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**MEMORANDUM IN OPPOSITION TO
S.2837-B (O'Mara) / A.7757 (Englebright)
Not Same As (Senate Version Amended)
Solar Panel Collection Act**

June 12, 2018

The Alliance for Clean Energy New York (ACE NY) opposes S.2837-B and A.7757, similar bills which require 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 when they are no longer in use. 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 burden on solar manufacturers, would provide little-to-no benefit to the ratepayer, and is redundant.

We note that there are no such extended responsibilities for other types of power generators or related appliances in New York State, 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 Legislature should not single out the solar industry for new mandates without rationale.

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 When solar panels become outdated, for whatever reason, it may be necessary to collect, transport, recycle, dispose, and properly manage out-of-service solar panels.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. For more information contact Anne Reynolds, Executive Director, at 518.248.4556.