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January 27, 2020

House Environment & Energy Committee
231A John L. O'Brien
P.O. Box 40600
Olympia, WA 98504-0600

Subject: Legislation to Review Washington's Solar PV Recycling Program

Dear Members of the House Environment & Energy Committee:

The Solar Energy Industry Association (SEIA) and the undersigned solar companies strongly support legislation that would enable a review of Washington's solar photovoltaic recycling legislation in order to ensure that the state's laudable goals are reached. SEIA is the driving force behind solar energy and is building a strong solar industry to power America through advocacy and education. As the national trade association in the U.S., we represent all organizations that promote, manufacture, install and support the development of solar energy.

The state's current program, enacted in 2017 and codified at RCW 70.355, is deeply flawed. Legislation introduced this month would create a task force to comprehensively study the characteristics, expected quantities, and timing of end-of-life PV modules, and make recommendations for the financing and management of the recovery, reuse, and recycling of such modules, including recommendations for further legislation. Such a study will inform the final design and adoption of a comprehensive program in the state which would be data driven, designed for a product that is constructed to last 25 – 50 years, and utilize the best available data and analysis.

As currently enacted, RCW 70.355 creates enormous uncertainty and liability for solar module manufacturers, to the extent that some manufacturers have considered declining to make future sales into the state. Although the program requires manufacturers to provide for recycling of certain modules sold into Washington after July 2017, approximately 70% of modules currently deployed in the state are not addressed by the program. The program places liability on manufacturers for these "orphan" modules over which they have no control, creating unquantifiable liability.

HB 2389 (sponsored by Rep. Sharon Shewmake) would require the Department of Ecology to convene a representative task force to comprehensively study solar end-of-life issues, and make recommendations for changes to the program that would ensure its success. Similarly, North Carolina, which has almost 6,000 MW of solar installed, enacted [legislation](#) in 2018 that calls for a thorough study of life-cycles, methods of end of life management, anticipated quantities, and costs and benefits to be conducted,

before regulations based on the study are published in 2022. In contrast, Washington state has installed approximately 190 MW of solar, even the earliest installations of which have 10-15 years or more of warranty protection and useful life remaining.

As initially drafted, HB 2389 would repeal the existing provisions of RCW 70.355 in anticipation of successor legislation resulting from the task force's study. However, in response to concerns articulated by other stakeholders, the solar industry has indicated that it would support amendments that would delay implementation of, rather than repeal, the existing program. SB 6622 (sponsored by Senator Das and others), introduced today, would provide for just such an implementation delay, allowing time for the study to be conducted and for the legislature to consider its recommendations.

We strongly urge you to support HB 2389 and/or companion Senate legislation, such as SB 6622, that would delay implementation of the existing program, require a comprehensive analysis of the entire cradle-to-grave system, and allow time for legislative consideration of the recommendations of the task force, including coverage for the 70% of the modules currently unaddressed.

Sincerely yours,

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Cc: Committee Staff