MEMORANDUM IN OPPOSITION TO
S.942 (O’Mara) / No Same As
Solar Panel Collection Act

May 7, 2019

The Alliance for Clean Energy New York (ACE NY) opposes S.942 which requires manufacturers of solar panels to collect such panels when they are taken out of use; requires educational outreach; establishes collection goals; and requires reporting of collection efforts.

We agree that solar panels should be properly decommissioned. And on its face, directing manufacturers to collect out-of-service panels is a sensible measure. But this legislation, as currently drafted, would place an undue, not-well-defined burden on solar panel manufacturers, and would provide little benefit.

Solar panel manufacturers would be required to develop a disposal program and an outreach plan, which would be reviewed by the Department of Environmental Conservation (DEC), without any guidance from DEC regarding acceptable disposal programs or outreach programs. A more sensible approach would be for New York State to first develop a vision/plan for the best possible management of solar panels and then ask parties to develop a program to achieve that vision.

There are no such responsibilities for other types of power generators or related appliances in New York, such as furnaces, diesel generators, or water heaters. Any new system of requiring end-of-life recycling should be applied comprehensively and fairly across all products.

The solar industry currently operates several take-back programs voluntarily and is committed to developing collection and recycling processes for systems that have reached the end of their useful life, which can often be more than 15 to 25 years. These collection efforts continue to expand across the country and the industry is striving for its waste to be “landfill free.”

But these bills place the burden of proper collection and disposal on the solar panel manufacturer, instead of the solar system owner, and further prevents the manufacturer from including the cost of recycling in the pricing of its equipment. When solar panels become outdated, for whatever reason, it may be necessary to collect, transport, recycle, dispose, and properly manage out-of-service solar panels. However, imposing potentially significant costs on manufacturers of panels that have already been sold is not a viable measure. Any take-back program should allow manufacturers to recoup the cost of recycling the equipment, and should be established prospectively, rather than imposing costs on products already in service.

If NY is to achieve its clean energy goals, we must encourage the installation of clean technologies, including solar. ACE NY does not support undermining progress towards this effort with legislation that is over-burdensome to manufacturers and may effectively prevent bringing much needed clean energy to New Yorkers.

For the above reasons, the Alliance for Clean Energy New York opposes this legislation as written. For more information contact Anne Reynolds, Executive Director, at 518.248.4556. All of ACE NY’s memos on legislation are available at https://www.aceny.org/legislative-info