



peopleforbikes

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To: NYC Fire Department
Code Development Unit
Bureau of Legal Affairs

Submitted via email to: code.develop@fdny.nyc.gov

RE: Proposed Rule § 309-01 - Uncertified Storage Batteries for Powered Mobility Devices

PeopleForBikes Coalition, the national trade association for manufacturers of bicycles and electric bicycles, submits this comment in response to the Notice of Public Hearing and Opportunity to Comment on Proposed Rule 3 RCNY § 309-01, “Uncertified Storage Batteries for Powered Mobility Devices.” PeopleForBikes **supports the adoption of the proposed rule as written** and applicable to those devices.

Some commenters have proposed adding storage batteries for *electric assisted bicycles* (“powered bicycles”) to the scope of the proposed rule. PeopleForBikes **opposes such proposed amendments** at this time because doing so would have potential adverse consequences for consumers who own electric bicycles (“powered bicycles”) with safe batteries that were designed and tested in accordance with international standards, namely EN 15194 and its referenced battery standard, EN 50604. If electric bicycles are added to the proposed rule now, those batteries would be banned and thousands of electric bicycles used in New York City would be rendered illegal or useless.

The New York City Department of Consumer and Worker Protection (DCWP) has proposed adding the EN 15194 to Local Law 39 (2023) as an acceptable safety standard for electric bicycles and batteries and received numerous [comments](#) in support, but has not yet published a final rule. **At such time as the DCWP has added EN 15194 to Local Law 39, PeopleForBikes would support adding electric bicycles to this proposed or adopted rule.** In this case the purpose of the rule - banning unsafe, untested batteries - would be fully accomplished without rendering many safe and well-designed batteries illegal.

About PeopleForBikes

The PeopleForBikes Coalition is the sole trade association for U.S. manufacturers, suppliers and distributors of bicycle products, including electric bicycles. In 2019 PeopleForBikes merged with the Bicycle Product Suppliers Association (BPSA) to form a single trade association to represent the interests of the U.S. bicycle industry. We have over 300 members that produce goods in every segment of the bicycle market, from high-end competition bicycles to affordable kid's bikes. Our members produce the full range of components, parts, and accessories used for bicycling, as well as electric bicycles.

Since 2015, PeopleForBikes has worked state-by-state to create modern, harmonized standards for regulation of electric bicycles throughout the United States.

PeopleForBikes developed the [Three-Class Model Law](#) to better define and regulate the various types of electric bicycles, which has now been adopted in whole or part by 43 states (including New York) and the federal government. PeopleForBikes recently published an E-Bike Owner's Manual for use by the industry with new electric bicycles, as well as additional educational content for consumers who purchase and use electric bicycles. We also publish a Battery Owner's Manual in 14 languages that contains important safety information for consumers. PeopleForBikes is the voice of the U.S. bicycle industry with regard to regulatory standards and safety.

The Proposed Rule

The proposed rule reads as follows:

Prohibition. It shall be unlawful to store, handle, use, charge, transport, sell, or possess a storage battery for a *powered mobility device* unless such storage battery:

(A) Has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2271; or

(B) Is a component part of a *powered mobility device* that has been certified by an accredited testing laboratory for compliance with UL 2272 or UL 2849; or

(C) Has been certified, or is a component part of a powered mobility device that has been certified, by an accredited testing laboratory for compliance with a safety standard that the Department of Consumer and Worker Protection, in consultation with the Department, has established by rule pursuant to section 20-610 of the Administrative Code.

The rule as written is limited to **powered mobility devices** including such products as hoverboards, stand-on electric scooters and various self-balancing unicycles and skateboards. The consensus safety standards for these devices are UL 2271 (batteries) and UL 2272 (electrical system). While PeopleForBikes members generally do not manufacture these devices, we recognize the safety hazards associated with them if they are poorly made and do not meet these UL standards. We therefore support adoption of the proposed rule as written in order to address the continuing presence of untested and unsafe devices in New York City.

As noted by commenters, the definition of “powered mobility device” in § 20-609 of the New York Administrative Code specifically excludes powered bicycles, also known as “bicycles with electric assist” as defined in [Section 102-c](#) of the New York Vehicle and Traffic Code. As written, the proposed rule would therefore not apply to storage batteries used to power electric bicycles.

The proposed rule confusingly includes a reference to UL 2849, which is one of the voluntary safety standards for the electrical systems of electric bicycles (and their batteries) and the only standard currently acceptable under § 20-609. However, many electric bicycles designed prior to the publication of UL 2849 in 2020, or designed and tested for the European market and also sold in the United States, were tested to the requirements of EN 15194, which is required in the European market and has been in use since 2009.

In 2024 over 5 million electric bicycles tested to EN 15194 were sold in Europe, adding to the many millions already in use. As such, the European Union has long been a leader in developing safety and testing standards for these products. The complete electric bicycle safety standard for the European and other international markets, known as EN 15194, is very similar to the newer UL 2849 standard and references many of the same underlying individual electrical component safety standards. These underlying standards for such components as lithium ion batteries and chargers include international electrical standards, UL standards, and other standards that are widely used to demonstrate the safety of lithium ion traction batteries, chargers and associated electrical componentry.

Most importantly, the development and widespread use of EN 15194 since its adoption in 2009 as a European Common Market regulatory requirement has largely prevented lithium ion battery fires in Europe. With millions of e-bikes and batteries in use, reports of battery fires are minimal and those that have occurred are often caused by [“conversion kits”](#) purchased online and used by consumers to convert a conventional bicycle into a motor-powered device. Conversion kits have also been cited as a cause of battery-related fires in New York City.

In the absence of any U.S. standards for e-bikes until the publication of UL 2849 in 2020, leading electric bicycle drive system manufacturers, including Shimano and SRAM, developed their systems using the most complete and stringent standard available: the EN 15194 electrical system standards.¹ To date, millions of electric bicycles have been manufactured and sold around the globe that have drive systems and batteries tested and certified by manufacturers to EN 15194. Because many PeopleForBikes members distribute their products in multiple markets, including Europe, many of the electric bicycles in use in the United States (and New York City) have drive systems and batteries that are tested and certified to the EN 15194 standard, which is by far the prevailing global safety standard for these products.

Importantly, [New York law](#) now requires that electric bicycles be certified by an accredited laboratory for compliance with *either* UL 2849 or EN 15194, and that their batteries also be tested to defined standards.

Conclusion

If electric bicycles are added to the proposed FDNY rule *before* adoption by the DCWP of the EN 15194 standard, then batteries for safe electric bicycles tested to that standard and legally sold in outstate New York would be illegal when they entered the city, as would batteries for electric bicycles owned by New York City residents. Without batteries, these electric bicycles would be unpowered, and inconvenient or impossible to use. This outcome should be avoided as the FDNY considers this important proposed regulation.

Respectfully submitted,



Matt Moore
Policy Counsel, PeopleForBikes

¹ EN 15194 is actually much broader than UL 2849 in that it is a “whole product” standard that also contains test standards for the various mechanical aspects of an electrical bicycle, such as frame and fork fatigue and impact testing, brake requirements, and more. In the United States, the mechanical features of an electric bicycle are subject to 16 C.F.R. 1512, the federal bicycle safety standard.