



Public Comment Closes on Fire Safety Recommendations for Battery Energy Storage Systems (BESS)

On July 28, 2023 Governor Hochul announced the creation of an Inter-Agency Fire Safety Working Group (WG), which was tasked with gathering information from incidents and advice from experts to prevent fires in BESS. The WG was directed to conduct an incident analysis of BESS, reviewing fire and safety standards, conduct a full review of fire safety codes, standards, and regulations, conduct field assessments of in-service BESS, and create a final report that summarizes all the findings and recommendations of the WG.

In total, there are 15 recommendations, available [here](#), all of which are intended to apply solely to lithium-ion BESS exceeding the 600 kilowatt-hour. Although these recommendations are not yet in force, public comment closed on March 5, 2024, indicating they may soon be adopted. The recommendations are broken into the following three categories: (a) Proposed Recommendations for Fire Code Updates; (b) Proposed Recommendations for Fire Code Additions; and (c) Additional Considerations.

A. Proposed Recommendations for Fire Code Updates

The recommendations for Fire Code Updates are as follows: (1) require industry-funded independent peer reviews for all projects; (2) expand the requirement for explosion control to include BESS cabinets, in addition to rooms, areas, and walk-in units; (3) require that qualified personnel are available for dispatch within 15 minutes and able to arrive on scene within four hours to provide emergency support; (4) extend safety signage requirements beyond the BESS to include perimeter fences or security barriers; (5) update the Fire Code to ensure that Battery Management System data is monitored by a 24/7 staffed Network Operations Center; (6) update the Fire Code to incorporate requirements for close-circuit television systems; and (7) remove the Fire Code exemption for BESS projects owned or operated by electrical utilities to ensure that all projects comply with the Fire Code.

B. Proposed Recommendations for Fire Code Additions

The recommendations for Fire Code Additions are as follows: (1) include a requirement for an Emergency Response Plan and annual local first responder training for every BESS installation; (2) include a Fire Code requirement for monitoring of fire detection systems by a central station service alarm system; (3) mandate the installation of fire stops for all BESS enclosure penetrations; (4) introduce a new provision in the Fire Code mandating industry-funded special inspections for BESS installations; and (5) include “cabinets” in all Fire Code requirements that pertain to rooms, areas, or walk-in units, except for fire suppression requirements.

C. Additional Considerations

In addition to the fire code updates and proposed additions, the WG recommends establishing guidance for water supply in an emergency response to a BESS fire and determining if more specific requirements are necessary. Finally, the WG recommends that the Code Council have further discussions around clearance distances of oil-insulated transformers from BESS.

Conclusion. When adopted, these recommendations will create compliance obligations for BESS operators and developers. More information can be found in the Battery Energy Storage System Guidebook, which is available on the New York State Energy Research and Development Authority (NYSERDA) at: <https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Battery-Energy-Storage-Guidebook>. To learn more about obligations your energy storage facility may have in light of these new fire safety regulations, please contact:

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