

Submission to APPGCW e-bike safety from the Bicycle Association

Introduction

The Bicycle Association (BA) is the national trade body for the cycling industry and includes in its membership the majority of reputable UK e-bike suppliers. The BA works closely with the other (retailer-focused) industry body, the Association of Cycle Traders (ACT), and numerous organisations in the cycling, light electric vehicle and road safety fields.

This submission is supported by the ACT, British Cycling, the Bikeability Trust, the Motorcycle Industries Association (MCIA) and the Parliamentary Advisory Council on Transport Safety (PACTS).

In addition to our own recommendations the BA fully endorses and calls for swift Government action on:

- The proposals relating to regulation of online marketplaces from **Electrical Safety First**
- The proposals relating to regulation and responsibilities of gig economy food delivery operators, and the training needs of delivery riders, in the **Bikeability Trust** submission
- The evidence around the risk and dangers of use the illegal use of unregistered e-motorbikes detailed in the **PACTS** submission, and for appropriate regulation of such vehicles in the **MCIA** submission
- The proposals relating to improvement of future battery and e-bike standards made by the **Warwick Manufacturing Group**

The Bicycle Association notes that current issues around “e-bike” safety can be broadly categorised as

- Issues around battery fires attributed to e-bike and e-scooter lithium batteries, and
- Road safety issues around the illegal use of unregistered e-motorbikes, often reported as e-bikes, and used largely in the gig economy food delivery sector (and in some cases, in criminal or anti-social activities)

The Bicycle Association has laid out a comprehensive action plan for Government to tackle both of these issues – and is calling for its urgent implementation. **The full Plan is attached as an Annex, and summarised overleaf.**

This action plan has been consulted on within the Association’s membership, endorsed by numerous stakeholder organisations and also submitted to officials in the relevant Government departments.

The Plan includes numerous further action points, but the three key actions required of Government are to:

1. Stop unsafe imports, especially those slipping through direct to consumers via poorly regulated online marketplaces
2. Reform the 'gig economy' delivery sector, where use of kit-created, unregistered e-motorbikes (often misreported as e-bikes) is widespread
3. Close legal loopholes which permit the legal sale of non-road-legal e-bikes and conversion kits

Stopping the fires, and illegal e-motorbike usage, requires decisive action from Government which goes well beyond technical or product regulations (although these should also be updated). Ministers and Government departments, especially DfT, DBT and the Home Office, must work together to properly regulate both online marketplaces and gig economy food delivery operators, so that both take real responsibility for the unsafe products supplied through their platforms or used to deliver their services.

Taking such products off the market would contribute to fire safety, road safety and also help tackle the increasing criminal use of high-speed unregistered e-motorbikes.

The action plan is detailed, with almost 20 pages of policy proposals. It opens by emphasising the industry's support for and engagement with the ongoing work of the Office for Product Safety and Standards, the UK's main regulatory agency for product safety, but also stresses that wider cross-Government action is absolutely necessary if the incidence of these fires is to be significantly reduced in the short term.

The action plan also notes that the reputable UK cycle industry has launched numerous initiatives to distinguish its overwhelmingly very safe products from the unsafe direct imports responsible for the majority of the fires – leading with the **E-bike Safety Register** of quality-checked brands, and working with the Association of Cycle Traders on the **E-bike Positive Retailer Pledge** which helps consumers to identify e-bike retailers committed to the highest standards of safety. These initiatives are backed by the industry's "**E-bike Positive**" public information campaign, aiming to signpost consumers to reputable brands and retailers of safe and legal e-bikes.

Even the safest, fully legal e-bikes are being seriously reputationally damaged by association with fire risk and unsafe riding of products completely beyond the UK industry's control. The sustainability of the legitimate e-bike category in the UK is at serious risk as a result. E-bike sales have fallen significantly in recent years – in stark contrast to the worldwide trend.

The Bicycle Association has been working on this issue intensively for years, working mostly behind the scenes with Government, regulators, fire and rescue services, the insurance sector, transport operators and many other stakeholders to explore possible solutions and to limit the damage to the reputable e-bike sector.

We've summed up our understanding from years of work in this action plan. Now, on the three main points above we urge Government to act urgently - to prevent more tragic incidents and to safeguard tens of thousands of green jobs in the UK e-bike industry which otherwise has so much potential to grow, and to secure the future of this healthy, enjoyable and low-impact form of transport.

Companies in the legitimate UK cycle industry take full legal responsibility for the safety of the products they supply. We think it's high time that the online marketplaces and gig economy delivery companies take on that same level of responsibility.

Action Plan summary (attached in full as Annex)

The Bicycle Association understands from fire and rescue services, and the recent OPSS/WMG report that the recent rise in tragic e-bike battery fires is:

- caused principally by unsafe or incompatible products (e-bikes, batteries, chargers and e-bike conversion kits) which are sold direct to consumers from overseas suppliers, often via online marketplaces.
- and that demand for these high risk products is driven very largely by riders in the 'gig economy'.

In contrast, e-bikes from reputable UK brands and retailers are generally very safe.

We urge Government to adopt the following measures ASAP to meaningfully address the issue of e-bike fires and its underlying causes.

1. **Resource increased enforcement of current regulations**
2. **Address high risk imports, especially via online marketplaces**
(we propose effective mechanisms for this)
3. **Address 'gig economy' structures, responsibilities and incentives**
(we propose a number of possible mechanisms for this, including a practical licensing framework)
4. **Close legal loopholes for non-legal and de-restricted e-bikes and kits**
5. **Strengthen battery-specific regulations**
6. **Educate the public about responsible purchase and use**

We consider that if implemented effectively, these actions would reduce fire incidents to a very low level indeed, and also address use of illegal e-motorbikes significantly.

But until these measures take full effect the Government (all departments) is also urged to help safeguard the legitimate e-bike sector by:

1. **Consulting** the responsible e-bike industry at the earliest possible stage before any interventions are finalised
2. Ensure that all official communications strongly emphasise **the difference between safe and legal e-bikes, and non-legal products often incorrectly described as e-bikes.**
3. Work, not least by supporting the industry initiatives detailed below, towards **ensuring that any access or usage restrictions are applied only to unsafe e-bikes**, and ensuring that wherever possible a **national approach** is taken (rather than a patchwork of local decision-making)

The UK cycle industry is already taking action to help consumers and other stakeholders (including premises managers and transport operators) recognise reputable, safe e-bikes as opposed to high risk products. These actions include:

1. Establishing the voluntary “**BA register of safety-audited e-bike brands**” to highlight to consumers brands whose safety-related policies and quality processes have been independently audited
2. Establishing the “**E-bike Positive Responsible Retailer Pledge**” to identify shops committed to supplying only safe, legal e-bikes, safe spare batteries and chargers, and delivering safe repairs.
3. Publishing **accessible guidance** to help consumers buy safe and charge safe – and to distinguish between very safe, legal and reputable products and higher risk devices.
4. Engaging actively with **key stakeholders** including Government, strategic and local transport authorities, public transport operators and organisations, the insurance and underwriter industries, international standards development bodies, fire and rescue services, safety charities and more

Current status and priorities for Government

We are closely following the progress of the Product Regulation and Metrology Bill, and urge Government to prioritise the progress of this legislation. With the powers it confers, we expect secondary legislation to be placed (perhaps by the end of this year) which may swiftly address:

- Address online marketplace responsibilities (although without direct liability aspects included, we are uncertain how effective this will be in practice when it comes to restricting availability of unsafe products)
- Tightening e-bike and e-scooter battery regulations (see Action Plan point 5)
- Closing the “legal to sell but not road legal” loophole for high speed electric motorbikes and kits

The BA is also pleased to be participating in the development of a fast-track standard (PAS 7250) which is expected to address battery and conversion kit safety, when published (which may take around two years).

However we caution that these actions, while helpful, will not be sufficient to significantly address fire risk while demand for unsafe products remains driven by the gig economy and supplied in small parcels from overseas. While there is demand, it is not realistic to expect controls of supply (on the millions per day of parcels arriving in the post via online marketplace or direct sales from the far East) to stop a really significant portion of unsafe products.

We also caution that there are risks and costs associated with increasing product regulations on UK suppliers. Any UK-specific extra compliance requirements would likely lead to significant reduction in choice of reputable products for UK consumers, as responsible international suppliers may be unable to justify approval costs for just the relatively small UK e-bike market.

And more UK regulation will not stop the fires! Irresponsible overseas suppliers (usually via online marketplaces) of already unsafe products would simply ignore these new regulations with impunity, as they do current product safety regulations. If costs of only reputable products rise as a result, consumers may be driven to use more unsafe ones, making the problem even worse and potentially leading to more tragic fires.

So Government must act on the gig economy. Without such action, and despite other positive moves as recommended by ourselves and others, we do not believe that fire incidence (or road risk from use of illegal e-motorbikes) will significantly reduce.

Immediate actions

Even ahead of the full publication of the PRAM Bill and the PAS, Government must act now on a number of fronts (see the Action Plan for further detail on each):

1. Enhance resourcing for the bodies enforcing current regulations:

- 1.1. Dedicate ringfenced resources for enhanced police enforcement of current regulations about EAPCs and non-road-legal e-motorbikes
- 1.2. Enhance resourcing for the DVSA Market Surveillance Unit team who enforce type approval offences where non-EAPC “e-bikes” are sold, including a dedicated reporting web page and email.
- 1.3. Enhance resourcing for Trading Standards actions against irresponsible importers and retailers who may be selling or repairing unsafe e-bikes or conversions.
- 1.4. Enhance resourcing for border control teams, with specific actions and if necessary equipment to specifically identify and check any parcels containing lithium battery packs. Also fund engagement with IATA and freight operators to support their checks on parcels potentially containing lithium batteries.
- 1.5. For all four enforcement bodies above, link enforcement actions to a clear communication plan so that actions taken are communicated to at-risk groups, sending a clear message that existing regulations cannot be flouted with impunity.

2. Develop evidence and explore options to reform the gig economy, then act with urgency:

- 2.1. Fund urgent research into gig economy practices, obtaining independent evidence to include:
 - 2.1.1. Actual effectiveness of any checks claimed to be carried out by operators, including on rider identity/right to work (including of substitutes), vehicle checks,
 - 2.1.2. Prevalence of the actual use of non-road-legal vehicles
 - 2.1.3. Evaluating health and safety risks to riders and other road users from current practices.
 - 2.1.4. This research must rigorously avoid any sample biases (e.g. undocumented riders may be especially unwilling to participate voluntarily) and so should be based around non-volunteer sampling (e.g. surveys could be made at the point of delivery of food, or at restaurant pick-ups).

3. Develop options for gig economy reform:

- 3.1. Task the team developing a consultation around “Single Worker Status” to explicitly include consideration of gig economy vehicles and to make it

absolutely clear in any consultation the implications for gig economy operator responsibilities in this area.

- 3.2. Task officials to feasibility study the BA's proposal for licensing of food delivery operators, as part of the "Regulation of on-street micromobility" project.
- 3.3. Task legal experts to feasibility study the BA's proposal for modest modifications to street trading regulations to empower local authorities to license food delivery operations using cycles & EAPCs.
- 3.4. Task & resource H&S officials to feasibility study enforcement options with regard to use of non-road-legal vehicles by gig economy workers, and to accept only independent evidence of compliance rather than operator assurances.

4. Take interim measures to safeguard riders who use unsafe products to deliver services for gig economy operators:

- 4.1. Work with local or regional transport authorities to ensure that safe outdoor and secure charging provision for e-bike batteries is made available, close to where riders either live or work.
- 4.2. Apply all possible leverage to ensure that this is fully funded by gig economy operators
- 4.3. Work with local Government to determine whether any central Government actions are needed to facilitate e.g. permitted development changes.
- 4.4. Continue educational work around both fire safety and road safety for riders, in all relevant languages, and ensure that they are also fully informed about the operator's responsibilities (and their rights) around health and safety – and how they may seek redress for any failures.

5. Prepare legislation to address sale of non-road-legal e-bikes and kits, and tampering

- 5.1. Task officials to prepare legal options to address sale of non-legal e-bikes, kits, and modifications which create such vehicles, either via conversion kits or de-restriction, as detailed in the Action Plan. This may be via secondary legislation under the PRAM bill.

6. Prepare legislation to tighten and update current battery safety regulations

- 6.1. As detailed in the Action Plan, prepare legislation (under the PRAM Bill) to make compliance with specific standards mandatory for PLEV lithium battery packs.
- 6.2. Accelerate DEFRA's review of regulations, and stress that battery safety aspects (especially around repair and reuse) take full consideration of WMG and BA recommendations

(continues overleaf)

7. Resource public education messaging:

- 7.1. All Govt comms to support industry initiatives to flag safe and legal e-bike brands and retailers to consumers
- 7.2. To raise public awareness of what is and is not road legal, to counteract confusion caused by wide-scale use in the gig economy of non road legal vehicles.