RETAIL INDUSTRY LEADERS ASSOCIATION

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Submitted via Regulations.gov

Alberta E. Mills
Office of the Secretary
U.S. Consumer Products Safety Commission
4330 East-West Highway
Bethesda, MD 20814

Re: Safety Standard for Lithium-Ion Batteries Used in Micromobility Products and Electrical Systems of Micromobility Products Containing Such Batteries; [91 Fed. Reg. 38162] (June 24, 2026)

Dear Secretary Mills:

The Retail Industry Leaders Association (RILA) appreciates the opportunity to submit written comments on the U.S. Consumer Product Safety Commission's (CPSC or Commission) proposed rule for a Safety Standard for Lithium-Ion Batteries Used in Micromobility Products and Electrical Systems of Micromobility Products Containing Such Batteries (NPR or proposed rule). RILA and its members support the Commission's critical consumer safety mission and its efforts to reduce the risks of fires, injuries, and other hazards associated with lithium-ion batteries (Li-batteries) in micromobility products.

By way of background, RILA is a trade association of the world's largest, most innovative, and recognizable retail companies and brands. We convene decision-makers, advocate for the retail industry, and promote operational excellence and innovation. Our aim is to elevate a dynamic retail industry by transforming the environment in which retailers operate.

RILA members include more than two hundred retailers, product manufacturers, and service suppliers, who together employ over 42 million Americans and account for $2.7 trillion in annual sales and hundreds of thousands of stores, manufacturing facilities, and distribution centers domestically and abroad. RILA's many retailer member communities include a very active Consumer Products Committee. The Committee routinely gathers 100+ members for monthly calls and two in-person meetings each year, to discuss top-of-mind issues in product safety, hear from subject matter experts and agency officials, and benchmark with their retail peers.

RILA and its members have a long history of collaborating with the CPSC to address consumer product safety issues. RILA members cooperate regularly in implementing product recalls, actively participate in the Commission's industry partnership programs, and promote CPSC's consumer awareness initiatives.

As the Commission advances its proposed rulemaking to require micromobility products that utilize Li-batteries to comply with applicable voluntary standards, RILA takes this opportunity to provide feedback on the proposed requirements.

The Commission should:

- Incorporate the referenced voluntary standards in its mandatory standard and minimize deviations from these established voluntary standards;
- Harmonize any new marking and labeling requirements with those already required under existing applicable state and/or local mandatory standards;
- Align any final marking and labeling requirements with existing standards to avoid duplicative or conflicting obligations and ensure that any modifications appropriately account for product design realities; and
- Provide a one-year effective date to better align the final rule implementation timeline with product development and supply chain realities.

I. The Proposed Rule Supports Growing Use of Referenced Voluntary Standards

RILA and its members support the Commission's efforts to address the safety risks associated with Li-batteries used in micromobility products, including the risk of thermal runaway that can result in fires, explosions, burns, and other serious hazards. Retailers share the Commission's commitment to consumer safety and recognize the important role that well-designed safety standards can play in reducing these risks.

The Commission's proposal incorporates several existing voluntary standards. It is RILA's understanding that many large U.S. retail chains have begun to rely on these voluntary standards for the Li-battery powered micromobility products they carry. RILA conducted an informal survey of its members and responses indicated that many retailers selling covered products, already voluntarily require that micromobility products they sell meet UL standards identified in the NPR. Survey results additionally indicated that some retailers also incorporate these standards into their supplier qualification, product certification, and broader compliance programs, reflecting a growing level of marketplace familiarity and adoption.

While level of implementation may vary across retail companies, the survey conducted suggests that large retailers have already taken meaningful steps to align their products with the identified voluntary standards. As the rulemaking progresses, RILA recommends that the Commission incorporate the voluntary standards referenced in the proposal and minimize deviations from them in its final rule. Aligning the final rule with these established voluntary standards, including, but not limited to, the marking/labeling requirements, will help promote regulatory consistency, facilitate compliance, and help reduce the potential need for product redesign, recertification, or other implementation-related costs while continuing to advance the Commission's consumer safety objectives.

II. Marking and Labeling Requirements Should Adhere Strictly to Existing Standards

RILA supports the Commission's goal of clear and effective product labeling to mitigate hazards associated with Li-batteries and micromobility product electrical systems. To maximize effectiveness and facilitate compliance, RILA recommends the Commission ensure any mandatory marking and/or labeling requirements for these products align with any voluntary standards and established state and local requirements already in broad and growing use by industry.

A. The Commission Should Harmonize Marking and Labeling Requirements with Established Standards

Consistency with existing standards and any established state/local regulatory requirements is crucial to ensure timely industry compliance, reduce unnecessary complexity, and ensure consumers receive clear and effective safety information. In the NPR, the Commission has proposed several modifications to the performance, marking, and labeling provisions contained in the referenced UL standards. RILA recommends the Commission harmonize any new marking and/or labeling requirements with those already required under existing standards and any existing state/local requirements.

Many across the industry have already implemented labeling programs to comply with applicable state and local requirements. Notably, a New York City ordinance[1] is based on the same UL standards referenced in the NPR. As a result, any Commission modifications to those standards, including marking and/or labeling, could create requirements that are inconsistent with at least one existing mandatory standard. Introducing materially different federal requirements could create unnecessary complexity while providing limited additional safety benefits. A more harmonized approach would help promote consistency across the marketplace and support efficient implementation by manufacturers, importers, and retailers, alike.

B. Any Modification to Existing Marking and Labeling Requirements Should Reflect Product Design Realities

If the Commission does proceed with proposed modifications to marking/labeling, then it should first account for any practical challenges associated with displaying required information across a diverse range of micromobility products.

For example, on some e-bikes, the Li-battery is integrated within the frame and is not readily visible to the consumer during normal use. In these situations, warnings or markings placed solely on the battery itself may not effectively communicate safety information to consumers because the battery must first be removed to view the label. RILA therefore recommends that the Commission ensure any final labeling requirements include the flexibility to place required information in locations that are reasonably accessible and visible to consumers, while remaining consistent with existing standards and product designs.

RILA encourages the Commission to harmonize any final marking and labeling requirements with existing standards and ensure that any modifications appropriately account for product design realities. Such an approach would promote consumer understanding, facilitate compliance, and advance the Commission's safety objectives without creating unnecessary complexity or burden.

III. Effective Dates Should Align with Product Development and Implementation Realities

RILA appreciates the Commission's efforts to facilitate a smooth transition to any new mandatory safety standard and recognizes that implementation timelines are intended to support the timely

[1] *See* New York City § 20-610 Sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices.

introduction of compliant products. However, the proposed 180-day effective date may not adequately reflect the time required for product redesign, testing, certification, manufacturing, and inventory transition activities. A longer implementation period would better support compliance efforts while reducing the need for additional inventory restrictions.

A. The Commission Should Provide an Effective Date of One Year

The Commission has proposed to have the forthcoming mandatory standard take effect 180 days following the promulgation of its final standard. This proposed timeline may not provide sufficient time needed for industry to respond to the changes required under the proposed mandatory standard. To bring products into compliance, changes in the final rule may require design modifications, supplier changes, product testing, certification, and manufacturing changes – all of which take longer than 180 days to complete.

Furthermore, given the costs associated with redesigning products and changes in manufacturing processes, retailers and their manufacturing partners are likely not to initiate the redesign of products based on proposed requirements. Attempting to forecast a final standard based on a proposed standard is too likely to result in wasted design resources and materials. Additionally, lab partners will not be able to certify that a product will meet a future standard that has yet to be finalized.

A one-year effective date would better align with product development and supply chain realities, allowing stakeholders sufficient time to complete testing, certification, and inventory transition activities following the promulgation of the final rule. In turn, this would support the Commission's safety objectives by facilitating a more orderly transition to compliant products and reducing potential market disruptions.

B. Adequate Time to Transition Existing Inventory is Necessary

A longer implementation period would further support an orderly transition by providing retailers and their supply chain partners with sufficient time to cycle existing inventory and introduce compliant products into the marketplace. Many products currently in commerce may not be certified to the voluntary standards incorporated into the proposal and may require additional testing, certification, manufacturing, or sourcing activities before compliant replacements are available.

Providing a longer effective date would facilitate making any necessary changes to component parts that may already be in production, including adhering to the marking and labeling requirements contained in the final rule. A longer implementation timeframe will minimize unnecessary marketplace disruptions and reduce the potential for stranded products. Additional transition time will help stakeholders manage inventory responsibly while working toward full compliance with the final rule.

Conclusion

In conclusion, RILA and its members support the Commission's safety mission to protect consumers by ensuring that all products meet or exceed safety standards. RILA values the longstanding relationship with the Commission and offers these comments in the spirit of

continuing a collaborative partnership and open dialogue between RILA, our retailers and the Commission.

If you have any questions or need any additional information, please contact Luisa Lobo at luisa.lobo@rila.org / (202) 866-6811 and Susan Kirsch at susan.kirsch@rila.org / (202) 866-7477.

Sincerely,

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