

# STATE OF NEW YORK

5101

2023-2024 Regular Sessions

## IN ASSEMBLY

March 2, 2023

Introduced by M. of A. BYRNES, DeSTEFANO, HAWLEY, PALMESANO, MORINELLO, GALLAHAN, SAYEGH, LEMONDES, J. M. GIGLIO -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enacting the "solar panel collection act"; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "solar panel collection act".

§ 2. Article 27 of the environmental conservation law is amended by adding a new title 34 to read as follows:

### TITLE 34

#### SOLAR PANEL COLLECTION ACT

##### Section 27-3401. Definitions.

27-3403. Solar panel collection.

27-3405. Solar panel wholesaler and retailer requirements.

27-3407. Department responsibilities.

27-3409. Disposal prohibition.

##### § 27-3401. Definitions.

1. "Collection program" means a system for the collection, transportation and recycling of out-of-service solar panels that is financed and managed or provided by a solar panel manufacturer individually or collectively with other solar panel manufacturers within this state in accordance with this title.

2. "Out-of-service solar panel" means a solar panel that is removed, replaced or otherwise taken out of service.

3. "Qualified contractor" means a person engaged in the business of installing, repairing, servicing or the removal of solar panels and who employs seven or more service technicians.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 4. "Qualified local government authorities" means any municipal corpo-  
2 ration or planning unit as defined in section 27-0107 of this article,  
3 or county departments of health.

4 5. "Solar panel" means a bank of solar cells that, when exposed to  
5 radiation from the sun, can generate heating or electricity.

6 6. "Solar panel manufacturer" means a person who manufactures one or  
7 more name brand solar panels within this state.

8 7. "Solar panel retailer" means a person who sells solar panels of any  
9 kind primarily to homeowners or other consumers through any sale or  
10 distribution mechanism including sales using the internet or catalogs.

11 8. "Solar panel wholesaler" means a person who is engaged in the  
12 distribution and wholesale selling of solar panels to qualified contrac-  
13 tors or other consumers, and whose total wholesale sales account for  
14 eighty percent or more of its total sales. A solar panel manufacturer is  
15 not, by virtue of manufacturing, a solar panel wholesaler.

16 9. "Consumer" means an individual, business, partnership, association,  
17 corporation, company, municipality, political subdivision or other legal  
18 entity that purchases, operates, owns or uses one or more solar panels.

19 10. "Recycling" means refurbishing out-of-service solar panels for  
20 continued reuse as a product or capturing the metals via reclamation.  
21 § 27-3403. Solar panel collection.

22 1. Each solar panel manufacturer shall, individually or collectively,  
23 with other solar panel manufacturers, establish and maintain a program  
24 for the collection, transportation and recycling of out-of-service solar  
25 panels in accordance with the provisions of this section.

26 2. Each solar panel manufacturer shall, individually or collectively  
27 with other solar panel manufacturers through a collection program, do  
28 the following:

29 (a) On and after July first, two thousand twenty-five, compile a list  
30 of solar panel wholesalers within this state.

31 (b) Establish a system to collect, transport and recycle out-of-ser-  
32 vice solar panels from all collection sites.

33 (c) Not include any fees or other charges to consumers or persons  
34 participating in the program.

35 (d) Beginning July first, two thousand twenty-five, conduct education  
36 and outreach efforts, including, but not limited to the following:

37 (i) establish and maintain a public website for the dissemination of  
38 educational materials to promote the collection and recycling of out-of-  
39 service solar panels. This website shall include templates of the educa-  
40 tional materials on the internet website in a form and format that can  
41 be easily downloaded and printed. The link to this website shall be  
42 provided to the department;

43 (ii) contact solar panel wholesalers at least once a year to encourage  
44 their support and participation in educating consumers on the importance  
45 of statutory requirements for the collection and recycling of out-of-  
46 service solar panels;

47 (iii) create and maintain a web-based program that allows contractors  
48 and consumers to identify collection sites for out-of-service solar  
49 panels in the state and provide a list of collection sites to the  
50 department; and

51 (iv) develop informational articles, press releases, and news stories  
52 pertaining to the importance of and opportunities for collecting and  
53 recycling out-of-service solar panels and distribute those materials to  
54 trade publications, local media, and stakeholder groups.

55 (e) On or before July first, two thousand twenty-five, develop and  
56 update as necessary educational and other outreach materials for

distribution to qualified contractors, contractor associations and consumers. These materials shall be made available for use by participating solar panel wholesalers, solar panel retailers, qualified contractors, and qualified government authorities. The materials shall include, but not be limited to, the following:

(i) signage, such as posters and cling signage, that can be prominently displayed to promote the recycling of out-of-service solar panels to qualified contractors and consumers; and

(ii) written materials or templates of materials for reproduction by solar panel wholesalers and solar panel retailers to be provided to consumers at the time of purchase or delivery of a solar panel. The materials shall include, but not be limited to, information on the importance of recycling out-of-service solar panels and opportunities for the collection of these solar panels.

(f) Provide an opportunity for the department to review and offer feedback and suggestions on the collection program.

3. No later than April first, two thousand twenty-six, and no later than April first of each year thereafter, each solar panel manufacturer shall, individually or collectively with other solar panel manufacturers, submit an annual report on its collection program to the department covering the one-year period ending December thirty-first of the previous year. Each report shall be posted on the solar panel manufacturer's or program operator's respective internet website. The annual report shall include the following:

(a) the number of out-of-service solar panels collected and recycled under this section during the previous calendar year;

(b) a list of all solar panel manufacturers, solar panel wholesalers, contractors, qualified local government authorities, and solar panel retailers participating in the program as solar panel collection sites;

(c) an accounting of the program's administrative costs;

(d) a description of outreach strategies employed under paragraph (d) of subdivision two of this section;

(e) examples of outreach and educational materials used under paragraph (d) of subdivision two of this section;

(f) the internet website address or addresses where the annual report may be viewed online;

(g) a description of how the out-of-service solar panels were collected and recycled;

(h) any modifications that the solar panel manufacturer is planning to make in its collection program; and

(i) the identification of a collection program contact and the business phone number, mailing address, and e-mail address for the contact.

4. All solar panel manufacturers participating in the program shall handle and manage any out-of-service solar panels that cannot be recycled and have been determined to be or to contain hazardous waste, as defined pursuant to regulations of the department, consistent with the requirements for the management and disposal of hazardous waste.

5. On and after July first, two thousand twenty-five, no solar panel manufacturer shall sell, offer to sell, distribute, or offer to distribute solar panels unless the manufacturer participates as a collection site for out-of-service solar panels or requests and receives a waiver from the department following a demonstration that such participation would pose an undue burden.

§ 27-3405. Solar panel wholesaler and retailer requirements.

No solar panel wholesaler or solar panel retailer located within this state shall sell, offer for sale or distribute any solar panel for final

1 sale unless the solar panel manufacturer of such solar panel is listed  
2 on the department's website, in accordance with the provisions of this  
3 title.

4 § 27-3407. Department responsibilities.

5 1. No later than June first, two thousand twenty-six, the department  
6 shall maintain on its website information regarding the collection and  
7 recycling of out-of-service solar panels in the state. The information  
8 shall include the following:

9 (a) a description of the collection programs established under this  
10 section and a list of solar panel manufacturers of such solar panels  
11 participating in the collection program pursuant to this title; and

12 (b) a list of all solar panel wholesalers, qualified contractors,  
13 qualified local government authorities, and solar panel retailers  
14 participating in the program as collection sites.

15 2. No later than November first, two thousand twenty-seven, the  
16 department shall submit a written report to the governor and the legis-  
17 lature regarding the effectiveness of the collection programs estab-  
18 lished under this section, information on the number of out-of-service  
19 solar panels collected, and how the out-of-service solar panels were  
20 managed. The department shall use this information to recommend whether  
21 the provisions of this section should be extended, along with any other  
22 statutory changes. In preparing the report, the department shall consult  
23 with solar panel manufacturers, environmental organizations, municipal  
24 recyclers, and other interest groups.

25 § 27-3409. Disposal prohibition.

26 1. No transporter shall knowingly commingle solar panels with solid  
27 waste or recyclable materials.

28 2. No transporter shall knowingly deliver solar panels or knowingly  
29 cause such materials to be delivered to the following facilities located  
30 within this state:

31 (a) an incinerator;

32 (b) a landfill;

33 (c) a transfer station; or

34 (d) a facility who the transporter knows or should know will either  
35 commingle such materials with other solid waste or deliver such materi-  
36 als to an incinerator or a landfill for disposal.

37 3. No operator of an incinerator or a landfill shall knowingly accept  
38 solar panels for disposal.

39 4. No operator of a transfer station shall knowingly commingle solar  
40 panels with other solid waste or cause such materials to be transferred  
41 to an incinerator or landfill for disposal.

42 5. Each landfill and incinerator shall post, in a conspicuous location  
43 at the facility, a sign stating that solar panels are not accepted at  
44 the facility.

45 § 3. a. Any consumer or qualified contractor who replaces a solar  
46 panel from a building shall deliver the solar panel to an appropriate  
47 collection site.

48 b. Any person or contractor who demolishes a building shall ensure  
49 that all solar panels are removed from the building prior to demolition  
50 and shall deliver the solar panels to a collection site.

51 c. Any department, authority, instrumentality, or municipal corpo-  
52 ration of the state administering a program that involves the removal or  
53 replacement of solar panels as a result of any statutory requirement,  
54 shall inform contractors of their statutory obligations to deliver the  
55 solar panels to a collection site and prohibiting the disposal of such  
56 solar panels in a solid-waste facility.

1 d. Any contractor, organization or subcontractor of such organization,  
2 who contracts with or receives funding or financing provided in whole or  
3 in part by or through any department, agency, instrumentality, or poli-  
4 tical subdivision of this state for the sale, distribution, service,  
5 removal, collection and recycling of solar panels, shall ensure the  
6 collection, transportation and proper management of out-of-service solar  
7 panels in accordance with the provisions of title 34 of article 27 of  
8 the environmental conservation law.

9 § 4. This act shall take effect immediately, and shall expire and be  
10 deemed repealed January 1, 2035.