Standards & Engagement

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Steven Goulden, Senior Counsel
Code Development Unit
Bureau of Legal Affairs
New York City Fire Department
9 MetroTech Center, Room 4W-6
Brooklyn, NY 11201

October 1, 2025

RE: Proposed Rule, 3 RCNY § 309-01, Uncertified Storage Batteries for Powered Mobility Devices

Dear Mr. Goulden:

We appreciate the opportunity to provide comments on this proposed rulemaking for uncertified storage batteries for powered mobility devices. As reflected in Table 1 of this notice, fires caused by uncertified storage batteries continue to pose a serious threat to public safety in New York City. We strongly support FDNY's efforts to mitigate these risks through the proposed ban on the storage, handling, use, charging, transport, sale, or possession of uncertified storage batteries. The recommendations outlined below are offered to support the clarity and effective implementation of the proposed rule. Specifically, FDNY could consider aligning the language of the proposed § 309-01 of the Rules of the City of New York City with § 20-610 of the Administrative Code of New York City. Further, to promote consistency and safety, FDNY could also consider measures to better define the appropriate compliance pathway for the storage batteries and battery powered mobility devices.

As a nonprofit standards development organization working to create a safer world, UL Standards & Engagement has published more than 80 standards addressing lithium-ion battery risks. The 3 standards relevant to e-mobility devices are UL 2849, the standard for e-bikes; UL 2272, the standard for personal e-mobility devices; and UL 2271, the standard for lithium-ion batteries in e-mobility devices.

We commend FDNY's continued recognition of the role of standards in reducing fire and electrical safety risks. As the American National Standards for these products, the UL standards identified in the proposed rule reflect the consensus of a balanced group of technical experts for a reliable and consistent approach to mitigating the safety hazards of lithium-ion batteries used in the electrical systems of micromobility devices sold in the U.S. Some jurisdictions with micromobility safety laws or regulations allow e-bikes to conform to EN 15194, a European e-bike standard, rather than UL 2849. The CPSC has identified that the EN Standard is not sufficient to ensure consumer safety, "Compared to UL 2849-20, the EN standard does not

include requirements for electrical systems that provide a higher level of safety than the requirements in UL 2849-20, and in some instances, falls short of adequately addressing all of the product's hazards covered by the UL 2849-20." For example, EN 15194 does not include any of the requirements for flammability as found in section 17 of UL 2849-20. The Commission considers the flammability requirements in UL 2849-20 critical for fire safety because they help to deter the spread of fire during a thermal runaway event by requiring that the polymeric material extinguish within a specific maximum amount of time as to limit or slow down fire propagation. Accordingly, the NPR does not propose to incorporate requirements of EN 15194 into the rule because UL 2849-20 is more robust in addressing the hazards associated with eBikes."[1] We strongly recommend continuing to apply the standards developed by a balanced group of stakeholders[2] that reflect the powered mobility device market in the U.S. rather than Europe.

We also agree with the proposal to ban uncertified storage batteries,[3] and to extend that ban to include storage batteries that are component parts of uncertified micromobility devices, specifically e-scooters and e-bikes that are not certified to UL 2272 or UL 2849, respectively. However, we respectfully suggest that FDNY consider clarifying the language in § 309-01 to more closely align with Local Law 39 and § 20-610 of the Administrative Code. Currently, there is inconsistency between the definition of "powered mobility devices" within the New York City Fire Code[3] and the same term in the New York City Administrative Code.[4] While the Fire Code includes "motorized bicycles" within the term "powered mobility device," the Administrative Code does not include those devices within the term. Instead, the Administrative Code refers to "powered bicycles"[5] and uses separate provisions to regulate those devices.[6] The proposed rule appears to include powered bicycles within the larger category of powered mobility devices. To avoid confusion and ensure clear enforcement, we recommend revising the rule to explicitly include both categories.

For example, the following revision to § 309-01(b)(1) could help clarify the scope (suggested revision):

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[1] CPSC Safety Standard for Lithium-Ion Batteries Used in Micromobility Products and Electrical Systems of Micromobility Products Containing Such Batteries Corrections to Draft Proposed Rule to Establish a Safety Standard for Lithium Ion Batteries

[2] UL standards are developed by UL Standards and Engagement (ULSE) following a process accredited by the American National Standards Institute (ANSI). For more information about ULSE standards development and the ANSI process, see Policies and Procedures | UL Standards & Engagement.

[3] For micromobility applications, a storage battery may also be referred to as a light electric vehicle battery or a traction battery. [3] *New York City Fire Code* § FC 202 (2022). Defines "Powered Mobility Devices" as "Motorized bicycles, motorized scooters and other personal mobility devices powered by a lithium-ion or other storage battery. The term does not include motor vehicles or motorcycles or other mobility devices that must be registered with the New York State Department of Motor Vehicles."

[4] *New York City Administrative Code* § 20-609 (2025). Defines "powered mobility device" as "an electric scooter as defined in section 114-e of the vehicle and traffic law or successor provision or other personal mobility device powered by a lithium-ion or other storage battery. The term does not include powered bicycles, wheelchairs or other mobility devices designed for use by persons with disabilities, or any vehicle that is capable of being registered with the New York State Department of Motor Vehicles."

[5] *New York City Administrative Code* § 20-609 (2025). Defines "powered bicycle" as "a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law."

[6] See N.Y.C. Admin. Code § 20-610(a)-(b) (2025).

(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 or a 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 that has been certified by an accredited testing laboratory for compliance with UL 2272 or is a component part of a powered bicycle that has been certified by an accredited testing laboratory to 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.*

In addition to clarifying that the regulation applies to all micromobility products, FDNY should consider providing clearer guidance on how regulated parties can comply. Both Local Law 39 and the proposed § 309-01 require micromobility products' electrical systems to be "certified by an accredited testing laboratory."[7,8] However, under the Department of Consumer and Worker Protection (DCWP) regulations, an accredited testing laboratory may be accredited to ISO/IEC 17025, ISO/IEC 17065, or recognized as an Occupational Safety and Health Administration (OSHA) Nationally Recognized Testing Laboratory (NRTL). [9] These are different designations:

- ISO/IEC 17025 accreditation assesses a lab's technical capabilities to generate reliable test data. Accreditors typically assess labs to a defined scope of accreditation.[10]

[7] E.g., *New York City Administrative Code* § 20-610(a). Stating "It shall be unlawful to distribute, sell, [etc.] a powered bicycle, powered mobility device, or storage battery for such devices unless such bicycle, device, or battery has been certified by an accredited testing laboratory for compliance with applicable safety standards . . . ".

[8] E.g., *FDNY Proposed Rule* § 309-01(b)(A). Prohibiting sale (etc.) of storage batteries unless "certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2271".

[9] *Rules of the City of New York*, Title 6, Chapter 4, Subchapter L, § 4-150. Accessed September 24, 2025. https://www.nyc.gov/site/law/public-resources/laws-of-the-city-of-new-york.page.

[10] See e.g., UL 2271, *Standard for Batteries for Use in Light Electric Vehicle (LEV) Applications*, p. 11. Identifying ICS Codes 29.220 (Electrical energy storage systems) and 43.120 (Electric road vehicles) (Underwriters Laboratories Inc., 2023).

- ISO/IEC 17065 accreditation assesses a certification body's policies and procedures to "ensure that [it] operate[s] certification schemes in a competent, consistent and impartial manner, thereby facilitating . . . the acceptance of certified products . . ."[11,12]
- NRTLs are recognized by OSHA for meeting requirements that encompass both ISO standards and additional oversight measures.[13]

Because § 4-150 of the Rules of the City of New York refer to each of these in the definition of "accredited testing laboratory," there are three paths for compliance, each with a different level of rigor. ISO/IEC 17025 alone is insufficient for certification[14] since it does not assess product construction or require production surveillance.[15,16] ISO/IEC 17065 requires surveillance programs,[17] but the specifics vary by certification scheme. In contrast, the NRTL program mandates factory surveillance two to four times annually.[18] The surveillance process checks that the manufacturer has not made changes to the product that affect the issued safety certification.

While consistency across city agencies is important, the current compliance options under DCWP regulations vary in rigor and may lead to uneven enforcement. We urge FDNY, in coordination with DCWP, to strengthen and clarify compliance requirements. The NRTL framework offers a comprehensive review process, covering both the testing (ISO/IEC 17025) and certification (ISO/IEC 17065) components. The program also benefits from federal oversight which supports consistent and reliable safety outcomes across testing and certification bodies.

We commend New York City's leadership in addressing micromobility product safety and FDNY's steadfast focus on life safety. Lithium-ion batteries under thermal runaway conditions can cause deflagrations, intense and very fast-moving fires, and produce toxic gases that are

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[11] *ISO/IEC 17065:2012, Conformity Assessment—Requirements for Bodies Certifying Products, Processes and Services*. Geneva: International Organization for Standardization, 2012, p. v.

[12] Among other topics, ISO/IEC 17065 includes impartiality management policies, organizational structure, and product surveillance, as well as the procedures and requirements for product evaluations for product certifications.

[13] See *Occupational Safety and Health Administration. NRTL Program Policies, Procedures, and Guidelines. OSHA Directive CPL 01-00004. Washington, DC: U.S. Department of Labor, October 1, 2019. https://www.osha.gov/dts/otpca/nrtl/nrtl-dir.html.* Detailing the NRTL program requirements.

[14] Certification can also be referred to as "listed." *New York City Fire Code* § FC 202 (2022). Defines "Listed" as "A material, device, equipment or system included on a list published by a nationally recognized testing laboratory or other approved organization performing product evaluations that maintains periodic inspection of production of such listed material, device, equipment or system, and whose listing indicates compliance with nationally recognized standards and designates suitable usage."

[15] E.g., UL 2849 construction requirements, like a safety analysis of the product's circuitry and a review of the materials used in product construction. An assessment of whether the product conforms to the standard should be performed by a qualified engineer.

[16] See Carnahan, Lisa, and Amy Phelps. *ABC's of Conformity Assessment*. NIST Special Publication 2000-01. Gaithersburg, MD: National Institute of Standards and Technology, September 2018, p. 12-14. https://doi.org/10.6028/NIST.SP.2000-01. Provides an overview of certification, including the evaluation of evidence of conformity, like test reports produced by ISO/IEC 17025 accredited laboratories.

[17] ISO/IEC 17065:2012, *Conformity Assessment—Requirements for Bodies Certifying Products, Processes and Services*, § 7.9.3. [18] *NRTL Program Policies, Procedures, and Guidelines*, OSHA Directive CPL 01-00-004 (October 1, 2019), Annex B-14.

hazardous for civilians and firefighters alike. Therefore, it is critical that lithium-ion batteries are certified (listed and labeled by definition) to applicable safety standards, like UL 2271, and only be used in product electrical systems that conform to safety standards, like UL 2272 and UL 2849. We appreciate the opportunity to provide these comments and are available to answer any further questions. Should you have such questions, please contact Scott Genzink, Senior Advocacy Manager.

Sincerely,

Scott Genzink

Scott Genzink
Senior Advocacy Manager
UL Standards & Engagement