

AB 303: Battery Energy Safety and Accountability Act

SUMMARY

AB 303, the Battery Energy Safety and Accountability Act, promotes climate justice by uplifting the voice of local Californians and creating common-sense siting requirements for potentially hazardous battery energy storage system (BESS) facilities.

AB 303 recognizes that utility-scale battery energy storage has played an important role in meeting California's energy goals and solving the climate crisis. It ensures that we do not repeat mistakes of the past that allowed industry to bypass local communities to site energy projects in sensitive areas where they caused harm to human and environmental health. It also stands firm against the federal attacks on environmental regulation.

This bill does two simple things: 1) restores community input to the BESS permitting process, and 2) establishes reasonable setbacks for BESS facilities from areas such as schools, homes, hospitals, prime agricultural land, and environmentally sensitive habitat.

BACKGROUND

To effectively address the climate crisis, California has invested in utility-scale BESS. BESS typically uses multiple lithium-ion batteries to take and store energy from the grid at low demand times, and releases it during high demand. According to the California Energy Commission (CEC), "California is a world-leader in energy storage with the largest fleet of batteries…"

BESS capacity has increased 3,160% between 2018 and 2024 via the local permitting processes, showing that local permitting is effective. However, in 2022, the Legislature introduced and passed a budget trailer bill, AB 205 in the last 72 hours of the legislative session. This bill needlessly takes away local voice by giving utility-scale BESS developers the ability to seek streamlined permits via the CEC's Opt-In Certification Program. The CEC permit overrides the local land use authority and most state permits, silencing local Californians who may have justified concerns about potentially dangerous BESS projects. Developers are currently using the CEC Opt-in Certification Program in Fresno, Imperial, Orange, Alameda, and San Bernardino Counties. Vistra Energy has publicized its plan to use the process in San Luis Obispo County in April 2025.

Although they can cause toxic, out of control fires, utility-scale BESS projects do not have siting requirements to buffer them from sensitive wildlife like endangered otters, or sensitive areas such as estuaries, prime agricultural land, schools, homes, and other environmentally fragile ecosystems.

PROBLEM

A series of dangerous incidents at BESS facilities across California has raised serious concerns about the volatility of BESS technology. While safety standards are being enhanced, due to the risk of toxic fires that cannot be extinguished, it is clear that streamlined permitting and siting near sensitive locations and habitats is not appropriate for BESS projects.

(Nickel Manganese Cobalt) and “newer” LFP (Lithium Iron Phosphate) batteries. Although opponents of AB 303 claim the industry is trending towards the less flammable LFP batteries, the bottom line is that “older” and “newer” technology may erupt into uncontrolled fire. When they burn, lithium-ion batteries may also release hydrogen fluoride that, according to the Centers for Disease Control (CDC), can cause death from an irregular heartbeat or fluid buildup in the lungs. Local Californians should have a voice in the sitting of these potentially hazardous projects in their communities.

In 2025 a fire at Vistra Energy Moss Landing burned for six days, blanketing the nearby estuary with toxic heavy metals. According to University of California, Santa Cruz scientists, these metals may affect the endangered otters who live in the estuary and could be ingesting the metals when they lick their fur to groom.

Because lithium-ion batteries become unstable when they interact with water, their fires cannot be extinguished. Fire officials must let them burn out on their own because dousing with water can cause a fire to spread or trigger an explosion.

Serious Safety Incidents across California

According to the CEC, there have been ten major BESS safety incidents in the last five years. In January 2025, a major fire broke out at Vistra Energy’s BESS facility in Moss Landing, forcing more than 1,500 local residents to evacuate. The incident closed Highway 1, impacted local businesses, dumped toxic heavy metals into nearby otter habitat, and put prime agricultural lands and the community at risk.

This was not the first BESS fire at Moss Landing: In 2022, the PG&E Elkhorn Energy Battery Storage Facility caught fire triggering a Highway 1 closure and shelter-in-place advisory. Vistra Energy’s Moss Landing facility experienced two prior safety incidents in 2021 and 2022.

In San Diego County a 2024 Fire broke out at LS Power’s Gateway Energy Storage facility, a lithium-ion battery energy storage facility in Otay Mesa. According to CAL FIRE, evacuation orders were issued due to potential poisonous vapors or explosions. Later that year, another fire ignited at SDG&E’s Northeast Operations Center, a lithium-ion battery energy storage facility in Escondido, forcing the evacuation of more than 500 businesses and 1,500 homes.

In the wake of these emergencies, the San Diego County Board of Supervisors directed county fire officials to enforce stricter rules on where battery energy storage facilities can be located.

Despite Lacking Safety Vistra Aims To Expand

Despite numerous serious safety incidents, Vistra Energy is actively pushing to expand its operations in the state, circumventing the local permitting process and ignoring concerns from residents.

In 2021, Vistra applied to build a BESS facility sandwiched between endangered otter habitat; Morro Rock, which is sacred to the Chumash and Salinan people; and the town’s economic center, the Embarcadero waterfront. When local residents voiced concern, Vistra notified the City it would pull back from the local permitting and instead seek streamlined approval, silencing thousands of Californians who live in Morro Bay.

SOLUTION

AB 303 will move California's energy and climate goals forward while ensuring climate justice for all Californians. If enacted, AB 303 will uplift local communities and create sensible siting requirements for potentially hazardous BESS.

AB 303 is a common-sense approach to moving important BESS facilities forward. It does two simple things: 1) restores BESS permitting authority to local Californians, and 2) establishes reasonable setbacks of 3,200 feet from sensitive areas such as schools, homes, hospitals, prime agricultural land, and environmentally sensitive habitat. AB 303 will move our clean energy solutions forward while simultaneously honoring local Californians who bear the brunt of needed utility-scale battery energy storage systems.

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