



March 4, 2024

To: Maryland House Environment and Transportation Committee

Re: HB1355 Mattress Stewardship Program – Establishment

I'm Kitty McIlroy, President of Maryland Recycling Network (MRN), in support of HB1355 with amendments. I bring my experience managing mattress and box spring recycling contracts at the Northeast Maryland Waste Disposal Authority. I am not speaking on behalf of the Authority.

Maryland Recycling Network members include municipal recycling managers, private sector and non-profit recyclers and individuals. We have direct experience operating recycling and composting programs at the private sector and municipal government level. We know the ins and outs of recycling in Maryland. Our experience informs our comments.

Maryland Recycling Network promotes sustainable reduction, reuse and recycling (the 3 "R's"), to ensure that the use of virgin materials is minimized, materials otherwise destined for disposal are reused or recycled and strong demand exists for buying products made with recycled material content. We achieve these goals through education programs, advocacy activities to affect public policy, technical assistance efforts, and the development of markets to purchase recycled materials and manufacture products with recycled content.

We thank Delegates Hill, Boyce, Fair, Foley, Guyton, Kaufman, Lehman, R. Long, McCaskill, Ruth, Simpson, Taveras, Terrasa, and Woods for sponsoring this Bill.

Bulky material such as mattresses and box springs are safety and fire hazards and “pose several challenges for landfills...They don't compact well, take up a lot of space, create flammable air pockets, and the springs tend to get tangled in [expensive] ...bulldozer compacting equipment, often damaging it,” delaying solid waste operating activities due to costly repairs [[Cascade Alliance, The State of the Mattress Recycling Industry, Third Edition, February 2017](#)].

Mattress and box spring recycling is a manual labor-intensive process, that also requires costly equipment to further dismantle and bale its components. Costs associated with the collection of whole units, demanufacturing, marketing and further downstream transportation and processing, are not fully offset by marginal revenues received from the broken-down commodities. Thus, there will likely always be a net cost associated with mattress and box spring recycling.

Existing commodity markets in Maryland for mattress and box spring components include those for metal, foam and quilted ticking, about 85% of materials from all end-of-life units. [According to the Mattress Recycling Council](#), “steel mattress springs are sold as scrap metal...and mattress foam is mostly

Maryland Recycling Network
c/o Mariner Management • PO Box 1640 • Columbia, MD 21044
Phone: (443) 741-8740 • www.MarylandRecyclingNetwork.org

recycled into carpet padding.” This Bill would support the ability for recyclers to scale up and build stable downstream recycling markets for other mattress commodities such as wood, cotton, fabrics, felt and coconut fiber materials.

Since January 2022, just four Maryland jurisdictions have spent over \$400,000 on these recycling programs, while diverting over 1.7 million pounds of mattresses and box springs from disposal.

HB1355 is critical to supporting these recycling programs by taking this financial burden off local government and the public. It will allow Jurisdictions to divert much needed tax revenues to other critical public sector services. It will eliminate fees at collection sites and disincentivize these materials from ending up illegally dumped or in the disposal stream (which is currently the less expensive solid waste management choice for many, if not all entities, commercial and residential sectors included). This funding will grow local jobs and support current mattress recycling contracts run by local jurisdictions, while also supporting the expansion of new contracts for local jurisdictions that have had no funding available to kickstart this specific recycling program, especially in rural and underserved areas.

According to the Mattress Recycling Council, a [recent analysis](#) of the California program’s environmental footprint from collection to recycling shows that “every mattress recycled saves 500 gallons of water, enough energy to power the average household for three days and reduces greenhouse gas emissions by an amount equivalent to driving 60 fewer miles.”

MRN’s proposed amendments, found in the attachment, incorporate language from SB370, passed in 2019, regarding local government provisions when enforcing mandatory recycling in office buildings. We believe similar enforcement language is necessary, regarding the mattress disposal ban language noted in this Bill. Other amendments are also minor and seek to clarify supporting local government control over their mattress recycling programs and maintain long term funding for these efforts, in addition to giving the Department of the Environment the ability to analyze and approve the impact of collection costs from private property before they are incorporated in the producer plans and reflected on a consumer fee.

Maryland already has a consumer fee for tire recycling. This Bill complements that law, to ensure difficult material is responsibly managed.

The Maryland Recycling Network stands ready to serve as a sounding board and resource for legislators and others interested in pursuing our mission. Please do not hesitate to contact MRN via email phoustle@marylandrecyclingnetwork.org, phone 301-725-2508 or mail - MRN, PO Box 1640, Columbia MD 21044 if you have any questions or would like additional information regarding the above.

Sincerely,



Kitty McIlroy
President
Maryland Recycling Network

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Phone: (443) 741-8740 • www.MarylandRecyclingNetwork.org

Attachments

Mattress and Box Spring Recycling Pounds				
	CY 2022	CY 2023	CY 2024^	Total
Frederick County*	N/A	139,460	55,520	194,980
Howard County**	433,760	198,000	Unknown	631,760
Montgomery County***	N/A	500,440	113,160	613,600
Washington County****	47,600	234,640	24,180	306,420
Total	481,360	1,072,540	192,860	1,746,760

Sources: Local Jurisdiction and Northeast Maryland Waste Disposal Authority Data

*Frederick County's program initiated in July 2023

**Howard County's program performed all of CY 2022 and CY 2023

***Montgomery County's program initiated in May 2023

****Washington County's program initiated in November 2022

^Includes all January and February 2024 data for Frederick County and Montgomery County

^Includes January and some February 2024 data for Washington County

Mattress and Box Spring Recycling Costs to Jurisdictions				
	CY 2022	CY 2023	CY 2024^	Total
Frederick County*	N/A	\$52,297.50	\$20,820.00	\$73,117.50
Howard County**	\$26,500.00	\$16,000.00	Unknown	\$42,500.00
Montgomery County***	N/A	\$149,865.30	\$28,173.60	\$178,038.90
Washington County****	\$19,813.92	\$98,944.56	\$10,370.29	\$129,128.77
Total	\$46,313.92	\$317,107.36	\$59,363.89	\$422,785.17

Sources: Local Jurisdiction and Northeast Maryland Waste Disposal Authority Data

*Frederick County's program initiated in July 2023

**Howard County's program performed all of CY 2022 and CY 2023

***Montgomery County's program initiated in May 2023

****Washington County's program initiated in November 2022

^Includes all January and February 2024 data for Frederick County and Montgomery County

^Includes January and some February 2024 data for Washington County

Proposed Amendments

- 1) Please consider incorporating language found in the office building recycling mandate ([SB370 Recycling – Office Buildings, passed in 2019](#)), regarding the enforcement of the mattress disposal ban. This will allow local government to enforce the law subject to their enforcement capabilities and discretion. Red text listed below acts as recommended amendments:

Page 1 of HB1355:

“FOR the purpose of prohibiting, on and after a certain date, a person from disposing of a mattress in a landfill, subject to a certain exception; prohibiting, on or after a certain date, a person from disposing of a mattress in an incinerator, subject to a certain exception; **authorizing certain local enforcement units, officers, and officials to conduct certain inspections; specifying that certain provisions of this Act do not affect the authority of a county or municipality to enact and enforce certain recycling requirements or to alter or exempt a person from certain recycling requirements under certain circumstances; specifying that certain provisions of this Act do not require a county to manage or enforce certain recycling activities within the boundaries of a municipality; providing that this Act may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this Act;**”

Page 9 of HB1355:

“(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR AFTER JANUARY 1, 2029, A PERSON MAY NOT DISPOSE OF A MATTRESS IN A LANDFILL.

(2) A PERSON MAY DISPOSE OF A MATTRESS IN A LANDFILL IF THE MATTRESS IS DEEPLY CONTAMINATED, THE MATTRESS CANNOT BE RENOVATED, AND NO PARTS OF THE MATTRESS CAN BE RECYCLED.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON OR AFTER JANUARY 1, 2029, A PERSON MAY NOT DISPOSE OF A MATTRESS IN AN INCINERATOR.

(2) A PERSON MAY DISPOSE OF A MATTRESS IN AN INCINERATOR IF THE MATTRESS IS DEEPLY CONTAMINATED, THE MATTRESS CANNOT BE RENOVATED, AND NO PARTS OF THE MATTRESS CAN BE RECYCLED.

(C) THIS SECTION DOES NOT AFFECT THE AUTHORITY OF A COUNTY OR MUNICIPALITY TO:

(I) ENACT AND ENFORCE RECYCLING REQUIREMENTS, INCLUDING ESTABLISHING CIVIL PENALTIES, FOR MATTRESS RECYCLING AND/OR DISPOSAL;

(II) ALTER OR EXEMPT A PERSON FROM RECYCLING REQUIREMENTS:

- 1. DUE TO SPECIAL CIRCUMSTANCES THAT ARE IDENTIFIED BY THE PERSON IN AN APPLICATION TO THE COUNTY OR MUNICIPALITY FOR AN ALTERATION OR EXEMPTION; OR**
- 2. IN RESPONSE TO CHANGING MARKET CONDITIONS THAT AFFECT THE COUNTY OR MUNICIPALITY.**

(3) THIS SECTION DOES NOT REQUIRE A COUNTY OR MUNICIPALITY TO MANAGE OR ENFORCE THE RECYCLING ACTIVITIES OF A PERSON THAT IS OPERATING WITHIN THE BOUNDARIES OF THAT COUNTY OR MUNICIPALITY”

(D) A COUNTY OR MUNICIPALITY MAY REQUIRE A PERSON THAT PROVIDES FOR RECYCLING OF MATTRESSES TO REPORT TO THE COUNTY OR MUNICIPALITY ON THOSE RECYCLING ACTIVITIES IN A MANNER DETERMINED BY THE COUNTY OR MUNICIPALITY.

(E) THE RECYCLING REQUIRED UNDER THIS ACT SHALL BE CARRIED OUT IN ACCORDANCE WITH THE RECYCLING PLAN REQUIRED UNDER § 9–1703 OF THIS SUBTITLE FOR THE COUNTY OR MUNICIPALITY IN WHICH THE PERSON IS OPERATING MATTRESS RECYCLING

(F) AN ENFORCEMENT UNIT, OFFICER, OR OFFICIAL OF A COUNTY OR MUNICIPALITY MAY CONDUCT INSPECTIONS TO ENFORCE THIS SECTION.

(G) This Act may not be construed to preempt or prevail over any ordinance, resolution, law, or rule more stringent than this Act.

- 2) Please consider clarifying that the Plan/Producers may also execute agreements with local governments and utilize their already procured mattress recycling contracts. Many local governments will want to maintain control over their mattress recycling programs, by managing their own procurements and selecting their own mattress recyclers, while receiving the reimbursement under the program. Red text listed below acts as recommended amendments:

Page 12 of HB1355:

“(II) NEGOTIATING AND EXECUTING AGREEMENTS, INCLUDING AGREEMENTS WITH EXISTING RECYCLING PROGRAMS AND CONTRACTS, TO COLLECT, TRANSPORT, REUSE, RECYCLE, PROCESS FOR MATERIALS RECOVERY, AND DISPOSE OF MATTRESSES.”

- 3) In order to have small City/Municipality representation, please consider adding the following language in. Small Cities/Municipalities tend to have different experiences (and often more difficult experiences when implementing and funding recycling programs) compared to Counties, and only MACo is included on the Advisory Board in this bill. Red text listed below acts as recommended amendments:

Page 20 of HB1355:

“(x) ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE;”

- 4) Many recycling programs measure materials collected by weight, not volume. Please consider the red text listed below, as recommended amendments:

Page 17 of HB1355:

“(II) THE AMOUNT [VOLUME] AND TYPE OF MATTRESSES COLLECTED IN THE STATE SORTED BY TYPE OF COLLECTION SITE;

(III) THE AMOUNT [VOLUME] AND TYPE OF MATTRESSES COLLECTED IN THE STATE BY METHODS OF DISPOSITION, INCLUDING REUSE, RECYCLING, AND OTHER METHODS OF PROCESSING OR DISPOSAL, WHICH INCLUDES AN ACCOUNTING OF THE AMOUNT [VOLUME] OF MATTRESSES COLLECTED IN THE STATE FOR EACH COUNTY IN THE STATE”

- 5) While MRN supports the intention, there are still concerns that the curbside collection portion (from private property) that is to be funded under HB1355 (pages 12 -13) could make the consumer fees prohibitively expensive, so MRN recommends this portion of the Bill include language for the Department of the Environment to evaluate potential collection costs from private property and this feasibility after the initial collection sites are established under the Plan, as part of a Phase II effort.

MRN feels that by giving the Department of the Environment the ability to approve this portion of the Plan after the initial program is established statewide that it will ensure a complete financial impact review is considered prior to any decision being made, and ensure a reasonable consumer fee is still in place.

- 6) MRN’s interpretation of HB1355 is that it is to fund not only the implementation of a statewide mattress recycling program, but also the continued operation of the program indefinitely. Thus, please consider the red text listed below, as recommended amendments:

Page 14 of HB1355:

“(7) THE TOTAL AMOUNT OF THE MATTRESS STEWARDSHIP ASSESSMENT MAY NOT EXCEED THE COSTS OF IMPLEMENTING AND OPERATING THE MATTRESS STEWARDSHIP PROGRAM”

“(8) (I) THE MATTRESS STEWARDSHIP ASSESSMENT SHALL BE EVALUATED BY AN INDEPENDENT FINANCIAL AUDITOR, AS DESIGNATED BY THE DEPARTMENT, TO ENSURE THE COSTS OF IMPLEMENTING AND OPERATING THE MATTRESS STEWARDSHIP PROGRAM ARE COVERED BUT NOT EXCEEDED.”

“(9) MATTRESS STEWARDSHIP ASSESSMENTS MAY BE USED ONLY TO IMPLEMENT AND OPERATE THE MATTRESS STEWARDSHIP PROGRAM.”

“(10) IF [WHEN] THE MATTRESS STEWARDSHIP PROGRAM BECOMES PROFITABLE BASED ON ANY PRODUCTS IT PRODUCES FROM THE RECYCLED MATERIAL, ASSESSMENT FEES SHALL BE PHASED OUT, BUT SHALL BE PHASED BACK IN IF THE MATTRESS STEWARDSHIP PROGRAM IS NO LONGER PROFITABLE.”

Page 15 of HB1355:

“(I) A PRODUCER OR RETAILER MAY NOT SELL OR OFFER FOR SALE A BRAND OF MATTRESS TO ANY PERSON IN THE STATE, UNLESS THE PRODUCER OF THE BRAND OR A REPRESENTATIVE ORGANIZATION OF WHICH THE PRODUCER IS A MEMBER IS [IMPLEMENTING] OPERATING AN APPROVED MATTRESS STEWARDSHIP PROGRAM”

Page 16 of HB1355:

“(II) INFORMATION THAT NOTIFIES CONSUMERS THAT AN ASSESSMENT TO COVER THE COSTS OF IMPLEMENTING AND OPERATING THE PROGRAM IS INCLUDED IN THE PURCHASE PRICE OF ALL MATTRESSES SOLD IN THE STATE.”

“(G) A POSTCONSUMER MATTRESS COLLECTION SITE THAT IS IDENTIFIED IN THE PLAN MAY NOT CHARGE AN ADDITIONAL FEE FOR THE [DISPOSAL] MANAGEMENT OF MATTRESSES WHEN MATTRESSES ARE OFFERED FOR DISPOSAL, REUSE, OR RECYCLING UNDER AN APPROVED MATTRESS STEWARDSHIP PROGRAM.

Page 18 of HB1355:

“(II) DETERMINE WHETHER THE PROGRAM IS BEING IMPLEMENTED AND OPERATED IN ACCORDANCE WITH THE PLAN APPROVED UNDER SUBSECTION (C) OF THIS SECTION.”

Page 19 of HB1355:

“(B) THE PURPOSE OF THE ADVISORY BOARD IS TO ADVISE ON THE PROPER IMPLEMENTATION, OPERATION AND SUSTAINABILITY OF THE MATTRESS STEWARDSHIP PROGRAM.”