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**Submitted via email:** [code.development@dos.ny.gov](mailto:code.development@dos.ny.gov)

TO: Chad Sievers, Professional Engineer 1, Division of Building Standards & Codes  
Division of Building Standards & Codes  
New York State Department of State, Division of Administration and Enforcement  
99 Washington Ave.  
Albany, NY 12231-0001

**RE: NY-BEST Comments on Draft Rule Amending the Uniform Code of New York State**

Dear Mr. Sievers,

The New York Battery and Energy Storage Technology Consortium (NY-BEST) is pleased to submit comments for consideration in relation to the Draft Rule Amending the Uniform Code of New York State issued in the [Notice of Proposed Rule Making](#) and noticed in the [March 19, 2025 State Register](#). The timely adoption of the updated Uniform Code is critical to the deployment of Battery Energy Storage Systems (BESS), in line with the New York State Climate Leadership and Community Protection Act (CLCPA) targets and mandates.

We greatly appreciate your consideration of our comments and recommendations and **urge you to adopt the updated Uniform Code as expeditiously as possible**. If you have any questions about these comments or need additional information, please contact us at 518-694-8474 or by email at [info@ny-best.org](mailto:info@ny-best.org). Thank you.

Respectfully submitted,

Sincerely,

A handwritten signature in black ink that reads "William P. Acker".

Dr. William Acker  
Executive Director, NY-BEST

## ABOUT NY-BEST

The New York Battery and Energy Storage Technology Consortium (NY-BEST) is a not-for-profit industry trade association with a mission to grow the energy storage industry in New York. We act as a voice of the energy storage industry for more than 180 member organizations on matters related to advanced batteries and energy storage technologies. Our membership includes global corporations, start-ups, project developers, leading research institutions and universities, and numerous companies involved in the electricity and transportation sectors.<sup>1</sup>

NY-BEST and our members have been actively engaged in the implementation of the Climate Leadership and Community Protection Act (CLCPA)<sup>2</sup>, including through the development and implementation of the State's Energy Storage Roadmaps. NY-BEST is committed to helping meet New York State's goals to deploy 6 GW of energy storage on the electric grid by 2030, to achieve 100% clean electricity by 2040, and to direct 40% of the overall benefits of clean energy investments to Disadvantaged Communities.

## COMMENTS

NY-BEST commends the Department of State (Department) and the Code Council for their excellent work updating the New York State Uniform Code, and in particular the Fire Code, to reflect the 2024 International Code Council (ICC) Codes and to integrate the recommendations of the New York State Inter-Agency Fire Safety Working Group (FSWG) regarding Battery Energy Storage Systems (BESS). These updates represent meaningful progress toward ensuring the safe and effective deployment of BESS across New York. **We encourage the Department and the Code Council to move swiftly in finalizing the rulemaking process and adopting the 2025 Fire Code.**

NY-BEST is broadly supportive of the proposed Fire Code amendments but recommends targeted revisions to the Hazard Support Personnel requirement (Section 1207.1.8.1) to preserve long-term flexibility as emergency response infrastructure evolves. We also highlight opportunities to strengthen clean energy provisions in the proposed Building Code amendments, as detailed below.

### **1. Fire Code: Statement of Support and Urgency**

Battery Energy Storage Systems (BESS) are essential to building a reliable, modernized grid and achieving the CLCPA's climate and energy mandates. However, dozens of local jurisdictions across the State have enacted moratoria on BESS, impacting over 1 GW of projects in interconnection queues. Many jurisdictions cite the need for adoption of the 2025 Fire Code as a condition for lifting these bans. Given the urgency of deploying these grid-supporting technologies to ensure reliability

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<sup>1</sup> NY-BEST comments represent the interests of the organization as a whole and not the views of any single member. Our members have diverse interests and the organization's views are intended to be reflective of the energy storage industry collectively.

<sup>2</sup> New York State Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019. Accessed [here](#).

and affordability as we decarbonize the grid, **we urge the Department and the Code Council to act swiftly in reviewing public comments and ensuring the prompt adoption and implementation of the 2025 Fire Code.**

We also want to thank the Department for thoughtfully incorporating public input into the updated Fire Code amendment released in March 2025. In particular, we appreciate the inclusion of our recommendations on the following provisions:

- **Systems monitoring (1207.3.4):** Requiring that monitoring systems measure the temperature and State of Charge for each enclosure.
- **Signage (1207.4.8):** Adding requirement for signage to indicate the most recent date it was updated or verified.
- **Security of installations (1207.4.9):** Specifying that the video surveillance should cover the area of enclosure and the entry point to the installation.
- **Peer review (1207.12):** Eliminating the requirement that the costs to perform the peer review shall be paid by the owner, as the State or other entities may provide funds for this service.
- **First responder pre-incident plan (1207.13):** Clarifying that a draft pre-incident plan will be required with the permit application, but the final plan will not be required until the last permitting stage, reflecting the final BESS OEM and siting plans.

## **2. Fire Code: Recommendation to improve Hazard Support Personnel requirement**

While NY-BEST is broadly supportive of the proposed Fire Code, we recommend minor revisions to Section 1207.1.8.1, which currently requires Hazard Support Personnel to be provided and paid for by the system owner, and for these personnel to arrive on-site within 4 hours in the event of an emergency.

While we support the intent behind this requirement, NY-BEST is working with the State and individual counties to explore the feasibility of embedding Hazard Support Personnel within local governments, rather than relying solely on contracted private personnel. Particularly in counties with significant anticipated deployment of BESS and other electrification technologies, this approach offers several advantages, such as:

- **Broader use-case:** A locally-based Hazard Support expert could assist local responders in managing risks and delivering informed emergency response for all the BESS sites in their jurisdiction, as well as for related technologies like electric vehicles, e-bikes, mobile batteries, and battery-integrated smart appliances. This integrated approach would create a more efficient and holistic emergency response system than relying on site-specific contractors. As the Interagency Fire Safety Working Group highlights, “the utility of battery experts integrated into existing emergency response infrastructure could be far more comprehensive than relatively infrequent fires associated with grid-scale energy storage systems.”<sup>3</sup>

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<sup>3</sup> New York State Interagency Fire Safety Working Group. *Fire Code Recommendations Report*, July 2024, p8. Accessed [here](#).

- **Institutionalization of knowledge:** A locally-based Hazard Support expert would help institutionalize critical knowledge in communities where first responders, often volunteers, may not retain consistent training due to high turnover. This expert could also serve as a liaison during emergencies, facilitating communication between local first responders, remote industry Subject Matter Experts, and on-site industry representatives.
- **Trust:** Given that many fire departments in the State are volunteer-based, a locally-embedded Hazard Support role would bring essential expertise directly to communities. It would also build trust, as local responders and residents are more likely to trust a public expert than a private contractor hired by a developer, ultimately supporting a more effective and coordinated emergency response.

For these reasons, NY-BEST recommends amending the proposed Code to allow flexibility for meeting the Hazard Support Personnel requirement through local resources such as described above, if and when they are established. This determination should remain at the discretion of the local Authority Having Jurisdiction. We suggest the following minor revision to enable this flexibility:

***1207.1.8.1 Hazard support personnel.** The system owner shall **be responsible for ensuring that one or more hazard support personnel** dispatch within 15 minutes ~~one or more hazard support personnel to the premise,~~ and arrive **to the premise** within 4 hours, as required and approved, ~~at their expense.~~ These personnel shall remain on duty continuously after the fire department leaves the premise until the damaged energy storage equipment is removed from the premises, or earlier if the fire code official indicates the public safety hazard has been abated. (Material based on NFPA 855 2023 Ed.)*

### **3. Energy Code: Recommendation to strengthen clean energy requirements**

NY-BEST is deeply disappointed in the significant rollback of proposed requirements relating to storage-readiness in new residential construction in the latest proposed amendment to the Energy Code, particularly in the shift of these provisions to non-enforceable Appendices. Building-based energy storage will be critical to achieving the State’s targets relating to public health, resiliency, electrification, and the Grid of the Future. **We urge the Department and the Code Council to relocate Appendix RD103.3 (concerning electric energy storage system readiness) and Appendix RD103.4 (concerning electric energy storage systems) to the mandatory Energy Code.**

## **CONCLUSION**

NY-BEST appreciates the work by the Department and the Code Council to update the Uniform Code of New York State, including leading national best practices when it comes to BESS safety and sustainability standards. We urge you to consider our recommendations and adopt the amended Uniform Code as quickly as possible. We stand ready to assist with any questions you may have on these comments. Thank you for the opportunity to share our input and feedback.