
Environment & Energy Committee

E2SSB 5175

Brief Description: Concerning the photovoltaic module stewardship and takeback program.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Shewmake, Hasegawa, Nobles and Wellman; by request of Department of Ecology).

Brief Summary of Engrossed Second Substitute Bill

- Delays program implementation deadlines associated with the photovoltaic (PV) module stewardship program.
- Establishes a PV module advisory committee to develop recommendations, and requires the Department of Ecology to submit a related report to the Legislature by December 1, 2028.

Hearing Date: 3/20/25

Staff: Jacob Lipson (786-7196).

Background:

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. The Department of Ecology (Ecology) also has certain roles in overseeing the administration of solid waste management laws. Ecology is responsible for working cooperatively with local governments as they develop their local solid waste management plans. County and city solid waste management plans are required to contain certain elements, including a waste reduction and recycling element.

The Legislature has enacted laws that require the establishment of extended producer responsibility or product stewardship (EPR) programs for the management of six types of

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products: (1) electronic products; (2) light bulbs that contain mercury; (3) photovoltaic (PV) modules; (4) pharmaceuticals; (5) paint; and (6) batteries. In general, the state's EPR programs require producers to participate in a stewardship organization or program that is responsible for the collection, transport, and end-of-life management of products covered by each program. Ecology is responsible for the oversight of the state's EPR programs, with the exception of the Pharmaceutical Stewardship Program, which is overseen by the Department of Health.

The PV module stewardship law was enacted in 2017, and included the following deadlines for the phasing-in of program requirements:

- By July 1, 2019, Ecology was required to complete stewardship plan guidance for manufacturers in preparing and implementing a self-directed program to ensure convenient, safe, and environmentally sound takeback and recycling of PV modules.
- By July 1, 2024, each manufacturer was required to prepare and submit a stewardship plan to Ecology for approval. For manufacturers whose first sale of PV modules into Washington occurs after July 1, 2024, the stewardship plan must be submitted within 30 days of the first PV module sale.
- Beginning July 1, 2025, manufacturers, distributors, retailers, or installers may not sell or offer for sale a PV module in or into Washington unless the manufacturer of the PV module has received approval from Ecology for its stewardship plan.
- Beginning April 1, 2026, manufacturers must submit an annual report for the previous calendar year of plan implementation.

The 2017 law allows manufacturers to designate a stewardship organization to act as an agent on behalf of manufacturers in operating and implementing the required PV module stewardship program. Stewardship plans are required to include specified contents, including a description of how the program to collect, manage, and recycle PV modules will be financed; a description of how the program will minimize the release of hazardous substances; and the establishment of performance goals for the program. Under the plan, manufacturers must accept all of their PV modules sold in or into Washington after July 1, 2017; and must provide for PV module takeback at locations which are as convenient as reasonably practicable and are within the region of the state where they were used. Ecology may assess penalties of up to \$10,000 on manufacturers for each sale of a PV module without the required approved stewardship plan.

Summary of Bill:

The requirement for manufacturers to prepare and submit a stewardship plan is delayed from July 1, 2024, until January 31, 2030. Manufacturers may submit the stewardship plan individually or as part of a stewardship organization. Manufacturers that initiate sales after January 1, 2030, must submit the plan within 30 days of the first sale of PV modules in or into Washington.

The prohibition on sales of the PV modules of manufacturers that have not received stewardship plan approval from Ecology is delayed from July 1, 2025, until January 31, 2031.

Annual reporting requirements are delayed from April 1, 2026, until April 1 of the first year after program operation.

Subject to appropriation, Ecology must establish a PV module advisory committee. The advisory committee may include representatives of any parties deemed appropriate by Ecology, but must, if feasible, include at least one member representing 15 specified entities or categories of entities. The advisory committee must develop recommendations for PV module management considering specified factors. Ecology must contract with an independent third-party consultant to convene, facilitate, support, and provide research for the advisory committee, and must submit a report to Ecology by June 1, 2028, containing the recommendations of the advisory committee. Ecology must submit a report to the Legislature containing recommended changes to the PV module stewardship law by December 1, 2028, that summarizes the work of the consultant and the advisory committee.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on June 30, 2025.