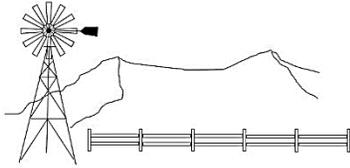


DOCKETED	
Docket Number:	25-OPT-02
Project Title:	Prairie Song Reliability Project
TN #:	268249
Document Title:	Save Our Rural Town Comments - Comment letter from Save Our Rural Town
Description:	N/A
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Organization:	Save Our Rural Town
Submitter Role:	Public
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Docketed Date:	1/15/2026

*Comment Received From: Save Our Rural Town
Submitted On: 1/15/2026
Docket Number: 25-OPT-02*

Comment letter from Save Our Rural Town

Additional submitted attachment is included below.



SAVE OUR RURAL TOWN

January 15, 2026

Lisa Worrall, Project Manager
California Energy Commission
715 P Street, MS-40
Sacramento, CA 95814
Electronic filing of a 9 Page Letter and 4 Attachments.

Subject: Supplemental Comments by Save Our Rural Town (SORT).

Reference: AB-205 Application Submitted for a Proposed Battery Energy Storage Project in Acton, CA.
Docket Number 25-OPT-02.

Dear Ms. Worrall;

Save Our Rural Town (SORT) respectfully files the following supplemental comments pertaining to the referenced Licensing Application (Application) submitted by the Project Developer (Developer or Applicant) to the California Energy Commission (Commission) for the Prairie Song Battery Energy Storage System Project (BESS Project). These comments are prompted by recent activities undertaken by firefighting professionals and the California Legislature which SORT believes are relevant to the BESS Project and to the Commission's considerations thereof. In addition, comments articulating further concerns with the Developer's Application are also provided.

RECENT ACTIONS BY THE LOS ANGELES COUNTY FIREFIGHTERS UNION UNDERSCORE THE FIRE DANGER AND TOXICITY CONCERNS POSED BY LITHIUM-BASED BESS FACILITIES.

Two weeks ago, the Los Angeles County Firefighters Union (Local 1014) issued a "Cease and Desist" Order (Order) to Chief Anthony Marrone of the Los Angeles County Fire Department (LACFD) which demanded that the Los Angeles County Fire District, the Fire Prevention Bureau, the Fire Marshal's Office, and subordinate authorities immediately cease and desist from any consideration, review, approval, conditional approval, or facilitation of a BESS facility proposed to be located near residential occupancies within Los Angeles County. The Order is provided in Attachment 1.

Local 1014 represents Los Angeles County firefighters, and it issued the Cease and Desist Order because the Union recognized that BESS facilities are high-hazard industrial installations that present uniquely severe risks, including but not limited to thermal runaway and cascading battery failure, deflagration and explosive overpressure events, release of highly toxic gases (including hydrogen fluoride), and delayed ignition and re-ignition without warning. Importantly, the Order explicitly acknowledged that Lithium BESS facilities “pose an existential threat to public health and safety when located near residential homes, schools, or neighborhoods. Civilians-including children, seniors, and medically vulnerable populations-have no ability to mitigate or respond to [B]ESS failures involving toxic gas release, explosion, or long-duration fire events. Local 1014 does not oppose energy storage technology in principle. However, *such facilities must be sited only in remote, nonresidential areas of Los Angeles County, where failure does not endanger the public or emergency responders*” (emphasis added).

The members of Local 1014 are **Subject Matter Experts** on issues pertaining to public safety, fire, and toxic release response; accordingly, their definitive statements pertaining to the public safety, fire, and toxic emission risks created by the placement of Lithium BESS facilities near residential areas *must* be accorded great weight by the Commission and *substantially inform* the Commission’s decision regarding the proposed BESS project.

SORT has expended hundreds of hours in the preparation and submittal of comments to the Commission that address the numerous and substantial impacts created by the BESS project, including the significant fire, public safety, and toxic emission risks that it poses. We have also offered numerous alternatives that place the BESS project in remote, non-residential areas and which comply with the California Environmental Quality Act (CEQA) because they substantially lessen the project’s environmental impacts. Now, we offer the attached Order issued by Local 1014 as substantial evidence to corroborate our previous comments, and note that it explicitly highlights the fire, toxic emission, and public safety risks posed by BESS and the imperative that “such facilities must be sited only in remote, non-residential areas of Los Angeles County, where failure does not endanger the public or emergency responders”.

SORT urges the Commission to carefully consider the attached Order, and at the very least, find that the Application is incomplete and direct the Developer to revise the Application to address the significant public safety, fire, and toxic emission risk that the project creates.

RECENT LEGISLATION UNDERSCORES THE FIRE DANGER AND TOXICITY CONCERNS POSED BY LITHIUM-BASED BESS FACILITIES.

The Application filed by the Developer maintains that the Lithium-based BESS facilities proposed for the project poses no wildfire or public safety or toxic emission concerns; however, recent California Legislation controverts all such claims:

SB 283 was signed by Governor Newsom on October 6, 2025 because both the Legislature and the Governor recognize that Lithium-based BESS systems are prone to “violent cell venting, explosion, smoke, and fire” and that placing a BESS battery “near or next to another” can “set off a chain reaction, making an already tough fire to fight even worse” and “burn for hours or even days as lithium-ion fires are prone to re-ignition due to the self-oxidizing nature of lithium salts in the battery”¹. Lawmakers further acknowledge that BESS deflagrations and explosions can be initiated for a number of reasons, including “Internal failures (such as manufacturing defects, the use of lower-quality materials, or degradation over time) and external conditions (such as overcharging, water ingress, physical damage to the system, or excessive external heat)”². Fire safety is at the forefront of SB 283, and the Author of SB 283 acknowledges that, in the past, BESS fires have “prompted evacuations and *raised serious concerns within the community about toxic smoke, heavy metals, and ash*” (emphasis added). The Author also explains that California “must prioritize safety at every step and ensure that new battery storage facilities do not move ahead without being safe for first responders and *the people who live and work around them*” (emphasis added)³. SB 283 clearly acknowledges the extant dangers of Lithium BESS systems, and that is why it requires all applicants in the Commission’s “Opt In” permit process to consult with local agencies that have fire suppression jurisdiction over the project *before* submitting an application to the Commission.

AB 841 was also signed by Governor Newsom on October 6, 2025 in recognition of the fact that the frequent deflagrations caused by Lithium batteries emit highly toxic compounds (including heavy metals and PFAS substances such as bis-perfluoroalkyl sulfonimides) and as a result, firefighters “are exposed to toxic metals and semi-volatile organic compounds, exposing them to cancer and other serious health risks”⁴.

¹ Senate Floor Analysis of SB 283 provided in Attachment 2 and found here:

https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260SB283#and

² Assembly Floor Analysis of SB 283 provided in Attachment 3 and found here:

https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260SB283#

³ Id.

⁴ Assembly Floor Analysis of AB 841 provided in Attachment 4 and found here:

https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202520260AB841#

According to the Author of AB 841, Lithium BESS fires are “becoming more common”, but the current Personal Protective Equipment (PPE) and decontamination procedures utilized by firefighters who respond to BESS deflagration events “have not been updated with this new form of fire”; therefore, AB 841 was introduced to expedite “urgently need[ed] updated PPE and more effective decontamination procedures”⁵. The California Professional Firefighters commented to the Legislature that “There has been a recent spate of incidents involving lithium-ion batteries and energy storage systems (ESS). These incidents have been increasing in frequency and severity and have resulted in *widespread community impacts*, severe toxic exposures, and the injuries of our members as they respond to try and mitigate the damage. It is necessary to take a critical look at the standards surrounding firefighter health and safety issues when responding to these fires. *The dangers of lithium-ion battery fires cannot be understated, both to the safety personnel responding to them **as well as to the surrounding communities***”⁶ (emphasis added).

SB 283 and AB 841 constitute legislative actions which incontrovertibly demonstrate that the Lithium BESS facilities proposed by the Applicant will pose significant and unmitigable wildfire, public safety and toxic emission risks to the Community of Acton. Community members know this. Firefighters know this. Even the California Legislature knows this. It is essential that the Commission also acknowledge this; therefore, we again urge the Commission to direct the Developer to amend the Application to fully address these risks.

ADDITIONAL REASONS WHY THE APPLICATION MUST BE REVISED TO ADDRESS THE WILDFIRE, TOXIC EMISSIONS, AND PUBLIC SAFETY RISKS POSED BY THE BESS PROJECT.

The Application discloses that the BESS project consists of more than two thousand Lithium BESS containers which occupy more than a mile of frontage on a major highway and freeway in a designated rural community. Yet, the Application ignores the thermal runaway risk posed by the Lithium BESS and fails to mention the wildfire, toxic emission, and public safety dangers that it creates. These significant omissions allow the Applicant to conclude that the BESS project will result in “less than significant” wildfire, toxic emission, and public safety impacts and thus sidestep any obligation to quantify the significance of these impacts and offer mitigation measures. All of this renders the Application substantially incomplete.

⁵ Id.

⁶ Id.

Nonetheless, the Commission is under the impression that explosion-control systems and gas detection system installed on each BESS unit will “mitigate adverse impacts to operations personnel, emergency first responders, and the public” caused by a BESS deflagration event⁷. This impression is very much in error. The BESS explosion control systems and gas detection systems are *intrinsically incapable* of either preventing thermal runaway or suppressing the ensuing flames and toxic emissions because *these systems are not activated until **after** a thermal runaway event is initiated*.

Specifically:

- BESS “explosion control” systems merely consist of vent hatches and ventilation systems which direct flames and toxics out into the environment *after* a BESS ignites. This *fact* is confirmed by the Applicant’s data request response which explains that each BESS unit has “a two-tiered explosion control system”: the first tier is “six deflagration vents” that open when the ongoing fire in the BESS container causes the pressure to reach 0.01 Mpa; the second tier is an “emergency ventilation system” with a fan to “exhaust concentrating gases” that are generated by the ongoing BESS ignition⁸. The sole purpose of the “deflagration vents” and “ventilation system” is to force the flames and toxic emissions generated by the ongoing BESS ignition out into the environment. These facts clearly prove that the BESS “explosion control system” **does not** “mitigate adverse impacts to operations personnel, emergency first responders, and the public” as the Commission believes. To the contrary, each BESS “explosion control system” merely ensures that flames and toxic constituents are directed out into the environment where they can then endanger the public.
- BESS “gas detection” systems detect vapors that are emitted during thermal runaway *after* a BESS ignites. In fact, the Applicant’s Data Request response identifies the vapors that are monitored by BESS “gas detection” systems as hydrogen, carbon monoxide, volatile organic compounds, and electrolyte vapors⁹; however, these constituents are simply byproducts of thermal runaway and the BESS ignition process¹⁰. Therefore, BESS “gas detection” systems merely indicate BESS ignition has occurred. Accordingly, BESS “gas detection” systems **do not** “mitigate adverse impacts to operations personnel, emergency first responders, and the public” as the Commission believes. To the contrary, the primary purpose of BESS “gas detection” systems is to warn the operator that a BESS is in a deflagration state and that flames will quickly ensue.

⁷ In order to “verify that the project has adequate features to mitigate adverse impacts to operations personnel, emergency first responders, and the public”, the Commission requested “additional details for the project’s proposed explosion control and gas detection systems”. Page 21 of Attachment B of the Commission’s “Determination of Incomplete Application and Request for Information”

⁸ Applicant’s Data Request Response No. 2 Part 1. Pages 33-35.

⁹ Applicant’s Data Request Response No. 2 Part 1. Pages 36.

¹⁰ Bugryniec, P. et al; Review of Gas Emissions From Lithium-Ion Battery Thermal Runaway Failure – Considering Toxic And Flammable Compounds. Journal of Energy Storage. Volume 87. May 15, 2024. <https://www.sciencedirect.com/science/article/pii/S2352152X24008739>

The “explosion control” and “gas detection” systems utilized by the BESS project **will not** avoid or lessen the significant wildfire, toxic emission, and public safety impacts created by the BESS project because these systems are incapable of either suppressing the BESS ignition or controlling its toxic emissions. In fact, their twofold purpose is to notify the operator that a BESS ignition has occurred and direct toxic emissions and flames out into the environment. Accordingly, the Commission errs in assuming that BESS “explosion control” and “gas detection” systems will “mitigate adverse impacts to operations personnel, emergency first responders, and the public”. Given this, SORT urges the Commission to direct the Developer to amend the Application and fully address the wildfire, toxic emission, and public safety impacts posed by the BESS Project.

THE APPLICATION SHOULD NOT BE DEEMED COMPLETE UNTIL THE APPLICANT CONSULTS WITH THE LOS ANGELES COUNTY FIRE DEPARTMENT REGARDING FIRE SUPPRESSION REQUIREMENTS.

As discussed above, SB 283 was adopted because the Legislature recognized the critical importance of ensuring that BESS developments have adequate fire suppression resources to combat expected deflagration events. While the mandatory consultation requirements imposed by SB 283 only apply to “Opt-In” applications filed with the Commission after January 1, 2026, the very existence of SB 283 demonstrates that formal consultation with the responsible local agency having jurisdiction over fire suppression activities is a critical “first step” in the Commission’s BESS approval process. This is particularly true for very large developments like the BESS project which utilize deflagration prone Lithium BESS in a Very High Fire Hazard Severity Zone within a desert community that has very limited water resources. Thus, it would be highly imprudent for the Commission to move forward with the BESS project before obtaining a clear understanding of the facilities and standards (hydrants, pumps, fire flows, etc.) needed to serve the local agency having fire suppression jurisdiction.

Accordingly, the Application should not be deemed complete until the Developer has:

- Consulted with the LACFD as the agency with fire suppression jurisdiction, and obtained information regarding the minimum fire suppression facilities and infrastructure (number and spacing of fire hydrants, fire flow requirements, etc.) required for the project to ensure adequate fire suppression capacity;
- Revised the Site Plan to incorporate the information obtained from LACFD;
- Amended the Water Resources Section of the Application (Section 3.15) to incorporate and address the fire suppression facility requirements for the project established by LACFD; and

- Amended the Application to include sufficient information demonstrating that the project will have sufficient fire flow, water pressure, water capacity, and infrastructure to comply with LACFD fire suppression requirements.

As the Commission is aware, SORT has commented several times that the Developer has persistently failed to properly address water resource requirements because the Application assumes that BESS project operations will only require water for sanitary purposes; it ignores the significant water resources that will be required for fire suppression when deflagration occurs¹¹. The Application should not be deemed complete until this glaring deficiency is corrected.

OTHER CONCERNS.

SORT continues to have concerns with deficiencies noted in the Application, particularly regarding the analysis of Visual Resource and Noise impacts.

The Applicant’s Analysis of “Visual Resource” Impacts is Incomplete.

SORT understands the Commission has concluded that the Application is complete for the purposes of assessing Visual Resource impacts. SORT respectfully disagrees. As set forth on page 121 of Attachment A in the “Determination of Incomplete Application and Request for Information for the Prairie Song Reliability Project”, the Commission’s Siting Regulations require the Applicant to provide maps that pinpoint any designated scenic resource within a five-mile radius of the project and one-mile radius of a project-related linear facility and in particular identify:

- Scenic resources designated in an adopted federal, state, county, or city government planning document, plan, or regulation.
- Any natural feature or object that is a part of the land, such as a geologic distinguishing characteristic, geomorphologic feature, or other terrain feature (such as open space or a water body).

SORT has not found any maps in the Application that “pinpoint” designated scenic resources and as such, the Application appears to be facially incomplete. Nonetheless, the Commission has concluded that pages 1-5 of Appendix 3.13A of the Application satisfy the map requirements imposed by the Siting Regulations¹². However, there are no maps on pages 1-5 of Appendix 3.13A; therefore, this conclusion lacks evidentiary

¹¹ The standard protocol for BESS fires is to allow the deflagrating BESS to burn itself out, but water is directed onto adjacent surfaces and vegetation to ensure they do not ignite. This requires significant quantities of water because BESS fires can burn for days. <https://www.epa.gov/electronics-batteries-management/battery-energy-storage-systems-main-considerations-safe>.

¹² Attachment A of the “Determination of Incomplete Application and Request for Information for the Prairie Song Reliability Project”. Page 121.

support. Accordingly, SORT respectfully requests that the Commission reconsider this prior conclusion and direct the Developer to revise the “Visual Resource” analysis presented in the Application to address this deficiency as well as all other deficiencies identified herein and in prior SORT correspondence.

For example, the Antelope Valley Area Plan (AV Area Plan) explicitly identifies “Scenic Drives” as “Scenic Resources” that are expressly protected. Equally important, the Environmental Impact Report which was certified for the AV Area Plan states that “Scenic Resource Areas” are identified through the implementation of AV Plan Policy COS 5.7¹³ which pertains solely to Scenic Drives¹⁴. Therefore, the BESS site is a “Scenic Resource Area” because it is visible from, and immediately adjacent to, two mapped “Scenic Drives”. Yet, and incredibly, the Application states on page 3.13-9 that the “project site is not considered a scenic resource by the County of Los Angeles (County) and it is not within an area plan designated as a scenic resource area or significant area”. *This statement is categorically false*: the project site is designated as a “Scenic Resource Area” within the County-adopted AV Area Plan because of its immediate adjacency to two mapped and designated “Scenic Drives”. In other words, the Applicant’s entire “Visual Resource” impact analysis is erroneous because it is premised on the false assumption that the project is not within a “Scenic Resource Area”. This fact further renders the Applicant’s “Visual Resource” impact analysis substantially deficient.

Additionally, the Commission has concluded that pages 3.13-9 to 3.13-22 of the Application satisfy Siting Regulations pertaining to “the expected direct, indirect, and cumulative impacts due to the construction, operation, and maintenance of the project, the measures proposed to mitigate adverse environmental impacts of the project, the effectiveness of the proposed measures, and any monitoring plans proposed to verify the effectiveness of the mitigation”¹⁵. However, pages 3.13-9 to 3.13-22 of the Application are founded on the erroneous assumption that the BESS site is not in a “Scenic Resource Area” and on the uncorroborated opinion that visual impacts are insignificant because the BESS will be painted tan and motorists will glimpse it only briefly while driving by. Such unsubstantiated conclusions and assumptions do not constitute “substantial

¹³ Page 5.1-25 of the EIR states “Implementation of Policies COS 5.1, COS 5.2 and COS 5.7 would result in the identification of Scenic Resource Areas and the protection of those resources by requiring compliance with existing hillside management codes (Policies COS 5.3 and COS 5.4) and the creation of buffer zones around scenic landforms”.

¹⁴ Policy COS 5.7 states “Ensure that incompatible development is discouraged in designated Scenic Drives by developing and implementing development standards and guidelines for development within identified viewsheds of these routes (Map 4.2: Antelope Valley Scenic Drives)”. Page COS-6.

¹⁵ Attachment A of the “Determination of Incomplete Application and Request for Information for the Prairie Song Reliability Project”. Page 121.

evidence” as that term is defined by CEQA, and as such, they are insufficient to support a legally defensible finding that visual resource impacts are “less than significant”. This deficiency further renders the Applicant’s “Visual Resource” impact analysis incomplete.

These substantial inadequacies in the Application’s “Visual Resource” impact analysis can only be corrected by a reversal of the Commission’s previous finding that the Visual Resource analysis is complete and a directive to the Applicant to revise the analysis.

The Applicant’s Analysis of Noise Effects is Incomplete.

Among other things, the Commission’s Siting Regulations require the Applicant to discuss the extent to which the BESS Project conforms with local noise standards and identify the agency with jurisdiction to enforce noise regulations but for the authority of the Commission to license projects; the Applicant is also required to provide contact information for the local official who will serve as the contact person for Commission Staff¹⁶. SORT has already invalidated the Applicant’s conformance analysis of local noise standards¹⁷, and now we note that the Application erroneously asserts that “There are no agencies that have wholesale jurisdiction over noise and vibration”. This statement is incorrect. Because the project is located in the unincorporated Community of Acton, the Los Angeles County Health Officer has full jurisdiction over all noise matters and is responsible for the enforcement of all County noise regulations in the BESS project area [Los Angeles County Code Section 12.08.650¹⁸]. The Applicant should have disclosed that Los Angeles County has full jurisdiction and enforcement authority at the BESS project location and should have also provided contact information for the Los Angeles County Health Officer. These omissions, in addition to the substantially deficient noise analysis, render the Application incomplete. Thus, SORT urges the Commission to reverse the previous completeness finding and direct the Developer to revise the Noise Analysis to address deficiencies identified herein and in prior correspondence.

Respectfully submitted;

/S/Jacqueline Ayer
Jacqueline Ayer, Director
Save Our Rural Town

¹⁶ Attachment A in the “Determination of Incomplete Application and Request for Information for the Prairie Song Reliability Project”. Pages 71-75.

¹⁷ SORT comments dated August 18, 2025 explain that the noise analysis in the Application is invalid because it misstates every relevant local noise standard and then incorrectly claims that the BESS project conforms with these standards when the Applicant’s own data proves that it does not. Pages 39-42.

¹⁸ https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances

ATTACHMENT 1.

**“CEASE AND DESIST ORDER” ISSUED BY THE
LOS ANGELES COUNTY FIREFIGHTERS UNION
TO CHIEF ANTHONY MARRONE OF THE LOS
ANGELES COUNTY FIRE DEPARTMENT.**



LOS ANGELES COUNTY FIRE FIGHTERS LOCAL 1014

3460 FLETCHER AVE. • EL MONTE, CA 91731 • (310) 639-1014 • FAX (310) 639-5314



January 2, 2026

Anthony Marrone, Fire Chief
Los Angeles County Fire Fighters Local 1014
1320 N. Eastern Avenue
Los Angeles, CA 90063

CEASE AND DESIST NOTICE: Consideration or Approval of Energy Storage System (ESS) Facilities Adjacent to Fire Station 43 or Residential Occupancies

Dear Chief Marrone:

This correspondence serves as a formal **CEASE AND DESIST NOTICE** on behalf of the Los Angeles County Firefighters, IAFF Local 1014.

IAFF Local 1014 hereby demands that the Los Angeles County Fire District, Fire Prevention Bureau, Fire Marshal's Office, and any subordinate authority immediately cease and desist from any consideration, review, approval, conditional approval, or facilitation of an Energy Storage System (ESS) facility proposed to be located adjacent to Los Angeles County Fire Station 43, or in proximity to residential occupancies within Los Angeles County.

NOTICE OF UNACCEPTABLE AND FORESEEABLE DANGER

The siting of an ESS facility next to an occupied fire station—where firefighters work and reside twenty-four (24) hours per day—constitutes an unacceptable, unsafe, and indefensible action that directly contradicts established fire protection engineering principles, firefighter safety standards, and the intent of applicable codes. ESS facilities are recognized as high-hazard industrial installations that present uniquely severe risks, including but not limited to:

- Thermal runaway and cascading battery failure
- Deflagration and explosive overpressure events
- Release of highly toxic gases, including hydrogen fluoride (HF)
- Delayed ignition and re-ignition without warning

Fire stations are mixed-use facilities containing residential occupancies under the California Building Code, California Fire Code, and Los Angeles County amendments. Firefighters live, eat, and sleep within these facilities. Placing an ESS facility adjacent to such an occupancy would never be permitted for traditional residential housing and is equally impermissible here.

KNOWN AND DOCUMENTED FIRE SERVICE INJURY HISTORY

Lithium-ion battery incidents, using the same technology deployed in ESS facilities, have already caused serious firefighter injuries and long-term health consequences.

In April 2025, four Sacramento Fire Department firefighters were hospitalized following exposure to toxic off-gassing during a Tesla electric vehicle battery thermal runaway event. No explosion occurred, yet all four suffered significant inhalation injuries from hydrogen fluoride and related byproducts, with reports indicating potential permanent disability and inability to return to duty.

This incident directly prompted the advancement of **SB 283 (Laird) and AB 841 (Patel)**, which formally recognizes the serious occupational hazards posed by lithium-ion battery fires and the need for enhanced firefighter protections against toxic exposure, cancer risk, respiratory disease, and neurological harm.

DAVE GILLOTTE, President KURT KOBLER, 1st Vice President TONY CARCIOPPOLO, 2nd Vice President MATTHEW DUHAMELL, Treasurer
EXECUTIVE BOARD MEMBERS: CHRIS CULLEN JASON GREEN AARON KATON CHRIS READE CHRISTIAN REYNOSO DEREK URWIN

REPRESENTING PROFESSIONAL FIREFIGHTERS IN 60 CITIES AND THE COUNTY OF LOS ANGELES
Affiliated with ... International Association of Fire Fighters, AFL-CIO • California Professional Firefighters, AFL-CIO
California Labor Federation, AFL-CIO • L.A. County Federation of Labor, AFL-CIO



LETTER TO CHIEF MARRONE

PAGE TWO

Large-scale ESS incidents—including the Moss Landing BESS fire (2025), Gateway Energy Storage fire (San Diego County), and the McMicken ESS explosion—further confirm that these facilities can catastrophically fail without warning and require strictly defensive firefighting tactics, exclusion zones, and evacuation to prevent injury or loss of life.

These realities alone establish that ESS facilities do not belong near occupied fire stations or residential communities.

RESIDENTIAL COMMUNITY SAFETY

IAFF Local 1014's opposition is not limited to fire stations. ESS facilities pose an existential threat to public health and safety when located near residential homes, schools, or neighborhoods. Civilians—including children, seniors, and medically vulnerable populations—have no ability to mitigate or respond to ESS failures involving toxic gas release, explosion, or long-duration fire events.

Local 1014 does not oppose energy storage technology in principle. However, such facilities must be sited only in remote, non-residential areas of Los Angeles County, where failure does not endanger the public or emergency responders.

DEMAND TO CEASE AND DESIST

Accordingly, IAFF Local 1014 hereby demands that you:

1. Immediately cease and desist from any further consideration, review, or approval of an ESS facility adjacent to Fire Station 43.
2. Cease and desist from approving ESS facilities in proximity to residential occupancies within Los Angeles County.
3. Confirm that no permits, conditional approvals, variances, or discretionary actions will be granted for such siting.

NOTICE OF ESCALATION AND LIABILITY

Should Local 1014 become aware that Fire Prevention personnel or the Fire Marshal's Office has approved or intends to approve ESS facilities near fire stations or residential communities, this matter will be immediately escalated to the Los Angeles County Board of Supervisors. California Professional Firefighters (CPF), the state union representing over 30,000 firefighters, is fully aware of this issue and stands in full support of Local 1014.

Any future injury, long-term health impact, or loss of life resulting from an ESS incident approved despite this notice will rest solely with:

- The Los Angeles County Fire District
- The Fire Marshal and Fire Prevention Division
- The County of Los Angeles and all approving authorities

The dangers are known, foreseeable, and preventable.

You are hereby directed to provide a **formal written response within five (5) business days** confirming that this proposal has been rejected and removed from further departmental or County consideration. Failure to do so will be interpreted as a refusal to comply with this notice and will result in immediate escalation.

Vice President Tony Carcioppolo will be handling this issue for Local 1014, please contact him with any questions you may have and with your response.

Respectfully,



DAVID GILLOTTE
President
Los Angeles County Firefighters
IAFF Local 1014

ATTACHMENT 2.

SENATE FLOOR ANALYSIS OF SB 283.

UNFINISHED BUSINESS

Bill No: SB 283
Author: Laird (D), et al.
Amended: 9/5/25
Vote: 21

SENATE ENERGY, U. & C. COMMITTEE: 16-0, 4/21/25
AYES: Becker, Allen, Archuleta, Arreguín, Ashby, Caballero, Dahle, Gonzalez,
Grayson, Grove, Limón, McNerney, Rubio, Stern, Strickland, Wahab
NO VOTE RECORDED: Ochoa Bogh

SENATE LOCAL GOVERNMENT COMMITTEE: 7-0, 4/30/25
AYES: Durazo, Choi, Arreguín, Cabaldon, Laird, Seyarto, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/28/25
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear,
Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez,
Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello,
Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas,
Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 61-0, 9/9/25 – Roll call vote not available.

SUBJECT: Energy storage systems

SOURCE: California Professional Firefighters
California State Association of Electrical Workers
Coalition of California Utility Employees

DIGEST: This bill establishes the Clean Energy Safety Act of 2025 and requires various provisions to address fire safety standards for energy storage systems permitted by the California Energy Commission (CEC) or by local jurisdictions.

Assembly Amendments delete specific reference to a specified fire code standard; adds requirements by when local fire authorities must inspect energy storage facilities; defines energy storage systems to be those that are capable of storing 10 megawatthours (MWh) or more of energy; and makes additional clarifying and conforming changes.

ANALYSIS:

Existing law:

- 1) Establishes the California Building Standards Commission (CBSC) within the Government Operations Agency, the California Building Standards Law, and sets forth its powers and duties, including approval and adoption of building standards and codification of those standards into the California Building Standards Code. (Health and Safety Code §18901 *et seq.*)
- 2) Requires the Office of the State Fire Marshal (OSFM), before the next triennial edition of the California Building Standards Code adopted after January 1, 2025, to propose to the CBSC updates to the fire standards relating to requirements for lithium-based battery systems. (Health and Safety Code §13110.3)
- 3) Requires the California Public Utilities Commission (CPUC), as part of the Public Utilities Act, to implement and enforce standards for the maintenance and operation of facilities for the generation and storage of electricity owned by an electrical corporation or located in the state to ensure their reliable operation. (Public Utilities Code §761.3)
- 4) Authorizes a person proposing an eligible facility, including an energy storage system that is capable of storing 200 MWh or more of energy, to file with the CEC an application for certification for the site and related facility, commonly referred to as the “AB 205 Opt-in Certification.” Provides that the certification issued by the CEC is in lieu of any permit, certificate, or similar document required by a state, local, or regional agency for the use of the site and related facility. (Public Resources Code §25545 *et seq.*)

This bill:

- 1) Defines “energy storage system” to mean a stationary electrical energy storage system, as defined within the California Building Standards Code, that is capable of storing 10 MWh or more of energy [largely intended to capture utility-scale energy storage facilities].
- 2) Requires that an application submitted to the CEC after January 1, 2026, in accordance with the AB 205 Opt-In certification of facilities by the CEC, and an application submitted to a local jurisdiction, as defined, for an energy storage system, include the applicant’s certification that at least 30 days before submitting the application, the applicant met and conferred with the authority that has jurisdiction over fire suppression in the area where the energy storage system is proposed.
- 3) Prohibits the approval of applications for battery energy storage facilities unless the local jurisdiction requires as a condition of approval that after installation is complete, but before commencing operations or use of the batteries, the energy storage system is inspected by the authority that has jurisdiction over fire suppression, and that the applicant bear the cost of the inspection, as specified.
- 4) Requires, as part of the next update to the California Building Standards Code considered after July 1, 2026, the OSFM to review and consider proposing provisions that restrict the location of energy storage systems to dedicated-use noncombustible buildings or outdoor installations, as provided.
- 5) Imposes a state-mandated local program by imposing additional duties on local officers.
- 6) Includes findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.
- 7) Provides that with regard to certain mandates no reimbursement is required by this act because a local agency has the authority to levy fees, charges, or assessments. Provides that, with regard to any other mandates, if the Commission on State Mandates determines that this bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions.

Background

Growth in battery energy storage. California is increasingly relying on new and emerging energy storage technologies to support electric service reliability and help achieve the state's ambitions greenhouse gas reduction goals. Energy storage technology offers opportunities for balancing increasing volumes of intermittent renewable energy (such as solar and wind energy), allowing for the storage of energy during times when production is high but demand is lower, and discharging during times when production from renewable resources is more limited or not available. In particular, lithium-ion stationary battery energy storage development in California is accelerating rapidly. The technology is fast-tracked in utility procurements due to its ability to support the state's clean energy and reliability goals cost-effectively. According to the CEC, in 2019, there was 250 megawatt (MW) of utility-scale lithium-ion battery systems operating and participating in the state's wholesale power markets, which has grown to nearly 12,000 MW. In 2024, California made historic progress in clean energy deployment including bringing online over 4,000 MW of new battery storage. According to the CPUC, the installed battery storage capacity is now over 20% of the state's peak demand and the state's projected need for battery storage capacity is estimated at 52,000 MW by 2045.

Thermal runaway. One of the primary risks related to lithium-ion batteries is thermal runaway, which is a phenomenon in which the lithium-ion cell enters an uncontrollable, self-heating state. Thermal runaway can result in extremely high temperatures, violent cell venting, explosion, smoke, and fire. Internal failures and external conditions can result in a thermal runaway. Lithium-ion battery fire and explosion are triggered by the thermal runaway reactions inside the cell. Lithium-ion batteries stored near or next to another battery or batteries can set off a chain reaction, making an already tough fire to fight even worse. When they reach thermal runaway, lithium-ion battery fires can burn for hours or even days as lithium-ion fires are prone to re-ignition due to the self-oxidizing nature of lithium salts in the battery.

Safety incidents at battery energy storage facilities. There have been a number of recent safety incidents at battery facilities, including four incidents at the Moss Landing Harbor location in Monterey County, involving two separately owned battery energy storage facilities, which occupies one of the largest battery energy storage systems. The first incident was in September 2021 and the most recent event occurred in January of this year. These incidents involved evacuations of nearby residents and businesses, and fires that took hours to suppress.

Recent bills have expanded safety oversight of battery energy storage facilities. SB 1383 (Hueso, Chapter 725, Statutes of 2022) expanded the CPUC operation and maintenance standards contained in General Order (GO) 167-B to oversight of energy storage systems, including systems owned by third-parties. Under GO 167-B, CPUC safety staff conduct in-person audits at CPUC-jurisdictional electric generation and storage facilities throughout the state and requires these facilities to comply with existing laws and statutes, including those related to ensuring protection of life and limb. SB 38 (Laird, Chapter 377, Statutes of 2023) further expanded on the requirements of SB 1383 to explicitly require each battery energy storage facility subject to the CPUC safety requirements to have an emergency response plan and emergency action plan that covers the premises of the battery energy storage facility. Earlier this year, the CPUC adopted changes to GO 167-B to implement the requirements of both SB 1383 and SB 38.

Building Standards Code 2024 Triennial Code Adoption Cycle. The California Building Standards Code is the building code for California, and Title 24 of the California Code of Regulations and maintained by the CBSC, pursuant to California Building Standards Law and published in a triennial cycle with supplemental information published during other years. Changes made to each edition are based on proposals made by state agencies. Proposals are presented to the CBSC and must provide thorough justification for proposed changes. Chapter 12 (commencing with Section 1201.1) of Part 9 of Title 24 of the California Code of Regulations is the section of the California Fire Code related to energy systems. Chapter 12 was added to address standby and emergency power, portable generators, photovoltaic systems, fuel cell energy systems, and energy storage systems. The fire code includes more stringent requirements for lithium-based chemistries (fire containment and suppression, explosion protection, etc.) because they present a higher fire risk than lead-acid and nickel-cadmium. The author and sponsors of the bill report that the most recently updated California Fire Code, published on July 1, 2025, and to be effective on January 1, 2026, now includes the NFPA 855, *Standard for the Installation of Stationary Energy Storage Systems.*, which aims to ensure the safety and proper installation of energy storage systems, including batteries. NFPA 855 provides guidelines and requirements for design, construction, installation, and operation of energy storage systems, focusing on preventing fires and explosions, especially those using lithium-ion batteries. This standard also addresses the specific needs of different technologies used in energy storage.

AB 205 (Committee on Budget, Chapter 61, Statutes of 2022). Among its many provisions, AB 205 established the CEC's Opt-in certification program for siting

of solar, wind and energy storage facilities that meet certain criteria. This opt-in permitting process offers developers an optional pathway to submit project applications for the specified resources, intended to facilitate faster deployment of renewable technologies. Under AB 205, the CEC is the lead California Environmental Quality Act (CEQA) agency for environmental review and permitting for any facility that elects to opt into the CEC's jurisdiction. The CEC has at least eight active project applications, with one recently approved by the agency. The AB 205 process is an optional certification program whereas, generally (and the vast majority), these projects are sited and approved by local jurisdictions.

Comments

Need for this bill. The author notes: "The fire at the Moss Landing battery storage was a tragedy for the local community and region when it prompted evacuations and raised serious concerns within the community about toxic smoke, heavy metals, and ash. As California expands battery storage to meet its clean energy goals, we must prioritize safety at every step and ensure that new battery storage facilities do not move ahead without being safe for first responders and the people who live and work around them. Fortunately, advancements in battery storage technology since the approval of the Moss Landing facility have provided critical insights into safer battery compositions and configurations. It is essential that we apply these lessons to prevent future disasters so that California can continue to build a cleaner, more resilient future."

Fire safety at forefront of bill's provisions. This bill requires a project developer to consult with local fire authorities prior to the siting of any facility, and requires a facility to be inspected by fire authorities within specified times prior to any project going online, at the cost of the developer. The bill provides that if a local fire authority does not inspect the facility by the given timeline (90 days) the CEC must make findings regarding compliance with the requirements of fire safety. The bill also requires the State Fire Marshal to review and consider proposing provisions that restrict the location of energy storage systems to dedicated-use noncombustible buildings or outdoor installations. These requirements are intended to address concerns about previous installations and whether future energy storage facilities should be limited to specific buildings and locations.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee, no state costs. CEC already incorporates NFPA standards in its process of reviewing energy storage

system applications. To the extent the bill creates costs for inspections by either the Fire Marshal or for local fire departments, this committee assumes those costs will be borne by the energy storage system applicant.

SUPPORT: (Verified 9/8/25)

California Professional Firefighters (Co-source)
California State Association of Electrical Workers (Co-source)
Coalition of California Utility Employees (Co-source)
American Clean Power- California
Ava Community Energy Authority
California Community Choice Association
California Energy Storage Alliance
California State Association of Counties
City of Goleta
Clean Power Alliance
Climate Action California
Comite Civico del Valle
County of Monterey
County of Orange
County of San Luis Obispo
County of Santa Barbara
County of Santa Cruz
Democrats of Rossmoor
Fluence
Independent Energy Producers Association
International Union of Painters and Allied Trades, District Council 16
International Union of Painters and Allied Trades, District Council 36
League of California Cities
Orange County Fire Authority
Pacific Gas and Electric Company
Rural County Representatives of California
San Diego Community Power
San Diego Gas and Electric Company
San Diego Regional Chamber of Commerce
Santa Cruz Climate Action Network
Sierra Club California
Southern California Edison
Tri-County Chamber Alliance

OPPOSITION: (Verified 9/8/25)

None received

ARGUMENTS IN SUPPORT: The California State Association of Electrical Workers and the Coalition of California Utility Employees, two of this bill's co-sponsors state: "By setting clear, consistent safety standards for energy storage systems, SB 283 will help protect workers, first responders, and communities while facilitating the responsible expansion of energy storage infrastructure."

Prepared by: Nidia Bautista / E., U. & C. / (916) 651-4107
9/9/25 12:37:02

**** **END** ****

ATTACHMENT 3.

ASSEMBLY FLOOR ANALYSIS OF SB 283.

SENATE THIRD READING

SB 283 (Laird)

As Amended July 17, 2025

Majority vote

SUMMARY

Establishes new fire safety requirements applicable to battery energy storage systems authorized by the California Energy Commission (CEC) or a local jurisdiction.

Major Provisions

- 1) Requires the California Building Standards Commission (CBSC) and the Office of the State Fire Marshall to adopt, as part of the next update of the California Building Standards Code adopted after July 1, 2026, provisions that are at least as protective as the most recently published edition of the National Fire Protection Association (NFPA) 855, Standard for the Installation of Stationary Energy Storage Systems (NFPA 885).
- 2) Provides this bill is applicable to an energy storage system capable of storing 200 megawatts or more of energy.
- 3) Requires an applicant to the CEC or a local jurisdiction to construct an energy storage system to certify that it is designed to comply with NFPA 885, and that, at least 30 days before submitting the application, the applicant met and conferred with the local fire department responsible for fire suppression in the area where the energy storage system is proposed and discussed the system's design and safety issues, with documentation of the discussion submitted with the application.
- 4) Provides CEC or a local jurisdiction shall not certify or approve any application submitted after January 1, 2026, to either entity for the construction of an energy storage system unless both of the following apply: a) the energy storage system will be constructed, installed, commissioned, operated, maintained and decommissioned to comply with NFPA 855, and (b) after installation is complete, but before commencing operations, the energy storage system will be inspected by the local fire department responsible for fire suppression where the system is located or by a representative or designee of the State Fire Marshal.
- 5) Requires the applicant to bear the costs of inspection by the local fire department or by the State Fire Marshall, and requires the applicant provide the inspector a copy of documentation of the initial fire official consultation submitted with the application.
- 6) Provides a manufacturer or energy storage system owner may voluntarily design the energy storage system to comply with a more-recent edition of NFPA 855 before its operative date, if compliance with all applicable listing and testing requirements is demonstrated.
- 7) Provides that a state or local entity may approve the construction of an energy storage system if it is located in a dedicated-use, noncombustible building or is an outdoor installation.
- 8) Provides that this bill does not prevent a city or county from adopting and enforcing laws consistent with or more protective than this bill.

- 9) Includes findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.
- 10) Imposes a state-mandated local program by imposing additional duties on local officers, but provides that no reimbursement is required by this bill because a local agency has the authority to levy fees, charges, or assessments.

COMMENTS

Recent Updates. This bill, to take effect January 1, 2026, requires the CBSC and the Office of the State Fire Marshall to adopt NFPA 885 into the California Building Standards Code. The author reports, however, that the updated California Fire Code published on July 1, 2025, to be made effective on January 1, 2026, now includes NFPA 855, with state amendments. As a result of this intervening action, the requirement to adopt NFPA 855 and related provisions from this bill may no longer be necessary.

Growth of BESS. Driven by California climate and clean energy goals, the state's mix of electricity generation sources includes increasing amounts of intermittent renewable energy, such as solar and wind energy. Because power is not generated when the sun is not shining or the wind is not blowing, the state is increasingly relying on energy storage systems to capture energy from these resources for use at later time. Many of these are battery energy storage systems (BESS), which rely on interconnected banks of batteries, generally using lithium ion technology. Deployment of BESS powered by large lithium-ion batteries is rapidly increasing in California. The CPUC reports statewide BESS capacity has surged from approximately 500 megawatts (MW) in 2019 to over 13,300 MW in 2024. California's current installed battery storage capacity is over 20% of California's peak demand. The state is projected to need 52,000 MW of BESS by 2045.

State and Local Permits. Current law provides that a BESS may be permitted through either a local government or the CEC, provided the project meets certain requirements. Most large projects require "discretionary" approvals from local governments. This process requires hearings by the local planning commission and public notice and may require additional approvals. Unlike projects that are subject only to ministerial review, projects that require discretionary approval are subject to California Environmental Quality Act (CEQA). AB 205 (Committee on Budget), Chapter 61, Statutes of 2022, granted authority to the CEC to oversee the permitting of clean and renewable energy facilities, including energy storage systems capable of storing 200 MWh or more. Known as the Opt-In Certification Program, this permitting process offers developers an optional pathway to submit project applications until June 30, 2029. Under AB 205, the CEC is the lead CEQA agency for environmental review and permitting for any facility that elects to opt into the CEC's jurisdiction. In addition, state law directs the CPUC to implement and enforce standards for the maintenance and operation of facilities for generation and storage of electricity owned by an electrical corporation or located within the corporation's territory.

Fire Dangers. Lithium-ion batteries offer advantages over other types of batteries due to their comparatively low maintenance, high energy densities, and no need for scheduled cycling to maintain their battery life. However, they come with the risk of "thermal runaway," a phenomenon in which the battery enters an uncontrollable, self-heating state that can result in extremely high temperatures, explosion, smoke, and fire. Internal failures (such as manufacturing defects, the use of lower-quality materials, or degradation over time) and external conditions

(such as overcharging, water ingress, physical damage to the system, or excessive external heat) can result in a thermal runaway. Lithium-ion batteries stored near or next to another battery or batteries can set off a chain reaction, making an already tough fire to fight even worse. When they reach thermal runaway, lithium-ion battery fires can burn for hours or days.

The CPUC has identified at least 10 safety incidents related to BESS facilities in recent years, including four distinct incidents at two separately owned BESS facilities at the Moss Landing Harbor location in Monterey County, which occupies one of the largest battery energy storage systems. Most recently, on January 16, 2025, a large fire broke out at Vistra's Moss Landing BESS facility, leading to the evacuation of around 1,200 residents. The fire was contained to one building housing LG Energy Solution lithium-ion batteries. All battery facilities at the site are currently offline, and the cause of the fire is under investigation. Debris removal, soil testing, and monitoring for environmental contamination are ongoing.

According to the Author

According to the author: "The fire at the Moss Landing battery storage was a tragedy for the local community and region when it prompted evacuations and raised serious concerns within the community about toxic smoke, heavy metals, and ash. As California expands battery storage to meet its clean energy goals, we must prioritize safety at every step and ensure that new battery storage facilities do not move ahead without being safe for first responders and the people who live and work around them. Fortunately, advancements in battery storage technology since the approval of the Moss Landing facility have provided critical insights into safer battery compositions and configurations. Senate Bill 283 provides a crucial tool and safeguard to ensure battery storage facilities are built and maintained with the highest level of safety and oversight by our local fire officials. SB 283 requires adoption of the [NFPA 855] standards, which are widely recognized as the strongest standards for safety and hazard mitigation of battery storage facilities, and requires fire authority inspection and consultation at various stages before a facility goes online. The bill also prohibits the development of battery storage facilities in combustible buildings that were not constructed for the dedicated use of housing battery storage. SB 283 ensures that future battery storage facilities adhere to the highest fire safety standards, protecting first responders, local communities, and the integrity of our renewable energy transition."

Arguments in Support

This bill is supported by a long list that includes industry group, electrical utilities, the Sierra Club and the California Association of Professional Firefighters, the latter of which writes: "Currently, BESS facilities can be permitted locally and there are no coherent guidelines for fire safety to mitigate the risks posed a fire of any scale. Additionally, there are no requirements for coordination with local fire departments or routine safety inspections, increasing the likelihood of faults or failures going unnoticed until they result in disaster. SB 283 recognizes the role that BESS facilities play in adapting our energy grid and integrating new solutions, while ensuring that these facilities are held to strict safety standards."

Arguments in Opposition

This bill has no registered opposition.

FISCAL COMMENTS

According to the Assembly Appropriations Committee: "This bill creates no state costs. CEC already incorporates NFPA standards in its process of reviewing energy storage system applications. To the extent the bill creates costs for inspections by either the Fire Marshal or for

local fire departments, this committee assumes those costs will be borne by the energy storage system applicant."

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Limón, Reyes

ASM UTILITIES AND ENERGY: 18-0-0

YES: Petrie-Norris, Patterson, Boerner, Calderon, Chen, Davies, Mark González, Harabedian, Hart, Irwin, Kalra, Papan, Rogers, Schiavo, Schultz, Ta, Wallis, Zbur

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Jeff Gonzalez, Solache, Ta, Tangipa

UPDATED

VERSION: July 17, 2025

CONSULTANT: Jackie Kinney / U. & E. / (916) 319-2083

FN: 0001222

ATTACHMENT 4.

ASSEMBLY FLOOR ANALYSIS OF AB 841.

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 841 Author:(Patel)

As Amended Ver:August 29, 2025

Majority vote

SUMMARY

- 1) Requires the State Fire Marshal (SFM) to develop, in consultation with the Division of Occupational Safety and Health (Cal/OSHA), a working group to make recommendations regarding personal protective equipment used in responding to lithium-ion batteries.
- 2) Requires the working group to include members of the State Board of Fire Services (Board), academia, health and safety experts, a representative from Cal/OSHA, and a labor organization representing the utility workforce, as determined by the SFM.
- 3) Requires the working group to review and, for the purposes of making recommendations, to consider specified equipment, technology, and practices, as defined.
- 4) Requires the recommendations developed pursuant to this bill be delivered to the Legislature no later than September 1, 2026, as specified.
- 5) Includes a repeal date on the above reporting requirement of January 1, 2030, and includes a repeal date for this statute of January 1, 2031.

Senate Amendments

- 1) Adds a sunset date for this statute and associated reported requirement.
- 2) Adds a representative from Cal/OSHA to the working group.
- 3) Modifies legislative findings and declarations related to lithium-ion battery fires in Orange County in 2021 and Otay Mesa in 2024.

COMMENTS

Firefighting remains one of the Nation's most hazardous professions: According to the Administrator of the United States Fire Administration, "Fire is a public health and safety problem of great proportions, and firefighting remains one of the Nation's most hazardous professions. On average there are more than 1.2 million structure fires, nearly 3,000 deaths, thousands of injuries, and scores of individuals displaced annually from fires. Although disasters such as fires can affect everyone, fires can also exacerbate pre-existing challenges in underserved communities across the country. These impacts are further compounded by poor implementation and enforcement of national building codes and fire risks associated with technology that make fires more common, more intense, and more destructive. These challenges pose heightened risks to the public and to first responders who safeguard our communities, and the challenge continues to evolve. For example, emerging technologies like Lithium-ion (Li-ion) powered devices and harmful chemicals including polyfluoroalkyl substances (PFAS) introduce new and continued risks to our communities and firefighters."

Lithium-ion Batteries and Risk of Thermal Runaway: One of the primary risks related to lithium-ion batteries is thermal runaway. Thermal runaway is a phenomenon in which the lithium-ion cell enters an uncontrollable, self-heating state. Thermal runaway can result in extremely high temperatures, violent cell venting, smoke, and fire. Faults in a lithium-ion cell can result in a thermal runaway, and these faults can be caused by internal failure or external conditions. Lithium-ion battery fires and explosions are triggered by the thermal runaway reactions inside the cell and, when stored near or next to another battery or batteries, can set off a chain reaction, making an already tough fire to fight even worse. When they reach thermal runaway, lithium-ion battery fires can burn for hours or even days, until all the flammable chemicals in the battery have been consumed by the combustion reaction.

One such example occurred in Rancho Cordova in June of 2022, when a Tesla Model S, which had been badly damaged in a collision was sitting in a wrecking yard and suddenly erupted in flames. When firefighters arrived the car was engulfed, according to the Sacramento Metropolitan Fire District, "[e]very time the blaze was momentarily extinguished, the car's battery compartment reignited." Eventually, the firefighters used a tractor to create a pit in the dirt, were able to get the car inside, and then filled the hole with water. That allowed the firefighters to suffocate the battery pack and ultimately extinguish the fire, which burned hotter than 3,000 degrees and took more than an hour and 4,500 gallons of water to extinguish.

Lithium-ion batteries and PFAS: Lithium-ion batteries are used globally as a key component of clean and sustainable energy infrastructure, and emerging Lithium-ion battery technologies have incorporated a class of per- and polyfluoroalkyl substances (PFAS) known as bis-perfluoroalkyl sulfonimides (bis-FASIs). PFAS are recognized internationally as recalcitrant contaminants, a subset of which are known to be mobile and toxic, but little is known about environmental impacts of bis-FASIs released during Lithium-ion battery manufacture, use, and disposal.

Growth of Battery Storage in California and Projected Need: Over the past several years, the deployment of battery storage systems has grown significantly in California, growing from 500 megawatts (MW) in 2019 to over 13,300 MW statewide in 2024. According to the CPUC, "Battery storage systems are one of the key technologies California relies on to enhance reliability and reduce dependency on polluting fossil fuel plants. Battery storage systems soak up clean energy in the daytime when the sun is shining, store that electricity, and then export it to the grid in the evening hours when the sun is down. In 2024, California made historic progress in clean energy deployment. The state brought more than 7,000 MW online—the largest amount in a single year in California's history. This includes over 4,000 MW of new battery storage. California's current installed battery storage capacity is over 20% of California's peak demand. The state's projected need for battery storage capacity is estimated at 52,000 MW by 2045."

The Vistra Fire Incident at Moss Landing Power Plant: On January 16, 2025, a fire started at the Vistra Battery Energy Storage Facility and soon engulfed the Phase 1 battery energy storage building on the grounds of the Moss Landing Power Plant. The massive fire and thermal runaway event burned for days, destroyed tens of thousands of lithium-ion batteries, and resulted in shelter-in place and evacuation orders. Prior to the Vistra Fire, there had been three safety incidents at separately owned battery energy storage facilities located at the Moss Landing Power Plant, which occupies one of the largest battery energy storage systems.

According to the Author

Our state has made great strides toward utilizing electricity and batteries over fossil fuels. As such, lithium-ion battery storage systems have proliferated and California has the most amount of utility-scale battery storage facilities and electric cars, second only to China. While positive in many ways, this battery expansion has also come with unintended consequences, as the recent fire in Moss Landing—among others—demonstrated. Our firefighters are there to fight the fire to the best of their ability and keep our communities safe from further spread. But their current Personal Protective Equipment (PPE) and decontamination procedures have not been updated with this new form of fire that is becoming more common. As a result, they are exposed to toxic metals and semi-volatile organic compounds, exposing them to cancer and other serious health risks. To safeguard firefighters' health amid the rapid expansion of lithium-ion battery use, California urgently needs updated PPE and more effective decontamination procedures.

Arguments in Support

The California Professional Firefighters write, "There has been a recent spate of incidents involving lithium-ion batteries and energy storage systems (ESS). These incidents have been increasing in frequency and severity and have resulted in widespread community impacts, severe toxic exposures, and the injuries of our members as they respond to try and mitigate the damage. It is necessary to take a critical look at the standards surrounding firefighter health and safety issues when responding to these fires. The dangers of lithium-ion battery fires cannot be understated, both to the safety personnel responding to them as well as to the surrounding communities."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, "the Department of Industrial Relations, which houses OSHA, notes costs of approximately \$169,000 in the first year and \$157,000 ongoing to consult with the SFM and participate in the working group (Occupational Safety and Health Fund). The California Department of Forestry and Fire Protection, which houses the SFM, anticipates the fiscal impact to convene the working group to be absorbable."

VOTES:**ASM EMERGENCY MANAGEMENT: 7-0-0**

YES: Ransom, Hadwick, Arambula, Bains, Bennett, Calderon, DeMaio

ASM LABOR AND EMPLOYMENT: 7-0-0

YES: Ortega, Flora, Chen, Elhawary, Kalra, Lee, Ward

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 79-0-0

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

UPDATED

VERSION: August 29, 2025

CONSULTANT: Mike Dayton / E.M. / (916) 319-3802

FN: 0001550