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**SENATE BILL 5492**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators J. Wilson, Conway, Das, Lovelett, Lovick, Nguyen, Rolfes, Schoesler, and Wellman

Prefiled 12/06/21. Read first time 01/10/22. Referred to Committee on Environment, Energy & Technology.

1 AN ACT Relating to providing for the recycling of wind turbine  
2 blades; adding a new chapter to Title 70A RCW; and prescribing  
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that a convenient,  
6 safe, and environmentally sound system for the recycling of wind  
7 turbine blades must be established. The legislature further finds  
8 that the responsibility for this system must be shared among all  
9 stakeholders, with manufacturers financing the takeback and recycling  
10 system.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply  
12 throughout this chapter unless the context clearly requires  
13 otherwise.

14 (1) "Department" means the department of ecology.

15 (2) "Distributor" means a person who markets and sells wind  
16 turbine blades to retailers in Washington.

17 (3) "Installer" means a person who assembles, installs, and  
18 maintains wind turbine blades.

19 (4) "Manufacturer" means any person in business or no longer in  
20 business but having a successor in interest who, irrespective of the

1 selling technique used, including by means of distance or remote  
2 sale:

3 (a) Manufactures or has manufactured a wind turbine blade under  
4 its own brand names for use or sale in or into Washington;

5 (b) Assembles or has assembled a wind turbine blade that uses  
6 parts manufactured by others for use or sale in or into Washington  
7 under the assembler's brand names;

8 (c) Resells or has resold in or into Washington under its own  
9 brand names a wind turbine blade produced by other suppliers,  
10 including retail establishments that sell wind turbine blades under  
11 their own brand names;

12 (d) Manufactures or has manufactured a cobranded wind turbine  
13 blade for use or sale in or into Washington that carries the name of  
14 both the manufacturer and a retailer;

15 (e) Imports or has imported a wind turbine blade into the United  
16 States that is used or sold in or into Washington. However, if the  
17 imported wind turbine blade is manufactured by any person with a  
18 presence in the United States meeting the criteria of manufacturer  
19 under (a) through (f) of this subsection, that person is the  
20 manufacturer;

21 (f) Sells at retail a wind turbine blade acquired from an  
22 importer that is the manufacturer and elects to register as the  
23 manufacturer for those products; or

24 (g) Elects to assume the responsibility and register in lieu of a  
25 manufacturer as defined under (a) through (f) of this subsection.

26 (5) "Retailer" means a person who offers wind turbine blades for  
27 retail sale in Washington through any means including, but not  
28 limited to, remote offerings such as sales outlets, catalogs, or  
29 internet sales.

30 (6) "Reuse" means any operation by which a wind turbine blade or  
31 a component of a wind turbine blade changes ownership and is used for  
32 the same purpose for which it was originally purchased or for a  
33 different beneficial purpose.

34 (7) "Stewardship plan" means the plan developed by a  
35 manufacturer's designated stewardship organization for a self-  
36 directed stewardship program.

37 (8) "Stewardship program" means the activities conducted by a  
38 stewardship organization to fulfill the requirements of this chapter  
39 and implement the activities described in the organization's  
40 stewardship plan.

1 (9) "Wind turbine blade" means a blade that is designed to be  
2 used as a component of a wind turbine for the purpose of generating  
3 electricity to be supplied to an electric utility as defined in RCW  
4 19.29A.010.

5 NEW SECTION. **Sec. 3.** The department shall develop guidance for  
6 a wind turbine blade stewardship and takeback program to guide  
7 manufacturers and stewardship organizations in preparing and  
8 implementing a self-directed program to ensure the convenient, safe,  
9 and environmentally sound takeback and recycling of wind turbine  
10 blades and their components and materials. By January 1, 2023, the  
11 department shall establish a process to develop guidance for wind  
12 turbine blade stewardship plans by working with manufacturers,  
13 stewardship organizations, and other stakeholders on the content,  
14 review, and approval of stewardship plans. The department's process  
15 must be fully implemented and stewardship plan guidance completed by  
16 January 1, 2024.

17 NEW SECTION. **Sec. 4.** A manufacturer shall designate a  
18 stewardship organization to act as an agent on behalf of the  
19 manufacturer in operating and implementing the stewardship program  
20 required under this chapter. Manufacturers that have not designated a  
21 stewardship organization may not sell or supply wind turbine blades  
22 in or into Washington.

23 NEW SECTION. **Sec. 5.** (1) By January 1, 2024, each stewardship  
24 organization shall register with the department on behalf of its  
25 member manufacturers. The registration must include the following  
26 information:

27 (a) The name and contact information of the stewardship  
28 organization's member manufacturers; and

29 (b) Each manufacturer's brand names of wind turbine blades,  
30 including all brand names currently being sold in or into Washington,  
31 and all brand names for which the manufacturer has legal  
32 responsibility.

33 (2) Each stewardship organization must pay the annual fee and  
34 costs as determined by the department in section 9 of this act.

1        NEW SECTION.    **Sec. 6.**    (1) Each stewardship organization shall  
2 prepare and submit a stewardship plan to the department by July 1,  
3 2024.

4        (2) A stewardship plan must, at a minimum:

5        (a) Describe how manufacturers will finance the takeback and  
6 recycling system and include an adequate funding mechanism to finance  
7 the costs of collection, management, and recycling of wind turbine  
8 blades that will be sold in or into Washington by the manufacturer  
9 with a mechanism that ensures that wind turbine blades can be  
10 delivered to takeback locations without cost to the last owner or  
11 holder;

12        (b) Accept all wind turbine blades sold in or into Washington  
13 after the effective date of this section;

14        (c) Provide for takeback of wind turbine blades at locations that  
15 are within the region of the state in which their wind turbine blades  
16 were used and are as convenient as reasonably practicable, and if no  
17 such location within the region of the state exists, include an  
18 explanation for the lack of such a location;

19        (d) Identify how relevant stakeholders, including installers,  
20 demolition firms, and recycling and treatment facilities, will  
21 receive information required in order for them to properly dismantle,  
22 transport, and treat the end-of-life wind turbine blades in a manner  
23 consistent with the objectives of this chapter;

24        (e) Establish performance goals, including a goal for the rate of  
25 reuse and recycling of collected wind turbine blades as a percentage  
26 of the total weight of wind turbine blades collected, which rate must  
27 be no less than 85 percent.

28        (3) A stewardship organization shall implement the stewardship  
29 plan.

30        (4) A stewardship organization may periodically amend its  
31 stewardship plan. The department shall approve the amendment if it  
32 meets the requirements for plan approval outlined in the department's  
33 guidance. When submitting proposed amendments, the stewardship  
34 organization shall include an explanation of why such an amendment is  
35 necessary.

36        (5) The department shall approve a stewardship plan if it  
37 determines the plan addresses each element outlined in the  
38 department's guidance.

39        (6) Each stewardship organization shall implement its approved  
40 plan within six months of the department's approval of the plan.

1        NEW SECTION.    **Sec. 7.**    (1) Beginning July 1, 2025, and by July  
2 1st in each subsequent year, a manufacturer's designated stewardship  
3 organization, shall provide to the department a report for the  
4 previous calendar year that documents implementation of the plan and  
5 assesses achievement of the performance goals established in this  
6 chapter.

7        (2) The report may include any recommendations to the department  
8 or the legislature on modifications to the program that would enhance  
9 the effectiveness of the program, including management of program  
10 costs and mitigation of environmental impacts of wind turbine blades.

11        (3) The stewardship organization shall post the report on a  
12 publicly accessible website.

13        NEW SECTION.    **Sec. 8.**    (1) Beginning July 1, 2024, no  
14 manufacturer, distributor, retailer, or installer may sell, offer for  
15 sale, or install a wind turbine blade in or into Washington unless  
16 the manufacturer of the wind turbine blade is included in a  
17 department approved stewardship plan.

18        (2) The department shall send a written warning to a manufacturer  
19 that is not participating in a stewardship plan. The written warning  
20 must inform the manufacturer that it must participate in a plan  
21 within 30 days of the notice. The department may assess a penalty of  
22 up to \$10,000 upon a manufacturer for each sale that occurs in or  
23 into Washington of a wind turbine blade for which a stewardship plan  
24 has not been submitted by the manufacturer's designated stewardship  
25 organization and approved by the department after the initial written  
26 warning. A manufacturer may appeal a penalty issued under this  
27 section to the superior court of Thurston county within 180 days of  
28 receipt of the notice.

29        (3) The department shall send a written warning to a distributor,  
30 retailer, or installer that sells or installs a wind turbine blade  
31 made by a manufacturer that is not participating in a plan. The  
32 written warning must inform the distributor, retailer, or installer  
33 that it may no longer sell or install a wind turbine blade if a  
34 stewardship plan for that brand has not been submitted by the  
35 manufacturer's designated stewardship organization and approved by  
36 the department within 30 days of the notice.

37        NEW SECTION.    **Sec. 9.**    By April 1, 2023, and every April 1st  
38 thereafter, the department shall determine administrative costs

1 incurred by the department for program implementation activities,  
2 including stewardship plan review and approval, enforcement, and any  
3 rule making, that must be recovered by charging every stewardship  
4 organization an annual fee calculated by dividing department  
5 administrative costs by the stewardship organization manufacturer's  
6 pro rata share of the Washington wind turbine blade sales in the  
7 preceding three calendar years, based on best available information.  
8 Costs incurred by the department from the effective date of this  
9 section until April 1, 2023, must be included in the first  
10 determination. The sole purpose of assessing the fees authorized in  
11 this section is to predictably and adequately fund the department's  
12 costs of administering the wind turbine blade recycling program. The  
13 department may require the stewardship organization to pay for costs  
14 the department incurred in the prior fiscal year or for estimated  
15 costs for the coming fiscal year.

16 NEW SECTION. **Sec. 10.** The wind turbine blade recycling account  
17 is created in the custody of the state treasurer. All receipts of  
18 fees collected from stewardship organizations under this chapter must  
19 be deposited in the account. Expenditures from the account may be  
20 used only for administering this chapter. Only the director of the  
21 department or the director's designee may authorize expenditures from  
22 the account. The account is subject to the allotment procedures under  
23 chapter 43.88 RCW, but an appropriation is not required for  
24 expenditures. Funds in the account may not be diverted for any  
25 purpose or activity other than those specified in this section.

26 NEW SECTION. **Sec. 11.** In lieu of preparing a stewardship plan  
27 and as provided under this chapter, a manufacturer may participate in  
28 a national program for the convenient, safe, and environmentally  
29 sound takeback and recycling of wind turbine blades and their  
30 components and materials, if substantially equivalent to the intent  
31 of Washington's program. The department may determine substantial  
32 equivalence if it determines that the national program adequately  
33 addresses and fulfills each of the elements of a stewardship plan  
34 outlined in this chapter and includes an enforcement mechanism  
35 reasonably calculated to ensure a manufacturer's compliance with the  
36 national program. Upon issuing a determination of substantial  
37 equivalence, the department shall notify affected stakeholders  
38 including the manufacturer. If the national program is discontinued

1 or the department determines the national program is no longer  
2 substantially equivalent to the state program in Washington, the  
3 department shall notify the manufacturer and the manufacturer shall  
4 provide a stewardship plan as described in this chapter to the  
5 department for approval within 30 days of notification.

6 NEW SECTION. **Sec. 12.** The department may adopt rules as  
7 necessary for the purpose of implementing, administering, and  
8 enforcing this chapter.

9 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act  
10 constitute a new chapter in Title 70A RCW.

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