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Ken King Chair  
**Texas House of Representatives, State Affairs Committee**  
PO Box 2910  
Austin, Texas 7876

**RE: Technical Review of House Bill 1378 by Virdell**

Chair King

Code Concepts Group, LLC was engaged by the Advanced Power Alliance and Texas Solar + Storage Association to review and provide expert input on battery energy storage safety legislation in Texas. Our team brings over 60 years of combined experience in fire service, emergency management, hazardous materials, code development and enforcement.

Based on our review, we believe House Bill 1378 (Virdell) represents a significant step backwards in the safe installation and operation of battery energy storage systems (BESS) in Texas. This legislation appears to take a step back to model practices and other proposed bills.

One of the key advantages of BESS is their modularity, which allows for flexible siting to maximize grid benefits. HB 1378's arbitrary 500-yard setback is not grounded in any recognized safety guidelines, planning standards, or credible scientific evidence. It would do little to improve public safety while severely restricting the availability of otherwise suitable sites, undermining the value of energy storage to the power grid.

Drawing from national best practices and our professional experience, proven measures to enhance BESS safety include:

1. **Adopting National Standards:** Requirements based on the International Fire Code, NFPA 855, and UL 9540 ensure consistent, expert-driven safeguards for communities and first responders.
2. **Strengthening Local Capacity:** Providing jurisdictions with resources and training to review BESS projects effectively promotes compliance and safe operations.
3. **Training First Responders:** Ongoing, specialized training prepares first responders to manage BESS-related incidents safely and effectively.

Texas needs a responsible framework that supports energy storage growth while upholding the highest public safety standards. HB 1378 imposes restrictions disconnected from expert safety considerations and ignores established practices proven to protect communities, first responders, and critical infrastructure.

We respectfully urge you to oppose HB 1378 and instead support legislation such as House Bill 3824 (King) that reflects national codes and sound safety principles determined by fire safety experts with decades of experience.

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