

**KenCapron1**

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**From:** "KenCapron1" <kcapron1@maine.rr.com>  
**Date:** Tuesday, May 11, 2021 10:53 PM  
**To:** <paula.m.clark@maine.gov>  
**Cc:** "Melanie Loyzim" <melanie.loyzim@maine.gov>; <ENR@legislature.maine.gov>  
**Subject:** LD 1595 follow up testimony

Dear Paula,

If I may, I would like to clarify the bill you opposed (LD1595) regarding recycling of solar waste. You seemed to have misunderstood the wording especially the amount of work required of the department.

You stated that it was unclear, resource intensive, and unnecessarily complex. It would require individual registration and tracking, development of a process for review and approval of a recycling facility, implementation of a site inspection plan, state funding for the design and construction of recycling equipment, and the development of take-back locations, plus fees and penalties. You also touted the effectiveness of the EPR.

I know you are trying to block this bill as a favor to the Governor, but since neither consumers nor retailers will pay for this process, and the department is not obligated to do anything itself of substance, I figure that you just misunderstood the wording and the process.

**Facilities**

There would be only one recycler for Maine since there is no net profit in the recycling of solar panels. And that recycler becomes obligated to research and develop (also RGGI funded) a process for recovering 100% of the panels, including recovery of the CHC's. There is no such process globally at present (despite what some people allege). A smart recycler would take advantage of the recovered materials to manufacture our own solar panels – thus creating much needed manufacturing jobs for Maine. Again, again, the department merely needs to approve or disapprove of a facility and a process. You can simply look to Washington State's legislation for guidance – we know that Governor Jay Inslee is a leader in the climate war as is his solar waste recycling legislation. And lets not overlook a discussion just a week or two ago about the rapid growth expected from RGGI over the next five+ years. The money will be there even if other carbon exchanges are not adopted.

**Registration**

The registration process is no different from the usual UCC agreements in common use in other industries. It would be easy for the retailer to fill out the standard UCC form and forward a copy to the recycler for future tracking. Whereas the DEP has had failures in tracking some hazardous chemicals, I could not knowingly promote the scattering of the solar "PFAS" like chemicals across the state. Each and every panel will eventually fail and require disposal. We had better nip this problem in the bud while the will (and funding) is there.

**Tracking**

If I were a smart retailer, I'd be doing some tracking of my own. That follow up site visit could identify problem panels and the dealer could sell replacements or a whole new upgrade. Talk about an easy marketing plan. In addition, electric companies hve valuable tracking info for each solar installation it connect under Net Zero. An automated routine could quickly calculate sudden changes in output that don't coincide with naturally occurring weather changes and such. We need to know where we can gain extra savings by maintaining the health of our solar resources.

**Fees**

Oddly, Washington State used the same \$125 amount in its legislation from 2017. I had to revise the fees to fit this specific program without burdening the consumer. The \$25 fee funds the administrative costs of the bill. It is a small price to pay to know to where the poisons are dispersed.

The \$100 fee is intended to be adjusted to the actual cost of the recycling process approved. Its either bulk recycling or full recycling. The former leaves humans exposed to the CHC's and can be done for \$12 plus shipping per panel. At some point in time, when a full process is implemented, I estimated the cost per panel to reach \$100. It could be more or less. Chemicals are hard to recover safely. We certainly can't just leave the problem for some future generations. That would be contrary to the concept of stewardship.

Your projection about the Portland Solar Array costing \$352,000 more under this bill, I would say you don't understand business very well. Since the maker and reseller won't have the future cost of shipping and recycling panels as they fail one by one, they can reduce their costs accordingly. I would assume that mfgs. would have built the costs of recycling into their bottom line since it is an inevitable cost. And in a competitive environment, the supply stream would choose to pass along those savings. ONLY if the reseller and manufacturer persisted in greedy profit-taking would the panels have cost any extra. Portland overpaid for their array to begin with unless they negotiated for recycling in their contract bid process. How foolish would that be?

### **Resource Intensive**

As noted in Sec. 12. 35-A MRSA §3475 (6), the \$25 fees will fund the hiring of staff for the department OR the recycler to perform the paperwork and inspections and to arrange take-back opportunities.

Let me repeat, there is no obligation for the department to do anything. But if they did, they would have the \$25 fee/panel to hire staff. The department already tracks many things, from storage tanks (some 1700 pages of underground tanks) to spills (some 3516 pages of spills dating back to the 1990's) to hazardous waste and waste oil transporters. However, the bill gives the tracking option to the recycler or the department – and they get the \$25 fee. I left the option in in case the department felt it wanted to manage the process and the resource. But that is an option, not a requirement. And it comes fully funded.

### **Funding**

Although there is plenty of RGGI money to cover the facility and process, it is highly likely that the US DOE or the EPA will have grants to cover all aspects of recycling. As our primary source of electricity, no one expects to deal with solar waste any cheaper or simpler than nuclear waste. The difference is that we have the opportunity to do this right at the outset. We don't need to play catch-up as most environmental waste has been addressed. Couldn't we just do it right this one time?

### **Fines**

At least with this bill, there will be an ongoing funding stream to catch violations and violators. Let's face it, no one else stepped up address this problem. Twenty or more years after the first panels in Maine – and we still don't have a handle on stewardship of solar panels. We also have bunch of environmental issues around the state that could hve been avoided if some environmental hadn't given the State a pass on its responsibilities to protect our environment.

### **Complexity**

Of course this legislation is complex. There are at least four separate statutes that had to be addressed in order to tie all the pieces together. Someone really does need to review and rewrite the four statutes into one that makes sense to a reasonable human. As they stand, current statutes require a law degree or a genius to interpret. They almost look like that was intentional. LD 1595 is actually much clearer than any of the separate statutes today. Only if the department insists on managing the entire bundle would there be a "burden" on the department. But smart management puts the burden back on those who are paid to handle such things.

### **Conclusion**

I do hope this has simplified LD 1595 for you. All of your concerns were anticipated. The consumer is protected, the retailer retains its profits, the manufacturer saves shipping and recycling and reduces its pricing. Best of all, this process collects today the funds it will need in a year, a decade or a score to manage the solar waste problem. And in the meantime, we create jobs, good jobs, right here in Maine. Jobs that are going somewhere else right now. No land to reclaim. No need to be rescued by the EPA. We're all good. And no fiscal note to attach to the bill.

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