

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1070 (Delegate Hill, *et al.*)

Environment and Transportation and
Economic Matters

Department of the Environment - End-of-Life Management of Mattresses - Study

This bill requires the Maryland Department of the Environment (MDE) to (1) study several items related to the end-of-life management of mattresses in the State; (2) identify local programs that provide for the end-of-life management of mattresses; (3) identify entities that can, with minimal State funding, facilitate the end-of-life management of mattresses in the State; (4) recommend how a mattress recycling program can be used to facilitate specified employment goals in the State; (5) recommend goals for reducing the number of mattresses going into landfills, as specified; and (6) recommend measures to promote the end-of-life management of mattresses in the State. MDE must consult with specified entities, including several State agencies and local governments. MDE must report its findings and recommendations to the Governor and specified committees of the General Assembly by December 31, 2017.

The bill takes effect June 1, 2017.

Fiscal Summary

State Effect: MDE can consult with specified entities, study required items, make recommendations, and draft and submit the required report with existing budgeted resources. Other affected State agencies can consult with MDE using existing resources.

Local Effect: Any affected local governments can likely consult with MDE with existing budgeted resources and staff.

Small Business Effect: None.

Analysis

Bill Summary: MDE must study (1) the end-of-life management of mattresses in the State, including further examination of the State's objectives regarding mattresses that are identified in Maryland's Zero Waste Plan; (2) the laws, regulations, and programs in other states, as specified; and (3) the feasibility of implementing a mattress recycling program in the State, including the feasibility of implementing an extended producer responsibility program for mattresses.

Current Law/Background:

Zero Waste Plan and Extended Producer Responsibility Systems in Maryland

MDE is currently working to eliminate the need for disposal of solid waste as part of its Zero Waste Plan. The Zero Waste Plan, released in December 2014, is one of MDE's major strategies to reduce emissions as required by the Greenhouse Gas Reduction Act of 2009 (Chapters 171 and 172). Executive Order 01.01.2015.01, which also addresses Maryland's zero waste goal, states that "Maryland shall endeavor to ensure that all waste generated in the State is increasingly reduced and reused rather than discarded in a manner that adversely impacts our health and environment." The executive order also requires MDE to provide local governments with information on alternatives to landfilling.

One of the specific initiatives under the Zero Waste Plan is to ensure that extended producer responsibility (EPR) systems are designed to encourage source reduction, including for mattresses and other difficult-to-manage materials. EPR programs shift the financial and/or physical responsibility for managing products at end of life to the producers of those products and away from local governments.

Mattresses pose practical challenges inherent to end-of-life management because they are bulky and not easily compacted, making transport and disposal inefficient. In addition, while mattresses are recyclable, the prevailing method of separating steel, foam, wood, and cotton involves a labor-intensive manual process. In Maryland, the burden of dealing with difficult materials, such as mattresses, has historically fallen on counties and municipalities that manage solid waste and recycling programs. Local governments have been successful in implementing recycling programs for some difficult materials, such as electronics. However, because local governments are limited in resources and geographic influence, they have limited ability to produce the kinds of upstream changes needed to reduce end-of-life management problems.

The Zero Waste Plan states that an estimated 20 million mattresses are discarded in the United States each year and that it is likely that less than 2% of these are recycled. The difficulties associated with recycling mattresses, as well as a widespread perception that

handling used mattresses is an unsanitary practice, have resulted in a dearth of voluntary recycling programs among mattress retailers, producers, and even local governments.

Mattress Stewardship Programs in Other States

The Zero Waste Plan states that in 2013, California, Connecticut, and Rhode Island passed the first mattress EPR programs, which mandate manufacturer-developed recycling plans along with a per unit fee on the retail sale of each mattress. The plan further states that a similar program in Maryland could help to increase and fund the diversion of mattresses.

In California, Connecticut, and Rhode Island, producers fulfill their obligations through a program plan submitted and implemented by the Mattress Recycling Council (MRC), a nonprofit organization established by the mattress industry to develop and operate mattress recycling programs in those three states. According to its website, MRC contracts with third parties for the collection and recycling of discarded mattresses. These activities are funded through the recycling fee collected on the sale of mattresses and box springs to consumers. The mattress stewardship assessment in those states is as follows:

<u>State</u>	<u>Current Status of Program</u>	<u>Stewardship Assessment (per unit)</u>
CT	Program began May 1, 2015	\$9
CA	Collection of the assessment began December 30, 2015; revised plan approved January 29, 2016	11
RI	Program began May 1, 2016	10

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Garrett and Montgomery counties; Department of Commerce; Maryland Association of Counties; Maryland Department of the Environment; Department of Labor, Licensing, and Regulation; Mattress Recycling Council; Department of Legislative Services

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Analysis by: Kathleen P. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510