

# HOUSE BILL 1226

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By: **Delegate Hill**

Introduced and read first time: February 11, 2022

Assigned to: Environment and Transportation and Economic Matters

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## A BILL ENTITLED

AN ACT concerning

### **Environment – Office of Recycling – Mattress Stewardship Program – Establishment**

FOR the purpose of prohibiting, on and after a certain date, a person from disposing of a mattress in a landfill; prohibiting a person from burning or incinerating a mattress as an alternative means of disposal, subject to certain exceptions; requiring certain producers of mattresses sold at retail in the State or a certain representative organization to submit a plan for the establishment of a Mattress Stewardship Program to the Department of the Environment for approval on or before a certain date and in accordance with certain requirements; requiring a certain plan to establish a certain assessment on mattresses sold in the State that is necessary to cover certain costs; requiring the Office of Recycling within the Department to review and approve certain plans and annual reports, including a certain assessment; requiring certain producers and retailers or distributors to add a certain assessment to the cost of all mattresses sold in the State beginning on a certain date; requiring a certain producer or representative organization to implement a certain program within a certain amount of time after the Department approves a certain plan; prohibiting a producer or retailer from selling or offering for sale certain mattresses under certain circumstances after a certain amount of time after the Department approves a certain plan; establishing the Mattress Stewardship Advisory Board; authorizing the Department to cooperate with other entities in other states in order to further the objectives of this Act; requiring the Department to adopt certain measures to move the State toward a more equitable recycling and waste management system and to seek environmental justice for underserved communities; and generally relating to the disposal of mattresses and the Mattress Stewardship Program.

BY repealing and reenacting, without amendments,  
Article – Environment  
Section 9–1701(a), (i), and (m) and 9–1702(a)  
Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2021 Supplement)

BY adding to

Article – Environment

Section 9–1701(j–1), (j–2), (j–3), (j–4), (o–1), (o–2), (r–2), (r–3), and (r–4) and 9–1715; and 9–1733 through 9–1735 to be under the new part “Part V. Mattress Stewardship Program”

Annotated Code of Maryland

(2014 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1702(d) and (e) and 9–1707(f)

Annotated Code of Maryland

(2014 Replacement Volume and 2021 Supplement)

### Preamble

WHEREAS, In the United States, it is estimated that approximately 20 million mattress units are disposed of annually; and

WHEREAS, Mattresses deplete limited landfill space, create flammable air pockets, damage equipment used at landfills, contribute to air pollution when incinerated, contain nonbiodegradable synthetic foam and fibers and hazardous flame–retardant chemicals that can leach into the drinking water, and contribute to roadside litter when dumped illegally; and

WHEREAS, Mattresses pose practical challenges inherent to disposal because mattresses are bulky and not easily compacted, making transport and disposal inefficient; and

WHEREAS, Programs to address the disposal of mattresses that are good for the environment and good for the economy have been implemented successfully in other jurisdictions, including programs implemented through nonprofit organizations with expertise in social enterprises; and

WHEREAS, St. Vincent de Paul Society of Lane County, Oregon, operates three mattress recycling facilities, employs more than 500 individuals, including disadvantaged individuals, diverts 17.8 million pounds of reusable and recyclable material annually from landfills, and generates revenue that supports its social mission; and

WHEREAS, Under Executive Order 01.01.2017.13, Maryland has committed to sustainable materials management practices, which use and manage materials as efficiently and sustainably as possible; and

WHEREAS, According to Executive Order 01.01.2017.13, through source reduction, reuse, and recycling, Maryland can extend existing disposal capacity, reduce the need to

construct new or expanded solid waste disposal facilities, conserve natural resources, and support a productive economy through recovery of valuable resources; and

WHEREAS, According to Executive Order 01.01.2017.13, studies have shown that diverting materials from disposal to reuse, recycling, and composting results in more jobs and a more sustainable economy; and

WHEREAS, Executive Order 01.01.2017.13 establishes as the policy of the State that solid waste and recycling should seek, among other things, to minimize the environmental impacts of materials management over the materials' entire life cycles; and

WHEREAS, Implementing policies for mattresses is consistent with existing State policy; and

WHEREAS, Providing examples of mattress recycling to Maryland communities enables the consideration of environmental, economic, and social benefits in addressing the disposal, collection, deconstruction, reuse, and recycling of mattresses; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### Article – Environment

9–1701.

(a) In this subtitle the following words have the meanings indicated.

(i) “Director” means the Director of the Office of Recycling.

**(J–1) (1) “MATTRESS” MEANS A RESILIENT MATERIAL OR COMBINATION OF MATERIALS THAT IS ENCLOSED BY A TICKING, IS USED ALONE OR IN COMBINATION WITH OTHER PRODUCTS, AND IS INTENDED FOR OR PROMOTED FOR SLEEPING ON.**

**(2) “MATTRESS” INCLUDES BOX SPRINGS AND ANY USED OR RENOVATED MATERIALS.**

**(3) “MATTRESS” DOES NOT INCLUDE:**

**(I) AN UNATTACHED MATTRESS PAD OR TOPPER THAT IS DESIGNED TO BE USED ON TOP OF OR IN ADDITION TO A MATTRESS;**

**(II) A WATERBED, AN AIR MATTRESS, OR ANY OTHER PRODUCT THAT CONTAINS LIQUID– OR GAS–FILLED TICKING AND THAT DOES NOT CONTAIN UPHOLSTERY MATERIAL BETWEEN THE TICKING AND THE MATTRESS CORE;**

**(III) A CARRIAGE, A BASKET, A DRESSING TABLE, A STROLLER, A**

PLAYPEN, AN INFANT CARRIER, A LOUNGE PAD, A CRIB BUMPER, A CRIB MATTRESS, A BASSINET MATTRESS, OR ANY OTHER PRODUCT MANUFACTURED FOR YOUNG CHILDREN;

(IV) A SLEEPING BAG;

(V) A PILLOW;

(VI) A FUTON, SLEEPER SOFA, OR FOLD-OUT SOFA BED;

(VII) A FOUNDATION;

(VIII) A CAR BED; OR

(IX) FURNITURE THAT OTHERWISE DOES NOT CONTAIN A DETACHABLE MATTRESS.

(J-2) “MATTRESS CORE” MEANS THE PRINCIPAL SUPPORT SYSTEM THAT IS PRESENT IN A MATTRESS, INCLUDING:

(1) SPRINGS;

(2) FOAM;

(3) AN AIR BLADDER;

(4) A WATER BLADDER; AND

(5) RESILIENT FILLING.

(J-3) “MATTRESS STEWARDSHIP ASSESSMENT” MEANS THE AMOUNT ADDED TO THE PURCHASE PRICE OF MATTRESSES SOLD IN THE STATE THAT IS NECESSARY TO COVER THE MATTRESS STEWARDSHIP PROGRAM’S COST OF COLLECTING, TRANSPORTING, AND PROCESSING POSTCONSUMER MATTRESSES STATEWIDE.

(J-4) “MATTRESS WASTE MANAGEMENT ENTITY” MEANS A WASTE MANAGEMENT COMPANY AUTHORIZED OR CONTRACTED BY THE MATTRESS STEWARDSHIP PROGRAM TO COLLECT, DISAGGREGATE, REDUCE, REUSE, AND RECYCLE MATTRESSES.

(m) “Office” means the Office of Recycling within the Department.

(O-1) “POSTCONSUMER MATTRESS” MEANS A MATTRESS NOT USED AND NO LONGER WANTED BY A PURCHASER.

**(O-2) (1) “PRODUCER” MEANS:**

**(I) A MANUFACTURER OF MATTRESSES THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES MATTRESSES IN THE STATE UNDER THE PRODUCER’S OWN NAME OR BRAND; OR**

**(II) AN INDIVIDUAL WHO IMPORTS MATTRESSES INTO THE STATE TO SELL, OFFER FOR SALE, OR DISTRIBUTE IN THE STATE.**

**(2) “PRODUCER” INCLUDES THE OWNER OF A MATTRESS TRADEMARK OR BRAND.**

**(R-2) “REPRESENTATIVE ORGANIZATION” MEANS A NONPROFIT ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT A MATTRESS STEWARDSHIP PROGRAM.**

**(R-3) “RETAILER” MEANS ANY PERSON THAT OFFERS MATTRESSES FOR SALE AT RETAIL IN THE STATE.**

**(R-4) “SALE” OR “SELL” MEANS ANY TRANSFER OF TITLE FOR CONSIDERATION, INCLUDING REMOTE SALES CONDUCTED THROUGH SALES OUTLETS, CATALOGUES, THE INTERNET, OR ANY OTHER SIMILAR ELECTRONIC MEANS.**

9-1702.

(a) There is an Office of Recycling created within the Department.

(d) The Office shall:

(1) Assist the counties in developing an acceptable recycling plan required under § 9-1703 of this subtitle and § 9-505 of this title, including technical assistance to the local governments;

(2) Coordinate the efforts of the State to facilitate the implementation of the recycling goals at the county level;

(3) Review all recycling plans submitted as part of a county plan as required under § 9-505 of this title and advise the Secretary on the adequacy of the recycling plan;

**(4) (I) REVIEW AND APPROVE PLANS AND ANNUAL REPORTS, INCLUDING THE MATTRESS STEWARDSHIP ASSESSMENT, SUBMITTED IN ACCORDANCE WITH A MATTRESS STEWARDSHIP PROGRAM ESTABLISHED UNDER**

**PART V OF THIS SUBTITLE;**

**(II) PROVIDE TO LOCAL COMMUNITIES THE MOST UP-TO-DATE INFORMATION ON LOCAL AND NATIONAL PROGRAMS FOR THE RECYCLING AND REUSE OF MATTRESSES; AND**

**(III) PROVIDE TO LOCAL COMMUNITIES FOR CONSIDERATION EXAMPLES OF MATTRESS RECYCLING PROGRAMS THAT CREATE JOBS FOR:**

- 1. UNEMPLOYED INDIVIDUALS;**
- 2. HOMELESS INDIVIDUALS;**
- 3. DISADVANTAGED YOUTH;**
- 4. INDIVIDUALS WITH DISABILITIES;**
- 5. INDIVIDUALS WHO WERE INCARCERATED IN A LOCAL, STATE, OR FEDERAL CORRECTIONAL FACILITY; AND**
- 6. OTHER DISADVANTAGED INDIVIDUALS;**

**[(4)] (5)** Administer the Statewide Electronics Recycling Program under Part IV of this subtitle; and

**[(5)] (6)** Promote the development of markets for recycled materials and recycled products in the State in accordance with § 9-1702.1 of this subtitle.

(e) Beginning on January 1, 1990, and biannually thereafter, the Office shall, in coordination with the Maryland Environmental Service, study and report to the Governor and, subject to § 2-1257 of the State Government Article, the General Assembly on:

(1) The identification and location of recycling centers, including an analysis of existing recycling centers and the need to expand these facilities or construct new recycling centers;

(2) Programs necessary to educate the public on the need to participate in recycling efforts;

(3) The economics and financing of existing and proposed systems of waste disposal and recycling;

(4) State procurement policies for the purchase of recycled materials;

(5) Programs necessary to reduce the amount of solid waste generated for

disposal by a State agency or unit;

(6) The liaison role with local governments, the federal government, and the private sector;

(7) The percentage reduction in the amount of solid waste that has been achieved by each county; [and]

(8) Economically feasible methods for the recycling of scrap automobile tires, batteries, and white goods; AND

**(9) THE PROGRESS MADE IN THE STATE IN DIVERTING MATTRESSES FROM DISPOSAL IN LANDFILLS AND INCINERATORS.**

9-1707.

(f) (1) There is a State Recycling Trust Fund.

(2) The Fund shall consist of:

(i) The newsprint recycling incentive fee;

(ii) The telephone directory recycling incentive fee collected under § 9-1709 of this subtitle;

(iii) The covered electronic device manufacturer registration fee collected under § 9-1728 of this subtitle;

**(IV) THE MATTRESS STEWARDSHIP PROGRAM PLAN AND ANNUAL REPORT REVIEW FEES COLLECTED UNDER § 9-1733(C)(2) AND (I)(2) OF THIS SUBTITLE;**

[(iv)] (V) All fines and penalties collected under this subtitle;

[(v)] (VI) Money appropriated in the State budget to the Fund; and

[(vi)] (VII) Any other money from any other source accepted for the benefit of the Fund.

(3) The Secretary shall administer the Fund.

(4) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(5) At the end of each fiscal year, any unspent or unencumbered balance in the Fund that exceeds \$2,000,000 shall revert to the General Fund of the State in

accordance with § 7–302 of the State Finance and Procurement Article.

(6) In accordance with the State budget, the Fund shall be used only:

(i) To provide grants to the counties to be used by the counties to develop and implement local recycling plans;

(ii) To provide grants to counties that have addressed methods for the separate collection and recycling of covered electronic devices in accordance with § 9–1703(c)(1) of this subtitle;

(iii) To provide grants to municipalities to be used by the municipalities to implement local covered electronic device recycling programs; [and]

**(IV) TO COVER THE ACTUAL COSTS OF THE MATTRESS STEWARDSHIP PROGRAM PLAN REVIEW UNDER § 9–1733(C) OF THIS SUBTITLE, THE ANNUAL REPORT REVIEW UNDER § 9–1733(I) OF THIS SUBTITLE, AND ASSOCIATED COSTS FOR PROGRAM COMPLIANCE OVERSIGHT; AND**

~~[(iv)]~~ (V) To carry out the purposes of the land management administration.

(7) (i) The Treasurer shall invest the money in the Fund in the same manner as other State money may be invested.

(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.

**9–1715.**

**(A) ON OR AFTER JANUARY 1, 2027, A PERSON MAY NOT DISPOSE OF A MATTRESS IN A LANDFILL.**

**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT BURN OR INCINERATE A MATTRESS AS AN ALTERNATIVE MEANS OF DISPOSAL.**

**(2) A MATTRESS MAY BE INCINERATED IF:**

**(I) THE MATTRESS IS CONTAMINATED WITH BIOLOGICAL FLUIDS, TOXINS, OR INFECTIOUS AGENTS; AND**

**(II) MANAGING THE MATTRESS FOR RECLAMATION, RECYCLING, REUSE, OR DISASSEMBLY PRESENTS AN UNACCEPTABLE HEALTH OR SAFETY RISK TO THE WORKERS OR THE GENERAL PUBLIC.**

9-1731. RESERVED.

9-1732. RESERVED.

**PART V. MATTRESS STEWARDSHIP PROGRAM.**

9-1733.

(A) ON OR BEFORE JULY 1, 2023, PRODUCERS OF MATTRESSES SOLD AT RETAIL IN THE STATE, OR A REPRESENTATIVE ORGANIZATION ACTING ON A PRODUCER'S BEHALF, SHALL SUBMIT A PLAN FOR THE ESTABLISHMENT OF A MATTRESS STEWARDSHIP PROGRAM TO THE DEPARTMENT FOR APPROVAL.

(B) (1) THE PLAN REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(I) IDENTIFY THE MATERIALS, ENTITIES, AND RESPONSIBLE PARTIES COVERED UNDER THE PLAN;

(II) DESCRIBE THE ORGANIZATIONAL STRUCTURE OF ANY REPRESENTATIVE ORGANIZATION;

(III) DESCRIBE THE FINANCING METHOD FOR THE PLAN, INCLUDING HOW FEES WILL BE STRUCTURED AND COLLECTED;

(IV) DESCRIBE SOUND MANAGEMENT PRACTICES THAT WILL BE USED FOR WORKER HEALTH AND SAFETY;

(V) DESCRIBE HOW DISCARDED MATTRESSES NOT COVERED UNDER THE PROGRAM WILL BE HANDLED;

(VI) DESCRIBE HOW PRODUCERS WILL:

1. WORK WITH EXISTING RECYCLING PROGRAMS AND INFRASTRUCTURE;

2. CONSULT WITH STATE AND LOCAL GOVERNMENTS AND OTHER STAKEHOLDERS; AND

3. CONDUCT RESEARCH AS NEEDED TO IMPROVE THE COLLECTION AND RECYCLING OF MATTRESSES;

**(VII) DESCRIBE HOW MATTRESS WASTE MANAGEMENT ENTITIES WILL BE SOLICITED, RECRUITED, AND SUPPORTED, INCLUDING:**

1. EXISTING MUNICIPAL, PRIVATE, AND NONPROFIT ENTITIES IN THE STATE THAT WORK IN THE MATTRESS WASTE STREAM MANAGEMENT FIELD;

2. EXISTING ENTITIES IN THE STATE THAT WORK IN THE GENERAL WASTE MANAGEMENT FIELD;

3. ENTITIES THAT HAVE EXPERIENCE IN OR PRIORITIZE DISAGGREGATION, REUSE, AND RECYCLING OF COMPONENT MATTRESS PARTS;

4. MINORITY BUSINESS ENTERPRISES;

5. MINORITY-OWNED BUSINESSES THAT ARE NOT DESIGNATED AS MINORITY BUSINESS ENTERPRISES;

6. WOMAN-OWNED BUSINESSES;

7. VETERAN-OWNED BUSINESSES; AND

8. BUSINESSES THAT PRIORITIZE THE TRAINING AND HIRING OF:

A. INDIVIDUALS REENTERING SOCIETY AFTER IMPRISONMENT;

B. INDIVIDUALS EXPERIENCING HOMELESSNESS AND HOUSING INSECURITY;

C. INDIVIDUALS IN ADDICTION RECOVERY;

D. INDIVIDUALS WITH DISABILITIES; AND

E. INDIVIDUALS WHO ARE OTHERWISE SOCIOECONOMICALLY OR HISTORICALLY MARGINALIZED OR DISADVANTAGED;

**(VIII) PROVIDE ACCEPTABLE OPTIONS FOR THE MANAGEMENT OF DEEPLY CONTAMINATED MATTRESSES;**

**(IX) PROVIDE AN ESTIMATED ANNUAL OPERATING BUDGET;**

(X) PROVIDE A PLAN FOR MARKET DEVELOPMENT;

(XI) PROVIDE THE TIME FRAME FOR ACHIEVING ZERO-WASTE GOALS AND PROGRAM PROFITABILITY AND SUSTAINABILITY WITHOUT THE NEED FOR FEES BY:

1. ENCOURAGING EXPANSION AND DEVELOPMENT OF DOWNSTREAM MARKETS FOR DISAGGREGATED COMPONENT MATTRESS PARTS;

2. INCREASING EFFICIENCIES OF END-OF-LIFE PRODUCT MANAGEMENT; AND

3. ENCOURAGING EFFECTIVE COORDINATION AND SHARING OF RESOURCES WHERE POSSIBLE; AND

(XII) PROVIDE A PLAN IN CASE OF CLOSURE OF THE PROGRAM.

(2) THE PLAN SHALL MINIMIZE PUBLIC SECTOR INVOLVEMENT IN, AND FINANCIAL RESPONSIBILITY FOR, THE MANAGEMENT OF MATTRESS DISPOSAL BY:

(I) PROMOTING MATTRESS REUSE AND RECYCLING; AND

(II) NEGOTIATING AND EXECUTING AGREEMENTS TO COLLECT, TRANSPORT, REUSE, RECYCLE, PROCESS FOR RESOURCE RECOVERY, AND DISPOSE OF MATTRESSES.

(3) THE PLAN SHALL PROVIDE FOR CONVENIENT AND AVAILABLE STATE COLLECTION OF MATTRESSES THAT:

(I) PROVIDES FOR FREE ACCESS TO COLLECTION OR DROP-OFF OF MATTRESSES FROM RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, OR OTHER SOURCES, ALONG WITH CONVENIENCE EQUAL TO OR GREATER THAN THE COLLECTION PROGRAMS AVAILABLE TO CONSUMERS PRIOR TO THE MATTRESS STEWARDSHIP PROGRAM STATEWIDE;

(II) PROVIDES A CONVENIENT METHOD FOR THE PUBLIC TO ACCESS A LIST OF COLLECTION OR DROP-OFF OPTIONS;

(III) IDENTIFIES EACH PRODUCER PARTICIPATING IN THE MATTRESS STEWARDSHIP PROGRAM AND THE BRANDS OF MATTRESSES SOLD IN THE STATE THAT ARE COVERED BY THE PROGRAM;

**(IV) PROVIDES GEOGRAPHIC MODELING TO DETERMINE THE NUMBER AND DISTRIBUTION OF SITES FOR ALL COLLECTION OF POSTCONSUMER MATTRESSES BASED ON THE FOLLOWING CRITERIA:**

**1. AT LEAST 90% OF THE RESIDENTS OF THE STATE SHALL HAVE A COLLECTION SITE WITHIN A 15-MILE RADIUS; AND**

**2. UNLESS OTHERWISE APPROVED BY THE DEPARTMENT, ONE ADDITIONAL COLLECTION SITE SHALL BE ESTABLISHED FOR EVERY 50,000 RESIDENTS OF A GEOGRAPHICAL AREA DESIGNATED UNDER FEDERAL LAW AS AN URBANIZED AREA;**

**(V) PROVIDES INFORMATION ON HOW MATTRESSES CONTAMINATED BY BIOLOGICAL FLUIDS, TOXINS, OR INFECTIOUS AGENTS WILL BE DISPOSED OF, INCLUDING WHETHER THE DISPOSAL WILL BE HANDLED IN OR OUT OF THE STATE; AND**

**(VI) ALLOWS FOR SCHEDULING AND PICK-UP OF MATTRESSES FROM PRIVATE PROPERTY.**

**(4) THE PLAN MAY IDENTIFY A RETAILER AS A POSTCONSUMER MATTRESS COLLECTION SITE IF:**

**(I) THE RETAILER VOLUNTEERS TO ACT AS A POSTCONSUMER MATTRESS COLLECTION SITE;**

**(II) THE RETAILER IS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS; AND**

**(III) THE SITE LOCATION OF THE RETAILER IS CONSISTENT WITH MAINTAINING A COST-EFFECTIVE NETWORK OF POSTCONSUMER MATTRESS COLLECTION LOCATIONS.**

**(5) THE PLAN SHALL ESTABLISH:**

**(I) A UNIFORM MATTRESS STEWARDSHIP ASSESSMENT FOR ALL MATTRESSES SOLD IN THE STATE; AND**

**(II) A MECHANISM FOR PRODUCERS PARTICIPATING IN A MATTRESS STEWARDSHIP PROGRAM TO REMIT TO THE REPRESENTATIVE ORGANIZATION PAYMENT OF THE MATTRESS STEWARDSHIP ASSESSMENT FOR EACH MATTRESS SOLD IN THE STATE.**

**(6) THE PLAN SHALL ESTABLISH PERFORMANCE GOALS FOR:**

**(I) THE COLLECTION RATES OF DISCARDED MATTRESSES;**

**(II) THE RECYCLING RATES OF DISCARDED MATTRESSES, INCLUDING CLOSED-LOOP RECYCLING;**

**(III) THE RENOVATION RATES OF DISCARDED MATTRESSES; AND**

**(IV) PUBLIC AWARENESS OF THE MATTRESS STEWARDSHIP PROGRAM.**

**(7) THE TOTAL AMOUNT OF THE MATTRESS STEWARDSHIP ASSESSMENT MAY NOT EXCEED THE COSTS OF IMPLEMENTING 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 THE MATTRESS STEWARDSHIP PROGRAM ARE COVERED BUT NOT EXCEEDED.**

**(II) THE COST OF ANY WORK PERFORMED BY AN INDEPENDENT FINANCIAL AUDITOR SHALL BE FUNDED BY THE MATTRESS STEWARDSHIP PROGRAM.**

**(9) MATTRESS STEWARDSHIP ASSESSMENTS MAY BE USED ONLY TO IMPLEMENT THE MATTRESS STEWARDSHIP PROGRAM.**

**(10) WHEN THE MATTRESS STEWARDSHIP PROGRAM BECOMES PROFITABLE BASED ON ANY PRODUCTS IT PRODUCES FROM THE RECYCLED MATERIAL, ASSESSMENT FEES SHALL BE PHASED OUT.**

**(11) (I) EACH PLAN SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION AND APPROVED BY THE DEPARTMENT SHALL BE REEVALUATED BY THE DEPARTMENT EVERY 5 YEARS.**

**(II) THE DEPARTMENT MAY REQUIRE A PLAN TO BE REVISED BEFORE ITS TIME PERIOD ENDS IF TARGETS ARE NOT BEING MET OR THERE IS A CHANGE IN CIRCUMSTANCES THAT WARRANTS A REVISION.**

**(C) (1) THE DEPARTMENT SHALL REVIEW:**

**(I) THE MATTRESS STEWARDSHIP PROGRAM PLAN REQUIRED**

UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) THE WORK PRODUCT OF THE INDEPENDENT FINANCIAL AUDITOR DESIGNATED BY THE DEPARTMENT TO EVALUATE MATTRESS STEWARDSHIP ASSESSMENTS.

(2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT SUBMITS A PLAN FOR APPROVAL SHALL PAY A PLAN REVIEW FEE TO THE DEPARTMENT TO BE DEPOSITED INTO THE STATE RECYCLING TRUST FUND UNDER § 9-1707 OF THIS SUBTITLE THAT COVERS THE DEPARTMENT'S COST OF PLAN REVIEW, INCLUDING ASSOCIATED COSTS FOR MATTRESS STEWARDSHIP PROGRAM COMPLIANCE OVERSIGHT, AS DETERMINED BY THE DEPARTMENT.

(3) IF THE DEPARTMENT DETERMINES THAT THE MATTRESS STEWARDSHIP PROGRAM PLAN, INCLUDING THE MATTRESS STEWARDSHIP ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL APPROVE THE PROGRAM.

(4) THE DEPARTMENT SHALL LIST ON ITS WEBSITE THE PRODUCERS AND BRANDS IMPLEMENTING OR PARTICIPATING IN AN APPROVED MATTRESS STEWARDSHIP PROGRAM.

(D) (1) A PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL IMPLEMENT ITS MATTRESS STEWARDSHIP PROGRAM PLAN WITHIN 1 YEAR AFTER THE PLAN'S APPROVAL BY THE DEPARTMENT.

(2) BEGINNING 1 YEAR AFTER A PRODUCER OR REPRESENTATIVE ORGANIZATION'S PLAN IS APPROVED:

(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 AN APPROVED MATTRESS STEWARDSHIP PROGRAM;

(II) A PRODUCER SHALL ADD THE MATTRESS STEWARDSHIP ASSESSMENT ESTABLISHED UNDER AN APPROVED MATTRESS STEWARDSHIP PROGRAM TO THE COST OF ALL MATTRESSES SOLD TO RETAILERS AND DISTRIBUTED IN THE STATE; AND

(III) EACH RETAILER OR DISTRIBUTOR SHALL ADD A MATTRESS STEWARDSHIP ASSESSMENT TO THE PURCHASE PRICE OF ALL MATTRESSES SOLD IN THE STATE BY DISPLAYING A LINE ITEM ON THE RECEIPT FOR THE ADDED COST.

**(E) A PRODUCER OR REPRESENTATIVE ORGANIZATION PARTICIPATING IN AN APPROVED MATTRESS STEWARDSHIP PROGRAM SHALL PROVIDE CONSUMERS WITH EDUCATIONAL MATERIALS REGARDING THE PROGRAM THAT INCLUDE:**

**(1) INFORMATION REGARDING AVAILABLE END-OF-LIFE MANAGEMENT OPTIONS FOR MATTRESSES OFFERED THROUGH THE PROGRAM; AND**

**(2) INFORMATION THAT NOTIFIES CONSUMERS THAT AN ASSESSMENT TO COVER THE COSTS OF IMPLEMENTING THE PROGRAM IS INCLUDED IN THE PURCHASE PRICE OF ALL MATTRESSES SOLD IN THE STATE.**

**(F) FOLLOWING THE IMPLEMENTATION OF THE MATTRESS STEWARDSHIP PROGRAM, A RETAILER COMPLIES WITH THE REQUIREMENTS OF THIS SECTION IF, ON THE DATE THE MATTRESS WAS ORDERED FROM THE PRODUCER OR ITS AGENT, THE PRODUCER OF THE MATTRESS BRAND IS LISTED ON THE DEPARTMENT'S WEBSITE AS IMPLEMENTING OR PARTICIPATING IN AN APPROVED MATTRESS STEWARDSHIP PROGRAM.**

**(G) A POSTCONSUMER MATTRESS COLLECTION SITE THAT IS IDENTIFIED IN THE PLAN MAY NOT CHARGE AN ADDITIONAL FEE FOR THE DISPOSAL OF MATTRESSES WHEN MATTRESSES ARE OFFERED FOR DISPOSAL, REUSE, OR RECYCLING.**

**(H) A PRODUCER OR REPRESENTATIVE ORGANIZATION THAT ORGANIZES THE COLLECTION, TRANSPORT, AND PROCESSING OF THE MATTRESSES IN ACCORDANCE WITH AN APPROVED MATTRESS STEWARDSHIP PROGRAM SHALL BE IMMUNE FROM LIABILITY FOR ANY CLAIM OF A VIOLATION OF ANTITRUST, RESTRAINT OF TRADE, OR UNFAIR TRADE PRACTICE ARISING FROM CONDUCT UNDERTAKEN IN ACCORDANCE WITH THE PROGRAM.**

**(I) (1) BEGINNING MARCH 1, 2025, OR 1 YEAR AFTER PLAN APPROVAL, WHICHEVER IS LATER, AND ANNUALLY THEREAFTER, THE PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT AND PUBLISH ONLINE A REPORT THAT DETAILS THE MATTRESS STEWARDSHIP PROGRAM, INCLUDING:**

**(I) A DESCRIPTION OF THE METHODS USED TO COLLECT, TRANSPORT, AND PROCESS MATTRESSES IN THE STATE;**

**(II) THE VOLUME AND TYPE OF MATTRESSES COLLECTED IN THE STATE SORTED BY TYPE OF COLLECTION SITE;**

(III) THE 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 VOLUME OF MATTRESSES COLLECTED IN THE STATE FOR EACH COUNTY IN THE STATE;

(IV) THE TOTAL COST OF IMPLEMENTING AND ADMINISTERING THE PROGRAM, AS DETERMINED BY AN INDEPENDENT FINANCIAL AUDIT FUNDED BY THE MATTRESS STEWARDSHIP ASSESSMENT;

(V) SAMPLES OF EDUCATIONAL MATERIALS USED TO INFORM CONSUMERS OF MATTRESS DISPOSAL, A SUMMARY OF PUBLIC EDUCATION EFFORTS, AND AN EVALUATION OF THE EFFECTIVENESS OF THESE METHODS;

(VI) AN EVALUATION OF WHY MATTRESSES THAT WERE NOT RECYCLED WERE NOT RECYCLED;

(VII) THE TOTAL SALE OF MATTRESSES SOLD TO CONSUMERS IN THE PREVIOUS YEAR;

(VIII) STRATEGIES TO ADDRESS DISCARDED MATTRESSES THAT ARE ILLEGALLY DUMPED, INCLUDING THE POTENTIAL UTILITY OF A DISPOSAL BAN;

(IX) REPORTS ON RESEARCH ACTIVITIES AND PILOT PROGRAMS;

(X) A DISCUSSION OF ANY CHANGES IN MATTRESS DESIGN; AND

(XI) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(2) THE PRODUCER OR REPRESENTATIVE ORGANIZATION THAT SUBMITS A REPORT REQUIRED UNDER THIS SUBSECTION SHALL PAY A REPORT REVIEW FEE TO THE DEPARTMENT TO BE DEPOSITED INTO THE STATE RECYCLING TRUST FUND UNDER § 9-1707 OF THIS SUBTITLE THAT COVERS THE DEPARTMENT'S COST OF REPORT REVIEW, INCLUDING ASSOCIATED COSTS FOR PROGRAM COMPLIANCE OVERSIGHT, AS DETERMINED BY THE DEPARTMENT.

(J) (1) THE DEPARTMENT SHALL REVIEW THE ANNUAL REPORT REQUIRED UNDER SUBSECTION (I) OF THIS SECTION AND:

(I) EVALUATE THE TOTAL COSTS OF THE MATTRESS STEWARDSHIP PROGRAM, INCLUDING ALL EXPENSES AND REVENUES, TO

DETERMINE WHETHER THE MATTRESS STEWARDSHIP ASSESSMENT MEETS OR EXCEEDS THE COSTS OF THE PROGRAM IN ACCORDANCE WITH SUBSECTION (B)(8) OF THIS SECTION; AND

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

(2) IF THE DEPARTMENT DETERMINES THAT THE MATTRESS STEWARDSHIP ANNUAL REPORT, INCLUDING THE MATTRESS STEWARDSHIP ASSESSMENT, COMPLIES WITH THE REQUIREMENTS OF THIS SECTION, THE DEPARTMENT SHALL APPROVE THE ANNUAL REPORT.

(3) THE PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL MAKE THE APPROVED ANNUAL REPORT AVAILABLE TO THE PUBLIC.

(4) IF THE DEPARTMENT DETERMINES THAT THE MATTRESS STEWARDSHIP ANNUAL REPORT, INCLUDING THE MATTRESS STEWARDSHIP ASSESSMENT, DOES NOT COMPLY WITH THE REQUIREMENTS OF THIS SECTION, THE PRODUCER OR REPRESENTATIVE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT A PLAN ON HOW THEY WILL ADDRESS THE NONCOMPLIANCE IN THE UPCOMING YEAR.

(K) (1) FINANCIAL, PRODUCTION, OR SALES DATA REPORTED TO THE DEPARTMENT BY A PRODUCER OR THE REPRESENTATIVE ORGANIZATION SHALL BE KEPT CONFIDENTIAL BY THE DEPARTMENT AND MAY NOT BE SUBJECT TO PUBLIC INSPECTION.

(2) THE DEPARTMENT MAY RELEASE SUMMARY DATA THAT DOES NOT DISCLOSE FINANCIAL, PRODUCTION, OR SALES DATA OF A PRODUCER, RETAILER, OR REPRESENTATIVE ORGANIZATION.

9-1734.

(A) THERE IS A MATTRESS STEWARDSHIP ADVISORY BOARD.

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

(C) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(1) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE

**PRESIDENT OF THE SENATE;**

**(2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;**

**(3) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;**

**(4) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE;**

**(5) THE SECRETARY OF COMMERCE, OR THE SECRETARY'S DESIGNEE;**

**(6) THE COMPTROLLER, OR THE COMPTROLLER'S DESIGNEE; AND**

**(7) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR:**

**(I) ONE REPRESENTATIVE OF MATTRESS RETAILERS;**

**(II) ONE REPRESENTATIVE OF THE MATTRESS MANUFACTURING INDUSTRY;**

**(III) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF THE SIERRA CLUB;**

**(IV) ONE REPRESENTATIVE OF AN ENVIRONMENTAL ADVOCACY GROUP;**

**(V) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF COUNTIES; AND**

**(VI) ONE CONSUMER REPRESENTATIVE EACH FROM WESTERN MARYLAND, CENTRAL MARYLAND, SOUTHERN MARYLAND, AND THE EASTERN SHORE.**

**(D) (1) THE ADVISORY BOARD SHALL REVIEW AND EVALUATE:**

**(I) THE STRUCTURE, FINANCING, AND OTHER ASPECTS OF THE MATTRESS STEWARDSHIP PROGRAM; AND**

**(II) WHETHER PENALTIES SHOULD BE ESTABLISHED FOR VIOLATING PROGRAM REQUIREMENTS.**

**(2) THE ADVISORY BOARD SHALL CONSULT WITH AND ADVISE PRODUCERS AND REPRESENTATIVE ORGANIZATIONS AS THEY PREPARE THE PLAN REQUIRED UNDER § 9-1733(A) OF THIS PART.**

**(3) ON OR BEFORE DECEMBER 1, 2023, THE ADVISORY BOARD SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.**

**9-1735.**

**(A) THE DEPARTMENT MAY COOPERATE WITH DEPARTMENTS, AGENCIES, AND OTHER EQUIVALENT BODIES IN OTHER STATES IN ORDER TO FURTHER THE OBJECTIVES OF THIS PART.**

**(B) (1) THE DEPARTMENT SHALL ADOPT MEASURES TO MOVE THE STATE TOWARD A MORE EQUITABLE RECYCLING AND WASTE MANAGEMENT SYSTEM AND TO SEEK ENVIRONMENTAL JUSTICE FOR UNDERSERVED COMMUNITIES.**

**(2) MEASURES ADOPTED UNDER THIS SUBSECTION MAY INCLUDE:**

**(I) CONDUCTING STUDIES ON HOW TO IMPROVE ACCESS TO RECYCLING FOR UNDERSERVED COMMUNITIES;**

**(II) CONDUCTING STUDIES ON HOW TO IMPROVE SOCIAL EQUITY WITHIN THE RECYCLING SYSTEM, INCLUDING ENSURING EQUITABLE EMPLOYMENT AND DEVELOPMENT OPPORTUNITIES;**

**(III) PROVIDING A PLATFORM FOR RECOMMENDATIONS FROM ENVIRONMENTAL JUSTICE AND COMMUNITY-BASED ORGANIZATIONS ON HOW TO IMPROVE THE PROGRAM;**

**(IV) REQUIRING STEWARDSHIP ORGANIZATIONS TO GUARANTEE PRODUCTS ARE TRANSFERRED TO RESPONSIBLE END MARKETS THAT MEET ENVIRONMENTAL AND PUBLIC SAFETY STANDARDS;**

**(V) REQUIRING ALL CONTRACTS MADE BY A STEWARDSHIP ORGANIZATION TO INCLUDE LANGUAGE GUARANTEEING A LIVABLE WAGE AND QUALITY BENEFITS TO WORKERS; AND**

**(VI) REQUIRING STEWARDSHIP ORGANIZATIONS TO TRANSLATE ALL EDUCATIONAL MATERIALS INTO THE LANGUAGES SPOKEN BY LOCAL POPULATIONS AND TO ENSURE THAT COLLECTION INFRASTRUCTURE IS ACCESSIBLE TO DISABLED RESIDENTS.**

**(C) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ENFORCE THIS PART.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.