

## **VAN ZANDT COUNTY, TEXAS GREEN ENERGY MORATORIUM**

AN ORDER OF VAN ZANDT COUNTY, TEXAS, DECLARING A TEMPORARY MORATORIUM ON SURFACE AND CONSTRUCTION OPERATIONS RELATED TO THE COMMENCEMENT, BUILDING AND/OR COMPLETION OF ALL GREEN ENERGY PROJECTS WITHIN THE BORDERS OF VAN ZANDT COUNTY, INCLUDING BUT NOT LIMITED TO BATTERY ENERGY STORAGE SYSTEMS, SOLAR FACILITIES, AND WIND ENERGY PROJECTS; MAKING WRITTEN FINDINGS OF NECESSITY PURSUANT TO TEXAS HEALTH AND SAFETY CODE § 121.003; PROVIDING FOR NOTICE AND PUBLIC HEARING; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

### **PURPOSE AND SCOPE OF STUDY DURING MORATORIUM**

The purpose of this moratorium is to allow Van Zandt County sufficient time to study, review, and, if necessary, evaluate compliance with health, fire and safety requirements, cybersecurity safeguards, and enforcement mechanisms applicable to all green energy projects.

During the moratorium period, the County shall evaluate:

1. Risks to public health, safety, and welfare arising from green energy projects, including fire suppression, emergency response capacity, and proximity to residences.
2. Cybersecurity and operational technology risks associated with foreign-manufactured hardware, software, firmware, and communications systems which have been included on the Governor of Texas prohibited company list.
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 (SEE Schedules ATTACHED).
4. Adequacy of existing County ordinances in compliance with State Law, including but not limited to NFPA fire code and the Lone Star Infrastructure Protection Act, and the Critical Infrastructure Protection Act, to regulate siting, construction, operation, monitoring, and decommissioning of green energy facilities while protecting the infrastructure in accord with said the referenced state laws.
5. The immediate necessity is because the County has received plans from one developer who expressly intends to use equipment from a manufacturer which has been placed on the Governor's prohibited entity list. The County is responsible for the health, safety and welfare of the citizens, therefore, further research and study is required to insure the health, safety and welfare of Van Zandt County.

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Commissioners Court of Van Zandt County, Texas, will conduct a public hearing pursuant to Texas Health and Safety Code § 121.003 on the proposed Green Energy Moratorium Ordinance.

DATE: February 11, 2026

TIME: 9AM

LOCATION: Van Zandt County Courthouse, County Court at Law Courtroom

All interested persons are invited to appear and be heard. Written comments may be submitted prior to the hearing.

### **FINDINGS OF FACT – EXHIBIT A (PUBLIC SAFETY AND INFRASTRUCTURE)**

1. Green energy projects 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 Van Zandt County face heightened risks due to limited emergency response resources.

### **FINDINGS OF FACT – EXHIBIT B (CYBERSECURITY AND FOREIGN INFLUENCE)**

1. The Governor of Texas, acting under his constitutional and statutory authority, has issued executive actions identifying and restricting prohibited technologies associated with foreign adversaries.
2. Contemporary Amperex Technology Co. Ltd. (CATL) has been placed on the Governor's Prohibited Technologies List due to cybersecurity and national security concerns.
3. Green energy projects may incorporate foreign-linked software, firmware, and communications systems capable of remote access, monitoring, or control.
4. County-level review is necessary to ensure compliance with State policy and to prevent irreversible installation of prohibited or high-risk technologies.

### **FINDINGS OF FACT – EXHIBIT C (NECESSITY AND LEGAL BASIS)**

1. Texas Health and Safety Code § 121.003 authorizes as follows: "The governing body of a municipality or the commissioners court of a county may enforce any law that is reasonably necessary to protect the public health."

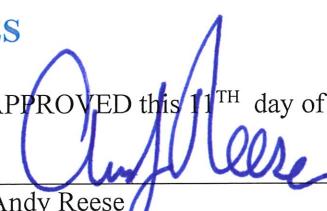
2. The County requires the completion of the Attorney General review to fully study and comply with emerging green energy technologies and amalgamate such findings as referred by the Texas Attorney General Office in relation to compliance with the Lone Star Infrastructure Protection Act.
3. A temporary moratorium is a reasonable, proportional, and narrowly tailored response to protect the public interest while regulations are developed. Any moratorium shall be tailored to include the findings of facts, necessities and legal basis after the Texas Attorney General Office has concluded their investigation into cybersecurity linked to the critical infrastructure.

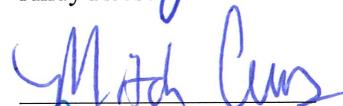
## SEVERABILITY

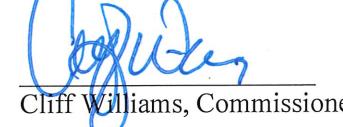
If any provision of this ordinance is held invalid, such invalidity shall not affect the remaining provisions.

## SIGNATURES

PASSED AND APPROVED this 11<sup>TH</sup> day of February 2026.

County Judge:   
Andy Reese

Precinct 1:   
Mitch Curtis, Commissioner

Precinct 2:   
Cliff Williams, Commissioner

Precinct 3:   
Bobby Phillips, Commissioner

Precinct 4:   
Brandon Barton, Commissioner

## SCHEDULE “1”

November 24, 2025 | Press Release

### **Attorney General Ken Paxton Launches Investigation into Use of CCP-Aligned Tech Products in Critical State Infrastructure**

Attorney General Ken Paxton has opened an investigation into the use of products from Contemporary Amperex Technology Co. Ltd. (“CATL”), a company aligned with the Chinese Communist Party (“CCP”), that could be violating state law through its involvement with a Texas power facility.

“Texas must not allow foreign communists to infiltrate, interfere, or otherwise undermine our power grid or other parts of our state infrastructure,” said Attorney General Paxton. “The CCP is a bad actor, and it is unlawful for aligned companies to meddle in our state in order to grant backdoor access to their handlers. If you mess with Texas, I will come after you.”

In September 2025, the Lone Star Infrastructure Protection Act took effect, prohibiting business entities from entering into agreements that would grant a Chinese-controlled business direct or remote access to critical Texas infrastructure. However, a power storage station currently under construction near **Mabank, Texas, has used CATL components for critical pieces** that have also failed to pass certain tests. Attorney General Paxton has opened an investigation to determine if the use of CCP-aligned CATL products violates Texas law by enabling access to critical infrastructure by prohibited actors, posing a substantial risk to Texas’s power grid.

Attorney General Paxton has vigorously opposed CCP-aligned companies from taking advantage of Texas consumers or unlawfully interfering with Texas’s state security. He identified a number of Chinese companies that were violating Texans’ data privacy rights, investigated the communist artificial intelligence service DeepSeek, targeted major networking equipment manufacturer TP-Link, and is investigating Lorex Technology for selling cameras that send data to the CCP.

**Schedule “2”**

I, Mike Swearingen, being of sound mind and over the age of 18, do hereby swear and affirm the following under penalty of perjury:

1. My name is Mike Swearingen. I am a retired electrical engineer with over 20 years of experience in power system design, substation design, transmission design, control systems, system protection, and operations. I am a Senior Member of the Institute of Electrical and Electronics Engineers (IEEE), recognized as a Smart Grid Pioneer by Smart Grid Today in 2015, and hold Patent 10,530,749 for a Security System, Device, and Method for Operational Technology Networks. I have authored and co-authored technical papers and articles on cybersecurity in operational technology (OT) and infrastructure, including publications in IEEE Computer Magazine. I possess specialized expertise in the cybersecurity risks associated with operational technology in critical infrastructure, such as electric grids, industrial control systems, and energy storage systems.
2. I make this affidavit in support of a request by residents and stakeholders in Van Zandt County, Texas, for a moratorium on all planned solar, wind, and battery energy storage system (BESS) builds within the county until ongoing investigations by the Texas Attorney General are completed and until current projects, including but not limited to the Amador Energy Storage project, demonstrate full compliance with applicable National Fire Protection Association (NFPA) standards, state fire codes, and other relevant safety and security requirements.
3. Governor Greg Abbott has taken significant steps to protect Texas infrastructure from threats posed by companies affiliated with the People's Republic of China (PRC) and the Chinese Communist Party (CCP). This includes updating Texas' prohibited technologies list in consultation with Texas Cyber Command, which restricts the use of certain China-affiliated technologies on state devices and in critical applications due to cybersecurity and national security concerns. Recent expansions have targeted companies with ties to the CCP, including those involved in hardware, software, and emerging technologies that could compromise Texas' critical infrastructure.

4. Contemporary Amperex Technology Co. Limited (CATL), a leading global manufacturer of lithium-ion batteries, has strong ties to the CCP and the People's Liberation Army (PLA) through China's military-civil fusion policy, which integrates civilian companies into military advancements. Reports from the U.S. House Select Committee on the Chinese Communist Party highlight CATL's dominance in battery markets and its contributions to PRC military capabilities. The Committee has noted concerns that CATL holds a significant share of the global electric vehicle and energy storage battery market (often cited in discussions as influencing a majority of builds through supply chains), making reliance on its products a vector for potential CCP influence or exploitation in U.S. energy infrastructure.
5. 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. This investigation is ongoing and directly relevant to projects in Van Zandt County.
6. The Amador Energy Storage project in Van Zandt County involves lithium-ion battery storage technology, and given CATL's market dominance in battery components (estimated to influence at least 90% of BESS builds through global supply chains according to analyses from the Select Committee on the CCP and related reporting), there is a substantial likelihood that CATL batteries or related technology are or could be incorporated, either directly or through suppliers.
7. A temporary restraining order (TRO) has been in place since April 2025 (Cause Number 25-00067 in the 294th Judicial District Court of Van Zandt County) against the Amador project (and related entities such as Taaleri Energia North America), prohibiting construction activities, including the installation of batteries, due to non-compliance with NFPA standards and other state fire codes. This TRO has been extended by agreement multiple times, reflecting ongoing safety concerns about fire risks, thermal runaway, and inadequate compliance documentation.
8. Additionally, federal concerns exist regarding CATL technology. In 2023, documents related to CATL batteries installed at Marine Corps Base Camp Lejeune (Lake Lejeune) were reviewed amid national security risks, leading to their disconnection and decommissioning by Duke Energy following bipartisan congressional pressure over potential vulnerabilities and CCP ties.

9. As an expert in operational technology cybersecurity, I explain the following risks: Modern BESS facilities rely on interconnected operational technology, including battery management systems (BMS), inverters, supervisory control and data acquisition (SCADA) interfaces, and communication protocols for monitoring, control, and grid integration. These systems are not isolated; a compromise in one component—such as firmware or software embedded in battery cells or controllers supplied by a CCP-linked entity like CATL—can create exploitable vulnerabilities.
10. Due to CATL's documented connections to the highest levels of the CCP and PLA through military-civil fusion, malicious actors could embed backdoors, malware, or hardware trojans during manufacturing. A single exploited battery cell or module could trigger cascading failures: for example, unauthorized remote access could induce thermal runaway in multiple cells, leading to fires or explosions; manipulate grid dispatch signals to cause instability; or enable denial-of-service attacks on energy storage, disrupting power supply during peak demand or emergencies. In a networked BESS environment, this domino effect could propagate across interconnected systems, potentially affecting regional grid reliability, public safety, and national security, especially in rural areas like Van Zandt County where emergency response resources may be limited.
11. Governor Abbott's Executive Orders GA-48 and GA-49 (issued in late 2024) address hardening state government against CCP threats and protecting critical infrastructure under the Lone Star Infrastructure Protection Act. These orders emphasize safeguards against PRC/CCP-affiliated entities in infrastructure vital to national security, including energy systems.
12. In light of the Texas AG's ongoing investigation into CATL's involvement in Texas energy infrastructure, the established TRO for non-compliance with fire and safety codes, federal precedents regarding CATL at military installations, and the severe cybersecurity risks inherent in OT-connected BESS technology linked to CCP entities, a county-wide moratorium on all solar, wind, and battery builds is a reasonable, necessary, and proportionate measure.
13. Such a moratorium would allow time for: (a) completion of the Texas AG investigation; (b) verification that no prohibited technologies (including CATL) are used in proposed projects; (c) full demonstration of compliance with NFPA, state fire codes, and cybersecurity standards; and (d) assurance that public safety, grid reliability, and national security are not compromised for Van Zandt County residents.

14. Without this moratorium, the county risks irreversible installation of potentially vulnerable or non-compliant systems, endangering lives, property, and critical infrastructure.

Mike Swearingen

Mike Searingen

JURAT

Sworn and subscribed by Mike Swearingen on February 10, 2026.

Jeremiah Williams

Notary Public, State of Texas  
Notarized online using audio-video communication



Chinese BESS Equipment Moratorium

Declaration of Joseph Weiss in Support of a Moratorium in Van Zandt County, Texas I,  
Joseph Weiss, state as follows:

- 1 . My name is Joseph Weiss. I am a licensed Professional Engineer (PE) in the State of California, Certified Information Security Manager (CISM), Certified in Risk and Information Systems Control (CRISC), Life Fellow of the International Society of Automation (ISA), Emeritus Managing Director of ISA99 (the committee responsible for developing standards for industrial automation and control systems security), Senior Member of the IEEE, and inductee into the 2024 Process Automation Hall of Fame for my pioneering contributions to industrial control systems (ICS) cybersecurity. I am the Managing Partner of Applied Control Solutions, LLC, where I provide thought leadership, consulting, and expertise on control system cybersecurity and performance optimization for critical infrastructure worldwide.
2. With over 50 years of experience in instrumentation, controls, automation, and more than 25 years specifically focused on ICS cybersecurity, I began my career as a nuclear engineer at GE's Nuclear Power Division, working on instrumentation, control systems, nuclear plant simulators, process computers, and equipment forensics. I spent 14+ years at the Electric Power Research Institute (EPRI) leading programs in nuclear and fossil plant instrumentation/controls, Y2K embedded systems, and cybersecurity for digital control systems. I have authored the seminal book Protecting Industrial Control Systems from Electronic Threats, co-authored other works, published numerous papers, maintained a comprehensive database of more than 19 million documented actual control system cyber incidents (with implications extending far beyond reported figures), provided testimony to U.S. Congressional committees, keynoted at the National Academy of Sciences, and contributed to standards including NIST SP800-82 and extensions to NIST SP800-53 for control systems.
3. I make this affidavit in support of a request by residents and stakeholders in Van Zandt County, Texas, for a moratorium on all planned solar, wind, and battery energy storage system (BESS) builds within the county until the ongoing investigation by the Texas Attorney General is completed and until current projects, including but not limited to the Amador Energy Storage project, demonstrate full compliance with National Fire Protection Association (NFPA) standards, state fire codes, control system cybersecurity requirements, and other safety and security mandates.

4. Governor Greg Abbott has acted decisively to safeguard Texas critical infrastructure from threats associated with entities affiliated with the People's Republic of China (PRC) and the Chinese Communist Party (CCP). This includes updates to the state's prohibited technologies list in coordination with Texas Cyber Command, restricting the use of certain China-linked hardware, software, and technologies in critical applications due to documented cybersecurity and national security risks.
5. Contemporary Amperex Technology Co. Limited (CATL), a dominant supplier of lithium-ion batteries for electric vehicles and energy storage, maintains significant ties to the CCP and People's Liberation Army (PLA) via China's military-civil fusion strategy, which mandates civilian firms to support military objectives. U.S. congressional analyses, including from the Select Committee on the Chinese Communist Party, have raised alarms about CATL's market influence, often linked to a substantial portion (frequently estimated at 90% or more in supply chain analyses) of global battery energy storage deployments, and the resulting risks of PRC influence or exploitation in U.S. energy infrastructure.
6. The inclusion of CATL on this prohibited technologies list means that the use of CATL batteries, components, or related technology in any Texas critical infrastructure project, including battery energy storage systems, would constitute a direct violation of Governor Abbott's prohibition and the associated state policies aimed at protecting against CCP-linked cyber threats.
7. In November 2025, Texas Attorney General Ken Paxton initiated an investigation into CATL's involvement in Texas critical infrastructure, particularly battery energy storage systems, citing potential violations of state law. This probe remains active and bears directly on proposed BESS projects in Van Zandt County.
8. The Amador/Mabank project involves large-scale lithium-ion BESS technology. Given CATL's pervasive role in global battery supply chains, there exists a high probability that CATL components, cells, or related technologies are incorporated, directly or indirectly, into such systems absent rigorous verification and exclusion.
9. A temporary restraining order (TRO) has been active since April 2025 (Cause Number 25-00067, 294th Judicial District Court, Van Zandt County) against the Amador project and associated entities, halting construction (including battery installation) due to documented non-compliance with NFPA standards and state fire codes. This order

has been repeatedly extended, underscoring persistent safety deficiencies related to fire hazards, thermal runaway propagation, and inadequate mitigation measures.

10. Federally, CATL battery installations at Marine Corps Base Camp Lejeune (Lake Lejeune) in 2023 prompted national security reviews, resulting in disconnection and removal following concerns over vulnerabilities and CCP affiliations, as documented in congressional and Department of Justice-related inquiries. I also wrote an article for the April 2025 issue of T&D World Magazine on this issue — "How vulnerable to cyberattacks are Battery Energy Storage Systems".
11. As a recognized expert in ICS/OT cybersecurity, I emphasize that BESS facilities are complex operational technology environments reliant on interconnected components: battery management systems (BMS), inverters, SCADA interfaces, communication protocols, and embedded firmware/software for monitoring, control, and grid synchronization. These are not air-gapped; vulnerabilities in any layer can propagate and reach beyond the battery energy storage system.
12. CATL's documented links to CCP/PLA leadership through military-civil fusion create pathways for supply-chain compromise, such as embedded backdoors, hardware trojans, or firmware malware introduced during manufacturing. Exploitation of a single cell, module, or controller could initiate cascading effects: induced thermal runaway leading to fires/explosions; manipulated BMS data causing erroneous grid responses; unauthorized remote command injection disrupting dispatch or triggering denial-of-service; or coordinated attacks across multiple units destabilizing regional power reliability. In interconnected BESS deployments, this domino effect could extend beyond the site, impacting grid stability, emergency services, and public safety, particularly acute in rural counties like Van Zandt with constrained response capabilities.
13. Governor Abbott's Executive Orders GA-48 and GA-49 (issued in late 2024) prioritize protection against CCP threats in critical infrastructure, explicitly referencing the Lone Star Infrastructure Protection Act and safeguards for energy systems vital to national and state security.
14. Considering the Texas AG's active CATL investigation, the existing TRO for fire/safety non-compliance, federal precedents on CATL technology in sensitive installations, and the inherent cyber-physical risks of OT-connected BESS linked to PRC entities, a county-wide moratorium on solar, wind, and battery projects is a prudent, necessary, and measured response.

15. This moratorium would provide essential time to: (a) await conclusion of the Texas AG investigation; (b) confirm absence of prohibited technologies (including CATL); (c) verify full adherence to NFPA, fire codes, and control system cybersecurity standards; and (d) ensure protection of public safety, grid resilience, and national security interests for Van Zandt County residents.

16. Absent such a moratorium, the county faces unacceptable risk of deploying potentially compromised or non-compliant systems, with irreversible consequences for lives, property, and infrastructure integrity.

Joseph Weiss  
Joe Weiss

JURAT

Sworn and subscribed by Joe Weiss on this the 10<sup>th</sup> day of February 2026

Jeremiah Williams

Notary Public, State of Texas

Notarized online using audio-video communication

