Legal Gaps and Corporate Ethical Practices in the Green Transition : A Case Study of New Energy Waste Disposal

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Abstract:This study investigates the relationship between legal gaps and corporate ethical practices within the context of the green transition, using new energy waste disposal as a focal point. Currently, waste treatment in burgeoning newenergy sectors such as photovoltaics (PV), lithium batteries, and wind power faces significant challenges, including technological obsolescence and low resource recovery rates. Concurrently, the legal framework governing new energy waste disposal remains fragmented and incomplete, resulting in market disorder and heightened environmental risks. Drawing on business ethics theories—stakeholder theory, corporate social responsibility (CSR) theory, and sustainable development theory—this research argues that enterprises bear ethical responsibilities encompassing environmental protection, resource conservation, and information transparency. A comparative analysis of Tesla's closed-loop battery recycling system (positive case) and incidents of illegal PV module dumping (negative case) reveals that proactive corporate ethical practices are crucial for mitigating legal gaps and enhancing corporate competitiveness. The study proposes countermeasures including strengthening the legal and regulatory framework, reinforcing corporate ethical governance, and establishing synergistic mechanisms between law and ethics. It phasizes a dual approach prioritizing moral cultivation as the guiding force, underpinned by robust legal safeguards, to foster the synergistic development of environmental and economic benefits during the green transition.
Keywords: Green Transition; Legal Vacuum; Corporate Ethical Practice; Synergistic Development of Environmental and Economic Benefits

1. Introduction

As global climate change intensifies, the imperative of environmental protection has reached unprecedented rominence . Nations worldwide have reached a consensus on the necessity of collaborative environmental governanceto mitigate natural backlash and reduce the frequency of natural disasters. Against this backdrop, green transition has emerged as a critical strategic imperative internationally [1]. China's "Dual Carbon Goals" (peaking carbon emissions by 2030, achieving carbon neutrality by 2060), announced in 2020, alongside the Paris Agreement signed by 178 countries in 2015, exemplify the global resolve to address environmental challenges and create a sustainable future.The new nergy sector is a product of the global energy revolution, demands for environmental governance, technological eakthroughs, and policy impetus. Positioned at the forefront of contemporary trends, the industry has experienced rapid growth. However, this expansion has concurrently spawned a range of issues including safety risks, technological bottlenecks, resource competition, overcapacity, and regional development imbalances. This study focuses specifically on the nviro nmentally critical issue of new energy waste disposal. As a researcher also pursuing legal studies, exposure to diverse cases underscores the inherent lag in legal systems. The author's most profound insight stems from the tragic case of Ms. Ma Rongrong, whose sacrifice ultimately contributed to enhancing reproductive autonomy for Chinese women [2] . Such instances of ethical failure, causing severe societal harm, often precipitate legal intervention, highlighting the pe rpetual process of legal refinement. Consequently, ethical dilemmas frequently arise precisely within legal vacuums, making the coordination and development between law and ethics a persistent concern for scholars [3].Current Status of Waste Disposal in the New Energy Sector The global new energy industry has expanded rapidly, leveraging clean energy sources like solar, wind, geothermal, and lithium batteries to reduce environmental pollution and drive energy structure transformation. However, this growth presents a significant challenge: waste disposal. Inadequate anagement risks causing secondary environmental pollution [4].

2.1 Characteristics of Waste Generation and Disposal

2.1.1 Photovoltaic (PV) Module Waste: Projections by the International Energy Agency indicate a substantial increase in global PV module waste, potentially reaching 78 million tonnes by 2050, with China accounting for over 50%. PV modules contain glass, aluminum frames, silicon wafers, and toxic substances such as lead and silver. Improper andling can cause severe pollution and significant negative externalities impacting surrounding areas. The internationally recognized treatment method involves physical crushing combined with chemical leaching for metal recovery. However , this process suffers from low recovery rates for silicon and high-purity glass, leading to considerable resource wastage. Furthermore, landfilling remains prevalent, causing heavy metal contamination and contradicting environmental protection objectives.

2.1.2 End-of-Life Lithium Batteries: Statistics show that China generated 510,000 tonnes of retired power batteries in 2023, with projections exceeding 3 million tonnes by 2030. These batteries contain valuable metals like lithium, cobalt, and nickel, while their electrolytes are corrosive and toxic. Improper disposal poses incalculable environmental and societal risks. Current mainstream methods are pyrometallurgy and hydrometallurgy, both plagued by high energy consumption and difficulties in exhaust gas treatment. Cascade utilization is hampered by battery consistency issues, slowing its commercial adoption. Developing efficient recycling methods is therefore paramount.

2.1.3 Wind Turbine Blade Waste: Globally, approximately 400,000 tonnes of decommissioned blades are generated annually. Composed primarily of composite materials like glass fiber and epoxy resin, they resist effective degradation. Consequently, landfilling is often the default option for many companies. Attempts at pyrolysis for fiber recovery exist but face cost disadvantages (approximately double the cost of virgin materials), rendering them economically unviable. Driven by utilitarian motives and profit maximization, many firms resort to landfilling, a practice fundamentally at odds with environmental protection principles and unsustainable long-term.

2.2 Urgency of the Waste Disposal Problem

New energy waste streams contain hazardous substances and are generated in large and growing quantities as the industry matures. Without effective treatment methods, the potential pollution and harm to the environment and society are immense [5]. Immature recycling technologies lead to low utilization rates of valuable metals within this waste, resulting in annual losses exceeding billions of dollars—a severe waste of strategic resources. Moreover, inappropriate disposal methods cause significant environmental pollution, contradicting carbon neutrality goals. The era thus demands innovative, efficient, and low-pollution waste disposal solutions.

3. Analysis of Legal Gaps in New Energy Waste Disposal

3.1 Current Legal Framework

3.1.1 Domestic Legal Framework Status: China's legal system for manag ing new energy waste is currently characterized by fragmentation. It lacks a coherent, dedicated framework, with relevant provisions scattered across various laws and regulations. Crucially, there is an absence of specific clauses addressing novel waste streams like PV modules and power batteries. While the Interim Measures for the Recycling Management of Power Batteries for New Energy Vehiclesestablished a basic framework, its supporting implementation rules remain deficient and lack operational feasibility. Exploratory practices exist at the local level, but legislation with significant regional limitations creates a predicament where new energy waste management faces the dilemma of "having principles but no details, having requirements but no standards."

3.1.2 Comparative International Legislative Experience: Most developed nations have established comprehensive legal frameworks for new energy waste disposal [6]. The EU's Waste Electrical and Electronic Equipment (WEEE) Directiveand Batteries and Waste Batteries Regulationestablish full life-cycle management systems, detailing management rules and explicitly mandating Extended Producer Responsibility (EPR) with specific recycling targets. The US Resource Conservation and Recovery Act (RCRA)sets a hazardous waste management framework, with some local laws implementing advance recycling fee systems. Japan's Act on Promotion of Effective Utilization of Resourcesemphasizes technological innovation and industrial chain coordination to enhance resource recovery rates and minimize waste value loss. Internationally, legislative standards for new energy waste disposal are relatively mature, featuring well-developed supporting implementation mechanisms, clearly defined responsible entities, and strengthened producer responsibility, offering valuable lessons for other nations.

3.2 Manifestations of Legal Gaps

3.2.1 Inadequate Supervision System: New energy waste management involves multiple government departments, yet inter-departmental coordination is poor, and responsibilities are ambiguously delineated, wasting administrative resources. Given the typically cross-regional distribution of new energy projects, waste disposal oversight remains confined by administrative boundaries, lacking inter-provincial coordination mechanisms. This frequently results in inconsistent regulatory standards across regions, complicating waste disposal efforts. Weak grassroots regulatory capacity and insufficient professional testing capabilities create regulatory blind spots. Existing oversight primarily focuses on end-of-life treatment details, neglecting adequate control over production, circulation, and consumption stages. Regulatory methods are also lagging, hindering full-process management. The supervision system requires substantial improvement.

3.2.2 Lack of Standards and Specifications: Modern solid waste classification standards fail to encompass the specific characteristics of new energy waste. PV modules lack clear categorization, affecting the applicability of recycling policies. Composite materials like wind turbine blades lack specialized classifications, and treatment methods remain inadequate. Crucially, recycling technology standards lag far behind industry development. Key metrics such as energy consumption and emissions for lithium battery recycling processes are missing. PV module recycling routes lack standardization, impeding large-scale waste processing. The absence of quality certification standards for ecycled materials means products like recycled metals and plastics lack uniform certification, hindering their entry into mains tream supply chains and undermining market confidence.3.2.3 Ambiguous Responsibility Definition: While relevant r ules for new energy waste incorporate the EPR principle, implementation details are deficient, and the institutional fra mework is immature. Responsibility demarcation among upstream raw material suppliers, midstream manufacturers, a nd downstream recyclers is unclear. Particularly, the recycling responsibility for imported components is undefined, cr eating regulatory loopholes. The legal status of third-party recycling enterprises is also not explicitly defined, leading t o an imbalance in responsibility allocation across the industrial chain.

3.3 Impact of Legal Gaps on New Energy Waste Disposal 3

.3.1 Market Disorder:

(1) Proliferation of Gray Markets:Weak regulation of new energy waste disposal enables rampant illegal recycling activities. This not only damages the environment but also harms societal and national interests. Large volumes of decommissioned components enter underground dismantling markets, where backward processes extract valuable materials, resulting in lower resource recovery rates, environmental pollution, and severe disruption of market order [7]. This deters financial institutions, restricting financing channels and hindering industrial upgrading.

(2) Impediments to Legitimate Enterprises:Compliant enterprises face high environmental compliance costs, placing them at a competitive disadvantage in pricing. Limited funding constrains R&D investment, preventing technological advancement and economies of scale. Consequently, some firms are forced towards gray market activities, creating a vicious cycle.

3.3.2 Escalating Environmental Damage Risks:

(1) Frequent Pollution Incidents:Legal vacuums readily amplify environmental risks, especially when profit-maximizing enterprises neglect CSR and engage in unethical conduct. Incidents involving heavy metal contamination from PV modules and electrolyte leakage from batteries are not uncommon, causing significant environmental damage. Non-degradable composite materials also inflict persistent pollution.

(2) Hindered Climate Change Response:Illegal disposal practices cause complex pollution of soil, water bodies, and the atmosphere, with ecological degradation already evident in some areas. Backward disposal methods like landfilling and incineration negate the environmental benefits of new energy. Insufficient resource recycling increases the carbon footprint over the entire lifecycle, potentially exacerbating climate change and impeding environmental governance progress.

3.3.3 Hindered Industry Development:

(1) International Competitive Disadvantage:Stringent import policies for new energy products, coupled with well-established waste disposal legislation in developed countries, create significant green trade barriers. China's new energy exports face considerable obstacles due to underdeveloped recycling systems [8]. The absence of domestic standards leads to chaotic technological pathways, ineffective industry-academia-research collaboration, and low rates of technological commercialization. This forces reliance on imported key technologies and equipment, compromising supply chain security.

(2) Undermined Sustainable Development:Immature new energy waste recycling technologies result in low resource utilization rates, constraining industrial development and expansion. Dependence on critical metals is rising, increasing supply chain vulnerability. Furthermore, the severe environmental pollution damages the environment's self-healing capacity, obstructing sustainable development.

4. Ethical Responsibilities of New Energy Enterprises from a Business Ethics Perspective

4.1 Relevant Theoretical Foundations in Business Ethics

4.1.1 Stakeholder Theory: Stakeholders are individuals, groups, or organizations affected by or capable of affecting an organization's decisions and activities. They include shareholders, employees, customers, suppliers, communities, etc. The stakeholder network for new energy enterprises is particularly complex. Originating from the global imperative of environmental protection and climate crisis response, it inherently involves the environmental rights of future generations, beyond traditional stakeholders [9]. From an external stakeholder perspective, improper waste disposal readily generates negative externalities, adversely impacting surrounding areas and the environment. Data indicates that companies emphasizing stakeholder management achieve environmental performancescores 15-20% higher than the industry average.

4.1.2 Corporate Social Responsibility (CSR) Theory: Carroll's CSR Pyramid delineates four levels of responsibility: economic, legal, ethical, and philanthropic. Regarding new energy waste disposal, economicresponsibility entails controlling processing costs; legalresponsibility mandates compliance with regulations; ethicalresponsibility requires continuous technological improvement and proactively seeking more environmentally friendly disposal methods [10]. Research reveals that leading new energy enterprises allocate approximately 30% of their waste management investment to meet legal requirements, while 70% fulfills higher ethical standards. With the rise of ES(Environmental, Social, Governance) investing, fulfilling ethical responsibilities has become a key metric for securing financing, demonstrating that ethical conduct can significantly contribute to economic value creation.

4.1.3 Sustainable Development Theory: Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs. As an environmentally friendly sector, the new energy industry should yield net environmental benefits. However, improper waste disposal can negate these benefits. Life Cycle Assessment (LCA) studies showthat if the recycling rate for a its net environmental benefit over the remaining lifecycle decreases by 40%. Declining environmental benefits signify ecological degradation, worsening environmental problems, and heightened climate change risks. Failure to address these issues risks impairing the ability of both current and future generations to meet their needs [11]. Thus, improper waste disposal not only diminishes environmental gains but also obstructs sustainable development.
development.

4.2 Connotation of Ethical Responsibilities in Waste Disposal for New Energy Enterprises4.2.1 EnvironmentalProtection Responsibility: This responsibility for new energy firms is characterized by technical complexityand severity of consequences. Technical complexity arises because waste disposal demands highly sophisticated technology; PV modules contain toxic substances like lead and cadmium, and improper handling can cause persistent pollution. Ethically, firms should adopt Best Available Techniques (BAT), even if costs exceed the legal minimum. Severity of consequences means the environmental and societal harm from improper disposal is potentially catastrophic [12]. Studies indicate that water contaminated by a single discarded lithium battery requires 30 years for natural purification, underscoring the gravity.

4.2.2 Resource Conservation Responsibility: This manifests in technological innovationand system optimization. Due to immature recycling technologies, valuable components within new energy waste suffer low recovery rates, leading to significant resource wastage. Society demands technological innovation from new energy companies to develop efficient recycling processes that enhance resource reuse [13]. System optimization involves establishing circular economy models through industrial synergy, collaborating with related sectors to boost resource recovery rates. Ethically, resource conservation transcendsmere efficiency; it embodies intergenerational equity. Failure to improve recycling rates severely compromises the development rights of future generations.

4.2.3 Information Transparency Responsibility: This refers to an organization's obligation to disclose key aspects of its operations, decisions, risks, and impacts to stakeholders in an open, honest, and timely manner, ensuring information is accessible, understandable, and reliable [14]. Ethically, transparency is not merely about ompliance; it is foundational for building societal trust. New energy enterprises should therefore publish comprehensive data on their waste disposal processes, particularly pollutant emissions and resource recovery indicators, ensuring data accuracy and timely disclosure.

5. Case Studies of Corporate Ethical Practices in New Energy Waste Disposal

5.1 Positive Case Analysis: Tesla's Closed-Loop Battery Recycling System: Tesla's global closed-loop battery recycling initiative exemplifies ethical responsibility fulfillment. The company invested $420 million to establish a battery recycling center at its Nevada Gigafactory, achieving breakthroughs in recycling technology. This enables recovery rates exceeding 95% for critical metals like lithium, cobalt, and nickel, far surpassing the industry average of 50%. Tesla also developed a proprietary "pyrolysis-leaching-electrowinning" process, yielding recycled materials meeting battery-grade purity standards, significantly contributing to resource utilization. Beyond reducing pollution and enhancing resource recovery, Tesla generates approximately ¥1.8 billion annually from its circular economy initiatives, achieving a synergy between environmental and economic benefits. This demonstrates how fulfilling ethical responsibilities can translate into core corporate competitiveness [15].

5.2 Negative Case Analysis: Illegal Dumping of PV Modules: An incident in 2022 involving the illegal dumping of PV modules by a power station in Northern China exposed the failure of ethical responsibility by some enterprises. To cut costs, the company illegally landfilled 650 tonnes of lead-containing modules, resulting in soil lead levels 49 times exceeding the standard and causing direct economic losses of ¥30 million. This action caused severe environmental damage and inflicted significant negative externalities on nearby residents and businesses. Such conduct, prioritizing profit maximization over CSR, warrants severe criticism and penalties to rectify the industry environment.

5.3 Case Implications: The comparative analysis indicates a strong positive correlation between the level of ethical practice and the long-term competitiveness of new energy enterprises, demonstrating the compatibility and synergy of environmental and economic benefits. The Tesla case shows that integrating ethical considerations into product design stages can yield substantial economic returns while fulfilling responsibilities. Conversely, the illegal dumping case serves as a stark warning: neglecting ethical responsibilities exposes firms to legal, financial, and reputational risks, potentially erasing years of investment [16]. This underscores that CSR is not an economic constraint but a catalyst for economic value creation. Environmental responsibility and economic performance are not contradictory but mutually reinforcing.

6. Countermeasures: Strengthening Law and Enhancing Corporate Ethical Practice

6.1 Improving the Legal and Regulatory Framework:

Establishing a dedicated New Energy Waste Management Office, led by the Ministry of Ecology and Environment (MEE)and coordinating with 12 other ministries (e.g., MIIT, NEA), is crucial. This body should address supervision gaps for distributed projects, improve inter-regional waste transfer oversight, and update standards for emerging technologies.

6.1.2 Developing Standards and Specifications:The new energy waste standards framework should follow the principles of "Scientific Classification, Advanced Technology, Closed-Loop Management." A tripartite system encompassing classification standards(defining waste types, composition, environmental risk), technical standards (covering dismantling, recycling, pollution control), and management specifications(governing collection, transport, storage) is needed. This system must integrate cutting-edge technical standards while considering practical implementation feasibility, providing systematic guidance.

6.1.3 Clarifying Responsibility Allocation:To address ambiguous accountability, a "Four-in-One" responsibility system should be established: (1) Producers bear full life-cycle management responsibility; (2) Sellers fulfill recycling information registration duties and enforce technical standards; (3) Local governments assume supervisory roles to prevent buck-passing. A "dual penalty" system should hold both violating enterprises and responsible individuals accountable.

6.2 Strengthening Corporate Ethical Practices:

6.2.1 Corporate-Level Governance:New energy firms should embed ethical responsibility into their governance structures to achieve the ideal state where "environmental benefits enhance economic performance, and economic performance drives environmental progress." Measures include establishing an ESG committee at the board level, implementing an ethics control system covering R&D, production, sales, and recycling, and linking 20% of executive compensation to ethical performance metrics.

6.2.2 Industry Self-Regulation:Industry associations must play a stronger role. They should develop an ethical evaluation system incorporating primary indicators (Environmental Responsibility, Economic Responsibility, Social Responsibility) and 12 derived secondary indicators. Exemplary performers should receive incentives like market promotion support and policy preferences, while violators face industry-wide sanctions to foster a positive industry ethos.

6.3 Establishing a Law-Ethics Synergy Mechanism:

6.3.1 Legalization Path for Ethical Requirements:Adopt a "Pilot First, Gradual Advancement" strategy. Select 20-30 leading enterprises in key regions for pilot programs. Implement the Guidelines for Environmental Ethics Implementation in New Energy Enterprisesdrafted by industry associations, featuring10 core metrics (e.g., waste reduction rate, resource utilization rate, information disclosure transparency). Conduct monthly data collection and periodic evaluations over a 1-2 year pilot period. Mature and effective practices should then be elevated into departmental regulations. Ultimately, incorporate proven ethical requirements into laws like the Solid Waste Pollution Prevention and Control Lawand the Circular Economy Promotion Lawthrough legislative processes, creating binding norms [17]. Maintaining moderately forward- looking standards is crucial to lead the industry while considering practical feasibility.

6.3.2 Legal Incentives for Ethical Practice:Design a multi-tiered, differentiated legal incentive system based on scientific evaluation criteria. Establish a "New Energy Enterprise Ethics Index" scored across threedimensions (Environmental Performance, Management Capability, Social Impact) and 13 secondary indicators. Grade enterprises A (Excellent), B (Good), C (Qualified), D (Unqualified). Offer A-grade firms substantive rewards in taxation, financing, and market access. Implement a dynamic "Ethical Credit Points" system, where accumulated points can be redeemed for benefits like simplified environmental assessments and reduced inspection frequency. Ensure sustainability by establishing a dedicated fund, initiallygovernment-supported, later financed through mechanisms like "Waste Disposal Security Deposits."

6.3.3 Designing a Dynamic Synergy Mechanism:Create a closed-loop "Monitoring-Evaluation-Improvement" mechanism to organically link law and ethics. Utilize smart regulatory platforms for real-time compliance tracking. Establish a government-led, multi-stakeholder evaluation system conducting quarterly process reviews and annual systemic assessments. Provide online/offline feedback channels to identify problems and guide improvements, ensuring timely and targeted policy adjustments. Implement tiered responses based on evaluations: issue guidance for operational issues, revise rules for common problems, and initiate legislation for systemic gaps. This mechanism balances regulatory rigidity with adaptive flexibility, ensuring legal compliance while promoting ethical advancement, providing dynamic governance for new energy waste.

7. Conclusion

This study, using new energy waste disposal as a lens, explores the intricate relationship between legal gaps and corporate ethical practices during the green transition. The "legal vacuum" underscores the inherent lag in legal systems—the absence of clear norms to regulate certain social relations or behaviors. This inevitably raises the critical question: In the absence of law, how should enterprises choose when the goal of profit maximization conflicts with ethical obligations? The process of moral norms evolving into law provides an answer. Some enterprises, facing such dilemmas, exploit legal loopholes for gain, committing acts that harm society and public interest, often causing irreversible damage, necessitating legal intervention. Individual cognition is constrained by knowledge and context, meaning "human thought is limited, yet the phenomena of the world are infinite."Therefore, relying solely on legislation is insufficient; strengthening moral cultivation is paramount. While lawundoubtedlysupports morality, the ultimate goal of legislation is achieved only when compliance is voluntary. Prioritizing moral construction, complemented by robust legal support, represents the optimal path for their coordinated development and mutual reinforcement. It is also the most effective choice for fostering a positive societal ethos and enhancing governance in the current context.

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