

SUPPORT S. 389 -- ESTABLISHES CONSUMER STANDARDS FOR LITHIUM-ION BATTERIES

119th Congress

BILL DESCRIPTION

This bi-partisan bill, titled the “Setting Consumer Standards for Lithium-Ion Batteries Act,” would protect persons and property from potential harm caused by faulty lithium-ion batteries, commonly used in e-bikes, scooters, and other micromobility devices, through the promulgation of federal consumer safety standards.

STATUS

Identical versions of the same bill were introduced in the House and Senate:

- H. R. 973: Passed House
- S.B. 389: Passed Commerce, Science & Transportation Committee and is awaiting full Senate vote

THE ASK

The Building Owners and Managers Association (BOMA) International urges senators to pass standalone legislation or to incorporate the language into another bill so it can be signed into law this Congress.

BACKGROUND

When lithium-ion batteries used in e-bikes and e-scooters are poorly made, they can be deadly and cause massive property damage. That’s because poorly made batteries can cause large, fast-spreading fires that are difficult to put out. According to a December 2022 letter issued to manufacturers by the Consumer Product Safety Commission (CPSC), between January 2021 and November 2022, there were 208 reports of micromobility device fires across 39 states, resulting in at least 19 deaths. Since that time, the trend of deadly and damaging fires continues to rise according to news reports and government statistics, particularly in New York City, Seattle, and other densely populated urban areas.

To address the rise of these lithium-ion battery fires and to protect buildings and structures where these devices are typically stored and charged, the Consumer Product Safety Commission (CPSC) has directed manufacturers to meet voluntary standards that ensure their batteries are safe and reliable. Most lithium-ion batteries are being imported from China, though, and Chinese manufacturers are not complying with CPSC’s directive. Thus, regulation is urgently needed to stop the flow of these dangerous products into the United States, as they are actively putting countless American consumers, their families, and personal and business property owners at serious risk.

SUMMARY

The Setting Consumer Standards for Lithium-Ion Batteries Act would establish the mandatory rules needed to stop the mounting toll of deaths, injuries, and property damage caused by faulty lithium-ion batteries used in e-bikes and other micromobility devices. Specifically, the legislation would require the CPSC to promulgate a final consumer product safety standard for rechargeable lithium-ion batteries used in micromobility devices, including e-bikes and e-scooters. The impacts of such a standard being issued would include the following:

- It would be unlawful for a company to sell, distribute, or import lithium-ion batteries used in e-bikes and other micromobility devices that are not in compliance with CPSC’s mandatory safety standards. Any company that violates this rule would be subject to potential civil and criminal penalties.

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- Both foreign and domestic manufacturers of lithium-ion batteries would have to test and certify that their batteries meet the CPSC safety standard before the batteries enter the marketplace.
- In the U.S., CPSC would be able to conduct compliance inspections at any factory, warehouse, or establishment in which lithium-ion batteries are manufactured to ensure that they comply with the mandatory safety standard.
- For foreign made batteries, CPSC would be able to obtain samples of batteries that are being offered for import into the United States for inspection, and if they failed to comply with the standard, could request that the Secretary of Treasury deny entry of those batteries.

ENDORSEMENTS

International Association of Fire Chiefs (IAFC)/ Texas Association of Fire Chiefs; International Association of Firefighters (IAFF); New York City Fire Department (FDNY); Consumer Reports; DoorDash; Grubhub; Kids in Danger (KID); TIC Council Americas

Cosponsors

Senators

Kirsten Gillibrand (D-NY) Bill champion
 Deb Fischer (R-NE)
 Marsha Blackburn (R-TN)
 Charles Schumer (D-NY)

House (23 Total Cosponsors)

13 NY members
 3 CA members
 2 NJ members
 1 member each from GA, NE, IL, WA, TX