

New York City Fire Department

Local Law 40 of 2023

2024 Submission



Eric Adams
Mayor

Laura Kavanagh
Fire Commissioner

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I. Bureau of Fire Investigation - Overall Investigations for 2023

Year	Investigations	Injuries	Deaths	Structural	Non-Structural
2023	268	150	18	178	90

Investigations Broken Down by Borough

	Bronx	Brooklyn	Manhattan	Queens	Staten Island
Investigations	73	97	47	48	2
Fatalities	2	4	8	4	0

II. Review of New York City Fire Code and Administrative Code

The New York City Fire Department is currently reviewing additional provisions related to the purchase, use, storage and charging of powered mobility devices. Potential topics of legislation may include appropriate penalties for violations, cross enforcement between agencies on second-use batteries.

III. Summary of Relevant Inspection & Enforcement Actions by the Bureau of Fire Prevention’s Special Inspections Unit

Within FDNY’s Bureau of Fire Prevention, the Special Inspections Unit (SIU) oversees all enforcement related to lithium-ion batteries. In collaboration with the Department’s Bureau of Fire Investigation (BFI), SIU has established an E-safety taskforce to promptly conduct inspections of lithium-ion battery conditions received from any source within 12 hours. The Fire Department Operations Center activates the taskforce for an immediate response to potentially hazardous storage or charging conditions.

Enforcement actions are determined based on the severity of each location. Violations of Fire Code 309.3 result in a violation order, mandating a reinspection for compliance reassurance.

FDNY Summons (OATH) and Criminal Summons are issued at the inspector’s discretion during inspections, with a Criminal Summons issued if battery repairs are observed under Local Law

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42. In cases where a lithium-ion battery is implicated in an active fire, the Bureau of Fire Prevention (BFP) and BFI coordinate to ensure appropriate enforcement before damaged batteries are removed.

During inspections, BFP provides Fire Code guidance and education safe storage and charging practices. Subsequently, locations with open violations are re-inspected after 35 days, and those with previous violations are followed up on to ensure maintenance of compliance.

In 2023, SIU conducted a total of 467 total lithium-ion battery inspections, along with other inspections under their jurisdiction, triggered by circumstances such as fires, 311 complaints, other BFP unit referrals, joint operations with other agencies, and visual observations by inspectors in the field. These inspections led to various enforcement actions, including FDNY Summons, Violation Orders, Criminal Summonses, Vacate Orders, referrals to other units/agencies, and removal orders for damaged batteries.

- 816 Violation Categories issued on 375 FDNY Summons
- 231 Violations issued on 229 Violation Orders
- 46 Criminal Summons
- 16 Vacate Orders (Either by DOB or FDNY)
- 33 Referrals to other units and agencies for additional enforcement
- Overpacking and order for removal by DEP of damaged or altered batteries.

Beyond lithium-ion batteries, the inspector will address other Fire and Building Code issues during the time of the inspection. For instance, illegally stored and used propane cylinders have been discovered, and the use of fireworks was uncovered during an investigation into the potential sale of uncertified batteries at a 99 Cent Store in Queens.

The Department continues its collaboration with sister agencies, including the New York City Police Department, Department of Consumer and Worker Protection, the Department of Buildings, and the Department of Housing Preservation and Development to streamline a referral system and conduct joint inspections of locations that store and charge batteries unlawfully.