

COMMITTEE ON FIRE AND EMERGENCY MANAGEMENT
CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND EMERGENCY
MANAGEMENT

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October 28, 2025
Start: 1:11 p.m.
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HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Joann Ariola, Chairperson

COUNCIL MEMBERS:

Simcha Felder
Oswald Feliz
Susan Zhuang

OTHER COUNCIL MEMBERS ATTENDING:

Sandy Nurse
Robert F. Holden
Lincoln Restler
Jumaane Williams, Public Advocate

A P P E A R A N C E S

Thomas Currao, Chief of Prevention for the New York City Fire Department

Joseph Loftus, Acting Chief of HAZMAT Operations for the New York City Fire Department

Elijah Hutchinson, Executive Director of New York City Mayor's Office of Climate and Environmental Justice

Kathleen Schmid, Deputy Executive Director of New York City Mayor's Office of Climate and Environmental Justice

Costa Constantinides, former New York City Council Member

Alia Soomro, Deputy Director for New York City Policy at the New York League of Conservation Voters

Daniel Chu, Senior Energy Planner for the New York City Environmental Justice Alliance

Pete Sikora, New York Communities for Change

Faiza Azam, Climate and Labor Organizer for the Alliance for a Greater New York

Stephen Levin, Chief Executive Officer of Solar One

Connor Kreb, Development Manager at Soltage

A P P E A R A N C E S (CONTINUED)

Patrick Robbins, Director of the Utility
Customers Association

Josh Kellermann, Climate Jobs New York

Jasmin Lawrence, property owner in St. Albans,
Queens

Andrea Scarborough, resident of Addisleigh Park

William Scarborough, President of the Addisleigh
Park Civic Organization and President of
Southeast Queens Residents Environmental Justice
Coalition

Caroll Forbes, self

Thomas Maguire, Business Representative with
Local Union Number Three of the International
Brotherhood of Electrical Workers

Cornelius Skeahan, Safety Director and Lobbyist
for the Joint Industry Board of the Electrical
Industry

Ketyann LaCerra, apprentice electrician and a
member of Local Three of the International
Brotherhood of Electric Workers

Linda Baran, President and Chief Executive
Officer of the Staten Island Chamber of Commerce

Mary Parisen Levelle, Chair of Civics United for
Railroad Environmental Solutions

A P P E A R A N C E S (CONTINUED)

Christopher Leon Johnson, self

2 SERGEANT-AT-ARMS: Good afternoon, this is
3 a microphone check for the Committee on Fire and
4 Emergency Management. Today's date is October 28,
5 2025, located in the chambers, recording done by
6 Pedro Lugo.

7 SERGEANT-AT-ARMS: Good afternoon, and
8 welcome to the New York City Council hearing of the
9 Committee on Fire and Emergency Management.

10 At this time, can everybody please
11 silence your cell phones.

12 If you wish to testify, please go to the
13 back of the room to fill out a testimony slip.

14 At this time and going forward, no one is
15 to approach the dais. I repeat, no one is to approach
16 the dais.

17 Chair, we are ready to begin.

18 CHAIRPERSON ARIOLA: [GAVEL] Thank you.
19 Good morning and welcome to this hearing of the
20 Committee of Fire and Emergency Management. I'm
21 Chairperson Joann Ariola, and I represent the 32nd
22 Council District in Queens. I would like to recognize
23 that we have been joined by Council Members Nurse and
24 Holden in person and Council Member Feliz via Zoom.

Today, the Committee will be examining a timely and important topic that's related to the building of green energy structures in the city and ensuring fire safety, fire safety and permitting approval for community energy storage facilities. Energy storage facilities powered by lithium-ion batteries are an emerging technology that have been identified by current administrations to play a key role in future initiatives to increase the development of renewable energy sources and less independency on energy generated from fossil fuels. However, the potential for fire and explosion from lithium-ion batteries raises severe concerns about the locations of BESS facilities and their impact on neighboring properties, even though current safety regulations and testing standards are intended to reduce the risks caused by these facilities. As an example of how these facilities can incredibly be destructive is, as an example, the January fire of a California-based battery storage plant, approximately the same size as the one planned for Staten Island. California facility caught fire and burned for multiple days, prompting the evacuation of more than 1,500 residents and closing local schools.

At today's hearing, we want to examine the existing regulations and permitting requirements for the installation of energy storage facilities in New York City, including FDNY's procedures for approving equipment, establishing safety standards for facilities, and conducting site-specific reviews of proposed projects. Additionally, the Committee will explore the emergency plan required to approve BESS installations and the Department's protocols for responding to emergencies at such facilities.

With that said, we look forward to hearing testimony from the Administration on this topic and exploring how this Council can continue to work for the insurance of our City agencies, making a priority of the safety of all New Yorkers, specifically when it comes to facilities that house large, potentially destructive lithium-ion batteries.

We have with us from the administration today Chief Thomas Currao, Chief of Prevention for the New York City Fire Department; Chief Joseph Loftus, Acting Chief of HAZMAT Operations in New York City Fire Department; Kathleen Schmid, Deputy Executive Director, New York City MOCEJ; Elijah Hutchinson, Executive Director, New York City MOCEJ.

2 Before I turn it over to Committee
3 Counsel, I would like to thank our Committee Counsel,
4 Josh Kingsley; Senior Analyst, William Hongach; and
5 of course, my Chief-of-Staff, Phyllis Inzerillo; and
6 Executive Director Peter Spencer, for all their help
7 in putting this together.

8 I will now have Committee Counsel read
9 the affirmation for all individuals from the
10 Administration who will be providing testimony.

11 COMMITTEE COUNSEL KINGSLEY: Thank you,
12 Chair.

13 Please just raise your right hand and
14 affirm the following, that you affirm to tell the
15 truth, the whole truth, and nothing but the truth
16 before this Committee, and to answer honestly to
17 Council Member questions?

18 ADMINISTRATION: Yes.

19 COMMITTEE COUNSEL KINGSLEY: Seeing that
20 you affirm, go ahead. Thank you.

21 CHAIRPERSON ARIOLA: Who will be
22 testifying first?

23 CHIEF CURRAO: Good afternoon, Chair
24 Arreola and members of the Fire and Emergency
25 Management Committee. My name is Thomas Currao, and

I'm the Chief of Fire Prevention with the New York City Fire Department. I am joined today with Joe Loftus, Chief of HAZMAT, and thank you for the opportunity to discuss today's oversight topic, fire safety and permitting approval for energy storage systems.

The FDNY's approach to achieving its life safety and fire prevention is based on the understanding that fire prevention mission is realized via a layered, multifaceted, risk-based analysis and decision-making process. This begins with a review of the specific battery energy storage system that a manufacturer is applying to install within New York City. The Bureau of Fire Prevention takes this responsibility very seriously, and thoroughly examines from an engineering, fire prevention, and hazard mitigation perspective, full-scale testing that is completed as per standard protocols of a nationally recognized testing laboratory, such as Underwriters Laboratory. This testing mimics various component and system failures, and provides test results that depict how the equipment contained and malfunctioned so that a thermal runaway event does not initiate. It also

2 demonstrates how well the equipment's protective
3 systems perform to contain a thermal event.

4 It is important to note that the FDNY has
5 exclusive authority and responsibility to grant
6 certificates of approval for battery energy storage
7 systems for use in New York City, as required by New
8 York City Fire Code 112 and Fire Code 608.5. Although
9 the FDNY has no authority regarding the specific
10 location of the installation, that topic is best
11 addressed by others, such as the Department of City
12 Planning, or Mayor's Office of Climate and
13 Environmental Justice.

14 We at the FDNY represent a multi-step
15 safety gateway, ensuring a high level of protective
16 performance of the battery energy storage system
17 installed at any location. This is primarily achieved
18 in three ways. The contractor's submittal of a plan
19 for installation of the equipment for outdoor systems
20 greater than 250 kilowatts per hour, based on the
21 FDNY's certificate of approval for the equipment,
22 hazard mitigation analysis, and manufacturer's
23 specifications. Contractor's submittal of a plan for
24 the design and installation of the fire suppression
25 systems, as per National Fire Protection Association

Standard 15 and a contractor's submittal of a plan for the design and installation of a fire alarm system. Although the layers may seem redundant, this is a vital check and balance process involving multiple units within the Bureau of Fire Prevention. Each one of these units conducts an independent review, and only upon satisfactory assessment will issue a letter of acceptance for each system. A letter of acceptance is but one step of the life safety and fire prevention process involved with battery energy storage systems.

There are many safeguards, risk mitigation, and fire prevention measures that are enumerated as per New York City Fire Code, the rules of the City of New York, and NFPA Standard 855, such as:

Certificate of fitness holder. The system shall be operated and maintained under the supervision of a certificate of fitness holder issued by the FDNY having necessary qualifications.

Emergency management plan. The owner, manufacturer, installer of a stationary energy storage system shall have an emergency management plan that includes procedures for notifications, the

provision of technical assistance, mitigation of hazardous conditions, decommissioning, and restoration of normal operations.

Energy storage management system monitoring. All stationary energy storage systems shall be designed with an energy storage management system that transmits data regarding energy storage system status and temperature to a remote monitoring facility or other approved location.

Fire protection and hazard mitigation. Stationary energy storage systems shall be designed to address the hazards of full-scale testing, including protecting the stationary energy storage system and the building enclosure that houses that system with fire barriers, fire alarm systems, explosion mitigation, gas detection, and other emergency alarm systems, fire extinguishing systems, and ventilation systems.

Central station monitoring. All fire protection systems protecting the stationary energy storage system installation includes any fire protection system, fire or gas detection, or any other emergency alarm system which shall be monitored by an approved central station.

2 Notification to the FDNY. A notice of
3 commissioning and decommissioning shall be given to
4 the local fire company and hazardous materials
5 operations for their familiarization with the system,
6 its operation, the safety systems incorporated, and
7 actions to take in case of emergency in accordance
8 with the emergency management plan.

9 Feature called an E-stop. This is an
10 emergency shutdown. Must be provided close to the
11 Fire Department connection where we would supply the
12 system.

13 Once an applicant receives the necessary
14 letters of acceptance, it must apply to the Bureau of
15 Fire Prevention for a project authorization to begin
16 installing the battery energy storage system. This
17 alerts the FDNY that actual construction will begin
18 based on the submitted plans.

19 Finally, and upon completion of the
20 installation, the applicant must schedule three
21 inspections for an onsite review of the installation
22 and the fire alarm and fire suppression systems.
23 These inspections are completed by the Bureau of Fire
24 Prevention's Bulk Fuel Safety Unit, the Fire Alarm
25 Inspection Unit, and the Range Unit. It is only upon

a satisfactory inspection across the full spectrum of Fire Code requirements and receiving sign-off from the Department of Building's Office of Technical Certification and Research that an operating permit is issued to the applicant.

The Fire Department also has training to respond effectively if there is ever an emergency involving a battery energy storage system. HAZMAT Operations has a multi-layered safety protocol in place for such responses. Before an energy storage system is commissioned, HAZMAT Operations and the FDNY's Emerging Technology Chief visit the site to perform a familiarization drill. This drill is performed with the FDNY Certificate of Fitness Holder for the site and is also attended by local fire units and the Special Operations Command HAZMAT Battalion Chief. A detailed emergency information card is prepared by the Emerging Technology Chief and made available to all members via the Incident Command Application. That's an application that we use in the FDNY, available to all commanders. All members receive a comprehensive training document that details tactics and instruction specific to emergencies involving battery energy storage systems.

If there is an incident at an energy storage system, it would draw a robust HAZMAT response, including the HAZMAT Battalion Chief, the Chief in Charge of the HAZMAT Operations, a nationally trained HAZMAT Tech Unit, and HAZMAT Company Number One. HAZMAT Company Number One is the nation's premier HAZMAT response unit. It is comprised of the most highly trained firefighters in the nation, many of them who teach battery response across the country. They are the only fire company in America that focuses strictly on hazardous materials. Many of them have well over 1,000 hours of training and have earned multiple degrees and certificates.

The risk management functions of the Bureau of Fire Prevention are mutually supported by the preparedness, training, equipping, and response capabilities of the FDNY Operations and Special Operations Command, particularly the highly trained members of the Hazardous Materials Response Group. These FDNY entities have been ahead of the curve in studying the response challenges of battery energy storage systems, and they work in concert to study and stay abreast of the latest developments regarding energy storage system technology. Training and

2 response procedures are specifically tailored to
3 these systems, with revisions and upgrades being made
4 as technologies evolve.

5 The FDNY's risk management approach
6 consists of both a Fire Code that is widely
7 recognized as one of the most robust, comprehensive,
8 and strict codes in the country, as well as a
9 response that is executed by skilled and
10 knowledgeable firefighters who are specifically
11 trained to address energy storage system emergencies.
12 As a result, the Department's approach to this
13 technology is considered a benchmark for the safety
14 of urban energy storage systems, exceeding the
15 typical standards that exist in other jurisdictions.
16 We have achieved this level of stringency through
17 local customization, risk analysis based on thorough
18 testing, strong enforcement, and emergency
19 preparedness and response. Battery energy storage
20 systems are a complex technology, so the Department's
21 regulation and response to them is intentional and
22 thorough.

23 Thank you for your attention to this
24 important subject. We would be happy to take your
25 questions at this time. Thank you.

CHAIRPERSON ARIOLA: And the rest of the panel is here for just Q and A, correct? Thank you.

I'd like to just note that we have been joined in person by Council Member Zhuang, Felder, and our Public Advocate, Jumaane Williams.

Thank you for your testimony, Chief. Can the Fire Department please discuss the safety concerns, if you have any, with the battery energy storage systems?

CHIEF CURRAO: Thank you, Chair Ariola. I think that how we've addressed any concerns that we have is through the engineering. And when we looked into this as a Fire Department, first beginning back in 2019 and then the 2022 Fire Code, we really wanted to put into place the most stringent fire codes that we could. We studied energy storage system technologies that are out there in conjunction with the HAZMAT commands, and we really wanted to, when we think of these energy storage systems, it's important to think in terms of layered safety, multifaceted safety, right, so everything is built so that any kind of issue that occurs is kept small, right, so that there's a circuit breaker that kicks on before it becomes anything bigger. It's monitored, right?

It's by 24/7 monitoring by professionally trained people, 24/7 certificate of fitness holder. So that was any, as we do with really any technology, no matter what it is that enters the FDNY, the Bureau of Fire Prevention, we look at it with a very critical eye. We're very conservative. I like to say that we have, I think some of the best plant examiners, chemists and engineers that, you know, in the country, and that's how I think we can provide a very high level of safety for this technology or really any technology.

CHAIRPERSON ARIOLA: Do you think there are any challenges that fire operations can be confronted with if there is an explosion, if all those check valves fail, and we've seen it happen before, if there is an explosion at, and we're going to say a lot of people who are listening online and on TV and here, we will say BESS system, but that's the Battery Energy Storage System. We'll just call it BESS moving forward. So, you know, we've seen tragedies happen in other states that are utilizing these. So what are your challenges, and how will you confront them? We know what happens when a lithium-ion battery goes on fire just at the doorway of a

home because of a motorized vehicle, you know, scooter, so imagine that in the enormity of a BESS station inside a community of residential homes.

CHIEF CURRAO: Chair Ariola, thank you so much for the question. And I think it gets to the heart of FDNY's preparedness, right, so I would say almost like a belt and suspenders approach, right? So we always have redundant systems, training, preparedness, equipment to make sure that we can deal with the worst-case scenario, and what I'd like to do is if I can, you know, refer to my chief of HAZMAT, Joe Loftus, very specific detailed information on that. Thank you.

ACTING CHIEF LOFTUS: Thank you, Chairperson, for the question. I understand the concern. I think what I'd like to do first is just explain a little bit about kind of what the differences is because you brought it up about the scooters and the e-bikes compared to battery energy storage systems so I think this is a good point to explain what they are. So, I guess the easiest way to put it is the FDNY this year is on pace to respond to 500 lithium-ion battery fires so I understand the concern with everyone. So what I want to kind of

explain is a little bit of the difference of the chemistry, the engineering and something called the battery management system. So, the fires that we respond to over 90 percent, there's no UL certification, they are knockoffs for lack of a better word. When it comes down to battery energy storage systems or EVs for that example, is they're very highly engineered. So all of us right now have multiple lithium-ion batteries within a couple inches of ourselves, right? We have our phones and our computers and so on and so forth. Why don't they fail? The reasons why they're not failing is they failed, well, I don't want to say never, but very rarely is because of the engineering process. So, the engineering that goes into a battery energy storage system or for an EV is nothing, we shouldn't compare, it's unfair to compare them to an e-bike or a scooter, right, something that's not really regulated. These are highly engineered. They have what they call a battery management system, BMS. So, battery management system is essentially the brain of the device, and, I don't want to use the word brilliant, but without having another word, it's extremely, extremely smart. If there's a failure in

one of these, it shuts it down beforehand. We can remotely monitor it as a Fire Department if there was some type of event going on so it regulates the battery's health. And as I said, it's essentially the brain. So, these are highly, highly technical skills. And that's why we see, so in the past six years, we've had a 98 percent decrease in fires in these highly engineered, 98 percent decrease with a 25,000 percent increase in battery energy storage systems. So once again, that's 98 percent decrease in them over the past years with 25,000 percent increase in them. That being said, as Chief Currao mentioned, we prepare for everything. So, in the Fire Department, tech management, and in HAZMAT operations, whatever comes across, we're going to deal with. So, whether that's any type of green technology or whatever else is, so we have a robust response. If you'd like to, I could get into the response that we have from special operations. I could tell you who responds, the chiefs that responds, and the companies that respond, and the training that goes into it. One of those companies being the nation's premier HAZMAT company that actually has well over 1,000 hours' worth of training and teaches battery training, teaches

battery response across the nation. So that is one of the units that will respond in to any type of failure.

CHAIRPERSON ARIOLA: So then you would feel comfortable living next door to a BESS? You would feel comfortable if they chose a lot next to your home to put a BESS? Would you feel comfortable?

ACTING CHIEF LOFTUS: Are you referring to safety-wise? Safety-wise, yes.

CHAIRPERSON ARIOLA: Yeah. Would you feel comfortable living there knowing that a battery energy storage system was being built right next to your home?

ACTING CHIEF LOFTUS: Yeah. Knowing safety-wise and the response to the Fire Department and how we respond getting there within three minutes, knowing also the battery chemistry of what's going on in the Fire Department. If it was coming out specifically LFP, which burns not so energetic, I would have confidence that the Fire Department and HAZMAT operations could handle the situation.

CHAIRPERSON ARIOLA: So then that's a yes?

ACTING CHIEF LOFTUS: Well, as for safety reasons, yes. I would be very confident in the Fire

2 Department, the technology that's allowed in there,
3 what tech management does and our response, yes, that
4 I would be confident that the Fire Department could
5 handle a situation, an emergency or a fire. I'd be
6 confident that we could handle it.

7 CHAIRPERSON ARIOLA: You might be the only
8 person in New York City who feels that way because
9 speaking to my community and many of the communities
10 of my adjacent Council Members, they don't feel safe
11 because these battery energy storage systems are
12 going into residential areas when they could be put
13 in more industrial areas. In fact, and my Colleague,
14 Council Member Holden will speak about his own
15 community, but that's adjacent to a school.

16 Do you know whether or not other
17 jurisdictions put these BESS units in residential
18 areas?

19 CHIEF CURRAO: So I'm going to pass it
20 over to, I think, MOCEJ. We don't, the Fire
21 Department doesn't, we don't design where they put,
22 we don't decide where they go. That's not the Fire
23 Department. What we do is if there is an issue with
24 it or something else, we handle it for a fire. So I
25 think that would be, MOCEJ could answer that.

DEPUTY EXECUTIVE DIRECTOR SCHMID: Thank you, Council Member. We'll have to get back to you as to how other jurisdictions designing their siting requirements and other examples of municipalities that have storage systems in residential neighborhoods.

What I can say, though, is that these battery energy storage systems provide localized benefits to communities that range from providing resilient power during peak periods and preventing or de-risking blackouts and brownouts to reducing energy costs, and they can provide those benefits more directly and more effectively the closer they are to a community, and so putting these storage systems into neighborhoods helps get the benefits closer to the people who can use them. And that's why we passed City of Yes to provide a mechanism to design siting requirements that met the science and that underwent a process to make sure that we were creating land use rules that were safe for communities, but that provided the flexibility to site these where they could provide the greatest benefit to our communities, both in terms of reliability and

resilience, but also in terms of reducing energy costs.

CHAIRPERSON ARIOLA: So just to go back to your original statement, you have not checked with any other jurisdictions?

DEPUTY EXECUTIVE DIRECTOR SCHMID: We, as well as our colleagues at other agencies, are in regular contact with other jurisdictions about energy storage systems. I just can't say off the top of my head if I know of others that have particular installations in residential areas, but we can certainly check that and come back to you.

CHAIRPERSON ARIOLA: So, do you think that the people in California would rather have had less blackouts and take the risk of that rather than having to have been evacuated because their BESS exploded?

DEPUTY EXECUTIVE DIRECTOR SCHMID: So, I'm going to pass that back to the Fire Department to talk about the specific chemistry and installation at California.

I will say that the Los Angeles Times today had a piece that talks about the local benefits of battery storage, and I do think that once we have

confidence in the safety and engineering that our Fire Department prepares, and they'll talk about that fire, we do believe and we do see many people really appreciating the benefits of energy storage. But can you address the particular fire?

CHAIRPERSON ARIOLA: Chief, if you don't mind, I'm just going to stay here for a minute. So tell me what your methodology is, what's your metrics for choosing where to put these? You just say, empty piece of property, City of Yes says we can do it, there it is. Like what's your metrics? What do you utilize to say this is where a BESS should be located?

DEPUTY EXECUTIVE DIRECTOR SCHMID: So, most of the energy storage systems that are operating in New York City are developed by private developers on privately owned property. So, the City of Yes created the zoning regulations under which those developers could develop storage systems as of right, but the City plays no role in site selection or the development of those systems aside from the permitting processes that they go through with our City agencies so we don't make those decisions. There are a small number of projects that are being

advanced by the City of New York on City-owned property, but so far those are a very small number. They're limited to being sited on City facilities that are already at infrastructure uses and we can provide more information about that as well.

CHAIRPERSON ARIOLA: Yeah. So, I can't imagine that you don't have oversight. It says, I mean, how can the Mayor put this forth? The Fire Department have jurisdiction over the permitting and the oversight for safety, but yet it really turned into a business for entrepreneurs. So, can the Mayor's Office of Climate and Environmental Justice provide insight on the benefit for local best facilities in residential areas? How do they benefit other than what you just said? They have a little bit of extra electricity, maybe there won't be a brownout, there won't be a blackout. Are there enough suitable properties in industrial or manufacturing zones to house such facilities? What is the obsession with residential areas and what is the economic driving force for placing installations in residential areas? That's why you're getting this pushback because it's in residential areas. And you can't tell me that you can't have this in an

1 industrial or manufacturing area and the people in my
2 community still benefit from that because our
3 electrical grid goes quite far, actually. It goes
4 into Brooklyn. Council Member Nurse and I share a
5 grid. And something happens in Lindenwood where I
6 live, it affects where she is and where Council
7 Member Chris Brown is, so I don't think it's a matter
8 of how far it is from the residential community, but
9 why are you targeting residential communities? That's
10 what we're pushing back on. Why? I hope you have an
11 answer.
12

13 DEPUTY EXECUTIVE DIRECTOR SCHMID: So, I
14 wouldn't use the word targeting to describe the
15 City's land use policy regarding energy storage, and
16 I actually think the City's electric grid and natural
17 gas distribution infrastructure is a really apt
18 example because we have significant natural gas and
19 electric distribution infrastructure embedded in our
20 residential communities because for the
21 infrastructure to work, we need certain types of
22 facilities in certain places, both to ensure that it
23 operates as a system and can distribute, whether it's
24 gas or electrons throughout the system evenly, but
25 also to make sure that that system is benefiting New

Yorkers, and energy storage is exactly like that. We need them spread through multiple areas. They do provide direct benefits to communities. I've talked about resilience. I've talked about utility bill mitigation. They also, during peak summer hours, reduce our need to use fossil fuel combustion and run the peaker plants and provide direct benefits to communities in terms of air quality. I think that one thing that I found interesting is that during the June heat wave of this year, for the first time we saw the city's peak electric use shift from early afternoon, mid-afternoon, around 2 o'clock to 4 o'clock, shift south to 4 o'clock to 6 o'clock, and that's because of the amount of solar that we have built. It's demonstrably shifting our peak energy uses and reducing our energy use during the peak time during heat waves that both helps prevent brownouts, but also reduces our use of energy at its highest cost. When we see sufficient energy storage, we expect similar shifting, and that shifting has direct benefits to consumers, to rate payers, in addition to the air quality benefits and reliability benefits that we're providing are critical facilities that serve New Yorkers, that we're providing to New

2 Yorkers that use air conditioning to stay cool at
3 home, that are on life critical equipment at home.
4 This energy storage systems distributed throughout
5 the distribution network really is part and parcel of
6 where, you know, the future of our electric system
7 and like our electric system now works best when it
8 is distributed throughout the city.

9 CHAIRPERSON ARIOLA: Since you're the rep
10 for climate justice, what are the repercussions of
11 lithium-ion battery fires to the environment? Has
12 there been a study that shows what it does, what are
13 the repercussions to the environment?

14 DEPUTY EXECUTIVE DIRECTOR SCHMID: I will
15 pass back to the Fire Department to talk about...

16 CHAIRPERSON ARIOLA: No, no, no, I want to
17 stay with you, your Climate Justice, so why aren't
18 you having a problem with this? What problems does
19 runoff, if that BESS explodes, what problems with
20 runoff and repercussions will there be to our
21 climate?

22 DEPUTY EXECUTIVE DIRECTOR SCHMID: So, do
23 you want to answer, Elijah?

24 EXECUTIVE DIRECTOR HUTCHINSON: It's an
25 issue of hazardous, of waste and exposure once

there's a battery fire happening, which is what we use the FDNY's kind of regulatory oversight on making sure that there's the proper mitigation and controls in place for when a fire does happen and how that gets managed. The issue for climate and environmental justice that we see for us is we have, not only do we have aggressive and important and critical climate targets to meet on carbon neutrality for the city as a whole going into 2050, we also have targets to meet much more sooner on 100 percent renewable power in much sooner years. And so these batteries play an integral part in making sure that we can get to that point where we have a system at scale, which is why it's so important to have these located in a distributed way across the city so that we can really meet what is this transformational change that the city is going through, not just in terms of climate, but the very fundamental infrastructure and the nature of our electricity grid going forward. And what's important for us when we're managing this change is to keep in mind reliability and safety, number one, making sure we're transitioning this grid to be off fossil fuel-based resources and to make sure that our grid is reliable and can provide the

2 service and quality of standards that we need.
3 There's lots of things to weigh when we're
4 considering all of those factors together. And there
5 are these trade-offs that with batteries come certain
6 risks with those fires, but we need to understand
7 them, analyze them, study them with our Fire
8 Department to make sure we have the right codes and
9 procedures in place to keep them safe.

10 CHAIRPERSON ARIOLA: So then it's safe to
11 say that you've done no studies on the chemical
12 exposure of lithium-ion batteries in a community if
13 there is an issue at a BESS and it does explode. So,
14 we're going to do that thought testing afterwards,
15 after people are already exposed, because that's what
16 we do here. That's how we do things.

17 DEPUTY EXECUTIVE DIRECTOR SCHMID: Council
18 Member, we're happy to get you the body of research
19 that has informed...

20 CHAIRPERSON ARIOLA: Why don't you know
21 it? You're here to testify on this topic. Why don't
22 you have that information with you?

23 DEPUTY EXECUTIVE DIRECTOR SCHMID: Because
24 the number of studies that have informed not just the
25 City's rules and permitting requirements for storage,

but also New York State's permitting requirements is significant, and there are many sources of information that both inform...

CHAIRPERSON ARIOLA: But you can't even give me one. See, I don't have any doubt that the Fire Department will do everything they need to do in order to put that fire out, but what I do have a problem with is that it's in a residential community, you've not done an environmental impact study, you don't know what kind of chemicals will be released. You need a HAZMAT unit from the FDNY to come out. People live across the street. People go to school across the street. And these things will be emitted into the air. Now, I'm with you. We need greener, we move into a greener world. We need to make sure that we use less fossil fuels. We need to make sure that we have plenty of power for our homes, for our businesses, for our schools. But what you haven't done is proven to me that it is safe to put them in residential areas. And again, I don't discount what the Fire Department is capable of. But I also know that at previous hearings that we've had, it has been next to impossible to put out a lithium-ion battery fire. There is not a container in the world that can

contain a lithium-ion battery fire. And if I want to take it even further back, we had a hearing just about outdoor, it was right after COVID was over, outdoor dining, where the then Chief of the Department testified against a bill for, let's see, we had it here, for the containers for, give me a word...

UNIDENTIFIED: Propane.

CHAIRPERSON ARIOLA: Say it again.

UNIDENTIFIED: Propane.

CHAIRPERSON ARIOLA: Propane gas. And we wanted to do propane gas lighting, heating for outside, for outside dining, and we were all stunned when we saw how they explode and that's a propane gas tank. We're talking now about lithium-ion batteries. Nobody here can tell me that we should be okay with them being in the center of our communities, in the residential area, across from our churches, our places of worship, our schools, and you can't tell me I'm wrong.

DEPUTY EXECUTIVE DIRECTOR SCHMID: So again, I would like to be able to respond with the body of research. I both don't want to cherry pick one study, but also...

CHAIRPERSON ARIOLA: I would like you to have had some type of research for us to hear. It's absolutely ridiculous that you have nothing. And yet, you know, the Fire Department's given what they can do, which I honestly, even with suppression systems and putting out fires and everything else, you're going to have a heck of a time, guys, putting out a fire of that magnitude. It is going to be a major explosion inside a residential area.

But I'm going to, maybe you can give someone a call, they can send you, give me one instance, one instance where you're going to tell me that the people who live in that general area will not be adversely affected by the HAZMAT materials that are emitted into the environment if there is a fire.

DEPUTY EXECUTIVE DIRECTOR SCHMID: So we do...

CHAIRPERSON ARIOLA: One instance.

DEPUTY EXECUTIVE DIRECTOR SCHMID: Well, to answer your first question about what are the studies, we do have the State's Fire Safety Working Group that put out a rigorous analysis of fire safety impacts in New York State energy storage. That study

was supported by FDNY and in fact, really looked to FDNY as an example that was really groundbreaking in our deep analysis of fire safety so I would point the Council to the State's Committee on Fire Safety and Energy Storage. Our office is also developing a community resource that lists out the body of literature that our safety requirements rely on and all of the various studies that have informed both NYSERDA and the State's energy storage, but also FDNYs.

To answer your second question, again, we are confident and I will pass this back to the Fire Department that these stories...

CHAIRPERSON ARIOLA: That can't be your answer every time, passing it back to the Fire Department.

DEPUTY EXECUTIVE DIRECTOR SCHMID: Well, they're the ones who regulate safety. I mean, they hold that expertise. So why don't...

CHAIRPERSON ARIOLA: All right, but I'm going to give you just a little and I'm going to pass it then to a Colleague, but I want to give you just a little example about Spring Creek. Spring Creek is in my District and it's contaminated. And the National

Park Service comes and tells us, don't worry about it, contamination is very low. It's adjacent to a lot of homes in the Howard Beach, Lindenwood, Old Howard Beach community. Yet, when there is something illegal happening on that property, they don't let their officers go up there because it's contaminated. That's why I'm just skeptical, because I've been told one thing, but they won't let their own people go up.

So, I'm going to now yield to Council Member Holden for questions.

COUNCIL MEMBER HOLDEN: Thank you, Chair. And I share your concerns.

Chief, how many fires have you put out in storage facilities currently? I'm not talking about the e-bike batteries. I'm talking about storage facilities.

ACTING CHIEF LOFTUS: Yeah, I understand. So, we haven't put out any and we don't put, there's a miscommunication I think, we don't put out battery energy storage system fires. They are meant to consume themselves and burn. That's the technology that's there.

COUNCIL MEMBER HOLDEN: Ah-ha.

2 ACTING CHIEF LOFTUS: So they are not
3 extinguished.

4 COUNCIL MEMBER HOLDEN: Okay. So, you
5 can't put them out?

6 ACTING CHIEF LOFTUS: We could, but I
7 wouldn't because by putting them out, you could have
8 an explosion. There's gases that could trap on it. So
9 we let them burn. That's the policy that we have in
10 the FDNY, is they have to burn.

11 COUNCIL MEMBER HOLDEN: So what happens
12 when they burn?

13 ACTING CHIEF LOFTUS: What we do is...

14 COUNCIL MEMBER HOLDEN: What happens to
15 the air quality?

16 ACTING CHIEF LOFTUS: So that would be, I
17 guess, an EPA thing. But for the Fire Department,
18 what we do is, and that's where I come up with the
19 confidence of what we do is, we protect exposures and
20 we would try to knock down any type of... we monitor
21 the area around for any type of explosive gases, so
22 on and so forth.

23 COUNCIL MEMBER HOLDEN: Yeah. So, other
24 states are having problems. Some burn five days. But
25 we know about, do you know about thermal runaway?

2 ACTING CHIEF LOFTUS: Yes.

3 COUNCIL MEMBER HOLDEN: Would you want to
4 cite, and you said you have no jurisdiction on where
5 these battery storage facilities are cited, and then
6 you said that you rely on private developers, which,
7 again, we've been sold out, I think, because they
8 were going to put this storage facility in my
9 neighborhood, right across from a K-8 school with
10 over 1,100 students. Let me ask you something, Chief,
11 anyone on the panel, would you worry about your kids
12 going to that school when you said you can't put out
13 the fire, you let them burn, there's toxic, there's
14 thermal runaway in the air that can be deadly to
15 human beings, and then you said that it has to be
16 close to residential areas. Why can't this be sited
17 in industrial areas? Does it have to be a certain
18 distance from the community, or is this another thing
19 from the Administration to share the problems?

20 CHIEF CURRAO: So, sir. I'd like to
21 address that. So, first of all, because most of us
22 are family people, and one of these fires actually
23 happened very close to my own family school district
24 up in Orange County, because we care so much is
25 because we have such a high level of safety. We have

2 such a high level of engineering. We scrutinize the
3 HAZMAT and the testing that comes in under
4 Underwriters' Laboratories. Also, Chief Loftus didn't
5 say we can't put it out. That is a strategic decision
6 made by the incident commander at the time, which we
7 make for other HAZMAT materials. Sometimes, it's
8 water reactive.

9 COUNCIL MEMBER HOLDEN: No, I get that, I
10 get that.

11 CHIEF CURRAO: I just want to be clear as
12 to what Chief Loftus said.

13 COUNCIL MEMBER HOLDEN: Are you aware of
14 the New York State Power Authority building a
15 location up north?

16 CHIEF CURRAO: I am.

17 COUNCIL MEMBER HOLDEN: And do you know
18 that that standard cannot be met by private
19 developers? That they're not going to do what the New
20 York State Power Authority did. We heard that from
21 our colleagues up north in the Assembly. There's not
22 a day that goes by that I don't get a call from
23 people, the engineers in the industry, saying don't
24 let this happen because their standards are being
25 lowered for private developers because this is about

money, so this is why neighborhoods are concerned, that we're not getting the answer. I'm sitting here today and I just see the buck being passed back and forth. Obviously, the Fire Department can only deal with the fire. They're not dealing with the locations. Then the Administration is telling us, well, we're not really citing these. The City of Yes allows this. Are you kidding? You know, this is such a farce that we have new technology, we want to get to electric, I understand that, but other cities and states have put this in industrial areas. But New York City, which is very congested and very overcrowded, and everybody's on top of one another, we don't think that's important. We think it should be in residential areas, right across some schools. How stupid is this? When you don't even, we don't even know, we haven't even put out these major fires, like other states have. California can tell you about it. So, this is what we're concerned about. Why should we trust? Yes, we understand the engineers have this down, this down, and this down, but what about the toxic air? I can't speak to that because that's not our jurisdiction, the EPA. This is what's happening. And we need somebody to say, we need

zoning on this, and we need to have these in industrial areas, away from residential, because people are afraid.

And I asked a question of, because I have some companies that are, and Chair, if I may, just one more comment.

CHAIRPERSON ARIOLA: Of course.

COUNCIL MEMBER HOLDEN: I've met with a lot of storage companies that want to put them in my areas, and each time I ask them, how many have you installed? Oh, none. Really? Okay, so this is what you're, they're coming from overseas, they're coming from Europe, and they want these companies, a Dutch company wants to come in and do it, and I say, how many have you done in residential areas? None. How many have you built? None. How do you know this is going to be safe? Well, you know, we have the latest backups and all that, and we have this. I asked them, well, why can't this be underground or semi-underground? You know, oh, well, yeah, that might help, but that'd be too expensive. These are our neighborhoods. This is where we live. You think we're going to allow this and not, you know, object to things that could, not only the fire can hurt us, but

the air, the toxic air coming from the thermal runaway, which could threaten entire neighborhoods. Like, they've done it. It's not like we're inventing this. It's been happening. So that's why we're concerned, but that's why we need answers and not just back and forth. We need somebody who's in charge and says, you know what, I did speak to the Mayor's Office, and they said, well, we're going to try to cite these in industrial areas. Why can't they be only in industrial areas?

DEPUTY EXECUTIVE DIRECTOR SCHMID: Thank you. So, City of Yes does...

COUNCIL MEMBER HOLDEN: I don't want to hear City of Yes.

DEPUTY EXECUTIVE DIRECTOR SCHMID: Okay. So our local...

COUNCIL MEMBER HOLDEN: Stop with that.

DEPUTY EXECUTIVE DIRECTOR SCHMID: Does provide for different allowances for citing of energy storage in industrial areas. So we are looking at, you know, all the property.

COUNCIL MEMBER HOLDEN: No, technology-wise. Why can't, because I have industrial areas that are a mile away from my residential. Why can't it be

a mile away from an industrial area? What's the technology problem with that?

DEPUTY EXECUTIVE DIRECTOR SCHMID: Because where the storage intersects and feeds power back into the grid when it's needed is not transferred to the load deficit that is far away. We need these storage units in the areas that are actually using the energy. It's keyed to the distribution system of Con Ed, and if they're too far away, they don't provide those local benefits to the residents that need them.

COUNCIL MEMBER HOLDEN: I don't get that. It's too far away. What's too far away? Upstate sometimes is 10 miles away. Tell me why it's different upstate than it is here.

DEPUTY EXECUTIVE DIRECTOR SCHMID: Because, and here I'd want to get back to you with a more specific answer, but upstate's grid is much more dispersed, and so their substations are just farther away from each other than a much denser part of the city like New York City. So here we have, you know, Con Ed has different substations that serve different footprints and the relationship of the energy storage system to that substation and within the larger

distribution grid directs like where the energy can be helpful when it's being used. It's a site-specific question. So, there's not one generic answer for any energy storage system. But much like when Con Ed has an issue at a substation, they place generators throughout a neighborhood to make sure that the neighborhood doesn't have blackouts. That placement throughout the community is what makes sure that residents don't lose power. They don't just put a bunch of generators in industrial area to solve issues at a substation.

COUNCIL MEMBER HOLDEN: Thank you, Chair.

Thank you.

CHAIRPERSON ARIOLA: Council Member Nurse.

COUNCIL MEMBER NURSE: Thank you, Chair.

Just want to thank you for having this hearing. I think it's an important opportunity for New Yorkers to learn about these systems. They are new and, with everything, people can freak out and we need as much information as possible to assuage those fears and help communities be educated, help our leaders and communities be educated because we do want to transition to these types of systems. And I agree with Chair Ariola, we never want to see a fire or an

explosion in New York City because of these systems, especially as someone who's been championing this and is welcoming this technology and these systems into my District and as part of the environmental and climate justice movement, as we transition and push for these transitions, we need the safety, all of the certifications behind it to make sure that we don't roll back the ability to move this stuff forward because of these kinds of concerns. So I do think Chief Loftus, I'm so sorry, I don't want to mess up your name, for your testimony today and laying out how many layers are built into the certifying and permitting of this.

And lastly, I just want to just double down on saying how much more preparation is needed to have this conversation like this and so if we have this conversation here in the Council, again, just appreciate being a little bit more prepared with the studies and data for the types of questions that are coming up. I just did a quick look. It looked like Kansas and Virginia has permitted these types of systems in residential areas in compliance with their zoning requirements, and I just wanted to note that it is the Trump Administration and Lee Zeldin's EPA

that is rolling back the clean air and water rights that are supposed to protect us so just want us all to be clear on that.

So, I just had a couple questions on capacity for response. How many of these systems are operational right now in New York City that you have visited and you've done drills at?

CHIEF CURRAO: Thank you for the question. So, within New York City, we have 26 active battery energy storage system locations, 17 are considered large, which the bar for that is over 250 kilowatts per hour for lithium-ion systems. We have seven sites in Brooklyn, four in the Bronx, seven sites in Queens and eight in Staten Island. We have 17 certificates of approval, so that's actually that first step where we have to approve that technology to be installed anywhere in New York City. It doesn't get, if it doesn't get past that gate, it's not going anywhere. So, and it's a pretty high bar. As far as...

COUNCIL MEMBER NURSE: Oh, and just of that, how many have you all, how many incidents have happened at these facilities within the five boroughs that you all have had to respond to?

CHIEF CURRAO: So, we haven't had any incidents.

COUNCIL MEMBER NURSE: Okay. And how long have these been permitted and operational? Like what's the oldest one you have?

CHIEF CURRAO: You know what, I have a lot of information for you, but I don't have the original one, but...

COUNCIL MEMBER NURSE: Maybe by the end, we can, I'm sure we can text up the chain. Would you say older than 15 years?

CHIEF CURRAO: No.

COUNCIL MEMBER NURSE: Okay. 10 years?

CHIEF CURRAO: No.

COUNCIL MEMBER NURSE: Okay. Okay. Well maybe you'll let me know by the time we get here.

For your emergency response HAZMAT personnel, how many folks do you have available at any given time to respond to an incident that would occur at one of these facilities?

ACTING CHIEF LOFTUS: So, we have 14 units that are trained throughout the city that can respond to them. Those units would be our special operations HAZMAT units. We also have another 25 that have

metering capabilities. Those would be called our HAZMAT trucks. They're located throughout the city also.

COUNCIL MEMBER NURSE: Okay. And how often are you running practice drills? How often are you kind of keeping mission ready to respond to something like this?

ACTING CHIEF LOFTUS: So, we do what they call a Tech 2 class, so we go over that. That's a yearly training all our members have to take. And then there's also, we have a green energy class, which all our officers take, which doubles down on that training. And when these do start, they are monitored yearly. I think Chief Currao could speak, and I think it's BFU that does it. But where we go there in the beginning is we make the local units familiar with the site. We head there with the Chief in the area, the Emergency Technologies Chief, the HAZMAT Chief, and we do take them very serious.

COUNCIL MEMBER NURSE: Okay. Chair, can I just get two more questions? That's it.

One thing I just want to offer in this conversation is that we already have one of the most dangerous energy forms already operational in

residential homes all over this country. It's oil and gas. It is extremely hazardous. It's explosive. The number of pipeline explosions that happen every year across the country, about 30, 20 to 30. And on average, there is an incident on this type of infrastructure every day across the country.

For FDNY, can you tell me how many fires do you respond to related to gas leaks or explosions every year right here in New York City?

CHIEF CURRAO: So, we can get you the exact number for gas leaks. We go to a fair bit of them, but we'll get you the exact number. So, gas explosions, that's much more of a rarity.

COUNCIL MEMBER NURSE: Would you say you got a ballpark? A dozen, a couple dozen, 100?

EXECUTIVE DIRECTOR HUTCHINSON: Okay. I think I have since 2022, there have been eight incidents regarding gas explosions, two this year so far, and 21 incidents regarding boiler fires three years.

COUNCIL MEMBER NURSE: That's significantly higher than any of the facilities for the battery energy storage systems.

2 EXECUTIVE DIRECTOR HUTCHINSON: We have
3 not had a...

4 COUNCIL MEMBER NURSE: Right. I'm saying
5 you haven't had any.

6 EXECUTIVE DIRECTOR HUTCHINSON: Yes.

7 COUNCIL MEMBER NURSE: And yet you've had
8 this listing of incidents related to the traditional
9 forms of energy that we're using, and that is right
10 in our homes all the time. So again, I just, I think
11 we have to do more to roll out education. I mean,
12 certainly I have a bill on the Council. I'd love to
13 see public ownership of this type of stuff roll out
14 with more care concern provided to communities and
15 more education and awareness, but we do need to move
16 forward. And so I really appreciate that we're having
17 this hearing, Chair Ariola, and that FDNY, I really
18 appreciate all your studies and work and the state
19 studies and the advisory group going on at that level
20 so thank you so much.

21 CHAIRPERSON ARIOLA: Thank you.

22 Now, I believe that the Public Advocate
23 has a statement he'd like to read.

24 PUBLIC ADVOCATE JUMAANE WILLIAMS: Thank
25 you, Madam Chair. It is more of an opening statement

in the middle of the hearing, but afternoon,
everyone.

My name is Jumaane Williams, Public
Advocate, City of New York. Thanks again to Chair
Ariola and the Committee Members for holding this
hearing.

As New York continues to transition to an
all-electric grid, the City and State continue to
prioritize the usage and safety of community battery
energy storage facilities, including adopting new
fire codes and protocols at facilities, emergency
response plans, improving onsite signage, dispatching
personnel familiar with the buildings, and mandating
training for local Fire Departments. New York City
Economic Development Corporation is actively managing
several development projects as many part of Mayor
Adams' Green Economy Action Plan. A key component of
this plan is leveraging New York City Industrial
Development Agency tax incentives to bolster battery
storage capacity and other green initiatives across
the city. Battery energy storage systems are crucial
for storing surplus electricity from renewable
sources like the solar and wind power. This stored
energy can then be released back into the grid during

peak demand, helping to prevent grid strain and reduce power outages. The systems also have the potential to replace dirty peaker plants that belch out toxic pollutants every time they are turned on. New York City is rapidly expanding its community energy storage infrastructure with companies such as Nine Dot Energy and Microgrid Networks, spearheading developments in Staten Island, Brooklyn, and the Bronx. From NYSERDA, battery storage projects face community opposition in Staten Island, Brooklyn, and Queens due to transparency concerns, potential cost hikes, and unclear fire risk assessments. These fears are fueled by a tripling of battery fire-related deaths and injuries in 2023, primarily from electric vehicles. The New York City Fire Department, FDNY, determines what products best developers are allowed to use for their projects with the FDNY's own testing and certification system in addition to testing from nationally recognized labs like Underwriters Laboratories, UL. In fact, Fire Departments and experts throughout the United States frequently consult with the FDNYs to develop their own rules and regulations, since the FDNY has become known as a gold standard for their work in the area. BESS shares

a similar public perception trajectory with early gas stations. Initially, gas stations faced public apprehension due to concerns about flammability, security risks, and potential for poor upkeep. However, the implementation of transparent, accountable, and secure systems, coupled with a consistent supply of fuel, alleviated these fears. Future collaboration between multi-City agencies involved BESS, including the Department of Consumer and Worker Protection and the FDNY, is crucial. The partnership should focus on upholding local laws and educating the public about the benefits of BESS, such as reducing gas emissions and enhanced fire mitigation through modern infrastructure. A significant concern is the placement of these facilities in residential areas, which many believe violate zoning regulations and City processes designed for public protection. While I fully support BESS throughout NYC, there's a clear opportunity to optimize zoning to prioritize overall public safety. We should get it right.

I thank you for the opportunity to speak. I will say part of that is, I think, having some better answers to the questions that are being

raised. As was said before me, there is a lot of fear out there, and when we have hearings like this and some of the questions that the Chair asked are difficult to get answers right now, it makes it harder for those of us who are trying to support this to push back on some of the concerns that we're hearing, because the concerns are real. We've seen some things happen in other countries. I think hearings like this are the best place to bring as much information as possible to help us alleviate some of the fears. So, I just want to just add that at this moment, so hopefully we can get some more of the answers really, really soon to help, because it's hard to tell homeowners who are getting this new infrastructure that it shouldn't be a concern or shouldn't be scared. Thank you.

CHAIRPERSON ARIOLA: Thank you so much, Public Advocate.

I'd like to get back to just a couple of things. What type of outreach has the Fire Department and the Mayor's Office of Climate Justice engaged to educate communities where best facilities are proposed or to be placed? Do they go out to community boards? Do they go to public forums? What do they do

to help the communities not be so afraid of these BESS coming into their communities?

CHIEF CURRAO: So I personally, and as well as members of the HAZMAT Command, have gone out to community board meetings. We give a presentation very similar to what we talked about here. We talk about the layered safety. We talk about the regulations. We talk about the engineering of the system to make sure that any type of system mishap is kept very, very small. The alarm systems, right? The detection system, the explosion mitigation, all these different things. We've made sure that we try to get out there and we try to explain that to the public. We also have developed a comprehensive energy storage system guideline for those that want to bring their system into New York City, and it's quite comprehensive as it should be. You know, we want to make sure there's a lot of checks and balances there and we want to ensure high level of safety. We've also worked with our colleagues very collaboratively in developing, I would say, multiple layers of guidance to really try to get the word out of not only about energy storage systems, but why it's different in New York City. Because just like, I'm

sure you've heard many times, right, we have the most difficult, robust building code, fire code, none of that's changed, right? We apply it to anything. And we want folks to know that, yes, we want to educate them about energy storage systems, but then it's that energy storage systems that are implemented in New York City.

And I don't know if Kathleen wants to.

CHAIRPERSON ARIOLA: But just because you spoke about the code before you get to it. So, is it true that the ones that have been completed are not at the scale of the new ones proposed? And the Fire Code only requires 10 feet from homes? Is that true?

CHIEF CURRAO: So, we follow the clearance, the 10 feet is from the National Fire Protection Association, very respected, 855. It's not to homes, it's just a 10-foot clearance. That is the best practice that we follow. And any types of decisions that we make, we consider local conditions, but also the National Fire Protection Association, Underwriters Laboratories, those in the, I consider like the life safety community to make sure that we are protecting people most effectively and we're making sure that our code is the strongest.

CHAIRPERSON ARIOLA: And if there's a power surge, how does that affect this particular, the BESS... how does a power surge affect them and could it cause some type of combustion?

CHIEF CURRAO: So, all these, and I'll invite Chief Loftus to jump in also. So, down to the very minute level, things like overcharging, undercharging, are all monitored, right, by that 24-hour monitoring system and it's engineered. And so, if something say, in your case, if there is some kind of an electrical surge issue, things will shut down, right? Except for, right? Those fire protection systems, right? That has to have a separate source, that has to have electrical backup so all those other things, alarm systems, detection, spark arrestors, all that still, it'll still work. So, I think your question is an excellent one and that's what's been thought of in the engineering, right, to keep it at the very, very, very small level, right, so that... as well as it can shut down a very individual cell or it can shut the whole thing down depending on what's going on. And if there is something that occurs that has the potential to push that device into a thermal runaway, that monitoring company, that certificate of

fitness holder obligated to notify the FDNY, they have to be available by phone in 15 minutes. They have to be onsite in two hours. So, it's really very multi-layered in terms of making sure that we have the experts on the scene that we can work with.

CHAIRPERSON ARIOLA: Yeah. It's almost two-layered, honestly, because we're depending on a lot of third parties to make sure that the Fire Department gets the information that they need.

I just want to go back to Council Member Nurse brings up a very valid point because we have been using gas and electric for decades, maybe centuries in some cases. But of the BESSes that are there now that you'd mentioned before, how many of them are actually active right now?

CHIEF CURRAO: If I could just refer to my notes. So, we have, yes, 26 active locations. 17 are considered large. That's over 250 kilowatts per hour.

CHAIRPERSON ARIOLA: How long have they been active?

CHIEF CURRAO: I would have to get you the specific date.

CHAIRPERSON ARIOLA: Yeah. They're certainly not active as long as we've had gas lines

and electricity so I don't think that we can make a correlation for safety measures at this point.

CHIEF CURRAO: I'm sorry, Chair. I don't understand the question.

CHAIRPERSON ARIOLA: To make the... because we had spoken before about gas and electric and fires and gas stoves blowing up or boilers or gas leaks, but if we don't know how long they've been operational, we really can't make that comparison that they would be safer or there would be less because they haven't been operational long enough for us to determine, correct?

CHIEF CURRAO: I think the comparison in my mind is that they're both built on robust code. So, the reason that you can have a natural gas system that even with incidents that occur, the amount and volume, cubic volume of gas that pumps through the city, pumps through the country at any one time is the reason it, on balance, it occurs safely is because there's a lot of regulatory, there's a lot of code. There is, right from the beginning, the design, the installation, the inspection, all those things are also baked into how we approach battery energy storage systems.

CHAIRPERSON ARIOLA: Chief, how many people do you have from fire inspection assigned to these BESS stations to make sure that they are at code?

CHIEF CURRAO: So, we have three units. So, we have the Bulk Fuel Safety Unit, our Technology Management Unit, and also our Fire Alarm Unit. So, I'd have to get you the exact numbers. So, we could always look in the (INAUDIBLE)

CHAIRPERSON ARIOLA: I know that that's always an area that we're lacking.

CHIEF CURRAO: Right.

CHAIRPERSON ARIOLA: With personnel. I shouldn't say with professionalism or knowledge, but with personnel.

CHIEF CURRAO: Certainly. Thank you.

CHAIRPERSON ARIOLA: So, that's a big job.

Okay. I will now yield to Council Member Zhuang, and then I'd like to also note that Council Member Restler has joined us, and he also has questions, and you're right after Council Member Zhuang. Thank you.

COUNCIL MEMBER ZHUANG: Thank you, Chair, and I also want to thank my Colleague, Bob Holden,

asked a lot of valid questions. And I want to thank FDNY, did the tremendous work in my District. We recently had two fires in my District. You guys responded really quick, and we get a chance to help the family, too.

But the fire we had is about battery. A lot of e-scooter batteries. So, I see you guys have some education program. Do you guys go to different community board to educate people what they should do if they have, how they charge their e-bikes?

CHIEF CURRAO: Yes. Thank you for the question. Quite comprehensively, so we, in terms of lithium-ion micro-mobility devices, I think, if I'm hearing your question correctly, that we have multi-layered educational processes, outreach into the community, many things online, to really try to make that, to educate people we've worked with, Los Deliveristas Unidos, to be able to support. We understand they have a commercial job to do. We want to help them do that as safely as possible. We work very, very closely with our Department of Transportation colleagues, and safe charging, outdoor charging. So, we hit it really, I think, from multiple levels.

And if I could, Chair, I did get some information. Our oldest battery energy storage system is 2021. I just wanted to give you that information.

COUNCIL MEMBER ZHUANG: So, do you guys ever go to different stores if they sell e-bikes to inspect all the batteries?

CHIEF CURRAO: So, we approach that from an interagency point of view. So, most of the time, we will work with Department of Citywide Worker Protection. We'll work with our DOB counterparts. We'll work with our special inspection unit from the Bureau of Fire Prevention, our Bureau of Fire Investigation. And if we're driven by a complaint, we will certainly go back and go out, and we have done a tremendous amount of responses to, there can be complaints that come into our customer service center, or we also respond in any fires that appear to be any connection with micro-mobility devices so we were very, very comprehensive response to those types of incidents.

COUNCIL MEMBER ZHUANG: Okay. Go back to the battery storage. When you guys pick the location, do you guys go to community board to speak to community board? Does the community board have the

chance to give input? If it's next to schools or residential area?

CHIEF CURRAO: Right. So, we don't pick the location. That's outside our purview, but I'll quickly turn it over. But we do, when we are invited, in fact, I have a community board meeting coming up pretty soon, beginning in November, we were asked, could you go out and please explain about the Fire Department's role in the systems, I'm happy to, and in fact, I'm going with a member of the HAZMAT Command. So, as far as siting, I don't know if you want to.

DEPUTY EXECUTIVE DIRECTOR SCHMID: Yes. So, because these systems are built as of right, and built by private developers who pick locations, the City is not the siting agent. And we are, though, more than enthusiastic to come to your community, to come to community board meetings, to come to meetings that you convene to talk about energy storage, and do have many resources to educate New Yorkers. We understand that right now, those resources are spread across our partners. Some come out of our office, say Power Up. Others come out of CUNY, which is doing a lot of work on energy storage systems in New York

2 City. Right now, our office is working to aggregate
3 all that information in one place so there is one
4 comprehensive resource that is directed toward
5 community members, community leaders so we will be
6 back in touch with the Committee when we release that
7 in the coming months. And we completely appreciate
8 more education needs to happen, but we frequently do
9 go meet with communities and are open and
10 enthusiastic to come meet with your community to make
11 sure that people understand and have opportunities to
12 ask questions about energy storage systems. We also
13 are promulgating soon a best practices for energy
14 storage siting that talks about best practices for
15 the private developers to engage with communities to
16 make sure their questions are answered and their
17 needs are met, and that should come out soon as well.

18 COUNCIL MEMBER ZHUANG: As you said, it's
19 as of right, not means it's safe, is that correct?

20 DEPUTY EXECUTIVE DIRECTOR SCHMID:
21 Correct.

22 COUNCIL MEMBER ZHUANG: So, how do you
23 make sure it's safe to put it in the community?

24 DEPUTY EXECUTIVE DIRECTOR SCHMID: Because
25 of the incredibly rigorous permitting requirements

that the Fire Department develops that are grounded in analysis and research of the safety of the engineering and the design of these systems and their operational requirements.

COUNCIL MEMBER ZHUANG: Who is the agent to supervise during the process of building those facilities? It's FDNY or you guys, or if they have the issue, should we go to Department of Building or should we go to FDNY? Which Department we should go?

DEPUTY EXECUTIVE DIRECTOR SCHMID: So, both the Department of Buildings and FDNY.

COUNCIL MEMBER ZHUANG: But the actual issue is we go to either Department and they kick the ball, they say it's not theirs.

DEPUTY EXECUTIVE DIRECTOR SCHMID: So, you're always welcome to address questions to our office and we will work with our partner agencies to make sure that your questions arrive at the right agency. Both the Department of Buildings and FDNY have jurisdiction over certain storage projects depending on their capacity. And so, both agencies, depending on the projects, can be involved in oversight over the construction and operation of battery storage systems.

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2 COUNCIL MEMBER ZHUANG: Okay. Thank you.

3 Welcome to you.

4 DEPUTY EXECUTIVE DIRECTOR SCHMID: Of
5 course.

6 COUNCIL MEMBER ZHUANG: Thank you.

7 CHAIRPERSON ARIOLA: Council Member
8 Restler.

9 COUNCIL MEMBER RESTLER: Thanks so much,
10 Chair.

11 And I do just want to take a second to
12 recognize not one, but two former Members of this
13 Body, Costa Constantinidis, who is really the leading
14 environmental champion in the Council, and even more
15 importantly, my predecessor, Steve Levin, is
16 somewhere here or was somewhere here, and I follow in
17 his shoes very fortunately so it's great to have you
18 both back at the Council. It's great to have two
19 panelists with such distinguished Greenpoint cred.
20 Elijah, a native son of the neighborhood. Katie,
21 founder of Newtown Creek Alliance. Thank you both for
22 being here.

23 I just want to start by asking about kind
24 of battery storage citywide. We had set a goal of 500

25

megawatts of battery storage by 2025. Where are we in accomplishing that goal?

DEPUTY EXECUTIVE DIRECTOR SCHMID: Yes.

Thank you for that. So, the City did set a target for battery storage, and I am going to apologize because I got off a red-eye airplane this morning and have been in California for the past few days. So, let me find the number of...

COUNCIL MEMBER RESTLER: As you look for it, I just, you know, we had a hearing yesterday with DCAS on progress with regard to emissions reductions in City government, and DCAS testified that they had installed less than one megawatt of storage on City properties and that there are no concrete goals of any kind for expansion plans for battery storage within the City footprint and within City control, which was not something I was happy to hear. So, just do you have the data point on how we're doing on public and private property combined?

EXECUTIVE DIRECTOR HUTCHINSON: On DCAS sites, we have about 20 sites that are battery energy storage sites. About half of those are currently completed projects. Five of those are in design and five of those are in construction, and those are the

2 ones on City-owned sites, which is, we're not close
3 to meeting our battery target goals, which is...

4 COUNCIL MEMBER RESTLER: Well, which is
5 500 included public and private, right? So,
6 yesterday, DCAS testified that on public sites, they
7 have less than one megawatt of capacity for battery
8 storage on public facilities. Is that your
9 understanding as well?

10 DEPUTY EXECUTIVE DIRECTOR SCHMID: That is
11 our understanding from DCAS. And to answer your
12 initial question, we have 80 megawatts of storage in
13 operation in the city.

14 COUNCIL MEMBER RESTLER: So, we are
15 pitifully behind, right? Because we're at the end of
16 2025. We have totally failed. We didn't even reach 20
17 percent, 18 percent of our goal, right?

18 DEPUTY EXECUTIVE DIRECTOR SCHMID: I would
19 agree that we are behind and we have a lot of content
20 to cover.

21 COUNCIL MEMBER RESTLER: 18 percent of our
22 goal is not an impressive standing, right? I mean,
23 that's embarrassing.

24 DEPUTY EXECUTIVE DIRECTOR SCHMID: But I
25 think what we have been doing, respectfully, is to

create the, both permitting environment to make sure that these systems are safe.

COUNCIL MEMBER RESTLER: Yeah. So, let me shift toward that. So, one of the things that we've heard for why we have so little battery storage is because the process is opaque and that it's too expensive to navigate and that we need FDNY to be doing more to encourage both the permitting of battery storage and, frankly, facilitation of solar, because they're really interconnected. If you're building a lot of solar, but you don't have a place to store that energy, it's of much less utility. Of course, we can't reduce our safety standards and I appreciate the diligence and the rigor that FDNY brings to this process, but how can we do a better job of helping companies or parties walk through this process and navigate DOB and FDNY issues efficiently? Do we have an average timeline that it takes from when a company approaches or begins the permitting process with FDNY to when they're actually getting battery projects approved? That's for you, Chief.

CHIEF CURRAO: So, I think it's a complicated question in some ways because, first of all, they have to get their actual battery technology

that's actually approved to be able to even install it anywhere within New York City. And there's an awful lot of back and forth on that, and rightfully so, because a lot of times we will look at something in the HAZMAT analysis, we'll ask for more information, and there'll be back and forth on that. As far as the...

COUNCIL MEMBER RESTLER: Give me a ballpark. You're the expert. The incoming I get from the battery storage companies is that it's a years-long process, that it's incredibly painful, it's highly opaque, and that getting to yes is nearly impossible, and that's why we are 18 percent of the way toward our goal on battery storage. Again, pitiful. So, could you give me a broad strokes? A year, two years, three years? How long, in your experience, is it taking for a battery storage company to get from the beginning of the process to battery storage installed?

CHIEF CURRAO: So, what I'm going to do is I'm going to go back and get you that exact number. However, okay, I think, respectfully, I don't think that's a fair characterization. First of all, it's not opaque. I could take you through the whole

process right now. Everything is online. We have a complete guide that tells exactly what needs to be done in terms of what information we need, HAZMAT, mitigation analysis, the NFPA 9540 testing. This has been in play for years. And many of the folks that were part of the 2022 revision, because we always work with industry, were part of these discussions, right? So, it should really come as no surprise as to the type of information that we need in order to be able to make a determination whether something is safe enough to be able to install in New York City.

COUNCIL MEMBER RESTLER: I hear you. We want this process to be clear, transparent, and, of course, safety comes first. But if the process is taking years, right, then it's not working, right? Then it's too challenging for businesses to be able to navigate. And from what we hear from solar companies is that the Fire Code is so unclear about pairing solar and battery storage that most solar companies have just avoided it altogether, even though we know that that would maximize the renewable energy benefits. So, from my vantage point, I think the data is clear. Things are not working. Do you have any suggestions for how we can make this better,

for how we can try to streamline the approval process and give yes or no answers to ensure that safe battery storage is getting installed at the scale that the Mayor had announced we were trying to accomplish, of 500 megawatts, by the end of this year?

CHIEF CURRAO: So, I think the Fire Code is clear. It's incredibly detailed exactly what you have to, what marks you have to hit in order to be able to have your, to be able to install, whether it's solar or battery energy storage. Many of the solar installations actually go to the Department of Buildings first. So, we make sure that we get all that information out on our website. We make sure that everybody's clear on what is required. NFPA 9540 regulations, NFPA 855, these are things that have been in existence for quite some time, right? And they're completely open source.

COUNCIL MEMBER RESTLER: I just think the proof is in the pudding. And we hear from battery storage companies regularly. There's multiple that are trying to build in our District, in the Navy Yard, near the Navy Yard, in Williamsburg. And we want them to be successful. And the feedback we get

is that it's been so challenging to work with FDNY, we're not sure we're going to be able to do it. And that is not the outcome we want. We want to be able to maximize the source of renewable energy in a safe way. And it's just not happening right now. It's not happening at the scale we need.

And I really do, I have some other questions I'd like to go on, but I've gone over time. So, I can defer back to the... Is that okay to do one more topic?

Okay.

CHIEF CURRAO: One thing I would like to follow up, we have 90 conditional letter of approvals right now.

COUNCIL MEMBER RESTLER: Right.

CHIEF CURRAO: Right, so those are ones that we've approved to be installed, 90 of them. So, and that's spread out through all the five boroughs.

COUNCIL MEMBER RESTLER: Right.

CHIEF CURRAO: Right, so that, but we can't...

COUNCIL MEMBER RESTLER: But I started with Elijah, with the folks from MOCEJ, and they said, we're at 80 megawatts of battery storage

citywide. So, the Mayor laid out a goal, right? Not my Mayor, but the Mayor laid out a goal, 500 megawatts of battery storage we were supposed to have in place by the end of this year. We're 18 percent, I mean, tell me if my math is wrong. I don't have a calculator, but we're 18 percent of the way toward that goal. 16 percent of the way toward that goal. We're nowhere near where we want to be. And the feedback we're getting from the companies who desperately want to make this happen, who are eager to do it, who are very smart, bright folks who are trying to come up with ways to innovate, are telling us that the primary obstacle is the Fire Department, and that the process is opaque, that it's time consuming, that it's incredibly expensive, and that that is the obstacle that they have to success. And I was hoping we could get some firmer dates and timelines at the hearing today so that we could understand, hey, actually the Fire Department is giving yes or no answers on a three-month basis, the regulations are clear, we're working together. You're saying the regulations are clear. The companies are saying they're not clear. I'm happy to dig in

further, but what I can say is the evidence, the data is clear that things are not working well.

So I just wanted to ask about one other topic very briefly if I may, local issue in the Brooklyn Navy Yard. We have a great battery charging company that's operating out of the Navy Yard. They've installed dozens of battery kiosks around the city for e-bike drivers and are now working to expand to vendors and more. I understand FDNY recently changed the approval process, I believe in February, for charging cabinets. And because the federal government is way behind on everything, but in particular how it approved the federal labs that can run the new testing, because the federal labs that run the new testing have not been able to do anything because OSHA hasn't updated standards, it effectively means that there's no more charging infrastructure getting approved in New York City. We want to ensure, of course, the highest standards of safety, and I appreciate and respect the work that FDNY and your role as the Chief of Fire Prevention, that you have to prioritize our collective safety first and foremost. But can the old standard be used on a temporary basis until the new federal labs are

operating with sufficient capacity so that we're at least getting some charging cabinets approved?

Because right now we're just, as I understand it, in a total standstill in moratorium.

CHIEF CURRAO: No. We're not in total standstill in moratorium. So, we've worked diligently with a lot of cabinet manufacturers through the letter of no objection process. We have many out there that we are, and we work very, very closely with all those different manufacturers. We had even relaxed the timeline to be able to give them more time to be able to get their submissions in for installation, not for new approvals of cabinets for installation to September 1st. The information out there is erroneous. So UL came out with a Standard 1487. That's the gold standard for cabinets, right? We accepted it within FDNY because we want to have a high standard. We understand that there are some labs, first of all, UL, Underwriters Laboratories, from all our conversations for them, is able to do that particular testing. Where I think the confusion is is that there are testing for Underwriters Laboratories 1487, and then there's an extra layer, which is OSHA certification. And again, what we've

2 done as a Fire Department, we've been flexible, and
3 we've said, as long as you go to a lab that has a
4 national certified testing lab in general
5 certification, and you can follow the 1487 standard,
6 we will accept that, right? We could have been more
7 difficult and said you need both, but we understand
8 the needs of the city. We understand the potential
9 impact so we're actually working with industry. So,
10 the information that's out there is erroneous.

11 COUNCIL MEMBER RESTLER: We've been told
12 that there are no federal labs that can run the new
13 testing because the OSHA standards have not been
14 updated. That is not your understanding.

15 CHIEF CURRAO: That is not my
16 understanding. And OSHA and Underwriters
17 Laboratories, for months, we've been working with
18 them, and they said they were open for business to be
19 able to do 1487 testing.

20 COUNCIL MEMBER RESTLER: Okay. We would
21 love to follow up with you on that, because there's
22 clearly something, this company in our District is
23 struggling, and we'd love to get some help. Thank
24 you.

25 Thank you, Chair.

CHAIRPERSON ARIOLA: I wonder, when you go into a community and there is a BESS approved, who goes out to the property owners that are adjacent and gives them any type of literature or does any type of education for them because they're going to be impacted negatively on various levels, but also, you may not be aware, but their insurance premiums will increase because of the proximity of the BESS to their home, so what kind of outreach is done and what kind of information are they given? Office of Climate, yeah.

DEPUTY EXECUTIVE DIRECTOR SCHMID:

Apologies. So again, we don't engage with individual homeowners adjacent to sites that private developers develop as of right. We work incredibly closely with elected officials and community boards, with community organizations that have concerns about battery projects generally and questions about specific projects. But to date, there is no agency that goes to individual homeowners. And we instead rely on you and the community organizations in these neighborhoods to bring questions to us and to make sure that we are addressing the people who have

questions and the right concerns so we appreciate the role of elected officials here.

CHAIRPERSON ARIOLA: Okay. So, let me see if I can't sum it up. You have very few answers to anything. You have no oversight other than giving complete license to a developer to come into a community as of right and put a BESS and then you wash your hands of it from there. You don't have any documents that can give any information about environmental impact because it's so big that you can't share it with us today. But of course, you've not even done that yet. We also know that the Fire Department is now seriously further overburdened because you now have to, as Council Member Restler has brought out, there's a bit of a slog in getting the appropriate approvals, which is understandable because you're already understaffed. So once again, this Administration has put something into place that will run rampant through our Districts, not get our input, come with an as of right, not have to be approved, and we will have to listen to our community members tell us we don't want this within six, eight, two, however many feet of our homes because you can't tell us that they're safe.

2 DEPUTY EXECUTIVE DIRECTOR SCHMID: So, I
3 do believe that we have talked about both New York
4 State's assessment of fire safety and battery storage
5 that was informed by the police department that
6 looked at actual fires and did a rigorous analysis
7 for New York State, as well as the UL certification
8 that these systems get that is grounded in analysis.
9 That analysis is broad, and again, we understand it
10 is not located and communicated in one place and we
11 are working on a resource for community members. But
12 in the interim, we will bring to you the suite of
13 analysis and studies that do demonstrate the safety
14 of the systems and the engineering that is approved
15 for use in New York City. And we have developed in
16 collaboration with DOB and the Fire Department,
17 regulations for both the design and construction of
18 these systems, as well as for their maintenance and
19 operation that gives us high confidence, really
20 extraordinary confidence in the integrity of these
21 systems, their safety and the Fire Department's
22 ability to manage any unforeseen incidences. So, we
23 do have robust systems to protect communities, to
24 make sure that these systems are being operated in
25 safe ways that then govern the land use parameters

that we have set. And we do have special parameters that limit the size of systems in residential neighborhoods, but in order to make sure that these systems bring community benefits to the people who need them most, we've designed our land use systems to accommodate that.

CHAIRPERSON ARIOLA: Right, but you don't have oversight over that. You don't have any knowledge of who's putting a BESS where and you're not monitoring it. It's the Fire Department that's monitoring it, correct?

DEPUTY EXECUTIVE DIRECTOR SCHMID: So, both the Fire Department and DOB monitor the applications that are permitted to them. We as MOCEJ don't have any legislative or regulatory authority to monitor, but work closely with the agencies that do. And so as a City, we very much monitor the systems that are being put through design to be permitted by our various agencies that have regulatory jurisdiction, and we work closely across agencies to make sure that we have full visibility into the work that Fire Department and DOB are doing.

CHAIRPERSON ARIOLA: Okay. I just can't imagine that your agency who is tasked with

environmental justice has nothing to do with any further oversight. That is completely against your mission. So, it's like you're saying, our office, I'm getting, you're working there, you're getting paid, your office is there, it's open, but yet you have no oversight over something that is so huge and will become bigger about whether or not it affects the residents adversely. And all we're saying is, why does it have to be in a residential area? Why can't it be, what's the difference between 10 feet, two feet, I think Council Member Holden brought this up, or whether it's over at the Brooklyn Navy Yard and it's servicing areas in the adjacent areas. What is the difference? During the summertime when we had heat, very high heat, we had generators in our communities just temporarily to make sure if we had a blackout, which didn't happen, and that was that. It doesn't make sense. So, all of this is all for the developers, just like we as a Council knew the City of Yes would only benefit developers, and that's what this is. This is land grabs for developers to put things there that the community doesn't want. We don't have any say about whether or not it goes there. The community board doesn't have any say, and

2 the community doesn't have any, the people who live
3 around the area doesn't have any say, and that's
4 exactly what the mission of the City of Yes was, and
5 it is completing its mission. So I don't even, I know
6 that you want to interject, but to be honest, really
7 what can you say that contradicts what I'm saying?
8 Nothing. And that's why it's so important that people
9 have a voice. So yes, why would you go to the
10 neighboring people? Why would you go there? They have
11 no say anyway.

12 DEPUTY EXECUTIVE DIRECTOR SCHMID: So
13 first of all, as a Mayor's Office, Mayor's Offices
14 tend to not be delegated responsibility for oversight
15 and regulation. That is a responsibility that across
16 the board is held by our regulatory agencies,
17 including the Fire Department.

18 CHAIRPERSON ARIOLA: But the environment
19 is not your agency's jurisdiction and the quality of
20 the environment?

21 DEPUTY EXECUTIVE DIRECTOR SCHMID: We are
22 deeply involved and collaborate with our agencies in
23 policy development and in looking at our energy
24 needs, but also the State's energy regulations really
25 are the ones that structure this. Both our utilities

are privately owned, but also our energy infrastructure in New York State is with rare exceptions, privately owned. And so New York City doesn't govern energy infrastructure. That's regulated by State agencies. And we are really working within the parameters we have to make sure that energy storage in New York City is safe.

I'd like to pass it to Elijah to talk about environmental justice. And then I also would like to pass it to the Fire Department to talk more about the role of the Fire Department in making sure that these systems comply with the scientific basis that we're very competent in.

EXECUTIVE DIRECTOR HUTCHINSON: Yes. We're often a policy shop and one to kind of organize and coordinate, convene people on conversations that need to happen, and I appreciate all of the feedback we've been getting in this hearing, and I know that there does need to be more work and a better job of communicating to the public on why this is important, what the risks and hazards are, and to really make sure that they understand the work that we've done on the safety. One of the things that we also do in coordination with is just the City doesn't try to

solve these problems alone. We work a lot with not only our other agency partners, but with the State of New York on these questions as well, especially those safety and health issues that we analyze at the state level and look back at other fires that have occurred within New York State to see if there have been adverse health impacts or other local impacts that have happened as a result of fires. We haven't seen evidence of that. MOCEJ doesn't specifically conduct those studies. We work extensively with other people.

CHAIRPERSON ARIOLA: No. I understand, but this is something new. This is something new.

EXECUTIVE DIRECTOR HUTCHINSON: Right, and it is... (CROSS-TALK)

CHAIRPERSON ARIOLA: I want you to be proactive and not reactive. I don't want people's lives to be lost because we're not proactive.

Chief, I asked the question before too, and I know I put you on the spot, but if you'd like one of these next to your home, but I mean, we've spoken with other Fire Departments from other areas throughout the State and throughout Long Island, and none of them are in favor of these BESSes being in residential areas because they are just simply

dangerous. Why is it that you're not choosing, this is for the Administration, why aren't you choosing all the empty DCAS properties in industrial areas? I mean, I don't buy the distance. I don't buy the distance from a community argument. I just don't buy it. There has to be a reason. Perhaps the developers don't want to go there, or perhaps once people have identified the plot next to 8610 in Howard Beach, you don't know about it, and the Fire Department only knows about it when the permit goes in. And then, Chief, how often will your inspectors go out to those BESS stations unannounced just to make sure everything is in order?

CHIEF CURRAO: So, it's subject to annual inspection when it's fully up and running. So to get up and running, it has to go through at least three inspections. And there is also, say this correctly, there may be more frequent inspections that are also required by the folks that manage that particular facility depending on the development, the engineering of the system. So that's part of the manufacturer's specifications for safety and for maintenance.

2 CHAIRPERSON ARIOLA: And is there any
3 discussion with the Administration to open new lines
4 in your Department because you will have, if they
5 meet their goals, so many other BESS stations, and
6 you'll need more people in order to do the
7 processing, to do the permitting, to get the
8 licensing, and to do the oversight and inspections.
9 Is there a plan in place to do hirings?

10 CHIEF CURRAO: Certainly. We are actually
11 implementing it right now. So we're working with, of
12 course, Commissioner Tucker and Office of Management
13 and Budget, and our own personnel. We had gotten
14 approval to hire additional lines. Many are in our
15 technical management and plan examined areas. So we
16 are actively doing that, and it's doing hiring and
17 list call. So yes, to your point, Chair, we are doing
18 it.

19 CHAIRPERSON ARIOLA: Okay. Any of my
20 Colleagues have questions? Other questions?

21 No? So then, just in closing, I want to
22 echo what the Public Advocate said. When you come to
23 a hearing like this, to talk about a topic like this,
24 come prepared. You weren't prepared. Horribly
25 unprepared. The Fire Department, although prepared,

and you're answering all the questions right, you're understaffed and you've been understaffed and underfunded, and we fought for you, for 1 billion dollars, and you didn't get any of that. So how are we going forward with this type of program when we didn't get any real answers today? And that's whether or not we're 100 percent in favor of it, 50 percent in favor of it, 25 percent in favor of it. There were no answers given today that I can go back, because you said, it's up to me, the community board, and people who are civic associations, to go out and explain that to their constituents and community members. You gave me nothing, zero, to go back with.

DEPUTY EXECUTIVE DIRECTOR SCHMID: We will happily provide you with resources, and I will join you. I'm enthusiastic to go with you to your community members.

CHAIRPERSON ARIOLA: Well, I'm sure that'll make them feel so much better when I tell them. Thank you so much.

Okay. This concludes the agency testimony. We'll give our agency Chairs and Chiefs a chance to collect themselves, and then we will move on to public testimony.

I'd like to remind, at this time, the members of the public that this is a government proceeding, and that decorum shall be observed at all times. As such, members of the public shall remain silent at all times.

The witness table is reserved for people who wish to testify. There'll be no video recording or photography allowed from the witness table. Further, members of the public may not present audio or video recordings as testimony, but may submit transcripts of such recordings to the Sergeant-at-Arms for inclusion in the hearing record.

If you wish to speak at today's hearing, please fill out an appearance card with the Sergeant-at-Arms and wait to be recognized. When recognized, you will have two minutes to speak on today's oversight hearing topic, Battery Energy Storage Systems.

If you have a written statement or additional written testimony you wish to submit for the record, please provide a copy of that testimony to the Sergeant-at-Arms. You can also email that written testimony to testimony@council.nyc.gov within

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2 72 hours of the close of this hearing. Audio and
3 video recordings will not be accepted.

4 For in-person panelists, please come up
5 to the table once you hear your name called. And now
6 I will defer to Committee Counsel who will be calling
7 up the panelists.

8 We're going to give the former Council
9 Members that are here to testify deference and call
10 them up first.

11 COMMITTEE COUNSEL KINGSLEY: We'll hear
12 from former Council Member Costa Constantinides and
13 Stephen Levine. Is Council Member Levin still in
14 here? I guess not. Okay, he'll go next.

15 Okay, in addition to the Council Member
16 here, we're going to have representatives from... Alia
17 Soomro from the New York League of Conservation
18 Voters, Daniel Chu from New York City Environmental
19 Justice Alliance, Pete Sikora from New York
20 Communities for Change, and Faiza Azam for Align
21 Climate Works for All.

22 CHAIRPERSON ARIOLA: You may begin.

23 FORMER COUNCIL MEMBER CONSTANTINIDES:
24 Thank you, Chair Ariola, Council Member Nurse,
25 Council Member Felder. Good to see you all. It's very

weird to be on this side of the table. But thank you to the FDNY and the Administration for their testimony today.

And I come here today as a former Member of this Body and completely understand all that you're doing to protect the residents of your communities. We're all part of the same club. Those that represent or represented their community that they live in, wanting to protect the residents of their community and this great city and, for that, I thank you all for your service.

The purpose of today's hearing is to provide oversight in regard to fire safety and permitting of energy storage systems. BESS has been here operating since 2019. There's never been a reported fire incident here in the City of New York, and that's no coincidence because of FDNY's incredibly tough oversight standards. They've raised the bar that all of these companies have had to meet. Many of these companies had to step up their game in order to put battery storage systems in the City of New York because of the rigorous standards that FDNY has put forth. With that knowledge and knowing that,

I mean, in my opinion, that they're safe, we want to make sure that we get the benefits.

Jobs. BESS will not only create new jobs in Queens community. The New York City Economic Development Council has projected in its Green Economy Action Plan that the battery storage sector will add more than 1,500 permanent jobs in the city over the next 15 years, and that each of these BESS systems will bring between 10 and 30 local jobs during the construction phase. BESS will always make our neighborhood safer and more attractive for future residents who want to come here because of the opportunity to earn a living wage and have a better life. We understand that New Yorkers who work and live near BESS have the right to ask questions about the safety in their neighborhood.

Health. I know from my community, the community that I represented, we have a lot of dirty fossil fuel plants and (TIMER CHIME) peaker plants. I'll wrap up quickly, I have a long testimony. But every time those peaker plants click on, nitrous oxide, sulfur oxide, PM 2.5 gets belched into the air. Those are the agents that cause asthma. Near those communities, Queensbridge, Ravenswood, Astoria

houses, adjacent to Ravenswood Generating, the asthma rates are higher than the Queens borough average.

It's no secret why. They've been exposed to this fossil fuel infrastructure for decades. The kids from my boys and girls club sit there and compare inhalers as to which asthma inhaler they have, what color they have, whether blue or red or orange or green. Those are the types of things that give me great pause. And when we see BESS storage, those can serve as a substitute for those peaker plants. So when we turn those peaker plants off and we use battery storage systems to keep our grid more resilient, to help make sure that during peak times, we're not seeing blackouts, but we're not also clicking on something that costs us billions of dollars a year and asthma, those are good trade-offs for our neighborhoods. So that's why I'm here today. In addition, I've been working with some of these battery storage companies, and I'll just say that they've been good neighbors in Western Queens. I can't speak for all of them, but good neighbors, working with our kids, teaching them about STEM, teaching them about 21st century jobs so our kids can be the leaders of the 21st century when it comes to new technologies.

2 CHAIRPERSON ARIOLA: Thank you.

3 ALIA SOOMRO: Good afternoon. My name is
4 Alia Soomro, and I'm the Deputy Director for New York
5 City Policy at the New York League of Conservation
6 Voters. Thank you, Chair Ariola and Members of the
7 Fire Committee, for the opportunity to testify. I
8 have submitted longer written comments.

9 I would like to speak today about the
10 important benefits of battery energy storage systems,
11 or BESS, across New York City. These safe systems,
12 along with renewable energy sources such as solar and
13 wind, are a vital and safe technology solution not
14 only for the clean energy transition to address
15 climate change and improve public health, but to make
16 our energy grid more resilient and efficient.
17 Community-scale BESS can also reduce utility costs
18 for New Yorkers by providing the grid with cheaper
19 power during periods of high energy demand and
20 improved reliability. We strongly urge the City
21 Council, as well as the Administration, to show
22 leadership when it comes to making BESS a top
23 priority and educating the public. Concerns about
24 fire safety are certainly understandable, but it is
25 important to understand the stringent requirements of

BESS, particularly when FDNY leads the nation in its fire prevention and safety protocols. I also want to stress the importance of distinguishing e-bike lithium-ion batteries, which until recently have started to be regulated at the City level with BESS, the latter of which is much safer under current City and State standards. My written comments go in more depth, but every BESS site in New York City must meet rigorous standards and is reviewed by safety by FDNY and DOB.

Finally, BESS is essential for improving local air quality and moving away from fossil fuel-based peaker plants, which are overwhelmingly located in EJ neighborhoods throughout the city. These peaker plants are badly outdated and contribute significantly to respiratory illnesses, which we just heard about. Replacing these peaker plants is essential. It's an environmental justice community, and we urge our elected officials, stakeholders, in educating the public. Thank you for the opportunity to testify.

CHAIRPERSON ARIOLA: Thank you very much.

Sir.

DANIEL CHU: Good afternoon. Thank you, Chair Ariola and Members of the Fire Committee. My name is Daniel Chu. I am the Senior Energy Planner for the New York City Environmental Justice Alliance. I'm also here representing the PEAK Coalition. We are a campaign to end the longstanding pollution burdens from power plants in the city's most vulnerable communities. You've heard from former Council Member Constantinides on the dangers and the challenges of peaker plants. And, you know, in our work, we find that they are one of the only point sources of pollution that actually increases heat vulnerability in times of heat waves. And they cost New Yorkers around 450 million dollars a year to operate. Our current energy infrastructure in New York is very dangerous. Most power plants in New York run on natural gas. In the past 14 years, we found that the state has about 126 natural gas incidents resulting in 37 explosions, 97 injuries, 12 fatalities, and more than 30 million dollars in incident costs. Tens of thousands of gas leaks happen in New York every year costing taxpayers about 70 million dollars annually and contributing to over 2,000 excess deaths in New York City.

Gas fire power plants, many of which are 50 years old, also pose a danger and weakness to our energy reliability and safety. New York City nearly had a mass outage event this past winter in Astoria because the city's largest power plant could not find a replacement part that was made almost 70 years ago.

So, a lot of these machineries are old and these gas pipelines are actually way more prone to leakages than battery storage facilities. We witness the daily costs and consequences of aging and poorly maintained infrastructure as seen sometimes with the MTA, for example, and we cannot allow the same to our energy grid with its extremely safety hazard issues that we have.

Energy storage is an essential component that moves New York towards a more reliable, affordable, and healthier grid. Yesterday, I was visiting an energy storage site with many Fire Department officials from across New York State, and it's an incredibly safe site. It's been operating for years. It's located right across a middle school and a primary school, and it has a lot of community support and encouragement (TIMER CHIME) so we believe that this kind of systems is reliable, is safer than

the systems that we have, and we should start moving on towards energy systems across the city. Thank you.

CHAIRPERSON ARIOLA: Thank you very much.

Sir.

PETE SIKORA: Hi. My name is Pete Sikora.

I'm with New York Communities for Change. We organize in low-income communities of color in New York City and on Long Island, and the questions that you posed to the public servants here before were fully answered by those public servants. They came well-prepared, and you just don't want to listen to them.

This issue is serious to our members because we pay high bills. People are getting sick from asthma and from other health-related illnesses. Climate crisis is a very serious threat, as we saw in Sandy, and our members need good jobs. So, BESS provides those things. It shifts energy to another time. You can store it. That means you can save money on utility bills. Very valuable stuff, and fear-mongering against it shouldn't be acceptable. This is not a dangerous device. There are millions of these things in all our pockets. EVs are not dangerous. This is not a dangerous technology. In contrast, we have 20 members who live in a building, the side of

2 which came off about a month ago because there was a
3 gas explosion in the building. Now, that doesn't
4 happen commonly. I don't live in daily fear in my
5 life that my building is going to explode, but that
6 is a real safety threat. In contrast, you just heard,
7 there hasn't been a single fire in a BESS facility.
8 What are we even talking about here? Please, stop the
9 fear-mongering. Thank you.

10 CHAIRPERSON ARIOLA: Thank you.

11 Ma'am.

12 FAIZA AZAM: Hi. I'm Faiza Azam. I am the
13 Climate and Labor Organizer for ALIGN, the Alliance
14 for a Greater New York. We bring together climate,
15 community, and labor for a sustainable New York, and
16 I coordinate the Climate Works for All Coalition,
17 which is a coalition of labor, students, parents,
18 faith, community, climate, and environmental justice
19 organizations dedicated to fight the climate crisis
20 and inequality in New York, especially for low-income
21 communities.

22 I'm here because I want to advocate for
23 Intro. 354, which is a legislation that would allow
24 the Department of Citywide and Administrative
25 Services to allow City lots to have up to 300

2 megawatts of energy storage by 2030. This is because
3 one of our major campaigns from Climate Works for All
4 is Green Healthy Schools. This is a campaign that is
5 focused on ensuring that our public school buildings
6 are properly electrified and upgraded, and one of our
7 biggest campaign missions have been the passage and
8 implementation of Local Law 99, which is legislation
9 that would mandate rooftop solar legislation. We are
10 extremely proud to be here in partnership with our
11 labor partners, who I have seen or probably will
12 testify, especially because labor is a strong force
13 in ensuring that we're able to tackle environmental
14 injustice in our communities, especially in New York
15 City, especially for our public schools that have
16 solar panels. Passing Intro. 354 would ensure that
17 New York City saves in energy costs and that our
18 public schools are being looked after, as well as
19 making sure that our workforces are being taken care
20 of. Thank you so much for this opportunity to speak
21 and appreciate your time. I appreciate you.

22 CHAIRPERSON ARIOLA: Thank you.

23 Before you guys leave, I just want to say
24 that one statement, one question. So, the biggest
25 perpetrator of fear is a lack of information, and

what we had here today was a lack of information from the Administration and the Mayor's Office.

However, I have one question because each of you gave me more information just now than the Mayor's Office of Climate and Environmental Justice did through a whole hearing, so my question for you is, do you agree that the BESSes have to be within a community, and what do you think is the furthest they can be from a community to still be, to still give the community, that community, what it needs in energy? Is it 10 miles, two miles? Like, what do you think the length of miles are. If you can. Don't feel...

PETE SIKORA: Zero.

DANIEL CHU: So, to answer your question on a technical basis, really battery storage systems are already everywhere. Electric cars have as much energy in them as about a storage facility. In fact, most storage facilities could use recycled materials from our cell phones, from our cars in those facilities so a lot of these doesn't have sort of a safety constraint in terms of distance. We believe that whatever the FDNY has already laid out, which is already stricter than the interagency fire safety

committee's standards, is a safe enough guideline for how far they should be located across from community. As I mentioned, I was at one yesterday that's across the street from middle school. They could be within feet of a home. At a certain distance, it's safe, depending on the size, depending on the chemistry, obviously. Some of the newer chemistries are extremely safe and they don't have as much thermal issues as actually our cell phones, because they have lower energy density. And so for all these reasons, we believe that whatever the FDNY has put out in terms of safety standards, that should be the one that we adhere to, as well as sort of the sort of general land use, accessory mechanical equipment, energy infrastructure equipment, zoning codes that is already within the City of Yes and other zoning codes across the city.

CHAIRPERSON ARIOLA: Do you think that the further it is from the area that it serves, do you think it diminishes its effectiveness?

DANIEL CHU: So, it is most effective in areas where neighborhoods are, one, either have a peaker power point operating in those neighborhoods, and we have several operating in the neighborhoods

that I represent. So having them as a replacement for those dangerous peaker plants can reduce a lot of the excess heat death we're seeing in New York City every year. And the second area that I think we really need to be building a lot of these energy storage systems is in areas where neighborhoods are more prone to blackouts and brownouts. Places that are prone to power plants, for example, which are all located in the waterfront in New York City, right, once they're flooded, they don't operate and generate power anymore. That is a safety concern for New Yorkers. And these storage systems have a lot less flooding constraints because they're electrical infrastructures without a lot of sort of combustion that we're seeing that will be damaged easier by fires, and so neighborhoods with more blackouts and brownouts having a storage system in them makes them a lot safer. So, these are the sort of two areas I would recommend having more energy storage systems in them.

CHAIRPERSON ARIOLA: I appreciate your knowledge and sharing it with us. Thank you so very much.

Did you have something you wanted to add?

COSTA CONSTANTINIDES: Chair, yeah, I actually did, Madam Chair, so thank you for that. To answer your question and sort of answer one of the questions you asked of the FDNY, would you be comfortable at being in your own neighborhood, right? Like they're actually building one in my neighborhood that I support, right adjacent to the baseball field at Elm Jack Little League that my son, you can see the pictures on social media, I think we might be friends. You've seen my little boy grow up from being this to being this, and right adjacent to the baseball field that he's playing and that my young daughter will play softball. That's where they're putting it and I'm fully in support of it because I know I've lived in Astoria my whole life. I know the challenges that we've had with energy infrastructure and blackouts and brownouts and I've lived through that all. And I also lived through the, you know, him having asthma. And when your child can't breathe, that's the most debilitating feeling in the world, right? Like not being able to breathe, you can't do anything about it. You're watching them suffer. And that's the suffering that's going on in our communities adjacent to these power plants beyond the

2 Queens borough average. So, being able to replace
3 those peaker plants goes a really long way. And
4 having these batteries storage system is one of the
5 tools. Is it the only tool? Absolutely not, right?
6 We're building new renewable energy sources. We're
7 reducing energy from buildings. We're doing all these
8 things, but together it can make us healthier and
9 greener as a city.

10 CHAIRPERSON ARIOLA: Thank you so much,
11 and it's good to see you off Facebook.

12 COSTA CONSTANTINIDES: It's good to see
13 you too.

14 CHAIRPERSON ARIOLA: Okay. We're ready for
15 our next panel. Thank you so very much for coming in.

16 COMMITTEE COUNSEL KINGSLEY: For the next
17 panel, we'll hear from Connor Krebs, Stephen Levin,
18 Patrick Robbins... yes, I see that, sorry... and Josh
19 Kellermann. So that's four individuals I've said.

20 CHAIRPERSON ARIOLA: Whenever you're
21 ready.

22 STEPHEN LEVIN: Thank you very much, Madam
23 Chair, Chair Ariola and Committee Members. Thank you
24 very much for the opportunity to testify today at
25 this important hearing. My name is Stephen Levin. I'm

the CEO of Solar One, a New York City based non-profit which fosters sustainable practices and environmental equity across the city through education, workforce training, technical assistance and eco-friendly, eco park stewardship. I'm here to speak today about the important benefits of community battery energy storage systems, or BESS.

Concerns about fire safety are certainly understandable, but the information given by opponents is often misleading or sometimes simply false. Through community solar plus storage projects that Solar One has developed, I know firsthand just how difficult it is to get energy storage permitted in New York City. We managed a project with the Governor's Office of Storm Recovery to get nine battery storage plus solar projects done in South Brooklyn on working with volunteer firefighting organizations, volunteer ambulance cores, and Brooklyn public library system as well as three projects in the Bronx as well. It's taken us years to run the gauntlet of approvals required by FDNY, DOB's Office of Technical Certification and Research and other City agencies. These City agencies lead the nation in their level of rigor and precision for

safety standards. I'm glad to say that Solar One is finally close to operationalizing multiple energy storage systems which are true community assets. These are resiliency hubs in the wake of Sandy, bringing resiliency and clean energy to public libraries and community facilities in multiple boroughs. It's taken us nine years to get these permitted, nine full years. Overall, community BESS makes our community safer, cleaner and healthier, all at no cost to households. As we've seen over the last two decades, extreme weather events, whether hurricanes or dangerous heat waves, can be life-threatening if the power grid fails. But we can protect New Yorkers against the threat, this threat by locating power close to communities and dispatching it during peak hours when the grid is under extreme (TIMER CHIME) strain. By keeping the lights on and critical services running, BESS makes communities safer with a stronger, more reliable power grid.

I'm happy to submit the rest of my testimony through email, but thank you very much for your time.

CHAIRPERSON ARIOLA: Thank you so much.

Sir.

CONNOR KREB: All right. Chairperson, Council Members, and fellow New Yorkers, good afternoon, and thank you to the Members of the Fire and Emergency Management Committee for the opportunity to provide testimony at this hearing. My name is Connor Kreb, and I work as a Development Manager at Soltage. Soltage is a renewable energy company based across the river in Jersey City, though most of our team, including myself, live across the five boroughs. In our 20-year history, Soltage has developed, owned, and operated more than 130 utility-scale solar energy projects across the Northeast U.S. and the rest of the country. We develop all of our projects to own and hold long-term and to operate them ourselves. We're not a startup. We're an established infrastructure company and adding to our solar business, our energy storage division is focused on building utility grid support projects in New York City. Today, we have one battery energy storage project in operation in Maspeth and two more in construction. So, given we've heard a bit about the safety already, I'd like to focus first on the need for these facilities. Energy storage projects in

2 New York City are necessary critical infrastructure.

3 It's not just about green energy. It's primarily

4 about a resilient, reliable, modern electric grid.

5 With new demand sources and aging infrastructure, our

6 grid is not keeping up, and energy storage is one

7 incredibly important tool to improve both the

8 capacity and the reliability of the local

9 neighborhood grid. They support the existing

10 infrastructure by storing power closer to the areas

11 where it will be used and therefore reduce the need

12 for more infrastructure upstream. And at a time when

13 electric bills are increasing and Con Edison is

14 asking for significant rate increases, this helps

15 maximize the utility of the existing grid and build

16 out the grid more efficiently. Furthermore, energy

17 storage projects generate credits which are allocated

18 by Con Edison to give discounts to customers enrolled

19 in their energy affordability program. And as we

20 discussed, these projects are needed right in the

21 neighborhoods because that's where the demand is and

22 that's where the infrastructure is weakest. New York

23 City is capable of bringing (TIMER CHIME) the

24 necessary power in from upstate, but the hardest part

25 is getting it to the homes and businesses.

2 So lastly, I'll just say, the projects
3 serve the local areas that they are connecting to. It
4 is not the idea that a project is in Queens serving
5 Manhattan. And we recognize that as an industry,
6 we've been behind on educating the public. We really
7 appreciate this opportunity to do so and to provide
8 more information to your office and all the Council
9 Members here. Thank you.

10 CHAIRPERSON ARIOLA: Thank you very much.

11 Whenever you're ready, sir.

12 PATRICK ROBBINS: Can you hear me?

13 COMMITTEE COUNSEL KINGSLEY: Yes.

14 PATRICK ROBBINS: Good afternoon. I am
15 Patrick Robbins, Director of the Utility Customers
16 Association.

17 Today, we've heard a lot of questions
18 about people's concerns and fears about batteries,
19 and I think the FDNY has done an excellent job in
20 answering those concerns and I want to thank them.
21 What I haven't heard a lot about is who are batteries
22 for, who benefits from a proliferation of batteries,
23 and that is what I'm here to answer. We are an
24 organization of utility customers, people who are
25 sick and tired of out of control electricity bills.

2 We know our bills are going up. Con Edison has been
3 raising our electric bills for years, and now they're
4 proposing another double-digit rate hike to take
5 effect in the next year. And frankly, our bills are
6 going up because of the kind of fear mongering that
7 we've heard today. The pushback against clean energy,
8 the NIMBY stuff, all of this misses the question of
9 who batteries are for. The point is batteries are for
10 us, for utility customers, for everyone who is angry
11 that they're going to be paying too much for a Con Ed
12 bill and are going to be paying more next year and
13 the year after that and the year after that. And if
14 we don't stop this, if we don't install batteries
15 fast and everywhere here in our city, we are not
16 going to get out of that spiral of escalating costs.
17 Batteries can help us get out of this cycle of paying
18 more and not understanding why. They're not the only
19 answer, but they are an answer.

20 And I just want to say that the campaign
21 of misinformation has real victims. And I'm not
22 talking about battery companies. I'm not talking
23 about out of state businesses. I am talking about us
24 right here, anyone with a Con Ed bill. We have to
25

2 stop this and we have to start paying attention to
3 what will actually bring down utility costs.

4 So, thank you for my time. We are the
5 Utility Customers Association. You'll be hearing more
6 from us and we look forward to working with you in
7 session. Thank you.

8 CHAIRPERSON ARIOLA: Thank you very much.

9 Yes, sir.

10 JOSH KELLERMANN: Hello. My name is Josh
11 Kellermann. I work at Climate Jobs New York, which is
12 a coalition of unions working to address climate
13 change.

14 So first off, of course, batteries help
15 meet our climate goals, but they also can create good
16 union jobs with family sustaining wages, health and
17 retirement benefits, and opportunity for career
18 advancement. Skilled union workers can ensure these
19 projects are built safely, on time, and on budget.
20 There are some labor standards attached to battery
21 storage projects that can help create good middle
22 class jobs, such as prevailing wage on projects that
23 are one megawatt and above, but we need to continue
24 to expand the policy framework for ensuring all
25 battery storage jobs are good jobs for our city's

2 residents and the overall economy. That said, we
3 think that Intro. 354 on public battery storage
4 should be passed immediately. Siting these facilities
5 on City land is smart, and it's also good for
6 creating union jobs and maintaining the reliability
7 of the grid. Batteries reduce costs for rate payers
8 as many people have said. The fundamental idea behind
9 this is that you store energy when it's cheap and you
10 let the energy out when energy is expensive, and so
11 you moderate the costs of our energy grid, which is
12 very important for low-income rate payers. One thing
13 to note is the New York's Energy Interagency Fire
14 Safety Working Group, after their analysis of
15 incidents of every single battery storage facility
16 fire in New York to date, found there were no
17 reported injuries and no harmful levels of toxins
18 detected in the air, soil, or water in the days
19 following the incidents. The report also found that
20 as of December 1st, 2023, there is no evidence of
21 significant offsite migration of contaminants
22 associated with the fires. We are finding that
23 battery storage is not dangerous. And let me just put
24 another point on this, that there is risk in
25 everything. All energy sources have a risk and the

2 point is mitigating those risks. We've had over a
3 hundred years of (TIMER CHIME) learning to mitigate
4 the risks of fossil fuel infrastructure and we still
5 haven't managed it. Battery storage has made
6 tremendous strides in the last several years to
7 improve its safety, and we'll continue to see those
8 advancements as the technology moves forward. Thank
9 you for your time.

10 CHAIRPERSON ARIOLA: Thank you so very
11 much. We really appreciate your testimony. Thank you.

12 STEPHEN LEVIN: Can I just add one thing?

13 CHAIRPERSON ARIOLA: Sure.

14 STEPHEN LEVIN: I just want to, I think
15 it's important to note that we're entering an era as
16 a society and in our country that we're going to
17 desperately need energy sources that are renewable
18 and that are affordable and that are easily deployed.
19 You know, just the rise of artificial intelligence
20 and the use in data centers around the country and
21 around the world is astronomical. And if you look, if
22 you look at what's happening in China, you know, that
23 as a country, they are fully investing in clean
24 energy and renewable energy, and they've made a
25 policy decision to do that and it's, you know, pretty

well documented at this point. And we are, I'm afraid, going backwards and it's going to put us, it's going to, the rate payers, the people that are using electricity and having to pay for electricity are going to be the ones holding the bag on this. And if we don't get ahead of this curve now, we're going to be in real trouble in 10 and 15 and 20 years when the energy usage is going to skyrocket due to all of these data centers around the country and we're not going to have the renewable resources to be able to make this happen, and I think, you know, kind of going on a Hail Mary path to get nuclear energy to be the single solution, you know, when the technology frankly isn't even there yet for a lot of that, you know, I think is very foolhardy. And we have resources now and they're renewable and they're usable and they're safe. And I think we're going to be doing a major disservice to ourselves and our kids in 10, 20, 30, 40 years by not investing in this technology now.

CHAIRPERSON ARIOLA: I want to thank you so much. And really your testimony does have impact. Thank you.

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2 COMMITTEE COUNSEL KINGSLEY: Next we'll
3 hear from Jasmin Lawrence, Andrea Scarborough,
4 William Scarborough, and Carroll Forbes.

5 JASMIN LAWRENCE: Good afternoon. My name
6 is Jasmin Lawrence. My husband and I are owners of
7 115-48 180th Street in St. Albans, Queens. NineDot
8 Energy is proposing a lithium-ion battery energy
9 storage system immediately adjacent to our property
10 at 179-21 Linden Boulevard. This is the site. This is
11 our property. Directly across the street is the
12 Veterans Hospital. Two blocks down is an elementary
13 school. NineDot is building several of these systems
14 with the first one in the Bronx being operational for
15 only one year since the summer of 2024. They state
16 that they're currently building these lithium-ion
17 battery farms in residential neighborhoods near homes
18 all across the five boroughs, but that does not make
19 it right. They say that these battery farms are safe,
20 but safe for how long? I do not feel there has been
21 sufficient time, experience, and expertise to
22 guarantee their safety. There is no evidence that
23 these lithium-ion battery farms will be safe one,
24 five, 10, or 20 years from now. I have seen Tesla
25 lithium-ion batteries cause explosions in vehicles. I

2 have watched multi-million-dollar SpaceX rockets
3 using lithium-ion batteries from the same
4 manufacturer (TIMER CHIME) have catastrophic failures
5 and blow up in midair. This gives me no sense of
6 assurance that the Tesla mega battery packs, mega
7 packs used at these lithium-ion battery farms are
8 safe to be placed in residential areas. They are only
9 safe right up to the point at which they are not. The
10 three battery farm fires in New York State alone in
11 Jefferson County, Warwick, and East Hampton were all
12 considered safe until they weren't. These failures
13 can start with an explosion, then thermal runaway and
14 cannot be put out by ordinary means. In some cases,
15 these fires have burned for days. I have read of
16 people all over New York concerned that these battery
17 farms have been built 200 feet from their property
18 lines. Well, this proposed battery farm would be 10
19 feet from our house. This is our house. This brick
20 building here is the property line. This is our
21 house. That is how close it is. The company, Urban
22 Future Clean Energy LLC, a subsidiary of NineDot
23 Energy, is currently suing my husband and myself in
24 Queens County Supreme Court because they require
25 access to our property for between 12 weeks to 12

months to make progress on their lithium battery energy project. They're also requesting that we pay their legal fees. The humming noise created by these lithium battery megapacks so nearby would be a constant reminder that a catastrophic event could occur at any time, and in our case, less than 10 feet away. How do you lay your head down to sleep in peace? How do you lay your child's head down when their bedroom is 10 feet away from a potentially deadly harm? I do not want to live this close to a lithium battery farm, and neither does anyone else. And I wish that the panel that was first here was here because I would ask them the same question that you did. Would you? Such close proximity to a battery energy storage system like this would significantly devalue our property. My grandfather bought this house over 70 years ago, and it is our intention to leave it for my children and grandchildren. This and other homes in the immediate area have stood for over 100 years. The installation of a BESS facility jeopardizes all of the nearby irreplaceable homes in this historic landmark community of Addisleigh Park. I understand the need for clean energy, but not at the expense of hardworking people who just want to

know that they are safe in their homes. We are by law entitled to quiet enjoyment of our property. These battery farms should be built in industrial areas or at the very least, built a reasonable distance from residential homes, schools, and hospitals. There are other locations available to these companies that are not on the doorstep of residential properties. Areas where if a failure does occur, it will not cause a situation where fire can spread to adjacent homes with toxic emissions that would require indefinite evacuations or potentially kill someone who lives less than 10 feet away. We are counting on the Fire Department of New York that makes the decisions to grant permits to these energy companies to consider the residents, protect our communities, and make reasonable regulations about where these best facilities can, should, and most importantly, should not be built.

CHAIRPERSON ARIOLA: Thank you.

Ma'am.

ANDREA SCARBOROUGH: Good afternoon, Chairwoman Ariola and Members of the Committee on Fire and Emergency Management. My name is Andrea Scarborough. I'm a former president of my civic

organization, a board member of the Queens Solid Waste Advisory Board, and a board member of the Southeast Queens Residential Environmental Justice Coalition. Today, I come before you as a concerned resident of Addisleigh Park, where a placement of a lithium-ion battery energy storage system has been proposed by the developer, NineDot Energy. My new neighbor, a battery storage system, has turned my life into a nightmare. Mr. Dyer of Mason County, Texas, stated, we had no idea that something like this would ever happen this close to us. I happen to agree with Mr. Dyer that lithium-ion battery farms should not be allowed in close proximity to residents' homes. I urge the Committee to pass City Council Resolution 0966-2025 and include a minimum 1,000 feet setback requirement for all community energy storage facilities away from residential properties as part of the permitting approval process of lithium-ion battery farms. We know that there have been three battery plant fires in New York since last summer, in Jefferson County, East Hampton, and in Warwick, New York. In the case of East Hampton, a consequential health hazard was created when the town's primary water supply was poisoned by runoff

2 water used to extinguish the fire at the existing
3 battery farm. In New York City, we have seen
4 extensive fire incidents that have occurred by
5 scooters and electric bikes. I understand that the
6 chemistry makeup for scooters differ from the
7 chemistry of lithium-ion batteries (TIMER CHIME)
8 found at battery farms, if you would just permit me,
9 Madam Chair.

10 CHAIRPERSON ARIOLA: Go right ahead. And
11 if I could just ask you to repeat that Reso. number.

12 ANDREA SCARBOROUGH: Yes. 0966-2025.

13 CHAIRPERSON ARIOLA: Thank you.

14 ANDREA SCARBOROUGH: And they are less
15 volatile. However, at the core of both exists a
16 product that is toxic and flammable, and both types
17 of batteries allow for thermal runaway fire incidents,
18 as opposed to solid-state batteries and the polymer-
19 based type. Why would we as residents want this type
20 of facility five feet away from our homes? There have
21 been many articles espousing the Fire Department
22 implementation of strategic measures and monitoring
23 systems to mitigate risk at BESS farms. I would argue
24 that the history of safety of these farms is very
25 thin, as BESS are still a new phenomenon in New York

City. I would also argue that the fire in East Hampton, as well as the Moss Landing, occurred after five years of operation. I maintain that current statistics is no indication of future outcome, nor should we embrace the idea of a zero-fire possibility as a rationale to place these facilities near our homes. Clean Energy Associates, a leading provider of green energy solutions, most recent report of May 2025, revealed a 24 percent increase in system-level defects, a 28 percent defect increase in fire detection and suppression systems, a 19 percent increase in safety-critical failures, and a 15 percent defect increase with thermal management systems. As per CEA, an increase in the fire suppression systems is quite alarming, as the defects included non-functional fire alarm abort buttons and non-responding smoke and temperature sensors. These types of system defects can surely lead to no recognition of a system failure at a BESS site, resulting in fires and a delayed response by the Fire Department. It's very troubling that system defects are on the increase at the same time that BESS sightings are expanding. Again, why would we as residents want this type of facility next to our

homes? Lastly, placement of battery farms near our homes benefit the developer. In my case, in Addisleigh Park where I live, a few blocks away, a Con Edison substation is being built. I have now come to understand that the cost of connecting a BESS to the grid can vary based on its proximity to a substation. Locating a BESS close to a substation is ideal for developers because it minimizes the need for extensive new transmission lines or other network upgrades leading to lower interconnection costs for that company. As a result, in my community, I and my neighbors have become a victim to NineDot's energy goal of reducing their costs and increasing their profit margin as we are close to that substation. These farms can be built anywhere and achieve the goal of meeting the increased energy demand in a high needs area because BESS supply energy to the grid, not to our homes, not directly to our homes. So placement near our homes, in this case, advantage the developer. Greed is driving the placement of these battery farms, in some instances, five feet away from our homes where our residents are raising their families. This should not be. Chairwoman Ariola and all of the Committee Members, I urge you, I urge you,

2 please use your good office to ensure that lithium-
3 ion battery farms remain as far away as possible from
4 our homes and not be permitted. Thank you so much.

5 CHAIRPERSON ARIOLA: Thank you very much.

6 Sir.

7 WILLIAM SCARBOROUGH: Thank you. Good
8 afternoon, Chair Ariola. Thank you for the
9 opportunity to speak on this issue. My name is
10 William Scarborough. I'm the President of the
11 Addisleigh Park Civic Organization, also the
12 President of Southeast Queens Residents Environmental
13 Justice Coalition, and a former State Assembly
14 Member.

15 We're very concerned about the
16 proliferation of battery energy storage systems in
17 New York City, especially in residential areas in
18 close proximity to homes. A company called NineDot
19 Energy is seeking to build five battery farms in
20 Southeast Queens, including one about a half block
21 from my home. Under the current policy, these
22 facilities are not required to undergo standard ULURP
23 process. They only need to receive permits from the
24 Department of Buildings and the FDNY. There is no
25 requirement for approval by the City Council or any

legislative body, just these two City agencies. This means that the only protection that residents have regarding best placement is through the permitting process, especially through the FDNY. We would urge the Council to change current policy so that these facilities are not allowed in residential areas or anywhere in New York City within close proximity to homes. These lithium-ion battery systems create catastrophic fires when they burn, and allowing them to build within feet of homes is putting lives and property at risk. The City enacts 500 feet distance requirements for liquor stores, cannabis dispensaries, adult entertainment sites, and other businesses deemed to pose a threat or a hazard to certain populations. BESS facilities have proven to be volatile with thermal runaway fires in New York State and elsewhere, and they should also be subject to distance requirements. And I have to take exception to what has been said today. It has been posed as an either/or situation. We are not saying don't build them, we are just saying don't put them right up on our homes. We urge the Council to enact these policies (TIMER CHIME) to protect our communities while allowing the potential clean energy

benefits to be produced in a safe environment.

Neither the FDNY nor BESS Developers can guarantee that these facilities will not catch fire despite the stringent requirements imposed by the FDNY. It is only reasonable that there be a safe distance between these facilities and residents. And I refer you to a paper by Baker Risk in September 23, a risk management organization, a white paper on BESS and, in that, they indicate there is no existing design that is inherently immune from thermal runaway. So why should we have those close to our homes when there are other alternatives where they can be safe and give our residents peace of mind? We would also urge you, as Mrs. Scarborough said, to pass Reso. 966 of 2025, which memorializes the State Legislature to pass Legislation S7197 and A6955, which would put a reasonable distance between facilities and homes and require a public review. Thank you for the opportunity.

CHAIRPERSON ARIOLA: Thank you. It's good to see you again.

Ma'am.

CAROLL FORBES: Oh, hi. My name is Carroll Forbes. I am a resident in the area where they are

building this facility, and I came to speak on behalf of myself and surrounding neighbors because we were not informed, number one, and the research that I've done and my friends is that if we encounter any kind of fire or facility, the off gas from the batteries, it's the same as cyanide so there'll be instant deaths. And the fact that it's close, very close to homes and actually next to somebody's wall, and they say they're only going to be using electronic monitoring, that gives no one in our area even a half a chance. The runoff and the fire is, what is it? Eight miles north, south, east, and west has to be evacuated. They cannot put out the fire because water will electrocute the firemen. And most of the time, just like they did in California, they have to let it burn. And it reignites itself and they can't see where it's being reignited from because of the way the battery is designed itself. Even the batteries that are used for Elon Musk's cars, they really are very, very dangerous because of the amount of different components that cause them to kill you. Or if they overheat, they have to be at a certain temperature and they're not going to stay that temperature. Even like when the very first computers

came out, you had to keep them cold. Otherwise, they're (TIMER CHIME) going to fire. And these components inside, they are igniting and no one's reporting it because they can't see it themselves. There's no way to detect it until the full-blown blast comes and all the components melt and then everybody's dead. They're not even going to be able to be saved. There's no fighting that fire. Queens, where I live, Kennedy Airport is where it's going to go straight. That is the biggest catastrophe ever. They have to come up with something else. Thank you.

CHAIRPERSON ARIOLA: Thank you so much.

And I want to, before you go back to your seats, I want to thank you for proving my point today. Proving my point that these batteries to battery, these BESSes, they do not belong in residential areas. And regarding that Reso., I'm a prime co-sponsor of that Reso. and Bob Holden is the sponsor, so we 100 percent agree with you. What you did right now is confirm what I said before. This is about the developers. This is about money. This is not about saving you on your electric bill. This is about costing you money to go into litigation. This is about being a bad neighbor. They are not good

neighbors. They're developers who are coming and land grabbing next to you because the City of Yes, which I see faces here that were fighting back on the City of Yes when we were doing rallies, we knew that this is what was coming. You are the victims of what the BESSes bring to a community. And there was a question that was not answered by anyone, not by the advocates, not by the Administration and not by the Fire Department, and that is, why does it have to be right on top, right? But it doesn't because ma'am, you made a very good point. The BESSes feed the grid, not the individual homes. You are the experts. You are the people who need to be heard. You're the people, and I'm so glad and thankful that you came out today to give your testimony because you're living the negativity of what happens when BESSes come into a community. Thank you so very much.

CAROLL FORBES: Thank you for hearing us.

CHAIRPERSON ARIOLA: Thank you. We will fight for you.

COMMITTEE COUNSEL KINGSLEY: Thank you for your testimony.

Next, we'll hear from Thomas Maguire, Cornelius Skeahan, and Ketyann LaCerra.

2 After that, we will turn to folks on
3 Zoom. So if you're on Zoom, please be prepared.

4 We have you as well, sir. We got you
5 here. I'm just giving them a heads up.

6 THOMAS MAGUIRE: Good afternoon. My name
7 is Thomas Maguire. I'm a Business Representative with
8 Local Union Number Three of the International
9 Brotherhood of Electrical Workers. Local Three
10 represents nearly 28,000 members in construction and
11 other related electrical industries, including
12 maintenance and manufacturing. I am here today on
13 behalf of a Business Manager, Chris Erickson, and the
14 officers and members of Local Three to express
15 support for the passing of amended Intro. 354. At
16 IBEW Local Three, we believe that excellence isn't an
17 accident. It is a result of commitment, training, and
18 pride in one's craft. Our journey persons complete
19 one of the most rigorous apprenticeship programs in
20 the country, five and a half years of learning,
21 working, and growing. Each week includes at least 35
22 hours on the job, four hours of classroom instruction
23 in electrical theory, and three hours of college
24 courses toward an associate degree. Twice a year,
25 apprentices must report to our Long Island City

Training Center for intensive hands-on instruction because we know that the real skill is built through both knowledge and experience. But the learning doesn't stop there. Through our educational and cultural trust fund, we ensure that continuing education remains a cornerstone of our trade. One example is our alternative energy class, which exposes electricians to the evolving world of renewable energy from solar and wind systems to electrical vehicle infrastructure and energy efficient technologies, all from the perspective of an electrician in the field. A hallmark of our training is how we can adapt the technologies, get implemented and grow in both scope and scale. So while Local Three electricians have been installing battery systems in buildings for years, large-scale battery storage is essential to meeting our state and climate's goals moving forward, to balance solar and wind energy's intermittent nature, and to respond to various times of peak in demand. As such, Local Three has implemented the Energy Storage and Microgrid Training Program developed with Penn State University. This national initiative prepares our members for the clean energy transition by training

them to safely install, operate, and maintain advanced battery and microgrid systems. Under the guidance of Penn State's Good Start (TIMER CHIME) Center, well, one more paragraph, thank you. Our electricians are trained in battery rack installation, DC grounding, arc flash safety, and microgrid integration through classroom work, labs, and virtual reality simulations. This is what sets Local Three apart, a workforce built on safety, productivity and continuous improvement. Because when we invest in training, we just don't build better electricians, we build a stronger, safer, and more sustainable future. Similarly with battery energy storage systems, when installed correctly by power professionals with appropriate rules and regulations, the future can and will be brighter. Thank you.

CHAIRPERSON ARIOLA: Thank you so very much and thank you for the work that you do.

Sir.

CORNELIUS SKEAHAN: Good afternoon. Good afternoon, Chairperson Ariola and Members of the Committee. Thank you for the opportunity to testify today. My name is Cornelius Skeahan, and my title is Safety Director and Lobbyist for the Joint Industry

2 Board of the Electrical Industry, which is affiliated
3 with the International Brotherhood of Electrical
4 Workers, Local Union Number Three, and the New York
5 City chapter of the National Electrical Contractors
6 Association, where consensus of the aforementioned
7 three parties demands that best practices employing
8 safety protocols in the workplace is paramount. The
9 unionized electrical industry encourages the
10 expansion of battery energy storage systems
11 throughout New York City and believes legislation
12 Intro. 354 as amended helps reach that aim with
13 appropriate labor standards. New York State's
14 landmark 2019 Climate Leadership and Community
15 Protection Act is one of the most ambitious climate
16 laws in the nation, reducing greenhouse gas
17 emissions, and BESSes are an integral part of
18 reaching the goals laid out by the CLCPA. Wind and
19 solar power generation are dependent on weather
20 patterns, at times offering intermittent power
21 production. The ability to store power at peak power
22 production during low power demand and then deploy
23 stored power when demand is high creates an
24 adaptable, reliable, renewable energy provision. At
25 the Joint Industry Board of Electrical Industry,

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2 Local Three members are provided New York City Local
3 Law 196 and federal OSHA 10 and OSHA 30 hours
4 training, resulting in a safety culture backed by
5 knowledge and experience that has become the
6 electrical industry's disposition. The Joint Industry
7 Board does not train for City and State mandates
8 exclusively. But we also provide elective electrical
9 training, safety skill training, such as alternative
10 energy training, energy storage and micro grid
11 training, high voltage theory, high voltage splicing,
12 and confined space training. Just to name a few of
13 the opportunities to learn. (TIMER CHIME) The
14 preeminent, thank you, the preeminent electrical
15 safety course taught to Local Three members by Local
16 Three member trainers concentrates on electrical
17 safety related work practices based on the National
18 Fire Protection Association, NFPA, 70E curriculum.
19 The training received in this course seamlessly
20 transfers to electrical safety related work practices
21 for battery energy systems, safe installation,
22 maintenance, and operation. NFPA 70E training expires
23 on a three-year cycle. This ensures that trainers and
24 workers remain current on the latest updates. I'll
25 turn it back. Energy provision is not risk free.

2 There is risk in all types of energy production and
3 generation. Coal mines explode killing workers, oil
4 and gas pipelines break, oil tankers leak and crack
5 in half destroying the environment. With the proper
6 comprehensive perpetual safety training, BESSes will
7 prove to be the lowest risk energy provision.

8 Organized labor is humanitarian based, and we also
9 believe that much deeper considerations should be
10 exercised when BESSes are sited. So, supporting
11 critical battery energy storage systems in New York
12 City spurred by good legislation like the amended
13 Intro. 354 will help our city meet the needs of our
14 electrified future built by local workers and middle
15 class union jobs proving itself to be affordable,
16 resilient, reliable and safe. Thank you, Chairperson
17 Ariola and the Members of the Committee for your time
18 today.

19 CHAIRPERSON ARIOLA: Thank you.

20 Ma'am.

21 KETYANN LACERRA: Good afternoon. My name
22 is Ketyann LaCerra. I'm an apprentice electrician and
23 a member of Local Three of the International
24 Brotherhood of Electric Workers. I am proud to be
25 here today on behalf of my union, it's 28,000

2 members, and our leadership to express the critical
3 need for battery storage systems in New York City and
4 to support Intro. 354 as amended to create more
5 battery storage projects.

6 Battery storage systems are a key piece
7 to our city's electrical infrastructure and have been
8 proven safe and dependable. I've had the opportunity
9 to work on these systems in the field where I am
10 learning how to safely put these systems together. As
11 an apprentice, not only am I hoping the future of New
12 York City by working on a clean energy project, but I
13 have the security of a union contract with middle
14 class wages and benefits like healthcare, pensions
15 when I retire, and a voice on my job. My union
16 apprenticeship training is the gold standard as I
17 learn while I earn, attending electrical theory and
18 college, working towards my journey person's card in
19 Local Three. I'm grateful for the opportunity to work
20 on such an important piece of electrical
21 infrastructure, and I look forward to more
22 opportunities as New York City builds more critical
23 battery storage projects with the passing of the
24 amended Intro. 354 bill. Thank you.

CHAIRPERSON ARIOLA: I appreciate that. I really do, and I appreciate Local Three and all that you do and especially apprenticeship programs because they really, they do help, a number of my own children and family have gone through apprenticeship programs in various unions so it's an excellent program. And I just want to say that even the Reso. that I'm on, it's about the proximity. I'm glad to know that Local Three is heavily involved here. I'm glad to know that Local Three is going to be doing oversight and putting it together. But what we really don't want is to have it in the middle of a residential area and that's really the battle here. It's not the battery plant itself, it's the placement of it, and I'll take a look at that amended Intro., but that's really the issue here is that it shouldn't be next door with this poor woman, it's right next door to her home and now she has to go through litigation. So, I understand it's the way of the future. I'm glad that skilled labor is a part of it and that you need to be a part of it, but what our issue is here is the proximity to residential homes and the lack of outreach when those facilities are

being built. But really thank you and I feel better knowing you're involved. Thank you.

COMMITTEE COUNSEL KINGSLEY: Great. Thank you for your testimony.

Next, we'll hear from Linda Baran and Mary Levelle.

Linda and Mary, please respond to this request to unmute you, and you may begin.

Linda, you may go.

LINDA BARAN: Thank you very much. Hi, I'm Linda Baran, President and CEO of the Staten Island Chamber of Commerce. Chair Ariola and Members of the Committee, thank you for the opportunity to testify today on this important topic. Staten Island businesses want a resilient and modern grid, but battery energy storage facilities must be planned and placed with realistic protections so we can balance energy needs with safe, livable neighborhoods and commercial corridors. Staten Island business community supports energy storage as part of a stronger and more resilient grid. However, the current as of right pathway and the pace at which these facilities are being approved bypass the level of review that most development projects must

2 undergo. This rapid expansion without updated zoning
3 protections creates gaps in safety, transparency, and
4 fairness. Staten Island has carried disproportionate
5 environmental burdens in the past, and placing
6 facilities without community input risks repeating
7 this pattern. The Chamber urges the creation of a
8 clear permitting framework that ensures responsible
9 siting, strengthens zoning safeguards, and strikes a
10 balance between grid reliability, community safety,
11 and the vitality of our local business corridors.

12 We're asking the Council to replace the current as of
13 right pathway with review and permitting framework
14 that evaluates safety, proximity to homes and
15 schools, and impacts on business corridors. Residents
16 and small businesses should receive early,
17 transparent notice and real opportunities to weigh in
18 before any best site is advanced. If such facilities
19 are ultimately sited, they should come with
20 enforceable safety standards, ongoing monitoring, and
21 meaningful community investments that reflect the
22 costs and concerns borne by the residents and small
23 businesses, including potential effects on property
24 values, insurance premiums, and neighborhood quality
25 of life. Just as important, the City should balance

2 land use so energy infrastructure does not crowd out
3 the commercial and mixed-use development that
4 sustains Staten Island jobs and foot traffic. Thank
5 you, Chair Ariola and Members of the Committee for
6 the opportunity to share the Chamber's perspective on
7 these projects. We look forward to continue to work
8 with the Council.

9 CHAIRPERSON ARIOLA: Thank you so much for
10 sharing your perspective. It's very much appreciated.

11 COMMITTEE COUNSEL KINGSLEY: Mary Levelle,
12 are you present?

13 MARY PARISEN LEVELLE: Hi, good afternoon.
14 My name is Mary Parisen Levelle, and I thank Chair
15 Arreola for this opportunity and Members of the
16 Committee to give my perspective on this issue. I am
17 the Chair of a coalition called CURES, which stands
18 for Civics United for Railroad Environmental
19 Solutions and, in 2009, a coalition of Queen's Civics
20 formed CURES. We were formed to address the excessive
21 pollution, safety, and quality-of-life problems
22 caused by freight rail, including in Council Member
23 Ariola's and Holden's Districts. CURES has serious
24 concerns about possible rail shipments of lithium
25 batteries because freight rail operations in Queens

2 takes place next to homes, schools, and parks. Our
3 concerns are shared by the Smart TD Labor
4 Organization, which represents more than 100,000
5 active and retired US rail workers. On April 25th of
6 2025, Smart expressed strong opposition to Tesla
7 Inc's request to transport lithium batteries by rail
8 in public comments to the US Department of
9 Transportation, Pipeline and Hazardous Materials
10 Safety Administration. Smart's comments state that
11 the extensive list of handling precautions included
12 in the proposal itself is a clear admission of the
13 dangerous nature of these materials. If the materials
14 require white glove treatment to be shipped safely,
15 it is not an appropriate fit for rail transport,
16 which is defined by heavy loads, dynamic movement,
17 and environmental exposure. Smart also expressed
18 alarm about the practical implications for (TIMER
19 CHIME) rail crews who will bear the burden of
20 compliance.

21 SERGEANT-AT-ARMS: Your time has expired.

22 Thank you.

23 MARY PARISEN LEVELLE: I only have one
24 little bit left to talk.

2 CHAIRPERSON ARIOLA: No, no. You can
3 continue. That's fine. Continue.

4 MARY PARISEN LEVELLE: (INAUDIBLE) the
5 burden of compliance, liability, safety, enforcement,
6 and emergency response on the ground. Waste by rail
7 started up in 2008 without mandated safeguards to
8 protect our family's health and quality of life, and
9 we've been dealing with the unintended consequences
10 ever since. Battery farms are a new industry. We
11 deeply appreciate that the New York City Council is
12 taking this time to think through what is going to
13 happen to residents before rights are conferred on
14 businesses. Because afterwards, we'll be too late.
15 Thank you again for this opportunity to testify.

16 CHAIRPERSON ARIOLA: Thank you very much.

17 COMMITTEE COUNSEL KINGSLEY: Next, we'll
18 hear from Christopher Leon Johnson.

19 CHRISTOPHER LEON JOHNSON: Yeah. Hello. My
20 name is Christopher Leon Johnson. Thank you, Chair
21 Ariola, for hosting this hearing. I want to condemn
22 these Council Members that actually stood here and
23 had the nerve to stay here and act like they care
24 about the communities, or about so-called Black
25 communities and Latino people who can be affected by

this, but they're the same ones that voted for the City of Yes for Carbon Neutrality. And that's a big problem, especially that Council Member Sandy Nurse, who was so-called, she act like she cared about the environment of her people, but she voted for the City of Yes for Carbon Neutrality. The issue here is that we have a certain Council Members, I'm not going to say their names, that they only care about protecting the White communities over the Black communities when it comes to this situation right here. Where's the same advocacy for the Black communities that's going to be affected by these farms, these energy farms? Why is only the fight is only at these White communities? Why is the only biggest backlash is with these White communities, and it's being led by a mayoral candidate named Curtis Sliwa. He only fights for the White community. He don't fight for the Black communities. He don't fight for the Latino communities when they get affected by these BESS farms, and that need to stop. I think that the City Council don't care that these farms get dumped into East New York, like Chris Banks' District, or the Districts like Chris Banks' or Marte's District, because they voted against the City of Yes for Carbon

Neutrality, but they go hard for the White communities because it's the money there and the voter blocks. And as a mayoral election coming up, and I think this hearing's only about trying to save face for Curtis Swila. This is nothing but a Curtis Swila support hearing. And that's what it is right here. This is not a hearing to really support the Black and Latino people that are going to be affected by these BESS farms. This is a hearing just to pump up Curtis Swila. And Curtis will not be mayor of New York City. And we gotta make that clear. He needs to drop out the race. So, thank you so much and enjoy your day. Thank you.

COMMITTEE COUNSEL KINGSLEY: Thank you for your testimony.

If anyone else is present who would like to testify, please see your Sergeant-at-Arms.

Seeing no one else in the Chambers and no one else on Zoom, we'll pass it back to Chair Ariola to close out the hearing. Thank you.

CHAIRPERSON ARIOLA: Okay. We have now heard from everyone who has signed up to testify.

If we inadvertently missed anyone who would like to testify in person, please visit the Sergeant's table and complete a witness slip now.

If we inadvertently missed anyone on Zoom that would like to testify virtually, please use the raise your hand function in the Zoom and a Member of our Staff will call on you in the order of the hands raised.

Seeing no one else, I would like to note that written testimony will be reviewed by full Committee Staff and may be submitted into the record for up to 72 hours after the close of the hearing today by emailing it to testimony@council.nyc.gov.

At this point, again, thank you to Committee Counsel Josh Kingsley; William Hongach, our Senior Analyst; Phyllis Inzerillo, my amazing Chief-of-Staff; and the formidable Peter Spencer. Thank you so much.

This concludes the hearing on Fire and Emergency Management. Thank you for coming. [GAVEL]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 5, 2025