



October 14, 2023

Comments from Human Powered Solutions regarding DCWP proposed rule for implementation of Local Law 2023-39

Human Powered Solutions, LLC (HPS) is a consultancy comprised of bicycle industry professionals with over 200 years of experience in the industry. We are principally focused on the development and proliferation of personal micromobility transportation vehicles in North America. We have worked tirelessly in cooperation with our principal client, the National Bicycle Dealers Association (NBDA) and in close collaboration with Underwriters Laboratories.

Regarding New York's proposed Local Law 2023-39, HPS firmly believes that testing and certification of electric bicycles sold in New York City (and other jurisdictions covered by said proposed law) to the mandated standard UL 2849 be conducted by Nationally Recognized Testing Laboratories (NRTL).

We hold this position for several specific reasons:

- The U.S. Department of Labor Occupational Safety and Health Administration (OSHA) administers the NRTL program, which "recognizes private sector organizations to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards." Under the program, OSHA recognizes the scope of each NRTL based on the NRTL's demonstration of the necessary competency and equipment to test to a given standard.
- In addition to testing products for compliance to specific standards, a NRTL will also perform a comprehensive engineering analysis by qualified experts from the certification body to verify the construction, materials, components, and other safety critical aspects comply with the requirements of the standard.
- The NRTL program requires the annual surveillance of certified products bearing the NRTL's certification mark at the product manufacturing/factory location. These inspections allow certifiers to verify that the product being manufactured at factory locations around the world continues to be constructed the same as the product that was evaluated by the certification body. It also allows the certification body to identify any changes that may have been made to the product that might affect the certification of the product and require the manufacturer to make corrections to assure the product's ongoing compliance with relevant standards.

Given the catastrophic dangers posed by unregulated micromobility devices, as evidenced by New York City's recent experiences with substandard lithium-ion battery packs, we believe that it is imperative that testing and certification of these devices is carried out by the most qualified

testing laboratories. Testing and certification performed on a one-time basis is not sufficient to prevent potentially hazardous products from entering the marketplace. In-depth engineering analysis of said products, and regular, unannounced inspections of production facilities are required to insure the development of appropriate specifications and on-going adherence to those specifications. Nothing less is acceptable given the risks that substandard products present in the marketplace.

Human Powered Solutions strongly recommends that New York City mandates that compliance testing and certification of micromobility products sold in New York be performed by Nationally Recognized Testing Laboratories certified by the U.S. Department of Labor Occupational Safety and Health Administration.

Thank you for the opportunity to present Human Powered Solution's position on this critically important topic. We are happy to discuss our position at any time in the future.

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