

File No. 231165

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: January 8, 2024

Board of Supervisors Meeting:

Date: _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance - VERSION 3 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest - VERSION 3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract / DRAFT Mills Act Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
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OTHER

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>SFFD Presentation – December 4, 2023</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination – December 1, 2023</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referrals CEQA and Depts. FYI – November 15, 2023</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Committee Report Request Memo – November 29, 2023</u> |
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Prepared by: John Carroll

Date: January 4, 2024

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

[Fire Code - Lithium-Ion Batteries in Powered Mobility Devices]

Ordinance amending the Fire Code to provide fire protection standards for the charging and storage of lithium-ion batteries used in powered mobility devices (such as electric bikes, scooters, skateboards, and hoverboards), prohibit use of damaged lithium-ion batteries in such devices, prohibit use of lithium-ion batteries assembled or reconditioned using cells removed from used batteries in such devices, and require the Fire Department to conduct an informational campaign; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 231165 and is incorporated herein by reference. The Board affirms this determination.

1 Section 2. Findings under California Health and Safety Code. The Board of
2 Supervisors hereby finds that the following local conditions apply to the amendments to the
3 San Francisco Fire Code enacted by this ordinance:

4 (a) The City and County of San Francisco is unique among California communities with
5 respect to the possible causes and effects of fires, including fires in residential multi-unit
6 buildings. Among other things, San Francisco is located on an active seismic zone; certain
7 buildings in San Francisco are at an increased risk for earthquake-induced failure and
8 consequent fire because of local hazardous microzones, slide areas, and local liquefaction
9 hazards; and enhanced fire, structural, and other protections are required due to high building
10 density, the prevalence of wood structures, and high occupancy in many buildings.

11 (b) San Francisco has narrow and crowded sidewalks due to building and population
12 density and unusual topography; and San Francisco has numerous high-rise buildings,
13 including residential buildings with large numbers of people living therein. For these reasons,
14 fires in San Francisco can be especially devastating, and the need for extra measures to
15 prevent, prepare for, and cope with fires is especially pressing.

16 (c) The number of lithium-ion battery-based fires has increased dramatically with the
17 growing prevalence of such batteries in consumer products. Lithium-ion batteries contain
18 flammable materials and present a fire and explosion hazard, particularly when batteries are
19 damaged or improperly charged or stored. Fires caused by lithium-ion batteries can be
20 particularly devastating, due to the chemical hazards posed by such fires, their tendency to
21 flash and grow quickly in size, and the difficulty of extinguishing them.

22 (d) The fire risk posed by lithium-ion batteries used in powered mobility devices, such
23 as electric bikes, scooters, skateboards, and hoverboards, is particularly high due to the size
24 of batteries necessary to power such devices, the frequency of collisions and corresponding
25 damage to batteries, and the frequency of re-charging batteries for mobility devices that are

1 often used on a daily basis. In San Francisco, the fire risk is heightened by local conditions,
2 including narrow streets and traffic congestion, which increase the likelihood that batteries
3 used to power conveyances traveling on City streets are damaged by collision or impact.

4 (e) In San Francisco, numerous fire incidents have been associated with~~attributed to~~
5 rechargeable batteries in recent years. In 2020, according to Fire Department records, 362~~4~~
6 fire incidents were associated with~~attributed to~~ rechargeable batteries. In 2021, 351~~7~~ fire
7 incidents were associated with~~attributed to~~ rechargeable batteries. In 2022, 583~~4~~ fire incidents
8 were associated with~~attributed to~~ rechargeable batteries. In 2023, as of early November, 372~~4~~
9 fire incidents have been associated with~~attributed to~~ rechargeable batteries, according to Fire
10 Department records.

11 (f) California Health and Safety Code Sections 17958 and 17958.5 allow the City to
12 make changes or modifications in the requirements contained in the provisions published by
13 the California Building Standards Commission, including the California Fire Code, when those
14 changes or modifications are reasonably necessary because of local climatic, geological, or
15 topographical conditions. California Health and Safety Code Section 17958.7 provides that
16 before making any such changes or modifications, the governing body must make express
17 findings that such changes or modifications are reasonably necessary because of the
18 specified local conditions, and those findings shall be filed with the California Building
19 Standards Commission.

20 (g) Pursuant to the applicable California Health and Safety Code sections, the Board of
21 Supervisors finds and determines that the conditions described above constitute a general
22 summary of the most significant local conditions giving rise to the need for variance from the
23 California Fire Code and any other applicable provisions published by the California Building
24 Standards Commission through the proposed regulations to mitigate the significant fire risk
25 associated with use, charging, and storage of lithium-ion batteries used in powered mobility

1 devices. Further, the Board of Supervisors finds and determines that the fire safety
2 regulations in this ordinance are reasonably necessary based on these local conditions, in the
3 densest major city in the State of California, and that these conditions justify more restrictive
4 standards applicable to the use, charging, and storage of lithium-ion batteries used in
5 powered mobility devices, which are becoming ever more ubiquitous on City streets.

6
7 Section 3. Part II, Chapter 3 of the Fire Code is hereby amended by adding Section
8 325, consisting of Sections 325.1, 325.2, 325.3, 325.4, 325.5, 325.6, 325.7, 325.8, and 325.9,
9 to read as follows:

10 **SECTION 325. – LITHIUM-ION BATTERIES USED IN POWERED MOBILITY**
11 **DEVICES.**

12 **325.1. Definitions.** *For purposes of this Section 325, the following definition applies:*

13 **“Powered Mobility Device” means a conveyance with the primary purpose of carrying people**
14 **and is capable of transporting one or more persons powered by a lithium-ion battery; which includes,**
15 **but is not limited to, a motorized or powered scooter, an electric bicycle, an electric skateboard, an**
16 **electric hoverboard, or light electric vehicle (LEV). Notwithstanding the previous sentence, Powered**
17 **Mobility Device does not include wheelchairs or other mobility devices designed for use by persons**
18 **with disabilities, or any vehicle capable of being registered with the California Department of Motor**
19 **Vehicles.**

20 **“Battery Cabinet” means a cabinet that is designed for the purpose of storage and/or**
21 **charging of lithium-ion battery packs or other removable lithium-ion storage batteries that has**
22 **demonstrated the ability to prevent thermal propagation from a battery pack or a removable**
23 **storage battery to other adjacent battery packs or removable storage batteries, and has**
24 **passed testing by a Nationally Recognized Testing Laboratory, or has otherwise been**
25 **approved by the Fire Department.**

1 **325.2. General Requirement.** *The use, sale, transfer, charging, and storage of lithium-ion*
2 *batteries used in Powered Mobility Devices shall comply with Section 325.*

3 **325.3. Powered Mobility Devices.** *Powered Mobility Devices using a storage, charging, or*
4 *repair facility, including any storage or charging area in a Group B, R-1, R-2, R-3, F, S, or M*
5 *occupancy, that is designed, installed, operated, and maintained in accordance with the Building and*
6 *Electrical Codes, shall comply with Sections 325.4 through 325.7.*

7 **Exceptions:**

8 *(a) Storage and charging in a Group R-3 occupancy, or within a single dwelling unit, garage,*
9 *or storage area in a Group R-2 occupancy, of not more than three Powered Mobility Devices,*
10 *provided that such Powered Mobility Devices are for personal use.*

11 *(b) Charging of a single Powered Mobility Device by and in the presence of its owner or user*
12 *in occupancies other than Group H or L.*

13 **325.4. Battery Chargers.** *Powered Mobility Devices shall be charged in accordance with the*
14 *manufacturer's instructions and the applicable listing standard using the original equipment,*
15 *manufacturer-supplied charging equipment, or other charging equipment suitable for the purpose, that*
16 *is designed in accordance with applicable federal, state, and any other applicable laws, rules, and*
17 *regulations, and listed:*

18 *(a) Pursuant to either UL 1564, UL1310, UL1012, or other approved listing from a Nationally-*
19 *Recognized Testing Laboratory; or*

20 *(b) For use with the Powered Mobility Device in accordance with UL 2272, UL 2849, or other*
21 *approved listing from a Nationally-Recognized Testing Laboratory.*

22 **325.5. Battery Inspection; Damaged Batteries.** *A lithium-ion battery used in a Powered*
23 *Mobility Device shall be inspected for cracks, punctures, leaking contents, or other damage prior to*
24 *charging or re-charging if the battery was dropped, involved in a collision, or otherwise subjected to a*
25 *potential mechanism of damage. Damaged lithium-ion batteries shall not be used in Powered Mobility*

1 Devices. Damaged lithium-ion batteries and lithium-ion batteries at the end of their useable life shall
2 be promptly and lawfully disposed of.

3 **325.6. Battery Charging Areas.** Powered Mobility Devices shall be charged in a suitable
4 indoor room or area, or outdoor location, that, in either location:

5 (a) Has sufficient natural or mechanical ventilation in accordance with the Mechanical Code to
6 prevent the accumulation of any flammable or other gases that may be discharged during normal
7 charging operations;

8 (b) Has an adequate electrical supply and a sufficient number of electrical receptacles to allow
9 the charging equipment for each device or item of equipment to be directly connected to an electrical
10 receptacle. Extension cords and power strips shall not be used. A minimum of 3 feet (914 mm) shall be
11 maintained between each Powered Mobility Device during charging operations. Subject to the
12 approval of the Fire Department, the minimum 3 feet (914 mm) separation distance while
13 charging multiple Powered Mobility Devices may be reduced to a minimum of 6 inches (152
14 mm) if the Powered Mobility Device is UL 2272 listed, contains a UL 2271 listed battery tested
15 and certified by an approved Nationally Recognized Testing Laboratory, and such battery is
16 contained in a completely enclosed non-combustible compartment within the Powered
17 Mobility Device that has been tested and certified by a Nationally Recognized Testing
18 Laboratory;

19 (c) Has an adequate electrical supply and a sufficient number of electrical receptacles to allow
20 the charging equipment for battery packs and other removable storage batteries to be directly
21 connected to an electrical receptacle. Extension cords and power strips shall not be used. Battery
22 packs and other removable storage batteries shall not be stacked or charged in an enclosed cabinet
23 unless the cabinet is a Battery Cabinet approved by the Fire Department designed for such
24 purpose and approved by a Nationally Recognized Testing Laboratory, or by the Fire
25 Department. Except as otherwise approved by the Fire Department, a minimum distance of 2 feet (610

1 mm) shall be maintained between each battery pack or other removable storage battery during
2 charging operations, provided that the aggregate energy capacity of battery packs or other removable
3 storage batteries that can be simultaneously charged in a single Fire Area does not exceed 20 kWh. A
4 minimum distance of 3 feet (914 mm) shall be maintained between each battery pack or other
5 removable storage battery during charging operations if the aggregate energy capacity exceeds 20
6 kWh. The aggregate energy capacity of battery packs or other removable batteries that can be
7 simultaneously charged in a single fire area shall not exceed 50 kWh. The minimum separation
8 distance requirements of this subsection (c) shall not apply to battery packs or other
9 removable storage batteries during storage or charging within a Battery Cabinet. Each
10 approved Battery Cabinet shall be considered a single Fire Area with an aggregate energy
11 capacity not exceeding 50kWh;

12 (d) Is not used for the storage of flammable or combustible liquids, combustible waste, or
13 hazardous materials;

14 (e) Is separated within a Battery Cabinet, or by a fire barrier with a minimum one-hour fire-
15 resistance rating from areas in which repairs or other servicing is conducted on the battery or other
16 electrical components of the Powered Mobility Device;

17 (f) Is dedicated for battery charging and secured from unauthorized entry; where six or more
18 Powered Mobility Devices are being charged at a single indoor location, using a Battery Cabinet or,
19 separated by a fire barrier which encloses the entire space with a minimum one-hour fire-resistance
20 rating; and protected by a fire sprinkler system complying with Section 903.3.1.1 of the Fire Code, and
21 having one or more smoke detectors. The building or occupancy shall be equipped with an automatic
22 fire detection and alarm system complying with Section 907 of the Fire Code. If the ambient
23 temperature of the room during battery charging operations exceeds the limitations set forth in the
24 manufacturer's instructions or the equipment listing, the room or area shall be temperature controlled
25 to prevent over-heating or other unsafe battery condition; and

1 (g) Is provided with a portable fire extinguisher complying with the requirements of Section 906
2 of the Fire Code and having a minimum 4-A:20-B:C rating.

3 **325.7. Storage Areas.** Indoor storage rooms and areas, or outdoor enclosures used for the
4 storage, but not for the charging or repair, of Powered Mobility Devices shall comply with the
5 requirements of Section 325.6(d), (e), and (g).

6 **325.8. Reassembled or Reconditioned Lithium-Ion Batteries.** It shall be unlawful to:

7 (a) Assemble or recondition a lithium-ion battery for use in a Powered Mobility Device using
8 cells removed from used lithium-ion batteries; or

9 (b) Sell, offer for sale, give, or transfer a lithium-ion battery for use in a Powered Mobility
10 Device that uses cells removed from used lithium-ion batteries.

11 **325.9. Informational Campaign.**

12 (a) The Fire Department shall develop an informational campaign to educate the public on the
13 fire risks posed by Powered Mobility Devices and lithium-ion batteries and safety measures that
14 mitigate such risks. Such campaign shall include, but not be limited to, the use of print, online, and
15 social media advertisements, public service announcements, and public forums. Such campaign shall
16 address both commercial and personal use of Powered Mobility Devices and lithium-ion batteries,
17 including, but not limited to, guidance on:

18 (1) Powered Mobility Devices and battery equipment that meet established fire safety
19 standards;

20 (2) Maintenance and care information for Powered Mobility Devices and lithium-ion
21 batteries;

22 (3) Storage and charging precautions for Powered Mobility Devices and lithium-ion
23 batteries; and

24 (4) Prohibitions on the assembly and sale of second-use lithium-ion batteries as
25 described in Fire Code Section 325.8.

1 (b) All forms of public notice provided pursuant to this Section 325.9 shall comply with the
2 requirements of the Language Access Ordinance, Chapter 91 of the Administrative Code, to provide
3 vital information about the Department's programs in the languages spoken by a Substantial Number
4 of Limited English Speaking Persons, as defined in Chapter 91.

5
6 Section 4. Chapter 1 of the Fire Code, Division II, Part I, Section 112, is hereby
7 amended by revising Section 112.1, to read as follows:

8 **112.1. [For SF] Unlawful Acts.**

9 (a) It shall be unlawful for a person to erect, construct, enlarge, alter, repair, move,
10 improve, remove, convert, demolish, equip, charge, store, use, occupy, or maintain a building,
11 occupancy, premises, system, conveyance, battery, or vehicle, or any portion thereof, or cause
12 the same to be done, in violation of any of the provisions of this code.

13 * * * *

14
15 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the "Note" that appears under
20 the official title of the ordinance.

21
22 Section 6. No Conflict with Federal or State Law. Nothing in this ordinance shall be
23 interpreted or applied so as to create any requirement, power, or duty in conflict with any
24 federal or state law.

1 Section 7. Undertaking for the General Welfare. In enacting and implementing this
2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
3 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
4 is liable in money damages to any person who claims that such breach proximately caused
5 injury.

6
7 Section 8. Severability. If any section, subsection, sentence, clause, phrase or word of
8 this ordinance, or any application thereof to any person or circumstance, is held to be invalid
9 or unconstitutional by a decision of court of competent jurisdiction, such decision shall not
10 affect the validity of the remaining portions or applications of this ordinance. The Board of
11 Supervisors hereby declares that it would have passed this ordinance and each and every
12 subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional
13 without regard to whether any portion of this ordinance or application thereof would be
14 subsequently declared invalid or unconstitutional.

15
16 Section 9. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 Section 10. Directions to the Clerk. The Clerk of the Board of Supervisors is hereby
22 directed to forward a copy of this ordinance to the California Building Standards Commission
23 upon final passage as required by state law.

1 APPROVED AS TO FORM:
2 DAVID CHIU, City Attorney

3 By: /s/ _____
4 JEN HUBER
 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(December 12, 2023 - Amended in Board)

[Fire Code - Lithium-Ion Batteries in Powered Mobility Devices]

Ordinance amending the Fire Code to provide fire protection standards for the charging and storage of lithium-ion batteries used in powered mobility devices (such as electric bikes, scooters, skateboards, and hoverboards), prohibit use of damaged lithium-ion batteries in such devices, prohibit use of lithium-ion batteries assembled or reconditioned using cells removed from used batteries in such devices, and require the Fire Department to conduct an informational campaign; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

Existing Law

The existing Fire Code does not address the charging and storage of lithium-ion batteries used in powered mobility devices, the use of damaged lithium-ion batteries in powered mobility devices, or the assembly, sale, or transfer of reassembled or reconditioned lithium-ion batteries for powered mobility devices.

Amendments to Current Law

The proposed legislation amends to the Fire Code to provide fire protection standards for the use, charging, and storage of lithium-ion batteries used in powered mobility devices, including requiring that such devices are charged in accordance with manufacturer's instructions and the applicable listing standard, requiring inspection of batteries subject to a potential mechanism of damage, and setting certain minimum safety standards for the charging and storage of such devices. The proposed legislation would also make it unlawful to assemble, recondition, sell, offer for sale, give, or transfer a reassembled or reconditioned lithium-ion battery for use in a powered mobility device. The proposed legislation also includes a requirement that the Fire Department develop an informational campaign to educate the public on the fire risks posed by powered mobility devices and lithium-ion batteries.

Background Information

The incidence of lithium-ion battery-based fires has increased with the growing prevalence of such batteries in consumer products. The fire risk posed by lithium-ion batteries used in powered mobility devices, such as electric bikes, scooters, skateboards and hoverboards, is particularly high due to the size of batteries necessary to power such devices, the frequency

of collisions and corresponding damage to batteries, and frequency of re-charging batteries for such devices that are often used on a daily basis. These risks are heightened in San Francisco due to local conditions, which include dense development, narrow streets, and traffic congestion. The proposed legislation seeks to mitigate the fire risk posed by powered mobility devices using lithium-ion batteries by providing for certain safety standards and a public informational campaign.

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Lithium-Ion Batteries

POWERED MOBILITY DEVICE FIRE SAFETY LEGISLATION



Powered Mobility Devices

A conveyance powered by a lithium-ion battery with the primary purpose of carrying and transporting people

Includes:

- Electric bicycles
- Electric skateboards
- Electric scooters
- Electric hoverboards
- Light electric vehicles

*** Does not include wheelchairs or other devices for use by persons with disabilities

Hazards of lithium-ion batteries in powered mobility devices

Overcharging can cause:

- Thermal runaway
- Fires
- Explosion risk
- Toxic fumes

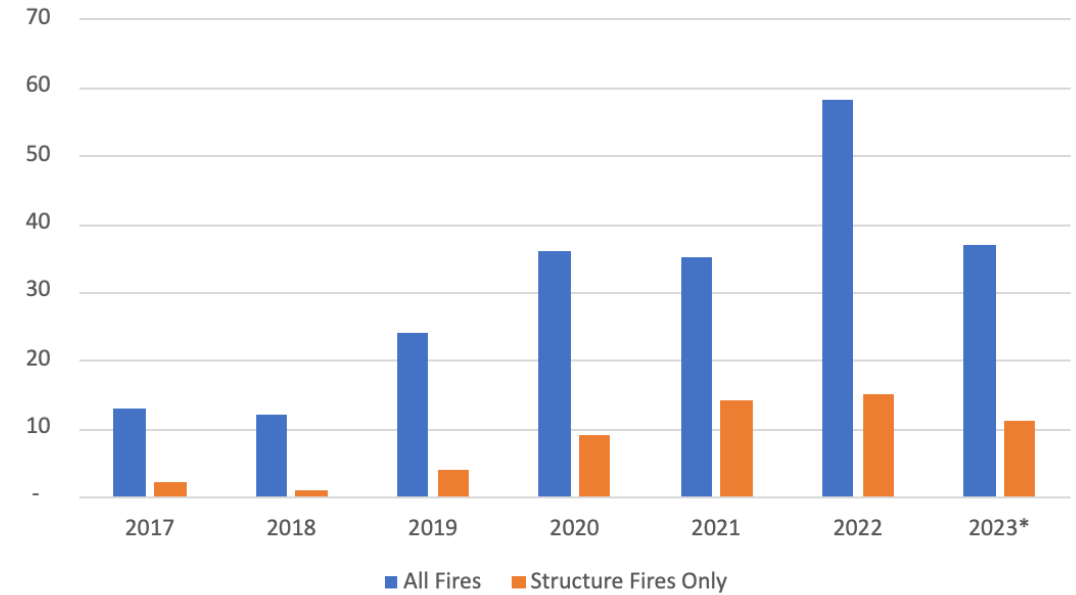
Difficulty of extinguishing lithium-ion battery fires



LITHIUM BATTERY SPARKS APARTMENT FIRE
SAN FRANCISCO

Year	Total Fires	Structure Fires Only	Injuries	Fatalities
2017	13	2	-	-
2018	12	1	-	-
2019	24	4	-	-
2020	36	9	4	-
2021	35	14	1	-
2022	58	15	2	1
2023*	37	11	1	-

Rechargeable Batteries- Fire Incidents



Lithium-Ion Battery Fires in San Francisco 2017-2023

New SF Fire Code Legislative Changes

- 1) Establishes standards for the charging and storage of lithium-ion batteries
- 2) Prohibits the use of damaged batteries
- 3) Prohibits the sale, use, or assembly of reconditioned lithium-ion batteries using cells from used batteries
- 4) Requires the SFFD to develop a public informational campaign

Standards for the charging and storage of lithium-ion batteries

Limits up to three (3) powered mobility devices in homes (R-3) and dwelling units (R-2)

- All devices must be for personal use only

Batteries shall be charged per manufacturer's instructions

- Original equipment or manufacturer supplied chargers
- Chargers shall be listed (e.g., UL 1564, UL1310, UL2272, UL2849)

Battery inspection required prior to each charging if the battery was dropped or is damaged

- Cracks
- Leaking
- Punctures

Charging or storing more than three (3) batteries or powered mobility devices in your home or business?

Room or area shall have:

- Sufficient natural or mechanical ventilation
- Electrical receptacles for each battery charger
- Fire extinguishers
- Sprinklers and fire alarm system, if charging six (6) or more batteries
- Prohibit the use of power-strips and extension cords for charging
- No storage of flammables or combustibles

Sets minimum separation distance between batteries while charging

- 2-feet spacing for up to 20kWh max. aggregate*
- 3-feet spacing for up to 50kWh max. aggregate*
- *Unless using a NRTL or SFFD approved battery storage or charging cabinet

Use of damaged batteries is prohibited

Requires lithium-ion batteries be removed from use if any of the following are found:

- Cracks
- Leaking fluids
- Punctures
- Bulging
- Overheating
- Odors or smoke

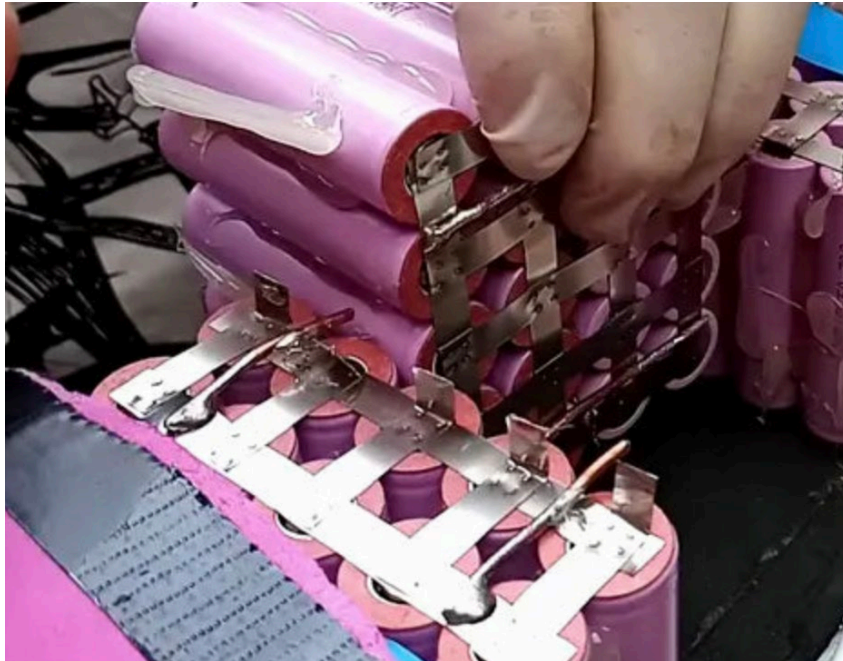
Lithium-ion batteries shall be recycled

DO NOT throw batteries in trash!!!





Prohibits the sale, use,
or assembly of
reconditioned lithium-
ion batteries using
cells from used
batteries



SFFD Fire Marshal's
Office shall develop a
public informational
campaign on
Lithium-ion battery
fire risks and safety

- Battery equipment standards
- Maintenance and care of batteries
- Storage and charging precautions
- Prohibition of assembly, purchase, and/or sale of second-use or reconditioned batteries

Questions?

Anglea Calvillo, Clerk of the Board
Board of Supervisors
City and County of San Francisco



December 11, 2023

RE: 231165 Fire Code- Lithium-Ion Batteries in Powered Mobility Devices

Dear Board:

I am writing on behalf of the National Bicycle Dealers Association (NBDA) representing Specialty Bicycle Retailers nationwide and within the City and County of San Francisco regarding the upcoming discussion around amendment of fire code.

The National Bicycle Dealers Association, formed in 1946, is the sole organization representing Specialty Bicycle Retailers across North America. We have over 700 retailer members, representing more than 900 retail doors. We also enjoy associate membership from several bicycle brands, advocacy organizations and other firms within the bicycle industry. Our membership is diverse and represents all segments of the bicycle trade industry serving consumers of all ages.

The safety of the products that we sell to consumers is of top priority for the NBDA and our members. Since 2022 the NBDA has taken a leading role working in advocating for safety standards relative to Lithium-Ion Batteries. The NBDA works with industry experts and stakeholders. The NBDA has on retainer leading experts in the field, Human Powered Solutions, both Jay Townley and Mike Fritz. The NBDA continues to collaborate with both the NYC Council and FDNY in research, advisement, and development. We have worked closely with the team at UL and both HPS and the NBDA have members on the UL Technical Committees, including UL Technical Committee 1487 newly formed and focused on Battery Storage and Containment Standards.

We have been working closely with the CPSC to advise, and this past July testified in Maryland, urging the CPSC that in the interest of public safety it should be required that eBikes or eBike Systems installed on eBikes are certified to UL 2849 by accredited certification organization (s).

Since the CPSC issued their statement in December 2022, urging brands to comply with UL2849, brands have been moving to compliancy.

I have reviewed your agenda materials and would add a few comments. I would suggest clarification of confirming testing, certification and listing to UL 2849, which is inclusive of UL 2271. This testing and certification should be done by a Nationally Recognized Testing Laboratory (NRTL). There is low probability of a failure of a lithium-ion battery meeting the testing, compliance and listing requirements of UL 2849 by a NRTL.

We have been diligent to educate our members on the safe handling and storage of Lithium-Ion batteries. The NBDA retailer base is collaborative and responsive, retailers want to sell only safe products. The NBDA and team are available for resource as needed.

It would be my recommendation that San Francisco and New York City both make amendments to allow Bicycle Retailers to stock, store, charge, display and sell e-bikes and lithium-ion batteries that are tested, certified, listed and labeled by a NRTL – without further requirements as long as they are following the approved protocols and recommendations for the storage, charging, display and sale of e-bikes and lithium-ion batteries. With that, I would add, San Francisco and New York City make amendments to require bike shops to follow the approved protocols as provided by the NBDA and vetted and endorsed by the FDNY and Fire Department of San Francisco.

Another suggestion I would share, is to frame the recommendations and protocols for apartment buildings and multioccupancy buildings around the above, requiring certificates of compliance to UL 2849 from a NRTL, which is provided by listing and labeling on e-bikes or lithium-ion batteries or a current certificate of compliance by tenants to managers to allow complying e-bikes and lithium-ion batteries in apartments or offices after the individual owner signs off on the mandatory protocols. I am worried that limiting the number of units a person could have prohibits the expansion of the sport and joy of cycling, health benefits and climate positive impacts.

Finally, please consider pushing back compliance for bicycle retailers for three (3) months to allow more testing, certification and listing by e-bike brands and wholesalers. This will result in more bike shops having current certificates of compliance and more brands and wholesalers to provide bike shops with listed and labeled products. It will also allow UL Technical Committee 1487 on Battery Storage and Containment Standards to advance its development of testing requirements and certification of charging and storage cabinets.

In summary, the NBDA wishes to protect our retailers and consumers, our customers alike from the risks that poorly designed and manufactured systems pose. We are ready and available to help formulate best practices forward and ensure that retailers can conduct safe business practice while ensuring safety for all.

We welcome the opportunity to discuss our concerns and suggestions in greater detail at any time.

Sincerely,

Heather Mason
President
National Bicycle Dealers Association
518-847-2419
heather@nbda.com

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: November 15, 2023
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 231165
Fire Code - Lithium-Ion Batteries in Powered Mobility Devices

☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)

☒ Ordinance / Resolution

☐ Ballot Measure

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

12/1/2023

A handwritten signature in black ink, appearing to be "John Carroll", written over the date.

☐ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)

☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302

☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)

(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

☐ Historic Preservation Commission

☐ Landmark (*Planning Code, Section 1004.3*)

☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)

☐ Mills Act Contract (*Government Code, Section 50280*)

☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

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MEMORANDUM

TO: Jeanine Nicholson, Chief, Fire Department
Patrick O'Riordan, Director, Department of Building Inspection

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: November 15, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on November 7, 2023.

File No. 231165

Ordinance amending the Fire Code to provide fire protection standards for the charging and storage of lithium-ion batteries used in powered mobility devices (such as electric bikes, scooters, skateboards, and hoverboards), prohibit use of damaged lithium-ion batteries in such devices, prohibit use of lithium-ion batteries assembled or reconditioned using cells removed from used batteries in such devices, and require the Fire Department to conduct an informational campaign; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: john.carroll@sfgov.org.

cc:
Theresa Ludwig, Fire Department
Patty Lee, Department of Building Inspection
Carl Nicita, Department of Building Inspection



MYRNA MELGAR

DATE: November 29, 2023

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, December 5, 2023, as Committee Reports:

- | | |
|------------------------|--|
| File No. 230701 | Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
Sponsors: Mayor; Engardio, Dorsey, Melgar, Stefani and Mandelman |
| File No. 230768 | Public Works Code - Authorizing and Permitting Neighborhood Amenities
Sponsors: Melgar; Stefani, Mandelman, Ronen, Engardio and Chan |
| File No. 231091 | Initiating Landmark Designation - Gregangelo & Velocity Art & Entertainment - 225 San Leandro Way
Sponsor: Melgar |
| File No. 230948 | Commemorative Street Name Designation - "Panos Place" - 100-200 Block of Corbett Avenue
Sponsor: Mandelman |
| File No. 231142 | Planning and Subdivision Codes, Zoning Map - Housing Production
Sponsors: Mayor; Engardio |
| File No. 231175 | Urging the City Attorney and the Mayor to Respond to HCD's "Policy and Practice Review" by Seeking Extensions of Deadlines for Required Actions, and Certain Revisions and Corrections; and Setting City Policy for Implementation of the Housing Element
Sponsors: Peskin; Chan and Mandelman |
| File No. 231165 | Fire Code - Lithium-Ion Batteries in Powered Mobility Devices]
Sponsor: Peskin |

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, December 4, 2023, at 1:30 p.m.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: