



Agency Request Legislation Photovoltaic Module Stewardship and Takeback Program Delay

**An Environmental Justice Assessment
(per RCW 70A.02.060)**

By

Solid Waste Management Program

Washington State Department of Ecology
Olympia, Washington

October 2024, Publication 24-07-032

Contact Information

Solid Waste Management Program

P.O. Box 47600

Olympia, WA 98504-7600

Phone: 360-407-6000

Website¹: [Washington State Department of Ecology](http://www.ecology.wa.gov)

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¹ www.ecology.wa.gov/contact

Language Access

Under the state Environmental Justice law (RCW 70A.02), Ecology is required to conduct Environmental Justice Assessments during development of certain significant actions. This Assessment provides information about the potential impacts to overburdened communities and vulnerable populations, and strategies to mitigate identified harms and fairly distribute known benefits. For translation, interpretation, or accessibility assistance, please contact Courtney Cecale at courtney.cecale@ecy.wa.gov or (360) 480-6270.

Bajo la ley estatal de Justicia Medioambiental (RCW 70A.02), Ecología está obligada a realizar Evaluaciones de Justicia Medioambiental durante el desarrollo de ciertas medidas importantes. Esta evaluación proporciona información sobre los posibles impactos en las comunidades sobrecargadas y las poblaciones vulnerables, y las estrategias para mitigar los daños identificados y distribuir justamente los beneficios conocidos. Para asistencia de traducción, interpretación o accesibilidad, por favor póngase en contacto con Courtney Cecale escribiendo a courtney.cecale@ecy.wa.gov o llamando al (360) 480-6270.

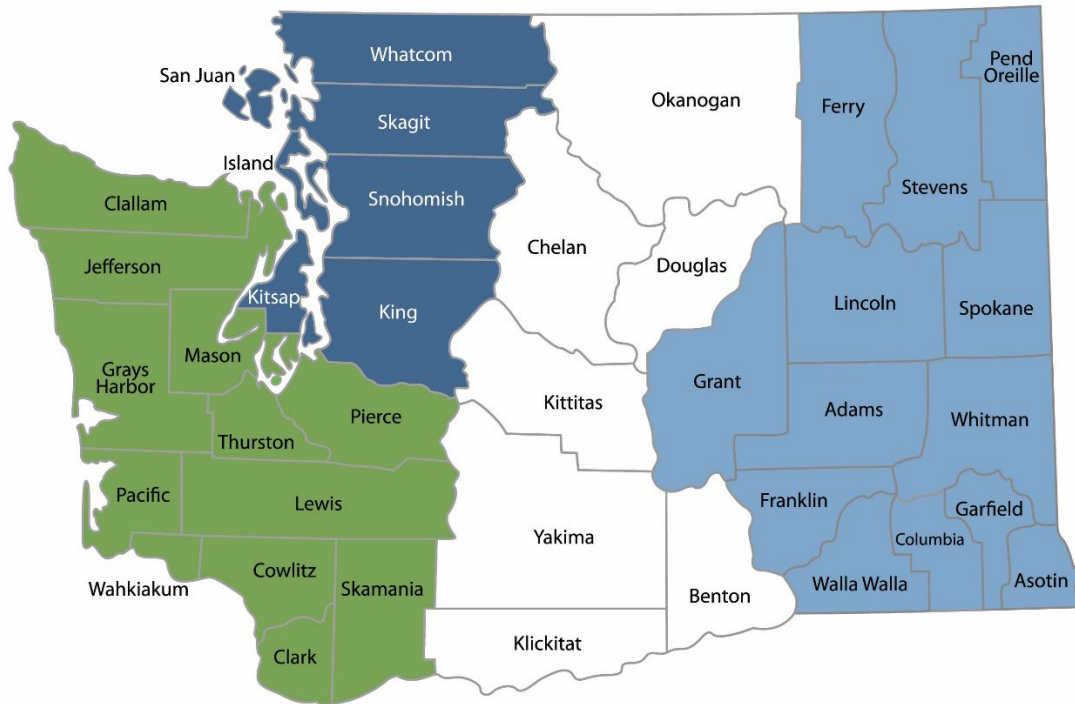
根据华盛顿州环境正义法([RCW 70A.02](#))，生态管理署在制定某些重大行动时必须进行环境正义评估。该评估需提供对负担过重社区和弱势群体潜在影响的信息，以及减轻已明确的危害和公平分配已知利益的策略。如需笔译、口译或无障碍协助，请联系 Courtney Cecale，电子邮件：courtney.cecale@ecy.wa.gov或电话 (360) 480-6270。

Theo luật Công Bằng Môi Trường của tiểu bang (RCW 70A.02), Bộ Môi Sinh được yêu cầu tiến hành Đánh Giá Công Bằng Môi Trường trong quá trình triển khai một số hành động quan trọng. Đánh giá này cung cấp thông tin về các tác động tiềm ẩn đối với các cộng đồng đang chịu tổn hại và các nhóm dân cư dễ bị tổn hại cũng như các chiến lược nhằm giảm thiểu tác hại đã xác định và phân chia công bằng các lợi ích đã biết. Để được hỗ trợ về thông dịch, giải thích hoặc sự giúp đỡ cho người khuyết tật, vui lòng liên hệ với Courtney Cecale theo địa chỉ courtney.cecale@ecy.wa.gov hoặc (360) 480-6270.

주 환경부는 중요한 조치를 계획할 때 환경 정의 평가를 수행해야 합니다. 이 평가는 취약계층 지역사회와 취약인구에 대한 잠재적 영향 관련 정보와, 확인된 피해를 완화하고 알려진 혜택을 공정하게 분배하기 위한 전략을 제공합니다. 번역, 통역, 또는 장애인 서비스 지원은 담당자 (Courtney Cecale)에게 이메일 courtney.cecale@ecy.wa.gov 또는 전화 (360) 480-6270으로 문의하십시오.

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	P.O. Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	P.O. Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 West Alder Street Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 North Monroe Spokane, WA 99205	509-329-3400
Headquarters	Statewide	P.O. Box 46700 Olympia, WA 98504	360-407-6000

Agency Request Legislation Photovoltaic Module Stewardship and Takeback Program Delay

An Environmental Justice Assessment (per RCW 70A.02.060)²

Solid Waste Management Program
Washington State Department of Ecology
Olympia, WA

October 2024 | Publication 24-07-032



² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true#70A.02.010>

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Executive Summary

Ecology is submitting agency request legislation on Washington's Photovoltaic Module (Solar Panel) Stewardship and Takeback Program (Chapter 70A.510 RCW). Without changes to the current law, the state's clean energy transition will face a setback if a provision in the law goes into effect on July 1, 2025.

Current law requires Washington's solar panel industry to share the responsibility of managing what remains of solar panel units after their intended uses are complete by operating a takeback program. If manufacturers are not participating in a takeback program by July 1, 2025, they will not be allowed to sell solar panels into the state. Rather than participating in a takeback program, some manufacturers have chosen to not sell solar panels in Washington. If the law is unchanged, it would reduce the supply and raise the cost of panels available in Washington. This would negatively impact industry and people across Washington, including limiting the reach of the Department of Commerce's new grant program for community-based solar projects to increase solar energy in disadvantaged communities.

Therefore, Ecology is requesting a delay in the effective dates in the law. This delay will enable the industry to legally continue operating in the state while solutions are being developed. A later start date will allow for the creation of a facilitated advisory committee to identify issues within the law, including environmental justice issues, and to develop recommendations to fix them.

The advisory committee will be comprised of at least 13 members and will include a representative from a Tribal organization or government, and a representative with environmental justice expertise, in addition to industry and other pertinent members. The advisory committee will develop recommendations for a convenient, safe, and environmentally sound system for the recycling of solar panels. In making these recommendations, the committee will consider the potential environmental and health impacts on overburdened communities and vulnerable populations expected to be affected, the equitable distribution of environmental benefits, the reduction of environmental harms, and meaningful access to programs and service. Work of the advisory committee will culminate with a report to the Legislature in December 2026.

There are no anticipated harms to overburdened communities and vulnerable populations from this action. There could be harms to disadvantaged communities if this proposal does not go forward, as the current law could limit the availability of solar panels for a planned grant program. The advisory committee will help ensure the work required in this proposal is equitable and reduces any harms that are later identified.

Ecology conducted public engagement in September and October 2024. Our outreach included people from and organizations representing overburdened communities and vulnerable populations. We additionally invited consultation on this proposal to all federally recognized Tribes with rights in Washington. We shared information and opportunities for public comment on our website and through email. We provided the opportunity to learn about the proposal

and share comments at a listening session. Ecology has not received concerns during the environmental justice assessment process, so far.

As this proposal is considered, we will continue to provide opportunities for the public to share ideas that consider environmental and human health impacts on overburdened communities and vulnerable populations. Specifically, we will continue to engage with environmental justice organizations, overburdened communities and vulnerable populations, and Tribes, as this proposal creates an advisory committee to consider recommendations for the future takeback program.

Environmental Justice Assessment

Purpose of the Environmental Justice Assessment

The Environmental Justice (EJ) Assessment process helps assess the environmental justice impacts of Significant Agency Actions (SAAs). The assessment informs and supports consideration of overburdened communities and vulnerable populations when making decisions. This information assists with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of health disparities.

The EJ assessment process aligns with Washington’s Environmental Justice law called the Healthy Environment for All (HEAL) Act ([RCW 70A.02³](#)), as well as federal commitments in the [Performance Partnership Agreement⁴](#) with the EPA. The assessment process draws on best practices established in [Technical Guidance for Assessing Environmental Justice in Regulatory Analysis⁵](#) and [Promising Practices for EJ Methodologies in NEPA Reviews⁶](#).

Environmental justice assessments are to be completed for the following actions:

- The development and adoption of significant legislative rules as defined in RCW.05.328⁷
- The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out
- A capital project, grant, or loan award of at least \$12,000,000 or a transportation project, grant, or loan of at least \$15,000,000
- The submission of agency request legislation to the office of the governor or the office of financial management for approval
- (Covered actions are expected to expand in 2025)

This assessment is not required to be a comprehensive or an exhaustive examination of all potential impacts of a significant agency action and does not require novel quantitative or economic analysis of the proposed significant agency action.

The time and resource investment, and depth of assessment, will be influenced by the reasonable applicability of the questions to the agency action.

Ecology plans to update this document and incorporate what we learn through practice, community engagement, Tribal consultation, and any guidance we may receive from the Environmental Justice Council.

This Environmental Justice Assessment is adapted for publication and does not include internal agency process instructions.

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true>

⁴ <https://ecology.wa.gov/About-us/Accountability-transparency/Government-coordination/Partnering-with-the-EPA>

⁵ <https://www.epa.gov/environmentaljustice/technical-guidance-assessing-environmental-justice-regulatory-analysis>

⁶ https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

⁷ <http://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328>

Section 1: Background

The information in this section is provided for the Office of Financial Management's [dashboard](#)⁸ which includes all covered agency's Environmental Justice Assessment notices.

1. Descriptive title of project/action:
Agency Request Legislation: Photovoltaic module (Solar panel) stewardship and takeback program delay (Chapter 70A.510 RCW)
2. Date EJ Assessment initiated:
September 12, 2024
3. Ecology Program/Office:
Solid Waste Management
4. Point of contact for EJ Assessment:
Julie Robertson
5. Significant Agency Action type, select one or more:
 - Rulemaking
 - New grant or loan program
 - New capital project, grant, or loan of \$12 million or more
 - Request legislation
 - Other, explain:

6. Write a short summary of the action.
Ecology is submitting agency request legislation on Washington's Photovoltaic Module (Solar Panel) Stewardship and Takeback Program (Chapter 70A.510 RCW). The state's clean energy transition will face a setback if a provision in this law were to go into effect as currently required on July 1, 2025.

Current law requires Washington's solar panel industry to share the responsibility of managing what remains of solar panel units after their intended use are complete by operating a takeback program. If manufacturers are not participating in a takeback program by July 1, 2025, they will not be allowed to sell solar panels into the state. Rather than participating in a takeback program, some manufacturers have chosen to not sell solar panels in Washington. If the law is unchanged, it would reduce the supply and cost of panels available for sale in Washington. This would negatively impact the solar industry, businesses, and people across Washington.

⁸ <https://ofm.wa.gov/budget/budget-related-information/agency-activities/environmental-justice-assessment-notices>

Therefore, Ecology is requesting a delay in the effective dates in the law. This delay will enable the industry to legally continue operating in the state while solutions are being developed. A later start date will allow for the creation of a facilitated advisory committee to identify issues within the law and develop recommendations to fix them.

The advisory committee will include a representative from a Tribal organization or government and a representative with environmental justice expertise, in addition to industry, local governments, and other pertinent members. The advisory committee will develop recommendations for a convenient, safe, and environmentally sound system for the recycling of solar panels. In making these recommendations, the committee will consider the potential environmental and health impacts on overburdened communities and vulnerable populations expected to be affected, the equitable distribution of environmental benefits, the reduction of environmental harms, and meaningful access to programs and service. Work of the advisory committee will culminate with a report to the Legislature due in December 2026.

7. Identify the method(s) for the public to comment on this proposed action for this assessment.

Ecology conducted public engagement in September and October of 2024. We shared information about the proposal and opportunities for public comment on our website, during meetings, and through email. We provided information at two public meetings, with targeted outreach to people from and groups representing overburdened communities and vulnerable populations. We accepted online public comments through an eComments link on our webpage. The comments we received are available on our website.

8. Create/provide an Ecology webpage with information about this proposed action.

[Solar panels - Washington State Department of Ecology](#)
[2025 legislative priorities - Washington State Department of Ecology](#)

Section 2: Notification that an Environmental Justice Assessment has been Initiated

This section instructs Ecology staff to notify OFM about the initiation of the action.

Section 3: Identify Affected Tribes

This section summarizes preliminary planning for Tribal Consultation. Ecology must offer consultation with Tribes on significant agency actions that affect federally recognized Tribes' rights and interest in their tribal lands.

Preparing for Tribal Consultation

1. Is the proposed action likely to have any local or regional impacts to federally reserved Tribal rights and resources, including but not limited to, those protected by treaty, executive order, or federal law? Choose one of the following:

Yes

No

Unsure

2. List any federally recognized Tribes that are expected to be affected by the proposed action. If it is determined during consultation that Tribes do not wish to be included, then do not include them.

This proposal has impact statewide, including all Tribes in Washington. This proposal will create a facilitated advisory committee with at least 13 members and that includes a person representing a Tribal government or Tribal organization.

If this proposal does not go forward it could reduce the supply and increase the cost of solar

3. If it is determined at any other point in the process of the assessment that Tribes have self-identified as being potentially impacted by the action, then include them in the assessment and offer consultation.

Not applicable.

4. Describe plans to offer consultation to identified Tribes.

Ecology sent letters to Tribal leaders inviting consultation on this proposal on September 16, 2024, to all federally recognized Tribes with rights in Washington.

Section 4: Offer Consultation:

This section directs Ecology staff to offer consultation with Tribes on significant agency actions that affect federally recognized Tribes' rights and interest in their tribal lands.

Section 5: Summary of Tribal Consultation & Engagement

Tribal consultation is intended to inform the answers to all questions in this section.

Summary of Tribal Consultation

1. Describe potential impacts (including harms and benefits) to federally recognized Tribal rights and interests in their tribal lands.
 - Do not share sensitive data or location information attributable to individual sites.
 - Do not share any information that Tribes have requested that you not share.

The proposed legislation provides an opportunity for a Tribal member or representative to serve on an advisory committee. Other than that opportunity, it does not have any direct impacts to Tribal rights or interests.

2. Describe potential impacts related to Tribal rights and interests that are not in Tribal lands?

Ecology sent letters to Tribal leaders inviting consultation on this proposal on September 16, 2024. These letters were sent to all federally recognized Tribes with rights in Washington. We have yet to hear back from Tribes or staff representatives. We remain available to collaborate with Tribes as this work progresses to inform the work of the committee. This proposal creates a facilitated advisory committee with at least 13 members, including a person representing Tribal government or a Tribal organization.

If this proposal does not go forward it could reduce the supply and increase the cost of solar panels in Washington state including for Tribal members. This could limit the reach of a new federally funded program focused on installing solar to benefit income qualified households across the state. Delaying and changing the law will make the takeback program stronger and remove barriers to achieving the goals established in the Washington Clean Energy Transformation Act (Chapter 19.405 RCW).

3. Summarize recommendations from Tribes to:
 - a. Mitigate or eliminate potential harms from the action

None received to date.

- b. Equitably distribute benefits from the action

None received to date.

- 4. Describe how consultation, engagement, and analyses of impacts to Tribes has informed the development of the action. If it has not, explain why.

Ecology sent letters inviting consultation with Tribes but have not received any reply. We remain available to collaborate with Tribes as this work progresses and to inform the work of the committee.

- 5. Describe any plans to continue consultation or engagement with Tribes related to this action.

This proposal creates an advisory committee that will include a Tribal organization or government. We will continue to engage and consult with Tribes through the committee process and report development.

Section 6: Identification of Overburdened Communities & Vulnerable Populations

This section identifies overburdened communities and vulnerable populations, as identified in the [definitions of RCW 70A.02](#), who will be affected by the action.

Identify Overburdened Communities and Vulnerable Populations

- 1. Identify the geographic area(s) anticipated to be affected by the action.

This statewide action delays the effective date in the law. This delay will enable the industry to legally continue operating in the state while solutions are being developed. A facilitated advisory committee will be established to identify problems in the law and develop recommendations to fix it.

Work of the advisory committee will culminate with a report that includes recommendations to the Legislature in December 2026. The action is designed to help keep the solar takeback program viable, and to ensure that it considers potential environmental and health impacts on overburdened communities and vulnerable populations, the equitable distribution of environmental benefits, the reduction of environmental harms, and meaningful access to programs and services. We have not identified localized impacts to specific overburdened communities or vulnerable populations because of this, but the committee will continue to explore potential impacts.

2. When applicable, using the Washington State Department of Health’s Environmental Health Disparities Map (EHD Map), identify the EHD Map rankings for all census tracts likely to be impacted by the action.

Not applicable.

3. From the rankings identified in question 2, are there any census tracts ranked 9 and 10?
 Yes
 No
If yes, describe.

Not applicable.

4. Please describe additional cumulative health considerations relevant to this action.

Not applicable.

5. When applicable, using the EPA’s Environmental Justice Screening and Mapping Tool (EJScreen), identify areas likely to be impacted by the action that are at or above the 80th percentile (in state) for the “People of color” and “Low income” socioeconomic indicators.

Not applicable.

6. Identify other EJScreen “Socioeconomic” and “Health Disparities” indicators at or above 80th percentile (in state) that are most relevant to this action.

Not applicable.

7. Using EJScreen, identify additional anticipated impacts from climate change in the impacted area, if relevant.

Not applicable.

8. Using the federal Climate and Economic Justice Screening Tool (CEJST) , identify if the potentially affected area is considered disadvantaged for climate risks for additional indicators (as relevant).

Not applicable.

9. Identify additional overburdened communities and vulnerable populations that are likely to be affected by the action.

Not applicable. The committee will continue to explore potential impacts in the development of a convenient, safe, and environmentally sound system for the recycling of solar panels. In making recommendations, the committee will consider the potential environmental and health impacts on overburdened communities and vulnerable

populations expected to be affected, the equitable distribution of environmental benefits, the reduction of environmental harms, and meaningful access to programs and service. Work of the advisory committee will culminate with a report to the Legislature due in December 2026. The report will provide recommendations and bill language for the future.

10. Through community engagement, were additional overburdened communities and vulnerable populations identified who are likely to be affected by the action? Describe additional communities or populations identified, and the reasons they would be considered overburdened and vulnerable.

No.

11. Through Tribal Consultation, were additional overburdened communities and vulnerable populations identified who are likely to be affected by the action? Describe additional communities or populations identified, and the reasons they would be considered overburdened and vulnerable.

No.

Section 7: Summary of Community Engagement

This section summarizes community engagement activities. Community Engagement should be tailored to specifically reach overburdened communities and vulnerable populations. Community engagement is required for all significant agency actions, but the engagement methods will vary depending on the size, scope, and topic of the project. The level, type, and form of engagement is based on the likelihood that the actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.

Summarizing Community Engagement

1. Describe the engagement activities with identified overburdened communities and vulnerable populations.

Ecology conducted outreach to individuals and organizations that represent and work with overburdened communities and vulnerable populations. Some of the organization we contacted include: El Centro de la Raza, Front and Centered, Progreso: Latino Progress, Puget Sound Sage, Sunrise Seattle, Washington State Community Action Partnership, WA Build Back Black Alliance, Latino Community Resource Group, Lavender Rights Project, and others.

Through direct email outreach, we notified representatives from the organizations above, provided information on the proposal, and invited them to attend a listening session or an individual meeting to provide input or learn more.

We also shared the opportunity to comment on the proposal through person-to-person and GovDelivery email, on social media, and through Ecology's website.

2. What actions were taken to help address barriers to meaningful engagement?

To address known barriers in our outreach efforts, we offered multiple venues for people to offer feedback, including listening sessions, opportunities in writing, and individual meetings.

3. Identify overburdened communities or vulnerable populations potentially affected by the action who were not engaged and explain why not.

None were identified, but the advisory committee will continue to explore if and how overburdened communities and vulnerable populations may be impacted by the solar panel takeback program.

4. Summarize recommendations from members of overburdened communities and vulnerable populations to mitigate or eliminate potential harms from the action and/or equitably distribute benefits from the action.

None have been received, to date, although more may be illuminated through the work of the advisory committee.

5. Describe any plans for ongoing engagement with overburdened communities and vulnerable populations related to this action.

We plan to continue to reach out to environmental justice organizations as this proposal creates an advisory committee that is designed to include an environmental justice expert who will help develop recommendations for the future takeback program.

Section 8: Potential Environmental Benefits & Harms from Action

Identify Potential Environmental Benefits & Harms from Action

1. Describe the anticipated benefits (direct and/or indirect) from this action.

The benefits from this action are:

- Preventing an unintended consequence of current law that could create a severe restriction in the availability of solar panels in the state. In doing so, this proposal will also help further the creation of a successful solar panel takeback program and ensure solar modules are appropriately recycled at their end-of-life and prevent the effects of improper disposal.

- Improved viability of the solar takeback program. The Washington State Department of Commerce recently received a \$156 million grant from the United States Environmental Protection Agency to create a grant program for community-based solar projects to increase access to the benefits of solar in disadvantaged communities. Commerce has expressed concerns that the current law will reduce the supply chain and increase the cost of panels, thereby limiting the reach of the new program. This proposal aims to address those concerns.
- A report from the new advisory committee with a set of recommendations for how to ensure the program is developed with consideration of potential environmental and health impacts on overburdened communities and vulnerable populations, the equitable distribution of environmental benefits, the reduction of environmental harms, and meaningful access to programs and services.

2. Who will primarily benefit from this action?

The solar industry will benefit from delaying the solar takeback program law and creating a facilitated advisory committee to fix the law, as well as people who participate in the solar industry through the purchasing of solar panels. Providing more opportunities to decarbonize energy in WA is also aligned with other climate goals and may help to mitigate the effects of climate change downstream.

The required report to the Legislature with recommendations from the advisory committee is expected to benefit the public, state and local governments, and the solar panel industry – as well as people from overburdened communities and vulnerable populations and Tribes.

3. How is the action expected to benefit specifically overburdened communities or vulnerable populations? If there is no benefit, identify potential barriers to benefitting from the action.

This proposal will prevent a potential restriction in the availability of solar panels in Washington, which could impact a Department of Commerce program to increase community-based solar projects in disadvantaged communities. The creation of the advisory committee provides new opportunities for people from overburdened communities and Tribes to be able to influence program development. Additionally, the Legislative report developed with assistance from the advisory committee is expected to generate informed recommendations to address environmental justice and equity issues in the program.

Work of the advisory committee will culminate with a report to the Legislature due in December 2026. This will report will provide recommendations and bill language for the future.

4. Describe anticipated harms (direct and/or indirect) from this action.

No harms (direct and/or indirect) are anticipated from this proposal to delay the law start date and create a facilitated advisory committee.

5. Who will primarily experience the harms?

Not applicable.

6. Describe how the action may harm overburdened communities or vulnerable populations? Be as specific as possible.

Not applicable.

7. Describe how the action would address environmental and health disparities.

The establishment of the advisory committee and subsequent recommendations are expected to help embed considerations of environmental and health disparities in the development of the solar panel takeback program in Washington. Further, ensuring the ongoing availability of solar power in Washington helps the state meet clean energy climate goals, which may help to mitigate anticipated climate change effects.

Section 9: Options to Eliminate, Reduce, or Mitigate Harms and Equitably Distribute Benefits

This section summarizes options identified for eliminating, reducing, or mitigating harms, as well as options for equitably distributing anticipated benefits. The answers in this section should be informed by engagement, answers from the previous subsections, and any legislative or regulatory boundaries that limit possible decision making.

Identify Options to Eliminate, Reduce, or Mitigate Harms & Equitably Distribute Benefits

1. Describe options to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations; and options to equitably distribute the benefits.

There are no anticipated harms to overburdened communities and vulnerable populations from this action. There could be harms to disadvantaged communities if this proposal does not go forward, as the current law could limit the availability of solar panels for a planned program administered by the Department of Commerce.

To ensure this proposal is equitable and to reduce or mitigate harms it includes as part of the proposal for the takeback program development an advisory committee that will consider the potential environmental and health impacts on overburdened communities and vulnerable populations expected to be affected, the equitable distribution of environmental benefits, the reduction of environmental harms, and meaningful access to programs and service. The committee results will be reported to the Legislature for

consideration. The advisory committee will include a representative with environmental justice expertise.

2. Describe methods chosen for this action to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations; and methods chosen to equitably distribute the benefits. You must consider the following methods, but are not limited to them:

There are no anticipated harms to overburdened communities and vulnerable populations from this action.

The advisory committee established with the action will help to develop recommendations for how to develop the solar panel takeback program, with the explicit charge to consider the potential environmental and health impacts on overburdened communities and vulnerable populations, the equitable distribution of environmental benefits, the reduction of environmental harms, and meaningful access to programs and services.

3. If the agency determines it does not have the ability or authority to eliminate, reduce, or mitigate environmental harms caused by the action, or address the equitable distribution of environmental benefits, explain why that determination was made.

Not applicable.

Section 10: Executive Summary

Ecology is submitting agency request legislation on Washington’s Solar Panel Stewardship and Takeback Program (Chapter 70A.510 RCW). The state’s clean energy transition will face a setback if a provision in this law goes into effect on July 1, 2025.

Current law requires Washington’s solar panel industry to share the responsibility of managing what remains of solar panel units after their intended uses are complete by operating a takeback program. If manufacturers are not participating in a takeback program by July 1, 2025, they will not be allowed to sell solar panels into the state. Rather than participating in a takeback program, some manufacturers have chosen to not sell solar panels in Washington. If the law is unchanged, it would reduce the supply and raise the cost of panels available in Washington. This would negatively impact industry and people across Washington, including limiting the reach of the Department of Commerce’s new grant program for community-based solar projects to increase solar energy in disadvantaged communities.

Therefore, Ecology is requesting a delay in the effective dates in the law. This delay will enable the industry to legally continue operating in the state while solutions are being developed. A later start date will allow for the creation of a facilitated advisory committee to identify issues

within the law, including environmental justice issues, and to develop recommendations to fix them.

The advisory committee will be comprised of at least 13 members and will include a representative from a Tribal organization or government, and a representative with environmental justice expertise, in addition to industry and other pertinent members. The advisory committee will develop recommendations for a convenient, safe, and environmentally sound system for the recycling of solar panels. In making these recommendations, the committee will consider the potential environmental and health impacts on overburdened communities and vulnerable populations expected to be affected, the equitable distribution of environmental benefits, the reduction of environmental harms, and meaningful access to programs and service. Work of the advisory committee will culminate with a report to the Legislature in December 2026.

There are no anticipated harms to overburdened communities and vulnerable populations from this action. There could be harms to disadvantaged communities if this proposal does not go forward, as the current law could limit the availability of solar panels for a planned grant program. The advisory committee will help ensure the work required in this proposal is equitable and reduces any harms that are later identified.

Ecology conducted public engagement in September and October 2024. Our outreach included people from and organizations representing overburdened communities and vulnerable populations. We additionally invited consultation on this proposal to all federally recognized Tribes with rights in Washington. We shared information and opportunities for public comment on our website and through email. We provided the opportunity to learn about the proposal and share comments at a listening session. Ecology has not received concerns during the environmental justice assessment process, so far.

As this proposal is considered, we will continue to provide opportunities for the public to share ideas that consider environmental and human health impacts on overburdened communities and vulnerable populations. Specifically, we will continue to engage with environmental justice organizations, overburdened communities and vulnerable populations, and Tribes, as this proposal creates an advisory committee to consider recommendations for the future takeback program.

Section 11: Notification of Completed Assessment

This section summarizes processes for staff to take once they have completed their assessment, including steps for sharing the final product. Learn more about all ongoing and completed Environmental Justice Assessments on our [agency webpage](https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice/HEAL/EJ-Assessments)⁹.

⁹ <https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice/HEAL/EJ-Assessments>