I'm sorry. There is one question from
11 Council Member Feliz.

12 COUNCIL MEMBER FELIZ: Thank you so much
13 for that information. Can you elaborate on that last
14 point related to dangerous overcharging?

15 MELINDA HANSON: Yes. Sorry, I was muted
16 again. A lot of the challenge with the dangerous
17 overcharging is if a battery is damaged and you leave
18 it in to overcharge, it can enter an unstable state
19 so a lot of folks recommend using a wall timer which
20 essentially ensures that your battery stops trying to
21 take a charge once it's reached capacity and that can
22 greatly reduce the chances of an actual fire.

23 COUNCIL MEMBER FELIZ: Are there any
24 batteries that currently have that wall timer or is
25

2 that something that people generally purchase
3 separately?

4 MELINDA HANSON: Higher-quality e-bikes
5 like the ones sold at Propel, that woman, I didn't
6 catch her name, testified a little bit earlier, those
7 have battery management systems embedded within the
8 vehicle itself that helps to prevent overcharging so
9 this is a separate device that you can purchase and
10 plug in and then plug your own battery into it.
11 Really, just as an anecdotal story here, I have a
12 friend of mine who is a battery engineer who said
13 that she would leave her e-bike charging in her
14 child's room if it was plugged into one of these. Of
15 course, she has a quality e-bike, but these things do
16 really, really help to ensure and make things safer.

17 COUNCIL MEMBER FELIZ: Thank you. Thank
18 you so much.

19 COMMITTEE COUNSEL KINGSLEY: Thank you so
20 much for your testimony. Next, we'll hear from Lyric
21 Thompson.

22 If there's anyone else present who would
23 like to testify, please make yourself. Lyric, you may
24 go ahead.

25 LYRIC THOMPSON: Can you hear me?

2 COMMITTEE COUNSEL KINGSLEY: We can. Go
3 ahead.

4 LYRIC THOMPSON: Okay, perfect. Good
5 afternoon, City Council. My name is Lyric Thompson. I
6 would like to speak on fire safety. Lithium-ion
7 batteries are terrifying, and the fires that they
8 produce are terrifying, but what's more frightening
9 to me or what adds to the fear for me is the fact
10 that a lot of these buildings which we are seeing
11 these horrible fires in have a lot of violations in
12 them, violations that would aid in fire safety such
13 as the violations for non-code-compliant doors in
14 hallways, apartment entrances, and building
15 entrances. Now, the Twin Parks fire happened a year
16 ago, and for the past year I have begged and groveled
17 with this City Council to address this issue in part
18 because of our own issues with a lack of code
19 compliant doors. Through this process, I have learned
20 that HPD doesn't even train their inspectors in these
21 codes, the fire standards, which not only keep
22 tenants safe by preventing the spread of smoke and
23 fire, but also keep our first responders safe so I
24 have a question that has been posed to me and now I'd
25 like to pose it to the City Council. How is the

2 housing inspection agency supposed to enforce a
3 standard they have not been trained in? That is a
4 question that begs an answer. Now from this Council,
5 from David Carr, Council Member Carr's office, I've
6 been told it's not his job to have oversight with
7 fire safety or housing. He's on both Committees, and
8 I would argue that it is exactly your job, but it's
9 not lost on me that Joe Borelli said the same thing.
10 The result of his lack of oversight was 17 people
11 dying of smoke inhalation as they fled for their
12 lives in the Twin Park Fire. Now, I don't mean to be
13 ugly, ladies and gentlemen, but I don't wish to lose
14 another New Yorker on the altar of the hubris of this
15 City Council and those who think it's not their job
16 to address or have oversight over housing agencies
17 that are supposed to enforce these codes. Council
18 Member Feliz, I begged you to address this issue, and
19 all you did was write a copy and paste of the self-
20 closing definition, slap it on the ass, and pass it
21 through like you did something. A year later, I had
22 to go to the New York Times in order to get the
23 proper violations written on my doors. That should
24 embarrass this City Council, and that should be very
25 telling to the City Council that after a year of

2 begging, groveling, emailing, calling, and even you,
3 Chair Ariola, your office told me you would do
4 something, you would call the Fire Department, email
5 the Fire Department, write the Fire Department...

6 SERGEANT-AT-ARMS: Time expired.

7 LYRIC THOMPSON: And your response was to
8 ghost me and then block me on social media, which by
9 the way is a violation of my First Amendment right.
10 I'm going to ask that you address that before I have
11 to take you to court and address it. So my question
12 for this Council is what are you doing to address
13 this issue or does it become my job as a citizen to
14 take the City to court to force this housing agency
15 to do what most people consider elementary which is
16 just train? Is there an answer from the Council?

17 CHAIRPERSON ARIOLA: As you mentioned, we
18 do have a lot of legislation that's in, a lot of
19 legislation that has passed. HPD is currently
20 training their inspectors as are the Fire Department
21 and the Department of Buildings, and we do thank you
22 for your testimony.

23 LYRIC THOMPSON: That's what you call
24 gaslighting, Council Member, and it's not acceptable.
25 Is that it?

2 COMMITTEE COUNSEL KINGSLEY: Thank you so
3 much, ma'am.

4 If anyone else is present here that would
5 like to testify, please make yourself known. Seeing
6 no one else, I'll turn back to Chair Ariola to close
7 out this hearing. Thank you so much.

8 CHAIRPERSON ARIOLA: I'd like to thank
9 everyone who came today to testify.

10 COMMITTEE COUNSEL KINGSLEY: Sorry. We
11 have someone else. Sorry. Justin, I see you there,
12 sir.

13 JUSTIN AIELLO: Hello.

14 COMMITTEE COUNSEL KINGSLEY: Yeah, sorry.
15 We see you. Go ahead, sir.

16 JUSTIN AIELLO: I was recently a victim of
17 the 52nd Street fire. I was the one holding the two
18 girls out of the window to try to help save their
19 lives. I don't know if you saw the videos of it, and
20 I found out quickly after that from the Fire
21 Inspector that there was a fire in that same location
22 six months prior and there's not one iota of fire
23 safety measures, not a fire alarm in that entire
24 building went off. It was all word of mouth. There
25 was absolutely no sprinkler system. There was no

2 carbon monoxide, and with these lithium-ion
3 batteries, I know for a fact they're designed to let
4 off carbon monoxide before they spark a fire so any
5 kind of carbon monoxide detection would give early
6 warning to people to get out and start intervention.
7 Nevermind, the fire alarm, any kind of fire alarm in
8 the entire building, announcement, there was nothing
9 like that, and then when the Fire Department came up
10 to the floor to try to save me, the water wasn't even
11 turned on for them to use. They had to go get it from
12 the truck while my back and my arm was boiling and
13 burning me alive and I was literally thinking about
14 committing suicide because of the pain. Six months,
15 this location had the same exact happen and nobody
16 did nothing to prevent that, and I don't know who
17 that's on but I'm here to testify that I am not going
18 to let that go.

19 CHAIRPERSON ARIOLA: Thank you so much for
20 your testimony.

21 JUSTIN AIELLO: You guys should really,
22 really do something.

23 CHAIRPERSON ARIOLA: I'd like to thank
24 everyone who came out today. I'd like to thank the
25 Members of the Committee and also the sponsors of

2 this lifesaving legislation that is being put forth
3 today and everyone who testified and gave
4 information. That will certainly be taken into
5 consideration, and we appreciate it.

6 I'd also like to thank our Counsel, Josh
7 Kingsley, our Analyst, William Hongach, and my Chief
8 of Staff, Phyllis Inzerillo, for helping move this
9 Committee forward. Thank you so much. [GAVEL]

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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 November 30, 2022