

---

HOUSE BILL 1789

---

State of Washington

69th Legislature

2025 Regular Session

By Representatives Kloba, Berry, Ramel, and Street; by request of Department of Ecology

Read first time 02/03/25. Referred to Committee on Environment & Energy.

1 AN ACT Relating to the photovoltaic module stewardship and  
2 takeback program; amending RCW 70A.510.010; adding a new section to  
3 chapter 70A.510 RCW; providing an effective date; providing an  
4 expiration date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70A.510.010 and 2021 c 45 s 1 are each amended to  
7 read as follows:

8 (1) The legislature finds that a convenient, safe, and  
9 environmentally sound system for the recycling of photovoltaic  
10 modules, minimization of hazardous waste, and recovery of  
11 commercially valuable materials must be established. The legislature  
12 further finds that the responsibility for this system must be shared  
13 among all stakeholders, with manufacturers financing the takeback and  
14 recycling system.

15 (2) The definitions in this subsection apply throughout this  
16 section and section 2 of this act unless the context clearly requires  
17 otherwise.

18 (a) "Consumer electronic device" means any device containing an  
19 electronic circuit board that is intended for everyday use by  
20 individuals, such as a watch or calculator.

21 (b) "Department" means the department of ecology.

1 (c) "Distributor" means a person who markets and sells  
2 photovoltaic modules to retailers in Washington.

3 (d) "Installer" means a person who assembles, installs, and  
4 maintains photovoltaic module systems.

5 (e) "Manufacturer" means any person in business or no longer in  
6 business but having a successor in interest who, irrespective of the  
7 selling technique used, including by means of distance or remote  
8 sale:

9 (i) Manufactures or has manufactured a photovoltaic module under  
10 its own brand names for use or sale in or into this state;

11 (ii) Assembles or has assembled a photovoltaic module that uses  
12 parts manufactured by others for use or sale in or into this state  
13 under the assembler's brand names;

14 (iii) Resells or has resold in or into this state under its own  
15 brand names a photovoltaic module produced by other suppliers,  
16 including retail establishments that sell photovoltaic modules under  
17 their own brand names;

18 (iv) Manufactures or has manufactured a cobranded photovoltaic  
19 module product for use or sale in or into this state that carries the  
20 name of both the manufacturer and a retailer;

21 (v) Imports or has imported a photovoltaic module into the United  
22 States that is used or sold in or into this state. However, if the  
23 imported photovoltaic module is manufactured by any person with a  
24 presence in the United States meeting the criteria of manufacturer  
25 under (e)(i) through (vi) of this subsection, that person is the  
26 manufacturer;

27 (vi) Sells at retail a photovoltaic module acquired from an  
28 importer that is the manufacturer and elects to register as the  
29 manufacturer for those products; or

30 (vii) Elects to assume the responsibility and register in lieu of  
31 a manufacturer as defined under (e)(i) through (vi) of this  
32 subsection.

33 (f) "Photovoltaic module" means the smallest nondivisible,  
34 environmentally protected assembly of photovoltaic cells or other  
35 photovoltaic collector technology and ancillary parts intended to  
36 generate electrical power under sunlight, except that "photovoltaic  
37 module" does not include a photovoltaic cell that is part of a  
38 consumer electronic device for which it provides electricity needed  
39 to make the consumer electronic device function. "Photovoltaic

1 module" includes but is not limited to interconnections, terminals,  
2 and protective devices such as diodes that:

3 (i) Are installed on, connected to, or integral with buildings;

4 (ii) Are used as components of freestanding, off-grid, power  
5 generation systems, such as for powering water pumping stations,  
6 electric vehicle charging stations, fencing, street and signage  
7 lights, and other commercial or agricultural purposes; or

8 (iii) Are part of a system connected to the grid or utility  
9 service.

10 (g) "Predecessor" means an entity from which a manufacturer  
11 purchased a photovoltaic module brand, its warranty obligations, and  
12 its liabilities. "Predecessor" does not include entities from which a  
13 manufacturer purchased only manufacturing equipment.

14 (h) "Rare earth element" means lanthanum, cerium, praseodymium,  
15 neodymium, promethium, samarium, europium, gadolinium, terbium,  
16 dysprosium, holmium, erbium, thulium, ytterbium, lutetium, yttrium,  
17 or scandium.

18 (i) "Retailer" means a person who offers photovoltaic modules for  
19 retail sale in the state through any means including, but not limited  
20 to, remote offerings such as sales outlets, catalogs, or internet  
21 sales.

22 (j) "Reuse" means any operation by which a photovoltaic module or  
23 a component of a photovoltaic module changes ownership and is used  
24 for the same purpose for which it was originally purchased.

25 (k) "Stewardship plan" means the plan developed by a manufacturer  
26 or its designated stewardship organization for a self-directed  
27 stewardship program.

28 (l) "Stewardship program" means the activities conducted by a  
29 manufacturer or a stewardship organization to fulfill the  
30 requirements of this chapter and implement the activities described  
31 in its stewardship plan.

32 (m) "Environmental justice" has the same meaning as defined in  
33 RCW 70A.02.010.

34 (n) "Overburdened community" has the same meaning as defined in  
35 RCW 70A.02.010.

36 (o) "Vulnerable populations" has the same meaning as defined in  
37 RCW 70A.02.010.

38 (3) The department must develop guidance for a photovoltaic  
39 module stewardship and takeback program to guide manufacturers in  
40 preparing and implementing a self-directed program to ensure the

1 convenient, safe, and environmentally sound takeback and recycling of  
2 photovoltaic modules and their components and materials. By January  
3 1, 2018, the department must establish a process to develop guidance  
4 for photovoltaic module stewardship plans by working with  
5 manufacturers, stewardship organizations, and other stakeholders on  
6 the content, review, and approval of stewardship plans. The  
7 department's process must be fully implemented and stewardship plan  
8 guidance completed by July 1, 2019.

9 (4) A stewardship organization may be designated to act as an  
10 agent on behalf of a manufacturer or manufacturers in operating and  
11 implementing the stewardship program required under this chapter. Any  
12 stewardship organization that has obtained such designation must  
13 provide to the department a list of the manufacturers and brand names  
14 that the stewardship organization represents within ~~((sixty))~~ 60 days  
15 of its designation by a manufacturer as its agent, or within  
16 ~~((sixty))~~ 60 days of removal of such designation.

17 (5) Each manufacturer must prepare and submit a stewardship plan  
18 ~~((to the department by the later of July 1, 2024, or within thirty)),~~  
19 individually or as a member of a stewardship organization, to the  
20 department by January 31, 2028, or within 30 days of its first sale  
21 of a photovoltaic module in or into the state, whichever is later.

22 (a) A stewardship plan must, at a minimum:

23 (i) Describe how manufacturers will finance the takeback and  
24 recycling system, and include an adequate funding mechanism to  
25 finance the costs of collection, management, and recycling of  
26 photovoltaic modules and residuals sold in or into the state by the  
27 manufacturer with a mechanism that ensures that photovoltaic modules  
28 can be delivered to takeback locations without cost to the last owner  
29 or holder;

30 (ii) Accept all of their photovoltaic modules sold in or into the  
31 state after July 1, 2017;

32 (iii) Describe how the program will minimize the release of  
33 hazardous substances into the environment and maximize the recovery  
34 of other components, including rare earth elements and commercially  
35 valuable materials;

36 (iv) Provide for takeback of photovoltaic modules at locations  
37 that are within the region of the state in which their photovoltaic  
38 modules were used and are as convenient as reasonably practicable,  
39 and if no such location within the region of the state exists,  
40 include an explanation for the lack of such location;

1 (v) Identify how relevant stakeholders, including consumers,  
2 installers, building demolition firms, and recycling and treatment  
3 facilities, will receive information required in order for them to  
4 properly dismantle, transport, and treat the end-of-life photovoltaic  
5 modules in a manner consistent with the objectives described in  
6 (a)(iii) of this subsection;

7 (vi) Establish performance goals, including a goal for the rate  
8 of combined reuse and recycling of collected photovoltaic modules as  
9 a percentage of the total weight of photovoltaic modules collected,  
10 which rate must be no less than (~~eighty-five~~) 85 percent.

11 (b) A manufacturer must implement the stewardship plan.

12 (c) A manufacturer may periodically amend its stewardship plan.  
13 The department must approve the amendment if it meets the  
14 requirements for plan approval outlined in the department's guidance.  
15 When submitting proposed amendments, the manufacturer must include an  
16 explanation of why such amendments are necessary.

17 (6) The department must approve a stewardship plan if it  
18 determines the plan addresses each element outlined in the  
19 department's guidance.

20 (7) (a) Beginning April (~~1, 2026~~) 1st after the first year of  
21 program operation, and by April 1st in each subsequent year, a  
22 manufacturer, or its designated stewardship organization, must  
23 provide to the department a report for the previous calendar year  
24 that documents implementation of the plan and assesses achievement of  
25 the performance goals established in subsection (5)(a)(vi) of this  
26 section.

27 (b) The report may include any recommendations to the department  
28 or the legislature on modifications to the program that would enhance  
29 the effectiveness of the program, including management of program  
30 costs and mitigation of environmental impacts of photovoltaic  
31 modules.

32 (c) The manufacturer or stewardship organization must post this  
33 report on a publicly accessible website.

34 (8) Beginning (~~July 1, 2025~~) January 31, 2029, no manufacturer,  
35 distributor, retailer, or installer may sell or offer for sale a  
36 photovoltaic module in or into the state unless the manufacturer of  
37 the photovoltaic module has submitted to the department a stewardship  
38 plan and received plan approval.

39 (a) The department must send a written warning to a manufacturer  
40 that is not participating in a plan. The written warning must inform

1 the manufacturer that it must submit a plan or participate in a plan  
2 within (~~(thirty)~~) 30 days of the notice. The department may assess a  
3 penalty of up to (~~(ten thousand dollars)~~) \$10,000 upon a manufacturer  
4 for each sale that occurs in or into the state of a photovoltaic  
5 module for which a stewardship plan has not been submitted by the  
6 manufacturer and approved by the department after the initial written  
7 warning. A manufacturer may appeal a penalty issued under this  
8 section to the superior court of Thurston county within (~~(one hundred~~  
9 ~~eighty)~~) 180 days of receipt of the notice.

10 (b) The department must send a written warning to a distributor,  
11 retailer, or installer that sells or installs a photovoltaic module  
12 made by a manufacturer that is not participating in a plan. The  
13 written warning must inform the distributor, retailer, or installer  
14 that they may no longer sell or install a photovoltaic module if a  
15 stewardship plan for that brand has not been submitted by the  
16 manufacturer and approved by the department within (~~(thirty)~~) 30 days  
17 of the notice.

18 (9) The department may collect a flat fee from participating  
19 manufacturers to recover costs associated with the plan guidance,  
20 review, and approval process described in subsection (3) of this  
21 section. Other administrative costs incurred by the department for  
22 program implementation activities, including stewardship plan review  
23 and approval, enforcement, and any rule making, may be recovered by  
24 charging every manufacturer an annual fee calculated by dividing  
25 department administrative costs by the manufacturer's pro rata share  
26 of the Washington state photovoltaic module sales in the most recent  
27 preceding calendar year, based on best available information. The  
28 sole purpose of assessing the fees authorized in this subsection is  
29 to predictably and adequately fund the department's costs of  
30 administering the photovoltaic module recycling program.

31 (10) The photovoltaic module recycling account is created in the  
32 custody of the state treasurer. All fees collected from manufacturers  
33 under this chapter must be deposited in the account. Expenditures  
34 from the account may be used only for administering this chapter.  
35 Only the director of the department or the director's designee may  
36 authorize expenditures from the account. The account is subject to  
37 the allotment procedures under chapter 43.88 RCW, but an  
38 appropriation is not required for expenditures. Funds in the account  
39 may not be diverted for any purpose or activity other than those  
40 specified in this section.

1 (11) The department may adopt rules as necessary for the purpose  
2 of implementing, administering, and enforcing this chapter.

3 (12) In lieu of preparing a stewardship plan and as provided by  
4 subsection (5) of this section, a manufacturer may participate in a  
5 national program for the convenient, safe, and environmentally sound  
6 takeback and recycling of photovoltaic modules and their components  
7 and materials, if substantially equivalent to the intent of the state  
8 program. The department may determine substantial equivalence if it  
9 determines that the national program adequately addresses and  
10 fulfills each of the elements of a stewardship plan outlined in  
11 subsection (5)(a) of this section and includes an enforcement  
12 mechanism reasonably calculated to ensure a manufacturer's compliance  
13 with the national program. Upon issuing a determination of  
14 substantial equivalence, the department must notify affected  
15 stakeholders including the manufacturer. If the national program is  
16 discontinued or the department determines the national program is no  
17 longer substantially equivalent to the state program in Washington,  
18 the department must notify the manufacturer and the manufacturer must  
19 provide a stewardship plan as described in subsection (5)(a) of this  
20 section to the department for approval within (~~thirty~~) 30 days of  
21 notification.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.510  
23 RCW to read as follows:

24 (1) The department must establish a photovoltaic module advisory  
25 committee. The committee may include representatives of any parties  
26 the department deems appropriate to carry out the duties in  
27 subsection (3) of this section, but must include at least one member,  
28 if feasible, representing each of the following entities:

- 29 (a) Tribal organization or government;
- 30 (b) An association representing cities;
- 31 (c) An association representing counties;
- 32 (d) An environmental nonprofit;
- 33 (e) Environmental justice expertise, represented by an  
34 environmental justice practitioner or academic;
- 35 (f) A solid waste collection or processing company;
- 36 (g) An electric utility;
- 37 (h) A photovoltaic module manufacturer;
- 38 (i) A photovoltaic module distributor;
- 39 (j) A photovoltaic module installer;

1 (k) A photovoltaic module project developer;

2 (l) The department; and

3 (m) The Washington state department of commerce.

4 (2) The department must contract with an independent third-party  
5 consultant to convene, facilitate, support, and provide research for  
6 the advisory committee. The consultant must:

7 (a) Provide staff and support to the advisory committee meetings  
8 including agendas, presentations, notes, and materials for the  
9 advisory committee;

10 (b) Hire subcontractors, as needed, for the research of any  
11 relevant information regarding issues associated with photovoltaic  
12 module recycling, stewardship, and takeback programs;

13 (c) Draft reports and other materials for review by the advisory  
14 committee; and

15 (d) Submit, by June 1, 2026, a report to the department  
16 containing recommendations of the advisory committee, after review by  
17 the advisory committee.

18 (3) The duties of the advisory committee include the following:

19 (a) Develop recommendations for a convenient, safe, and  
20 environmentally sound system for the recycling of photovoltaic  
21 modules, minimization of hazardous waste, and recovery of  
22 commercially valuable materials, with manufacturers financing the  
23 takeback and recycling system, considering the following:

24 (i) Policies and laws related to photovoltaic module stewardship  
25 and takeback programs and the enforcement of these laws;

26 (ii) Potential environmental and health impacts on overburdened  
27 communities and vulnerable populations expected to be affected,  
28 equitable distribution of environmental benefits, reduction of  
29 environmental harms, and meaningful access to programs and service;

30 (iii) Any work from other applicable advisory committees  
31 currently discussing similar topics in other jurisdictions or at the  
32 national level; and

33 (iv) Information and research provided by the department's  
34 consultant.

35 (b) Provide information to the consultant as requested, to meet  
36 the needs of this section.

37 (c) Review and comment on the consultant's report to the  
38 department.

39 (4) By December 1, 2026, the department shall submit a report to  
40 the appropriate committees of the legislature summarizing the work of

1 the consultant and the advisory committee. The report shall contain  
2 recommended changes to this chapter.

3 (5) This section expires July 1, 2028.

4 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
5 preservation of the public peace, health, or safety, or support of  
6 the state government and its existing public institutions, and takes  
7 effect June 30, 2025.

--- END ---