



Comments of New York Solar Energy Industries Association in Support of Proposed Rule 3 RCNY § 309-01: Uncertified Storage Batteries for Powered Mobility Devices

Introduction

New York Solar Energy Industries Association (NYSEIA) strongly supports the Fire Department's proposed rule 3 RCNY § 309-01, which addresses the urgent public safety risks posed by uncertified storage batteries, particularly those used in powered mobility devices such as e-bikes and e-scooters. The rule is a necessary and timely response to the alarming rise in fires, injuries, and fatalities caused by uncertified lithium-ion batteries in New York City.

As an organization representing solar and energy storage companies committed to deploying safe, certified, and professionally installed energy technologies, NYSEIA commends the Fire Department for taking decisive action to regulate uncertified batteries that pose a clear and present danger to public safety.

The Safety Risk of Uncertified Batteries and Their Reputational Impact

Uncertified storage batteries—especially those associated with micromobility devices—have been responsible for a major increase in fire incidents across New York City. As the Fire Department's own data shows, lithium-ion battery fire investigations rose from 30 in 2019 to 279 in 2024, with dozens of injuries and fatalities resulting from these incidents.

Unfortunately, the public does not always distinguish between these uncertified batteries and the highly regulated, UL-listed energy storage systems used in residential and commercial energy projects. This lack of understanding has contributed to fear and skepticism about energy storage technologies more broadly, despite the fact that UL-listed systems are rigorously tested and installed by certified professionals under strict safety protocols.

This reputational damage has made it significantly more difficult to advocate for permitting reforms and broader adoption of safe energy storage systems—systems that are essential to New York's storm resilience, public health and safety, and energy affordability.

The Need for a Reasonable Regulatory Pathway for UL-Listed Batteries

While NYSEIA fully supports the regulation of uncertified batteries through this rulemaking, we emphasize that this rule does not—and should not—impact UL-listed energy storage systems that are installed by certified professionals. These systems are fundamentally different in design, safety, and application.

However, separate from this rulemaking, NYSEIA urges the city to ensure that UL listed energy storage systems, designed and installed by qualified contractors, have a feasible permitting pathway. Currently, the New York City Fire Code imposes bespoke 24/7 real-time monitoring and alerting requirements on residential energy storage systems that are infeasible for small-scale installations due to the cost and complexity of implementing commercial-grade monitoring technologies that are not designed for residential use. These requirements have effectively prevented the deployment of safe residential batteries in New York City, even when those systems are UL 9540 listed, have undergone UL 9540A testing, and have received a Certificate of Approval from the FDNY.

The City should align its fire code with the recently adopted New York State Fire Code, which was developed with participation from FDNY and does not include the same real-time monitoring and alerting requirements for residential batteries. Aligning the codes would remove a major barrier to safe energy storage deployment in New York City. Without a reasonable and streamlined permitting pathway for UL-listed residential storage systems, New Yorkers are denied access to technologies that can reduce energy costs, enhance grid reliability, and provide resilient backup power during emergencies.

Thirteen Years After Superstorm Sandy: Still No Resilient Power for New York City Residents

It has been thirteen years since Superstorm Sandy devastated New York City, yet the vast majority of the city's 8 million residents still lack access to resilient power. Residential energy storage systems—especially when paired with solar—can provide backup power during outages, reduce peak demand, and lower energy costs. Due to current permitting barriers, these systems remain out of reach for most New Yorkers.

The City must act to ensure that safe, certified energy storage systems are not only permitted, but encouraged. Doing so will enhance public safety, support storm resilience, and promote energy affordability.

Conclusion

NYSEIA strongly supports the proposed rule regulating uncertified storage batteries. These batteries pose a clear threat to public safety and must be removed from circulation. At the same time, we urge the City to take parallel action to ensure that safe, UL-listed residential energy storage systems have a streamlined and reasonable permitting pathway.

Safe, certified energy storage systems are essential to New York City's clean energy future. They provide resilience, affordability, and reliability—and they must be supported through thoughtful, differentiated regulation that recognizes their safety and value.

For questions, comments, or follow up, please contact:

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