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**SENATE BILL 5174**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senator Wilson, J.

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.

33 (7) "Stewardship plan" means the plan developed by a manufacturer  
34 or its designated stewardship organization for a self-directed  
35 stewardship program.

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

1 (9) "Wind turbine blade" means an airfoil-shaped blade that is  
2 designed to be used as a component of a wind turbine for the purpose  
3 of generating electricity to be supplied to an electric utility as  
4 defined in RCW 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 in preparing and implementing a self-directed program  
8 to ensure the convenient, safe, and environmentally sound takeback  
9 and recycling of wind turbine blades and their components and  
10 materials. By January 1, 2022, the department shall establish a  
11 process to develop guidance for wind turbine blade stewardship plans  
12 by working with manufacturers, stewardship organizations, and other  
13 stakeholders on the content, review, and approval of stewardship  
14 plans. The department's process must be fully implemented and  
15 stewardship plan guidance completed by January 1, 2023.

16 NEW SECTION. **Sec. 4.** A stewardship organization may be  
17 designated to act as an agent on behalf of a manufacturer or  
18 manufacturers in operating and implementing the stewardship program  
19 required under this chapter. Any stewardship organization that has  
20 obtained such a designation shall provide to the department a list of  
21 the manufacturers and brand names that the stewardship organization  
22 represents within 60 days of its designation by a manufacturer as its  
23 agent, or within 60 days of removal of such a designation.

24 NEW SECTION. **Sec. 5.** (1) Each manufacturer shall prepare and  
25 submit a stewardship plan to the department by the later of July 1,  
26 2023, or within 30 days of its first sale of a wind turbine blade in  
27 or into Washington.

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

29 (a) Describe how manufacturers will finance the takeback and  
30 recycling system and include an adequate funding mechanism to finance  
31 the costs of collection, management, and recycling of wind turbine  
32 blades sold in or into Washington by the manufacturer with a  
33 mechanism that ensures that wind turbine blades can be delivered to  
34 takeback locations without cost to the last owner or holder;

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

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

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

11 (e) Establish performance goals, including a goal for the rate of  
12 combined reuse and recycling of collected wind turbine blades as a  
13 percentage of the total weight of wind turbine blades collected,  
14 which rate must be no less than 85 percent.

15 (3) A manufacturer shall implement the stewardship plan.

16 (4) A manufacturer may periodically amend its stewardship plan.  
17 The department shall approve the amendment if it meets the  
18 requirements for plan approval outlined in the department's guidance.  
19 When submitting proposed amendments, the manufacturer shall include  
20 an explanation of why such an amendment is necessary.

21 (5) The department shall approve a stewardship plan if it  
22 determines the plan addresses each element outlined in the  
23 department's guidance.

24 NEW SECTION. **Sec. 6.** (1) Beginning July 1, 2024, and by July  
25 1st in each subsequent year, a manufacturer, or its designated  
26 stewardship organization, shall provide to the department a report  
27 for the previous calendar year that documents implementation of the  
28 plan and assesses achievement of the performance goals established in  
29 this chapter.

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

34 (3) The manufacturer or stewardship organization shall post the  
35 report on a publicly accessible website.

36 NEW SECTION. **Sec. 7.** (1) Beginning July 1, 2023, no  
37 manufacturer, distributor, retailer, or installer may sell or offer  
38 for sale a wind turbine blade in or into Washington unless the

1 manufacturer of the wind turbine blade has submitted to the  
2 department a stewardship plan and received plan approval.

3 (2) The department shall send a written warning to a manufacturer  
4 that is not participating in a plan. The written warning must inform  
5 the manufacturer that it must submit a plan or participate in a plan  
6 within 30 days of the notice. The department may assess a penalty of  
7 up to \$10,000 upon a manufacturer for each sale that occurs in or  
8 into Washington of a wind turbine blade for which a stewardship plan  
9 has not been submitted by the manufacturer and approved by the  
10 department after the initial written warning. A manufacturer may  
11 appeal a penalty issued under this section to the superior court of  
12 Thurston county within 180 days of receipt of the notice.

13 (3) The department shall send a written warning to a distributor,  
14 retailer, or installer that sells or installs a wind turbine blade  
15 made by a manufacturer that is not participating in a plan. The  
16 written warning must inform the distributor, retailer, or installer  
17 that they may no longer sell or install a wind turbine blade if a  
18 stewardship plan for that brand has not been submitted by the  
19 manufacturer and approved by the department within 30 days of the  
20 notice.

21 NEW SECTION. **Sec. 8.** The department may collect a flat fee from  
22 participating manufacturers to recover costs associated with the plan  
23 guidance, review, and approval process described in this chapter.  
24 Other administrative costs incurred by the department for program  
25 implementation activities, including stewardship plan review and  
26 approval, enforcement, and any rule making, may be recovered by  
27 charging every manufacturer an annual fee calculated by dividing  
28 department administrative costs by the manufacturer's pro rata share  
29 of the Washington wind turbine blade sales in the most recent  
30 preceding calendar year, based on best available information. The  
31 sole purpose of assessing the fees authorized in this section is to  
32 predictably and adequately fund the department's costs of  
33 administering the wind turbine blade recycling program.

34 NEW SECTION. **Sec. 9.** The wind turbine blade recycling account  
35 is created in the custody of the state treasurer. All receipts of  
36 fees collected from manufacturers under this chapter must be  
37 deposited in the account. Expenditures from the account may be used  
38 only for administering this chapter. Only the director of the

1 department or the director's designee may authorize expenditures from  
2 the account. The account is subject to the allotment procedures under  
3 chapter 43.88 RCW, but an appropriation is not required for  
4 expenditures. Funds in the account may not be diverted for any  
5 purpose or activity other than those specified in this section.

6 NEW SECTION. **Sec. 10.** In lieu of preparing a stewardship plan  
7 and as provided under this chapter, a manufacturer may participate in  
8 a national program for the convenient, safe, and environmentally  
9 sound takeback and recycling of wind turbine blades and their  
10 components and materials, if substantially equivalent to the intent  
11 of Washington's program. The department may determine substantial  
12 equivalence if it determines that the national program adequately  
13 addresses and fulfills each of the elements of a stewardship plan  
14 outlined in this chapter and includes an enforcement mechanism  
15 reasonably calculated to ensure a manufacturer's compliance with the  
16 national program. Upon issuing a determination of substantial  
17 equivalence, the department shall notify affected stakeholders  
18 including the manufacturer. If the national program is discontinued  
19 or the department determines the national program is no longer  
20 substantially equivalent to the state program in Washington, the  
21 department shall notify the manufacturer and the manufacturer shall  
22 provide a stewardship plan as described in this chapter to the  
23 department for approval within 30 days of notification.

24 NEW SECTION. **Sec. 11.** The department may adopt rules as  
25 necessary for the purpose of implementing, administering, and  
26 enforcing this chapter.

27 NEW SECTION. **Sec. 12.** Sections 1 through 11 of this act  
28 constitute a new chapter in Title 70A RCW.

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