



VIA ELECTRONIC MAIL and U.S. MAIL

August 11, 2010

DTSC
P.O. Box 806
Sacramento, CA 98512-0806,
Attention: Ellen L. Haertle, MS-22
ehaertle@dtsc.ca.gov

**Re: Proposed Standards for Management of Waste Solar Panels Department
Reference Number: R-2010-01.**

Dear Ms. Haertle and the Department of Toxic Substances Control:

On behalf of the Center for Biological Diversity's 255,000 staff, members and on-line activists in California and throughout the western states, we submit these comments on the Department of Toxic Substances Control's Proposed Standards for Management of Waste Solar Panels Department Reference Number: R-2010-01.

The development of renewable energy is a critical component of efforts to reduce greenhouse gas emissions, avoid the worst consequences of global warming, and to assist California in meeting emission reductions set by AB 32 and Executive Orders S-03-05 and S-21-09. The Center for Biological Diversity (the "Center") strongly supports the development of renewable energy production, and the generation of electricity from solar power, in particular. However, like any project, proposed solar power projects should be thoughtfully planned and fully evaluated to minimize impacts to the environment. In particular, renewable energy projects should avoid impacts to sensitive species and habitat, and should be sited in proximity to the areas of electricity end-use in order to reduce the need for extensive new transmission corridors and the efficiency loss associated with extended energy transmission. Only by maintaining the highest environmental standards with regard to local impacts, and effects on species and habitat, can renewable energy production be truly sustainable.

The Center is concerned that DTSC's proposal to exempt certain solar panels that may contain hazardous substances from hazardous waste requirements has not fully addressed several significant issues. If the DTSC does choose to exempt these solar panels from certain waste management requirements, the Center urges the DTSC to adopt a robust recycling program for the solar panels, as is being developed in Europe, and additional management standards. The Center also echoes the concerns raised by the Silicon Valley Toxics Coalition and others that the proposed regulations or standards need to include a recycling program and collection scheme, and the need to address more fully worker safety, disposal, and other end-of-life concerns.

The regulation of solar panels as hazardous waste is not the only issue that arises in this context. As DTSC acknowledges in the draft proposed regulations, panels are subject to breakage. It appears that some evidence also shows that under certain conditions some panels may leach toxic substances. On-site breakage of solar panels during construction and operations and potential leaching is of particular concern to the Center because several project proposals for large solar panel arrays are in areas that are home to threatened and endangered species and other rare and imperiled species and/or in relatively remote areas with limited water resources. As such, there is a risk that some of the solar panels being evaluated for deregulation as hazardous waste may also become a source of toxic contamination to California's lands and waters in rural and wild lands areas across the state. For example, large utility-scale PV solar arrays have been proposed in the Carrizo Plain area and Panoche Valley which are both home to the endangered San Joaquin kit fox, blunt-nosed leopard lizard, and numerous other imperiled species. Other proposals in the Mojave desert are planned in occupied desert tortoise habitat, and areas where golden eagles and rare plants are found.

We urge the DTSC to address these issues more fully in its ongoing analysis of the potential impacts of the proposed standards or regulations on the environment and to provide additional evaluation of appropriate management practices and mitigation measures. Proper handling standards as well as a comprehensive recycling program could potentially resolve many of these concerns, however, the draft regulations do not now provide sufficient detail and structure to ensure that hazardous materials that may be associated with some solar panels are adequately regulated either during on-site management or at the end-of-life.

Thank you for the opportunity to comment on this issue. Please include me on any future notices regarding the proposed regulations or standards and notices for any associated CEQA review. If you have any questions regarding these comments please do not hesitate to contact me.

Sincerely,



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