



MICHELLE LUJAN GRISHAM
GOVERNOR

JAMES C. KENNEY
CABINET SECRETARY

July 29, 2024

Carolyn Hoskinson, Director
Environmental Protection Agency
Office of Land and Emergency Management
1200 Pennsylvania Avenue NW, Main Code 5304T
Washington, DC 20460

Submitted electronically to: Phoebe O'Connor, oconnor.phoebe@epa.gov

RE: Improving Recycling and Management of Renewable Energy Wastes: Universal Waste Regulations for Solar Panels and Lithium Batteries

Dear Director Hoskinson,

The New Mexico Environment Department (NMED) appreciates the opportunity to share its comments with the United States Environmental Protection Agency (EPA) to contribute to the planning of proposed new rules to improve the management and recycling of end-of-life solar panels and lithium batteries. New Mexico is a national leader on renewable energy and agrees with the responsible management of wastes associated with emissions-free sources of energy and transportation. NMED offers the attached comments for EPA's consideration as it develops a proposal to add hazardous waste solar panels to the universal waste regulations and to establish a new, distinct category of universal waste specifically tailored to lithium batteries. NMED looks forward to EPA's proposed rule regarding universal waste.

Sincerely,

A handwritten signature in blue ink that reads "James C. Kenney".

James C. Kenney
Cabinet Secretary

Attachment (1)

Cc: Courtney Kerster, Senior Advisor, Office of Governor Michelle Lujan Grisham
Dr. Sydney Lienemann, Deputy Cabinet Secretary of Administration, NMED
Zachary Ogaz, General Counsel, NMED
Rick Shean, Director, Resource Protection Division, NMED

Attachment

Comments from the New Mexico Environment Department about Improving Recycling and Management of Renewable Energy Wastes: Universal Waste Regulations for Solar Panels and Lithium Batteries

Comments

1. **General** - The New Mexico Environment Department (NMED) supports the designation of solar panels as universal waste. This will add regulatory clarity to generators and waste management facilities in our state, helping to ensure proper diversion of wastes containing toxic metals and ensuring these materials are not dumped in environmentally sensitive areas.
2. **Solar Panels** - NMED does not think that disassembly of solar panels would, of itself, trigger the question of treatment (i.e. segregating known hazardous components by simple disconnection and sorting to facilitate waste minimization or proper recycling). In this regard a solar panel could be considered e-waste prior to this phase of handling. Mechanical degradation/shredding of solar panels, on the other hand, should be performed only at a destination facility.
3. **Lithium-ion Batteries** - NMED agrees with the strategy of adding a specific universal waste category for lithium-ion batteries. NMED recommends that EPA review the U.S. Department of Transportation's newer restrictions from 2023 on lithium-ion battery shipments for insights into proper storage and shipment regulatory requirements for this new category of universal waste ([Transporting Lithium Batteries | PHMSA \(dot.gov\)](#)). EPA should promulgate the most relevant handling recommendations as regulatory requirements i.e. taping the terminals, providing basic handling training, storing in climate-controlled areas, preventing storage with incompatible/ignitable materials, emergency equipment, and inspecting units for damage and requiring only batteries in good condition be managed as universal waste.