



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

February 19, 2020

The Honorable Senator Paul G. Pinsky, Chair  
Education, Health, and Environmental Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

### **Re: Senate Bill 891, Environment - Solar Panel Stewardship Programs**

Dear Chair Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed Senate Bill 891, entitled *Environment - Solar Panel Stewardship Programs*. We would like to express our concerns and provide additional information regarding the bill.

The proposed legislation would establish a manufacturer stewardship program for recycling solar panels. MDE would be required to develop guidelines, in consultation with manufacturers, stewardship organizations, and other stakeholders, for solar panel stewardship programs to guide manufacturers in preparing and implementing their programs. By July 1, 2021, these guidelines must be adopted by regulation. Beginning on or before January 1, 2022, a solar panel manufacturer would submit to MDE a stewardship plan providing for the takeback and recycling of out-of-service solar panels and their component materials. MDE would be responsible for reviewing and approving these plans. On or after January 1, 2022, a manufacturer would be prohibited from selling a solar panel in the State unless it has and follows an approved solar panel stewardship plan. MDE would be responsible for enforcing the law.

The deadlines proposed in the bill would be difficult for MDE and solar panel manufacturers to meet and the consequences if the deadlines are missed would be significant. The bill would become effective October 1, 2020. Within 9 months after the effective date, MDE would need to consult with various entities, conduct research, develop guidelines, and complete the regulations promulgation process to adopt those guidelines as regulations. Currently, MDE does not have sufficient information regarding the safe and environmentally sound collection and recycling of out-of-service solar panels, and it would be difficult for MDE to adequately conduct the consultation and information gathering needed to develop appropriate guidelines within 9 months.

A solar panel manufacturer would be required to submit a solar panel stewardship plan and operate under an MDE approved program by January 1, 2022. This would mean a manufacturer would only have 6 months following the adoption of MDE's guidelines to develop and receive MDE approval for a solar panel stewardship plan and establish a program infrastructure that allows for the convenient, safe, and environmentally sound takeback and recycling of out-of-service solar panels and their component materials. To the extent that additional collection or recycling infrastructure is needed to

carry out a stewardship plan, time may be needed for permitting, contracting, and construction of facilities. If a solar panel manufacturer is unable to have an operational solar panel stewardship program by January 1, 2022, it would be unable to sell its solar panels in Maryland. This could significantly and adversely impact a manufacturer's operations and profits. It may also limit the availability of solar panels on the market in Maryland, slowing future installations of solar panels in the State. If manufacturers are unable to meet the deadline imposed in the bill, Maryland's ability to achieve its clean and renewable energy goals may be adversely impacted, at least temporarily

Thank you for your consideration. We will continue to monitor Senate Bill 891 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at [tyler.abbott@maryland.gov](mailto:tyler.abbott@maryland.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", with a large, sweeping flourish extending to the left.

Tyler Abbott

cc: The Honorable Stephen S. Hershey, Jr.  
Ms. Kaley Laleker, Director, Land and Materials Administration