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*Comment Received From: Theresa Ford*  
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## **Legislation Related to Lithium-based Technology**

*Additional submitted attachment is included below.*

April 6, 2025

California Energy Commission  
715 P Street  
Sacramento, CA, 95814  
Docket 24-OPT-02

Dear Commission:

Today I researched California legislation related to lithium-based batteries and was astonished at the immensity of the number of bills, existing and pending in both the state assembly and the state senate. There are 4 existing bills related to lithium-based batteries and 9 pending. One measure failed as it was stalled in an assembly committee.

I don't know when there has been and I wasn't able to find such focus on a particular technology. A quick review for other energy producing technologies such as flow, zinc-air, sodium iron, nickel-cadmium didn't yield nearly as many regulations or legislation as lithium-based technology. Even hydrogen-based energy solutions fall short in comparison.

In my opinion, the attention afforded to lithium-based battery technology by our legislators demonstrates a significant alarm for safety, waste management and environmental concerns. Lithium-based batteries pose fire and explosion risks, especially in large-scale Battery Energy Storage Systems (BESS). Bills such as AB 303 aim to improve safety standards and local oversight. New laws, such as SB 38, require battery storage facilities to implement emergency response protocols to address potential lithium battery fires.

I ask this commission to review all projects presented, especially those such as the Compass Project under the OPT-IN program, with acknowledgment of the concern demonstrated by our state legislators in their efforts to protect their constituents with what they believe to be necessary (and costly) legislative processes. If common sense is used in the siting process, then perhaps the need for protective legislation would be null. These bills are a *direct mandate*, born of the nascent technology's inherent volatility.

Theresa Ford

## **Legislative Oversight of Lithium Batteries & BESS Facilities in California: Risks, Regulations & Future Policies**

### **Introduction**

The rapid expansion of lithium battery technology and Battery Energy Storage Systems (BESS) has transformed California's energy landscape. While these advancements offer critical solutions for clean energy, they also introduce significant safety, environmental, and regulatory challenges. To address these concerns, California lawmakers have introduced a plethora of legislative measures and regulatory frameworks aimed at fire prevention, hazardous waste management, recycling, and emergency preparedness. This document provides a comprehensive overview of the laws, ordinances, and pending legislation shaping the future of lithium battery safety in the state.

**AB 303(Addis)** This bill grants local communities more control over battery energy storage projects, ensuring they are not built in environmentally sensitive areas like high fire or flood zones. (Pending in Assembly Committee on Utilities and Energy).

**AB 615 (Davies)** Existing law requires an application to be filed with the State Energy Resources Conservation and Development Commission for certification of a site and related facility which includes an electric transmission line or thermal powerplant, or both. Existing law requires the application to contain, among other things, safety and reliability information, including planned provisions for emergency operations and shutdowns, as specified. This bill would require the application to also contain an emergency response and action plan that incorporates impacts to the surrounding areas in the event of an emergency and that would be conducted and coordinated with local emergency management agencies, unified program agencies, and local first response agencies. The bill would require that the plan include analysis and feedback from the local emergency management agencies as to whether the proposed facility requires supplemental first responder capabilities and meets National Fire Association 855 Standard as it relates to setbacks, as specified. The bill would require the plan to be paid for by the applicant. (This bill goes to the hearing with Assembly Committees on Emergency Management and Utilities & Energy on Monday 4/7 in the afternoon.)

**AB 434 (DeMaio)** Prohibits, until January 1, 2028, a public agency from authorizing the construction of a battery energy storage facility, as defined and requires the State Fire Marshal to adopt guidelines and minimum standards for the construction of a battery energy storage facility to prevent fires and protect nearby communities from any fire hazard posed by the facility, as specified. (Pending in Assembly Committee on Utilities and Energy)

**AB 588 (Patel)** Requires the State Fire Marshal to convene a lithium battery working group to identify those safety issues associated with lithium batteries and associated charging infrastructure, as specified. (Pending in the Assembly Committee on Emergency Management)

**AB 696 (Ransom)** Requires the California Environmental Protection Agency to convene a Lithium-Ion Car battery Advisory Group to review and advise the Legislature on policies on

handling and disposing of lithium-ion vehicle batteries. (Pending in the Assembly Committee on Appropriations)

**AB 841 (Patel)** Requires the State Fire Marshal to develop, in consultation with the Division of Occupational Safety and Health, a working group to make recommendations regarding personal protective equipment used in responding to lithium-ion battery fires, as specified. (This bill is set to be heard by the Assembly Committee on Emergency Management on April 7, 2025.)

**SB 283 (Laird)** Require the CPUC and the Office of the State Fire Marshal to review and consider the most recently published edition of the National Fire Protection Association (**NFPA 855**, Standard for the Installation of Stationary Energy Storage Systems, for incorporation into the next update of the California Building Standards Code adopted after July 1, 2026. (Pending in Senate Energy, Utilities and Communications Committee)

**AB 1285 (Committee on Emergency Management)** Requires the State Fire Marshal, in consultation with the Office of Emergency Services, to develop fire prevention, response, and recovery measures for utility grade lithium-ion battery storage facilities, as specified (Set to be heard by the Assembly Committee on Emergency Management on April 7, 2025)

**General Order 167C**, which currently provides a method to implement and enforce maintenance and operation standards for electric generating facilities. The proposal adds new safety standards specifically for the maintenance and operation of battery energy storage systems, as required by SB 1383. The proposal also makes explicit that the CPUC requires battery storage facility owners to develop emergency response and emergency action plans, as required by SB 38. In addition, the proposal makes other technical updates to the standards to improve safety, reliability, and effectiveness of operation and maintenance activities, such as establishing technical logbook standards for battery storage systems, and expanding requirements for emergency plans that relate to all electric generating facilities. (Regulatory proposal in progress)

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**(SB) 1383 (Jackson 2016)** to establish new standards for the maintenance and operation of battery energy storage facilities, and 2) increase oversight over emergency response action plans for battery energy storage facilities. If approved, the proposal will enhance the safety of battery energy storage facilities, which play a crucial role in California's transition away from fossil fuels. (Passed, enacted in 2016)

**AB 2440 (Irwin 2022)** A new battery EPR scheme will require battery producers to create or fund stewardship programs for collecting and recycling most batteries sold within California, beginning no later than April 1, 2027. Producers of single-use and rechargeable batteries sold or offered for sale within California. This does not include batteries over a certain weight or batteries contained in medical devices, cars, or bicycles. It applies only to battery producers, not to manufacturers of devices that contain embedded batteries (which are

covered under SB1215), except to the extent that those manufacturers are also battery “producers.” ( Passed, signed into law in 2022)

**SB 1215 (Newman 2022)** This law expands the EWRA to cover battery-embedded products, requiring consumers to pay a fee at the point of sale for any new or refurbished product with an embedded battery. The law also expands the reporting requirements for manufacturers of all covered electronic devices. The point-of-sale fee will take effect beginning January 1, 2026, while the new reporting requirements will take effect beginning July 1, 2027. (Passed, signed into law in 2022)

**AB 2832 (Dahle)** The Lithium-ion Car Battery Recycling Advisory Group was created to advise the Legislature on policies pertaining to the recovery and recycling of lithium-ion vehicle batteries sold with motor vehicles in the state. It is being led by the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC), and the Department for Resources Recycling and Recovery (CalRecycle). Additional members come from the environmental community, auto dismantlers, public and private representatives involved in the manufacturing, collection, processing and recycling of electric vehicle batteries, and other interested parties. The advisory group was formed in 2019 in response to Assembly Bill 2832 (Dahle, 2018). (Passed, enacted in 2019)

## **Conclusion**

As California continues its transition to renewable energy, the safe management of lithium-ion batteries and battery energy storage facilities remains a focus for communities and legislators. The legislation outlined in this document highlights the evolving regulatory landscape, emphasizing fire prevention, environmental safeguards, recycling initiatives, and emergency response protocols. These measures are crucial to mitigating risks associated with lithium batteries and ensuring long-term sustainability and safety. Moving forward, policymakers, industries, and communities must collaborate to develop innovative solutions that balance energy progress with public safety and environmental responsibility.