



September 4, 2025

Submitted electronically via email  
[code.develop@fdny.nyc.gov](mailto:code.develop@fdny.nyc.gov)

**Re: Comments on Proposed New Rule 3 RCNY § 309.01, Uncertified Storage Batteries for Powered Mobility Devices**

PRBA – The Rechargeable Battery Association appreciates the opportunity to submit these comments on FDNY’s proposed new rule addressing the fire and explosion hazard posed by uncertified storage batteries. PRBA’s members manufacture lithium cells and batteries. Our members also include leading manufacturers of cellular phones, notebooks, power tools, outdoor power equipment, medical devices, electric vehicles, micromobility devices, and stationary energy storage systems, as well as battery recyclers, retailers, packaging manufacturers, and testing laboratories. PRBA actively participates in micromobility battery safety legislative and regulatory discussions at the local, state and federal level.

We feel the intent of the proposal is to cover both powered mobility devices and powered bicycles but that the proposal only references powered mobility devices. The referenced UL 2849 standard in the proposal is specifically for electrical systems of ebikes or powered bicycles. Proposals for addition are highlighted in red.

§ 309-01 Uncertified Storage Batteries for Powered Mobility Devices **and Powered Bicycles**.

(a) Scope. This section sets forth requirements for the storage, handling, use, charging, transport, sale, or possession of uncertified storage batteries, including but not limited to lithium-ion storage batteries, for powered mobility devices **and powered bicycles** subject to section 20-610 of the Administrative Code.

(b) General Provisions.

(1) Prohibition. It shall be unlawful to store, handle, use, charge, transport, sell, or possess a storage battery for a powered mobility device **and powered bicycle** 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 **or powered bicycle** 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 **or powered bicycle** 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.

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PRBA appreciates the opportunity to comment on FDNY's proposed new rule addressing the fire and explosion hazard posed by uncertified storage batteries. Our diverse membership of battery and product manufacturers, battery recyclers, retailers, packaging manufacturers, and testing laboratories play an important role in the safety of batteries and battery-operated devices. We would welcome the opportunity for a more robust discussion of these comments and would be pleased to host a meeting between our members and FDNY's staff.

Please contact me at 202.719.7170 or [mboolish@wiley.law](mailto:mboolish@wiley.law) with any questions regarding our comments.

Sincerely,

*Marc Boolish*

Marc Boolish  
Executive Director