



July 21, 2023

Office of the Secretary
Consumer Product Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Submitted via email to cpsc-os@cpsc.gov

**Plans for Oral Comments of Consumer Reports to the
Consumer Product Safety Commission on
Lithium-Ion Battery Safety; Notice of Meeting and Request for Comments**

**Public Meeting on Thursday, July 27, 2023
Gabe Knight, Safety Policy Analyst
Docket No. CPSC-2023-0025**

Consumer Reports (CR), the independent, non-profit member organization,¹ welcomes the opportunity to share comments with the Consumer Product Safety Commission (CPSC) regarding lithium-ion battery safety. CR looks forward to participating in the public meeting on July 27, and we are glad to see the agency taking steps to address the well-documented and serious safety hazards associated with certain lithium-ion batteries and the systems that contain them, particularly with respect to incidents of overheating and fires that occur in e-bikes and other micromobility products. This written submission outlines what we plan to present in our oral comments at the public meeting, and—for your convenience—we also enclose a copy of the December 2022 Consumer Reports story on this subject.

Lithium-ion batteries are found in a wide variety of products that consumers use in their everyday lives. From cell phones, to watches, to laptops, to pacemakers and more, people rely on these high power density batteries for their fast charging and long-lasting properties. While lithium-ion batteries are essential to powering many micromobility products consumers use for recreational purposes, commuting, and even their livelihood, they also present serious risks. When lithium-ion batteries are poorly made, overused, charged too long, or tampered with, they can explode and cause rapidly spreading fires that are difficult to extinguish. According to the

¹ Founded in 1936, Consumer Reports (CR) is an independent, nonprofit, and nonpartisan organization that works with consumers to create a fair and just marketplace. Known for its rigorous testing and ratings of products, CR advocates for laws and company practices that put consumers first. CR is dedicated to amplifying the voices of consumers to promote safety, digital rights, financial fairness, and sustainability. The organization surveys millions of Americans every year, reports extensively on the challenges and opportunities for today's consumers, and provides ad-free content and tools to 6 million members across the United States.

New York City Fire Department, lithium-ion battery cells can shoot out as far as sixty feet, resulting in multiple fires linked to a single battery failure.²

Since just 2021, micromobility products using these batteries, such as e-bikes, e-scooters, and hoverboards, have been linked to hundreds of fires and over two dozen fatalities, including multiple children.³ In the absence of a strong mandatory safety standard, it is foreseeable that consumers will continue to be seriously injured and killed by fires linked to these products, which have markedly increased in sales in recent years, and are projected to continue along that trajectory.⁴

In early December 2022, CR published an investigation on the surge of deadly fires linked to lithium-ion batteries in e-bikes. At the time, we found that only 13 companies were certified to UL's safety standard for e-bikes. Noncompliant companies have cited cost as a major reason for not certifying, but given the potentially lethal risks, it is in the best interest of the public for all manufacturers to adhere to relevant standards. Moreover, certification is largely a one-time, upfront expense for a product, not a continuing cost.

Our investigation also found that lack of industry-wide acceptance of safety standards may leave lower-income users at greater risk than those able to afford high-end devices that are more likely to be UL-certified. This includes New York City's 65,000 delivery workers, who as independent contractors, typically rely on self-purchased e-bikes for their jobs and often end up with cheaper, lower-quality batteries. Lower income individuals may also be more likely to purchase less expensive, second-hand batteries, and either refurbish the batteries themselves, or use uncertified mechanics.

CR appreciates the CPSC's attention to this issue. In late December, we welcomed the news that the agency had sent letters to about 2,000 manufacturers and importers of micromobility devices,⁵ in which the CPSC's compliance director urged them to "review your product line immediately and ensure that all micromobility devices that you manufacture, import, distribute, or sell in the United States comply with the relevant UL standards" and stated that

² Stephanie Clifford, Consumer Reports, "'Fire! Fire! Fire!' The perplexing Deadly Electric Bike Problem" (Dec. 8, 2022) (online at: www.consumerreports.org/health/electric-bikes/electric-bike-fires-and-lithium-ion-batteries-a4632489902).

³ CBS News, "53,000 hoverboards recalled over battery fire hazard after deaths of 2 sisters" (March 31, 2023) (online at: www.cbsnews.com/news/jetson-hoverboard-recall-battery-fire); New York Times, "How E-Bike Battery Fires Become a Deadly Crisis in New York City" (June 20, 2023) www.nytimes.com/2023/06/21/nyregion/e-bike-lithium-battery-fires-nyc.html).

⁴ Business Insider, "The incredible, earth-saving electric bike is having a moment" (Apr. 22, 2023) (online at: www.businessinsider.com/electric-bikes-popularity-sustainability-evs-2023-4); PR Newswire, "Electric Scooter Global Market Report 2023: Increased Usage of Electric Motorbikes and E-Bikes for Short Commutes Drives Growth" (Feb. 27, 2023) (online at: www.prnewswire.com/news-releases/electric-scooter-global-market-report-2023-increased-usage-of-electric-motorbikes-and-e-bikes-for-short-commutes-drives-growth-301756811.html).

⁵ CR, "Makers of Electric Bikes Warned They Must Comply With Rigorous Safety Standards" (Dec. 20, 2023) (online at: www.consumerreports.org/health/electric-bikes/electric-bike-makers-must-comply-with-safety-standards-a1315380151).

“[f]ailure to do so puts U.S. consumers at risk of serious harm and may result in enforcement action.”⁶

To help address this hazard further, CR in May endorsed legislation in the House and Senate that would require the CPSC to develop safety standards for lithium-ion batteries and issue a final rule within 180 days of the bill’s enactment.⁷ The bill, the Setting Consumer Standards for Lithium-Ion Batteries Act, has garnered bipartisan support in the House, and has been endorsed by the New York City Fire Department, the International Association of Fire Chiefs, and PeopleForBikes, among others.

It is clear that the existing approach to lithium-ion battery safety is not working. Too many manufacturers and sellers have ignored voluntary standards. They have failed to take accountability for the quality and safety of their products, leaving consumers at risk of serious injury or death. To reverse the mounting toll of deaths and injuries linked to lithium-ion batteries, the CPSC should urgently take additional steps to address this crisis.

Sincerely,



Gabe Knight
Safety Policy Analyst

Enclosure: Stephanie Clifford, “Fire! Fire! Fire!’ The Perplexing, Deadly Electric Bike Problem,” Consumer Reports (Dec. 8, 2022) (online at: www.consumerreports.org/health/electric-bikes/electric-bike-fires-and-lithium-ion-batteries-a4632489902).

⁶ CPSC, “Important Safety Information Concerning Micromobility Devices” (Dec. 19, 2022) (online at: www.cpsc.gov/s3fs-public/Important%20Safety%20Information%20Concerning%20Micromobility%20Devices.pdf)

⁷ CR, “Consumer Reports calls on Congress to pass battery safety bill for e-bikes, e-scooters” (May 16, 2023) (online at: advocacy.consumerreports.org/press_release/consumer-reports-calls-on-congress-to-pass-battery-safety-bill-for-e-bikes-e-scooters).