

HOUSE BILL REPORT

HB 1393

As Passed Legislature

Title: An act relating to delaying certain implementation dates for the photovoltaic module stewardship and takeback program.

Brief Description: Delaying certain implementation dates for the photovoltaic module stewardship and takeback program.

Sponsors: Representatives Shewmake, Ramel, Lekanoff and Duerr.

Brief History:

Committee Activity:

Environment & Energy: 2/5/21, 2/9/21 [DP].

Floor Activity:

Passed House: 2/26/21, 93-2.

Passed Senate: 3/29/21, 45-4.

Passed Legislature.

Brief Summary of Bill

- Requires a photovoltaic module manufacturer to submit a stewardship plan to the Department of Ecology by July 1, 2024, rather than July 1, 2022.
- Requires a manufacturer or its designated stewardship organization to provide an annual report to the Department of Ecology beginning April 1, 2026, rather than April 1, 2024.
- Requires that no manufacturer, distributor, retailer, or installer may sell or offer for sale a photovoltaic module for which a stewardship plan has not been approved beginning July 1, 2025, rather than July 1, 2023.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 13 members: Representatives Fitzgibbon, Chair; Duerr, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Minority Member; Abbarno, Berry, Boehnke, Fey, Goehner, Harris-Talley, Ramel, Shewmake and Slatter.

Staff: Nikkole Hughes (786-7156) and Sarah Cooper (786-7290).

Background:

The Department of Ecology (Department) oversees the Photovoltaic Module Stewardship and Takeback Program (Program). Under the Program, manufacturers implement a self-directed program to ensure the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials.

Each manufacturer must prepare and submit a stewardship plan to the Department by the later of July 1, 2022, or within 30 days of its first sale of a photovoltaic module in or into the state. The stewardship plan must:

- describe how manufacturers will finance the takeback and recycling system;
- accept all of the manufacturer's photovoltaic modules sold in or into the state after July 1, 2017;
- describe how the program will minimize the release of hazardous substances and maximize the recovery of other components;
- provide for takeback of photovoltaic modules;
- identify how relevant stakeholders will receive information; and
- establish performance goals.

Beginning April 1, 2024, and by April 1 in each subsequent year, each manufacturer, or its designated stewardship organization, must provide to the Department a report for the previous calendar year that documents implementation of the plan and assesses the achievement of performance goals outlined in the stewardship plan.

Beginning July 1, 2023, no manufacturer, distributor, retailer, or installer may sell or offer for sale a photovoltaic module in or into the state unless the manufacturer of the photovoltaic module has submitted to the Department a stewardship plan and received plan approval.

Summary of Bill:

Each manufacturer must prepare and submit a stewardship plan by the later of July 1, 2024, or within 30 days of its first sale of a photovoltaic module in or into the state.

Beginning April 1, 2026, and by April 1 in each subsequent year, each manufacturer, or its designated stewardship organization, must provide to the Department a report for the previous calendar year that documents implementation of the plan and assesses the

achievement of performance goals outlined in the stewardship plan.

Beginning July 1, 2025, no manufacturer, distributor, retailer, or installer may sell or offer for sale a photovoltaic module in or into the state unless the manufacturer of the photovoltaic module has submitted to the Department a stewardship plan and received plan approval.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The solar panel manufacturing industry needs more time before the stewardship plan can go into effect. This time will be well-used because solar panels are not currently coming off of roofs in great numbers. Solar panels have approximately a 35-year life span with a bathtub curve: panels tend to either fail right away or last the full 35 years. Right now, there is not yet a huge need to recycle and it is important to be ready with a thoughtful program that is mindful of the needs of manufacturers. The manufacturers were on the path for establishing mindful stewardship plans last year, but then COVID-19 hit. A previous bill had included a modest appropriation for a stakeholder work group through Washington State University. However, this funding was removed. Without this funding, manufacturers and associations needed to find ad hoc data to put together a good program and looked to private associations for assistance.

(Opposed) None.

(Other) There is no national tracking of solar panels and no sufficient studies to understand if solar panels can be reused or repurposed for alternative uses not associated with their original use. There is a growing concern that these panels will pile up. Instead of a 35-year life span, panels are commonly being decommissioned between seven and 12 years of use due to tax credits and technology issues, not because the panels themselves are failing. The actual number of decommissioned solar panels are likely even higher than previous estimates, because previous studies did not consider the effect of weather damage on solar panels. Washington has the infrastructure and equipment to recycle today; Europe has been recycling for more than 13 years. If Washington does not begin to decrease the price of refurbishment and implement policies, then Washington will just push the problem down the road and keep the cost of refurbishment high. Other states are considering similar policies and are watching Washington's actions. Furthermore, solar panel recycling has the potential to be a multi-billion dollar business that could increase labor and statewide employment. Washington is in a leadership position to leverage the stewardship program

into a circular economy and drive economic development in the state. Instead of delaying the program, Washington should keep it moving.

Persons Testifying: (In support) Representative Shewmake, prime sponsor; Bill Will, Washington Solar Industries Association; and Dave Warren, Silfab Solar.

(Other) Heather Trim, Zero Waste Washington; Sam Vanderhoof and Gary Shaver, Recycle PV Solar, LLC.

Persons Signed In To Testify But Not Testifying: None.