ORDER OF AUSTIN COUNTY, TEXAS, REGARDING BATTERY ENERGY STORAGE SYSTEMS AND DATA CENTERS HEALTH AND SAFETY REVIEW

AN ORDER OF AUSTIN COUNTY, TEXAS, DECLARING THAT ALL SURFACE AND CONSTRUCTION OPERATIONS RELATED TO THE COMMENCEMENT, BUILDING, AND/OR COMPLETION OF ALL BATTERY ENERGY STORAGE SYSTEMS AND DATA CENTER PROJECTS WITHIN THE UNINCORPORATED AREAS OF AUSTIN COUNTY SHALL REQUIRE PLAN REVIEW AND WRITTEN APPROVAL BY THE COUNTY FIRE MARSHAL PURSUANT TO TEXAS LOCAL GOVERNMENT CODE § 352.016 AND AN INDEPENDENT THIRD-PARTY ENGINEERING EVALUATION PURSUANT TO TEXAS UTILITIES CODE § 187.003(e) PRIOR TO THE COMMENCEMENT OF CONSTRUCTION;

AN ORDER OF AUSTIN COUNTY, TEXAS, DIRECTING THAT THE COUNTY FIRE MARSHAL AND THE COUNTY ENGINEER SHALL CONDUCT A STUDY TO DETERMINE THE BEST LOCATIONS WITHIN AUSTIN COUNTY FOR DESIGNATING AN ENERGY DEVELOPMENT ZONE FOR THE CONSTRUCTION AND DEVELOPMENT OF ALL BATTERY ENERGY STORAGE SYSTEMS AND DATA CENTER PROJECTS AND PROTECTING THE HEALTH AND SAFETY OF AUSTIN COUNTY CITIZENS PURSUANT TO TEXAS HEALTH AND SAFETY CODE § 121.003;

AN ORDER OF AUSTIN COUNTY, TEXAS, DIRECTING THAT ALL COUNTY OFFICERS, INCLUDING THE COUNTY FIRE MARSHAL, SHALL NOT APPROVE ANY PERMITS, REVIEWS, OR RELATED DOCUMENTATION FOR THE COMMENCEMENT, BUILDING, AND/OR COMPLETION OF ANY BATTERY ENERGY STORAGE SYSTEMS OR DATA CENTER PROJECT UNTIL THE COUNTY HAS COMPLETED A COMPREHENSIVE HEALTH AND SAFETY REVIEW PURSUANT TO TEXAS HEALTH AND SAFETY CODE § 121.003, INCLUDING VERIFICATION THAT NO EQUIPMENT FROM ANY MANUFACTURER OWNED, CONTROLLED, OR INFLUENCED BY THE CHINESE COMMUNIST PARTY OR OTHER FOREIGN ADVERSARY IS INCORPORATED IN ALL BATTERY ENERGY STORAGE SYSTEMS AND DATA CENTER PROJECTS, REVIEW OF THE FINDINGS OF THE TEXAS ATTORNEY GENERAL'S ONGOING INVESTIGATION INTO CATL AND FOREIGN-ADVERSARY INVOLVEMENT IN TEXAS ENERGY INFRASTRUCTURE, AND ASSESSMENT OF LOCAL EMERGENCY RESPONSE CAPACITY; PROVIDING THAT THE COUNTY COMMISSIONERS, IN CONSULTATION WITH THE COUNTY FIRE MARSHALL AND COUNTY ENGINEER, SHALL HAVE SOLE DISCRETION TO DETERMINE WHEN THE HEALTH AND SAFETY REVIEW IS COMPLETE; DIRECTING THE COUNTY ATTORNEY TO SEEK INJUNCTIVE RELIEF AGAINST ANY PERSON WHO COMMENCES CONSTRUCTION OF ALL BATTERY ENERGY STORAGE SYSTEMS OR DATA CENTER PROJECTS WITHOUT THE FIRE MARSHAL'S REVIEW AND APPROVAL; PROVIDING FOR NOTICE AND PUBLIC HEARING; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Commissioners Court of Austin County, Texas (the "Commissioners Court"), has both the responsibility and authority to protect the public health, safety, and general welfare of the citizens of Austin County under Texas Health and Safety Code § 121.003; and

WHEREAS, Texas Local Government Code § 352.016 authorizes a county fire marshal to inspect for fire or life safety hazards any structure, appurtenance, fixture, or real property, to review plans of a business or commercial property for fire or life safety hazards, and to order the owner or occupant of premises to correct any hazardous situation identified during such inspection or review; and

WHEREAS, in the absence of a county fire code, the county fire marshal may conduct an inspection using any nationally recognized code or standard adopted by the state; and

WHEREAS, Texas Utilities Code Chapter 187, which directs the Commissioner of Insurance to adopt by rule fire safety standards and testing requirements for the design, installation, operation, and safety of battery energy storage facilities based on nationally recognized standards, and which applies to battery energy storage facilities with a capacity of one megawatt hour or greater and a commercial operations date on or after January 1, 2027; and

WHEREAS, Texas Utilities Code § 187.003(e) expressly authorizes a county in which a battery energy storage facility is located to request, before the commercial operations date, an independent third-party engineering evaluation of the design, safety, and installation of the facility to ensure compliance with state standards, and § 187.004(d) requires battery operators to provide site-specific emergency operations plans to local first responders; and

WHEREAS, this Order is not inconsistent with the standards for design, installation, operation, and safety contemplated by Texas Utilities Code Chapter 187, but rather seeks to ensure compliance with those standards and with other applicable state laws, including the Lone Star Infrastructure Protection Act, through the exercise of existing county authority; and

WHEREAS, battery energy storage systems ("BESS") are complex industrial facilities that rely on complex technology and systems, and parts and components that present unique and serious risks in the event of catastrophe; and

WHEREAS, the Governor of Texas, acting under his authority, has issued executive actions identifying and restricting prohibited technologies associated with foreign adversaries, including the Chinese Communist Party ("CCP"), and has updated the Governor's Prohibited Technologies List in consultation with Texas Cyber Command; and

WHEREAS, Contemporary Amperex Technology Co. Limited ("CATL"), a global manufacturer of lithium-ion batteries for energy storage, has been placed on the Governor's Prohibited Technologies List due to cybersecurity and national security concerns arising from CATL's documented ties to the CCP and the People's Liberation Army; and

WHEREAS, the Lone Star Infrastructure Protection Act, Texas Business and Commerce Code Chapter 117, prohibits business entities from entering into agreements that would grant certain foreign-owned companies direct or remote access to critical Texas infrastructure; and

WHEREAS, in November 2025, Texas Attorney General Ken Paxton launched an investigation into the use of CATL products in critical state infrastructure, specifically citing potential violations of state law through involvement in Texas power grid-related facilities, including battery energy storage systems, and such investigation remains ongoing; and

WHEREAS, battery energy storage systems have rapidly proliferated across the State of Texas with little to no regulation at the county level, and multiple Texas counties have expressed concern regarding the absence of adequate safety, cybersecurity, and siting standards for such facilities; and

WHEREAS, data centers are rapidly expanding across Texas, presenting significant demands on local infrastructure, including water, power, and emergency services, and introducing fire safety, cybersecurity, and environmental considerations that warrant comprehensive review prior to construction;

WHEREAS, data centers may incorporate hardware, software, and communications systems manufactured by entities owned, controlled, or influenced by foreign adversaries, raising similar cybersecurity and national security concerns as battery energy storage systems;

WHEREAS, the Commissioners Court finds that a review process needs to take place to evaluate Austin County's emergency response resources necessary to safely respond to a potential BESS or Data Center incident including fire involving thermal runaway, toxic gas release, battery cell explosion, or other hazardous events;

WHEREAS, the Commissioners Court finds that existing County review processes and regulations are insufficient to evaluate the unique and serious risks posed by battery energy storage systems and data centers, and that a comprehensive health and safety review is necessary before any BESS or Data Center construction may be authorized within the unincorporated areas of Austin County; and

WHEREAS, the Commissioners Court finds that this Order is (1) taken in response to a real and substantial threat to public health and safety, (2) designed to significantly advance the health and safety purpose, and (3) does not impose a greater burden than necessary to achieve the health and safety purpose; and

WHEREAS, the Commissioners Court has published notice of this proposed Order and conducted a public hearing, as required by law;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF AUSTIN COUNTY, TEXAS:

SECTION 1. DEFINITIONS

The following words and terms, when used in this Order, shall have the following meanings, unless the context clearly indicates otherwise:

"Battery Energy Storage Facility" has the meaning assigned by Texas Utilities Code § 187.001(1), and includes (A) a Battery Energy Storage Resource, and (B) any facility or equipment necessary to support the operation of a Battery Energy Storage Resource, other than a facility or equipment owned by an electric utility as defined by Section 31.002, Texas Utilities Code.

"Battery Energy Storage Resource" has the meaning assigned by Texas Utilities Code § 187.001(2), and means an electrochemical device, whether connected at the transmission or distribution level, that charges from the grid or a co-located generation resource and discharges that energy at a later time.

"Battery Energy Storage System" or "BESS" means a Battery Energy Storage Facility as defined, including all associated facilities and equipment necessary to support the operation of a Battery Energy Storage Resource, including but not limited to battery cells, battery modules, battery racks, battery management systems, inverters, transformers, substations, switchgear, SCADA systems, communications equipment, containment structures, fire suppression systems, cooling systems, foundations, fencing, and access roads.

"Data Center" means a facility used primarily for the storage, management, processing, and dissemination of data and information, including all associated equipment, infrastructure, and systems necessary for such operations, including but not limited to servers, networking equipment, storage devices, power distribution units, uninterruptible power supplies, generators, cooling systems, fire suppression systems, security systems, and communications infrastructure.

"CATL" means Contemporary Amperex Technology Co. Limited, including any subsidiary, affiliate, joint venture partner, or successor entity.

"Commissioners Court" means the Commissioners Court of Austin County, Texas, consisting of the County Judge and the four County Commissioners.

"Comprehensive Health and Safety Review" means the review described in Section 4 of this Order, encompassing fire safety, cybersecurity, foreign adversary equipment verification, emergency response capacity assessment, and energy development zone study, applicable to both Battery Energy Storage Systems and Data Centers.

"Construction" means any activity related to the commencement, building, installation, erection, assembly, or completion of a battery energy storage system or data center, including but not limited to site preparation, grading, foundation work, equipment installation, electrical interconnection, and testing or commissioning.

"County" means Austin County, Texas.

"County Fire Marshal" means the fire marshal appointed by the Commissioners Court of Austin County pursuant to Texas Local Government Code § 352.012, or such person's authorized designee.

"Developer" means any person, firm, corporation, partnership, limited liability company, joint venture, association, or other entity that proposes to construct, own, operate, or maintain a battery energy storage system or data center within the unincorporated areas of Austin County.

"Energy Development Zone" means a designated area or areas within Austin County identified by the County Fire Marshal and County Engineer as suitable for the construction and operation of battery energy storage systems and data centers, based on considerations of fire safety, emergency response access, proximity to residences and schools, environmental impact, and infrastructure capacity.

"Foreign Adversary" has the meaning assigned by the Lone Star Infrastructure Protection Act, Texas Business and Commerce Code Chapter 117, and includes any government, entity, or person identified as a foreign adversary by the Governor of Texas, the United States Department of Commerce, or other applicable state or federal authority.

"Governor's Prohibited Technologies List" means the list of prohibited technologies, hardware, software, and services maintained by the Governor of Texas in consultation with Texas Cyber Command, as updated from time to time.

"Unincorporated Areas" means those areas of Austin County that are not located within the corporate limits of any municipality.

SECTION 2. PURPOSE

The purpose of this Order is to allow Austin County sufficient time to study, review, and evaluate compliance with health, fire, and safety requirements, cybersecurity safeguards, and enforcement mechanisms applicable to battery energy storage systems and data center projects within the unincorporated areas of the County, including the designation of an Energy Development Zone for the construction of battery energy storage systems and data centers. Austin County has a duty to protect the health, safety, and welfare of its citizens, and to ensure that all construction within the County complies with applicable fire and life safety standards as enforced by the County Fire Marshal. The County has determined that it needs to conduct an extensive review to evaluate the unique and serious risks posed by battery energy storage systems and data centers.

During the period of this Order, the County shall evaluate:

1. Risks to public health, safety, and welfare arising from battery energy storage systems and data centers including but not limited to fire suppression requirements, equipment listing, thermal runaway mitigation, emergency response capacity, proximity to residences and schools, and adequacy of hazardous materials response resources.

2. Cybersecurity and operational technology risks associated with foreign-manufactured hardware, software, firmware, and components incorporated in battery energy storage systems and data centers, with particular attention to equipment and components manufactured by entities that have been placed on the Governor of Texas's Prohibited Technologies List or that are owned, controlled, or influenced by the Chinese Communist Party or other foreign adversary as defined by the Lone Star Infrastructure Protection Act, Texas Business and Commerce Code Chapter 117.
3. Compliance with current and anticipated State of Texas directives, including executive actions of the Governor addressing prohibited technologies, critical infrastructure protection, and foreign adversary influence, as well as the findings and conclusions of the Texas Attorney General's ongoing investigation into CATL and foreign-adversary involvement in Texas energy infrastructure. (SEE Schedules ATTACHED).
4. Adequacy of existing County regulations, inspection capacity, and enforcement mechanisms to ensure compliance with state law to regulate the siting, construction, operation, monitoring, and decommissioning of battery energy storage systems and data centers while protecting critical infrastructure and the citizens of Austin County in accordance with said state laws.
5. The appropriate locations within Austin County for designating an Energy Development Zone for the construction and development of battery energy storage systems and data center projects, to be studied and recommended by the County Fire Marshal and County Engineer, in order to minimize risks to residential areas, critical infrastructure, and emergency services.
6. The immediate necessity for this Order arises from the fact that battery energy storage systems and data centers have rapidly proliferated across the State of Texas with little to no regulation at the county level. Texas counties have received development plans from developers who intend to use equipment manufactured by entities on the Governor's Prohibited Technologies List and are the subject of an active investigation by the Texas Attorney General. Austin County is responsible for the health, safety, and welfare of its citizens and cannot responsibly authorize permitting related to construction of battery energy storage systems and data centers until it completes a thorough review of current and proposed battery energy storage systems and data centers to ascertain whether they incorporate potentially compromised foreign-adversary-linked technology. The Commissioners Court, in consultation with the County Fire Marshal, shall have sole discretion to determine when the Comprehensive Health and Safety Review required by this Order is complete.

SECTION 3. FIRE MARSHAL PLAN REVIEW AND APPROVAL REQUIRED

(a) No person shall commence, or cause to be commenced, the Construction of any Battery Energy Storage System or Data Center within the Unincorporated Areas of Austin County without first obtaining plan review and written approval from the County Fire Marshal.

(b) Any Developer proposing to construct a Battery Energy Storage System or Data Center within the Unincorporated Areas of Austin County shall submit to the County Fire Marshal complete construction plans, engineering specifications, equipment lists, and such other documentation as the County Fire Marshal may require for review and evaluation of fire and life safety hazards.

(c) The County Fire Marshal shall review all submitted plans using a nationally recognized code or standard adopted by the state, as the applicable standards of review.

(d) The County hereby exercises its authority under Texas Utilities Code § 187.003(e) and Texas Health and Safety Code § 121.003 to require, before the commercial operations date, an independent third-party engineering evaluation of the design, safety, and installation of any Battery Energy Storage Facility or Data Center proposed within the Unincorporated Areas of Austin County. The cost of such evaluation shall be borne by the Developer. No Construction shall be approved until the independent third-party engineering evaluation has been completed and reviewed by the County Fire Marshal.

(e) The Developer shall provide to the County Fire Marshal and all local first responders a site-specific emergency operations plan as required by Texas Utilities Code § 187.004(d) for Battery Energy Storage Systems and as required by this Order for Data Centers. No Construction shall be approved until such emergency operations plan has been submitted and reviewed by the County Fire Marshal in coordination with local volunteer fire departments.

(f) The Commissioners Court by order may authorize the County Fire Marshal to charge a reasonable fee to the Developer for plan review and inspection conducted under this section, in an amount determined by the Commissioners Court to cover the cost of the plan review or inspection, as authorized by Texas Local Government Code § 352.016(c).

(g) Construction of a Battery Energy Storage System or Data Center without prior written approval of the County Fire Marshal shall constitute a violation of this Order and shall be subject to the enforcement and penalty provisions set forth in Section 6 of this Order.

SECTION 4. COMPREHENSIVE HEALTH AND SAFETY REVIEW; SUSPENSION OF APPROVALS

(a) All County officers, including the County Fire Marshal, are hereby directed not to approve any permits, plan reviews, inspections, or related documentation for the commencement, building, or completion of any Battery Energy Storage System or Data Center project within the Unincorporated Areas of Austin County until the Comprehensive Health and Safety Review described in Section 2 of this Order has been completed.

(b) Notwithstanding the foregoing, a Battery Energy Storage System or Data Center project may proceed and engage an independent third-party engineering evaluation pursuant to Texas Utilities Code § 187.003(e) or Texas Health and Safety Code § 121.003 while the County conducts the Comprehensive Health and Safety Review.

(c) The Comprehensive Health and Safety Review shall include, at a minimum:

1. Evaluation of compliance with all applicable fire and life safety standards;
2. Verification that no equipment, components, software, firmware, or communications systems from any manufacturer on the Governor's Prohibited Technologies List, or from any entity

owned, controlled, or influenced by the Chinese Communist Party or other Foreign Adversary, is incorporated in any proposed Battery Energy Storage System or Data Center;
3. Review of the findings and conclusions of the Texas Attorney General's ongoing investigation into CATL and foreign-adversary involvement in Texas energy infrastructure;
4. Assessment of the County's emergency response capacity, including the training, equipment, and hazardous materials response capabilities of local fire departments;
5. Completion of the Energy Development Zone study by the County Fire Marshal and County Engineer as described in Section 5 of this Order; and
6. Such other matters as the County Fire Marshal or Commissioners Court determines necessary to protect public health, safety, and welfare.

(d) The Commissioners Court, in consultation with the County Fire Marshal, shall have sole discretion to determine when the Comprehensive Health and Safety Review is complete. No Battery Energy Storage System or Data Center construction shall be approved until the Commissioners Court has entered an order in its minutes declaring the Comprehensive Health and Safety Review complete.

(e) Nothing in this section shall be construed to prohibit the County Fire Marshal from accepting and reviewing submitted plans during the period of the Comprehensive Health and Safety Review; however, the County Fire Marshal shall not issue written approval of necessary fire safety inspections for Construction until the Comprehensive Health and Safety Review has been completed and the conditions of this Order have been satisfied.

SECTION 5. ENERGY DEVELOPMENT ZONE STUDY

(a) The County Fire Marshal and County Engineer are hereby directed to conduct a study to determine the best locations within Austin County for designating one or more Energy Development Zones for the construction and development of Battery Energy Storage Systems and Data Center projects.

(b) The study shall consider, at a minimum, the following factors:

1. Proximity to residences, schools, places of worship, health care facilities, parks, and other sensitive land uses;
2. Adequacy of road access for emergency response vehicles and heavy equipment transport;
3. Availability of water supply for fire suppression purposes;
4. Proximity to existing electrical transmission and distribution infrastructure;
5. Floodplain and drainage considerations;
6. Environmental impact, including groundwater protection and soil contamination risks;
7. Compatibility with existing and planned land uses in the surrounding area; and
8. Such other factors as the County Fire Marshal and County Engineer deem relevant to the protection of public health, safety, and welfare.

(c) Upon completion of the study, the County Fire Marshal and County Engineer shall present their findings and recommendations to the Commissioners Court for consideration and action.

SECTION 6. ENFORCEMENT

(a) **Fire Marshal.** The County Fire Marshal is authorized and directed to enforce the provisions of this Order. If the County Fire Marshal determines that any person has commenced or is commencing Construction of a Battery Energy Storage System or Data Center within the Unincorporated Areas of Austin County without prior written approval as required by this Order, the County Fire Marshal may:

1. Issue a written order directing the person to cease construction and correct the violation;
2. Inspect the premises and any structures, appurtenances, fixtures, or real property located within 500 feet of the construction site for fire or life safety hazards, pursuant to Texas Local Government Code § 352.016; and
3. Refer the matter to the County Attorney for enforcement action as provided in this section.

(b) **Criminal Penalties.** The County will enforce any and all applicable criminal penalties associated with Texas Local Government Code § 352. Each refusal to comply with Texas Local Government Code § 352 with respect to this order is a separate offense. Pursuant to Texas Local Government Code § 352.022:

1. An offense under this section is a Class C misdemeanor, punishable by a fine not to exceed $500, unless it is shown on the trial of the offense that the violation resulted in bodily injury or death, in which case the offense is a Class A misdemeanor;
2. If it is shown on the trial of the offense that the defendant has been previously convicted one time under this section, the offense is a Class B misdemeanor;
3. If it is shown on the trial of the offense that the defendant has been previously convicted two or more times under this section, the offense is a state jail felony.

(c) **Injunctive Relief.** The County Attorney is hereby authorized and directed to file suit in a court of competent jurisdiction seeking injunctive relief, including temporary restraining orders, temporary injunctions, and permanent injunctions, against any person or entity that commences or threatens to commence Construction of a Battery Energy Storage System or Data Center within the Unincorporated Areas of Austin County in violation of this Order.

(d) **Referral to State Authorities.** The County Fire Marshal and County Attorney are authorized to refer any violation or suspected violation of this Order, the Lone Star Infrastructure Protection Act, the Critical Infrastructure Protection Act, or any other applicable state or federal law to the State Fire Marshal's Office, the Texas Attorney General, or any other appropriate state or federal authority for investigation and enforcement.

(e) **Cumulative Remedies.** The enforcement remedies provided in this section are cumulative and are in addition to any other procedures or remedies provided by state or federal law. The pursuit of any one remedy shall not preclude the pursuit of any other remedy.

SECTION 7. APPLICABILITY

(a) This Order applies to all Battery Energy Storage Systems and Data Centers proposed, planned, or under development within the Unincorporated Areas of Austin County as of the effective date

of this Order, and to all Battery Energy Storage Systems and Data Centers proposed, planned, or commenced after the effective date of this Order.

(b) This Order does not apply to:

1. Battery energy storage systems with a capacity of less than one megawatt hour that are used solely for residential purposes and are not connected to the electrical grid for wholesale energy transactions;
2. Data centers with less than 5,000 square feet of total floor area that are used solely for personal or residential purposes and are not operated as a commercial enterprise;
3. Areas within the corporate limits of any municipality located within Austin County; or
4. Any battery energy storage system or data center for which all required state and federal permits have been issued and construction has been substantially completed prior to the effective date of this Order.

(c) Nothing in this Order shall be construed to limit or supersede the authority of any state or federal agency with jurisdiction over the permitting, construction, or operation of battery energy storage systems or data centers.

SECTION 8. NOTICE AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Commissioners Court of Austin County, Texas, conducted a public hearing on this Order pursuant to Texas Health and Safety Code § 121.003 and the Texas Open Meetings Act, Texas Government Code Chapter 551.

DATE: [INSERT DATE]

TIME: [INSERT TIME]

LOCATION: Austin County Courthouse, One East Main Street, Bellville, Texas

All interested persons were invited to appear and be heard. Written comments were accepted prior to the hearing. The Commissioners Court considered all testimony and written comments received at or before the public hearing prior to taking action on this Order.

THE BUILDING IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUEST FOR INTERPRETERS OR LISTENING DEVICES MUST BE MADE 72 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE COUNTY JUDGE'S OFFICE AT (979) 856-5911 FOR FURTHER INFORMATION.

[INSERT PUBLIC HEARING AGENDA]

SECTION 9. FINDINGS OF FACT

The Commissioners Court hereby makes the following findings of fact in support of this Order:

EXHIBIT A — PUBLIC SAFETY AND INFRASTRUCTURE

1. Battery energy storage systems increasingly rely on complex, interconnected operational technology and communications systems integral to critical infrastructure.
2. Failures or compromises of such systems pose material risks to public safety, emergency response, and property.
3. Rural counties such as Austin County face heightened risks due to limited emergency response resources, including reliance on volunteer fire departments that lack specialized BESS firefighting training and equipment.
4. The National Fire Protection Association has developed a comprehensive standard for the installation of stationary energy storage systems, which addresses fire safety, thermal runaway mitigation, explosion control, emergency response, and decommissioning requirements. Compliance is essential to protecting public safety.
5. Austin County currently lacks a county fire marshal's office with the specialized technical expertise to evaluate BESS installations and requires time to develop or contract for such expertise.
6. Data centers present significant demands on local infrastructure, including water for cooling, electrical power, and emergency services, and may incorporate complex operational technology and communications systems integral to critical infrastructure.

EXHIBIT B — CYBERSECURITY AND FOREIGN INFLUENCE

1. The Governor of Texas, acting under his authority, has issued executive actions identifying and restricting prohibited technologies associated with foreign adversaries, including the Chinese Communist Party.
2. Contemporary Amperex Technology Co. Limited (CATL) has been placed on the Governor's Prohibited Technologies List due to cybersecurity and national security concerns arising from its documented ties to the CCP and the People's Liberation Army.
3. CATL's involvement in global battery markets, estimated to influence a substantial majority of BESS builds through global supply chains, creates a significant risk that CATL components may be incorporated in BESS projects within Austin County, either directly or through suppliers.
4. Battery energy storage systems and data centers may incorporate foreign-linked software, firmware, hardware, and communications systems capable of remote access, monitoring, or control, creating opportunities for exploitation by foreign adversaries.
5. Review is necessary to ensure compliance with State policy and to prevent irreversible installation of prohibited or high-risk technologies in battery energy storage systems and data centers.

EXHIBIT C — NECESSITY AND LEGAL BASIS

1. Texas Health and Safety Code § 121.003 authorizes the commissioners court of a county to enforce any law that is reasonably necessary to protect the public health.
2. Texas Local Government Code § 352.016 authorizes the county fire marshal to inspect for fire or life safety hazards, review plans for fire or life safety hazards, and order correction of hazardous situations, using any nationally recognized code or standard adopted by the state.

3. The Lone Star Infrastructure Protection Act, Texas Business and Commerce Code Chapter 117, prohibits business entities from entering into agreements that would grant a Chinese-controlled business direct or remote access to critical Texas infrastructure.
4. The Texas Attorney General has opened an active investigation into the use of CATL products in critical state infrastructure, and the County requires the completion of this investigation to fully evaluate compliance with state law.
5. Texas Utilities Code Chapter 187, expressly authorizes counties to request independent third-party engineering evaluations of the design, safety, and installation of certain facilities under and to receive site-specific emergency operations plans.
6. This Order is a reasonable, proportional, and narrowly tailored response to protect the public interest while the Comprehensive Health and Safety Review is conducted, the Attorney General's investigation is completed, and appropriate regulations for battery energy storage systems and data centers are developed.

SECTION 10. SEVERABILITY

If any provision, section, subsection, sentence, clause, phrase, or portion of this Order is for any reason held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Order. The Commissioners Court hereby declares that it would have adopted this Order and each provision, section, subsection, sentence, clause, phrase, and portion thereof, irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses, phrases, or portions be declared invalid, unconstitutional, or unenforceable.

SECTION 11. EFFECTIVE DATE

This Order shall take effect immediately upon its adoption by the Commissioners Court and entry in the minutes of the Commissioners Court.

APPROVED AND ORDERED this _____ day of _____***, 2026***, by the Commissioners Court of Austin County, Texas, by a vote of _____ members for and _____ opposed.

_____ NAME

_____ NAME

_____ NAME

_____ NAME

_____ NAME

ATTEST:

_____ County Clerk, Austin County, Texas

SCHEDULES ATTACHED:

Schedule 1 — Attorney General Ken Paxton Press Release, November 24, 2025

Schedule 2 — Expert Declaration of NAME

Schedule 3 — Expert Declaration of NAME

Schedule 4 — Governor's Executive Orders GA-48 and GA-49

Schedule 5 — Governor's Prohibited Technologies List (as applicable)