

March 6, 2024

Environment and Transportation Committee
Room 251
House Office Building
Annapolis, Maryland 21401

RE: House Bill 1355: Environment - Office of Recycling - Mattress Stewardship Program - Establishment

Dear Chair Korman, Vice Chair Boyce and Members of the Environment and Transportation Committee:

ISPA represents mattress manufacturers, as well as those that provide components and services to mattress companies. ISPA supports product stewardship efforts and has taken steps to improve the long-term environmental sustainability of the mattress industry's operations and products. These efforts include creating a non-profit entity called the Mattress Recycling Council or MRC, which has operated successful mattress recycling programs in California, Connecticut and Rhode Island for the past nine years.

ISPA agrees with the goals expressed in HB 1355 to responsibly manage discarded mattresses. Nevertheless, we urge the committee to make several changes to HB 1355 to address problems that we have identified based on our experience in operating existing and successful mattress recycling programs in other states.

By way of background, the existing mattress recycling programs that MRC has developed and administered are funded by a point of sale recycling fee that the retailer collects from the consumer and remitted to MRC, subject to the state's oversight. MRC uses the fees to contract with third parties to collect, transport and process mattresses discarded in the state and to fund education and outreach to consumers. This provides for no-cost and accessible state-wide opportunities for residents and businesses to discard their used mattresses. Through this model, MRC recycles over 1.7 million units annually and has recycled over 13 million units total over its nine years of operations. The mattress industry designed MRC so that its activities can be expanded relatively easily to additional states that enact legislation consistent with the existing programs. Based on our initial review of HB 1355 and the mattress industry's experience in implementing other recycling programs, our suggested changes to the bill are as follows:

1. Regional Cooperation and Cross Border Concerns

Maryland borders four other states and the District of Columbia. A number of significant urban areas are located in these other jurisdictions close to Maryland's border. As a result, any recycling program that would be funded by a fee on retail mattress sales will run two significant risks:

- a. that consumers will leave Maryland to buy their mattresses, and
- b. that waste haulers outside of Maryland will attempt to discard the mattresses they collect in Maryland.

Additionally, the program could become both underfunded and overwhelmed with volume. For these reasons, ISPA thinks that a regional approach to mattress recycling is appropriate for this area. Such an approach would allow for better economies of scale in collecting, transporting and recycling mattresses and funding from all of the states in the Mid-Atlantic region.

2. Convenience Criteria

ISPA urges the Committee to reconsider the convenience criteria proposed in HB 1355 and to confirm whether that standard is appropriate for collecting and recycling used mattresses in Maryland. We understand this standard was adopted from the paint stewardship bill. Although this standard may be appropriate for collecting paint, it may not be for mattresses, given that paint and mattresses are very different products.

Further, HB 1355 requires the stewardship organization premium pick up services for mattresses from private property. MRC works with existing infrastructure but does not offer this type of collection option in any of our current states. While we support curbside bulky item pick up of mattresses and encourage counties to continue that service where available, providing these services statewide could increase costs 5-fold.

3. Fee language

ISPA recommends some changes to the fee language, including:

- a. Fee should cover but not exceed the costs of operating and administering the program and maintain a financial reserve sufficient to operate the program over a multi-year period.

- b. MRC experience with the fee remitted by the retailer rather than others in the supply chain is cleaner and allows for uniformity for retailers operating in Maryland and other MRC program states or future MRC program states.

4. Advisory Board

ISPA understands and appreciates the interest in transparency and stakeholder involvement but believes an advisory board is unnecessary to achieve these objectives. MRC depends on stakeholder feedback and input during program plan development and implementation. MRC seeks to engage all stakeholders, not just those listed in the bill elevated to the Advisory Board, to build a convenient and effective statewide mattress recycling program. MRC recommends that any advisory board clearly disclose any potential financial, personal, or business conflicts of interest and adhere to relevant open meetings rules and regulations.

5. Certain unrecyclable discarded mattresses

There are certain used mattresses, for example, those mixed with putrescible solid waste in the back of a trash compacter, those infested with bedbugs, heavily contaminated with bodily fluids or otherwise pose a public health risk that cannot be handled by workers at mattress recycling facilities. Those mattresses must be disposed of and should be managed, as they are now, through the existing solid waste stream. The bill should address these units as non-program units and allow for their safe and proper disposal.

To conclude my testimony, ISPA looks forward to working with Maryland as it tackles the issue of mattress recycling. As an organization that operates these programs on a day-to-day basis, MRC knows how to manage and recycle discarded mattresses efficiently and effectively. For this reason, ISPA and MRC are prepared to work with the Committee, bill sponsor and interested stakeholders to expand MRC's successful network to Maryland.

Sincerely,

Ryan Trainer
VP, Policy and Government Affairs
International Sleep Products Association