



February 26, 2021

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
House Office Building, Room 251
Annapolis, MD 21401

Re: House Bill 1146 – Environment - Office of Recycling - Mattresses and Box Springs

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed House Bill 1146 entitled *Environment - Office of Recycling - Mattresses and Box Springs* and would like to provide the Committee with additional information regarding this bill.

The bill would establish several new requirements for local governments and other persons managing end-of-life mattresses and box springs. By December 31, 2024, a county would be required to include in their county comprehensive solid waste management plan (county plan) a plan to decrease the number of mattresses and box springs disposed of in landfills. Beginning October 1, 2021, a person would be banned from burning or incinerating a mattress or box spring as an alternative means of disposal. Also, the bill would mandate that the number of mattresses and box springs disposed of in landfills in the state be reduced by 15% by 2026 and 90% by 2035. However, the bill does not clearly indicate how these goals will be achieved.

Under the bill, MDE's Office of Recycling would be responsible for: reviewing and approving revised county plans; enforcing the ban on burning or incinerating mattresses or box springs for disposal; encouraging local communities to implement mattress and box spring recycling programs as an environmental, societal, and economic benefit; researching and disseminating information on current recycling and reuse of mattresses and box springs programs; and providing local communities examples of mattress and box spring recycling programs that create jobs for disadvantaged individuals. Lastly, the bill would establish three new reporting requirements for MDE related to the management of end-of-life mattresses and box springs in the State.

MDE recognizes the challenges faced by local communities in managing end-of-life mattresses and box springs. These items are bulky and difficult to compact and take up limited disposal capacity in landfills. Because of the logistical difficulty and costs associated with collecting, transporting, and disposing or disassembling mattresses and box springs for reuse and recycling, mattresses and box springs are often illegally dumped. In incidences of illegal dumping, local governments often bear the responsibility and cost of removing and properly disposing of the waste. If more mattresses and box springs are recycled as result of the bill, it could assist counties and the State in meeting recycling goals under the Maryland Recycling Act. Increased diversion

opportunities under this bill may reduce local governments' and businesses' cost associated with managing end-of-life mattresses and box springs. In addition, the bill could encourage private investment in establishing or expanding local programs that recycle mattresses and box springs.

As noted above, MDE would be required to submit three new reports to the General Assembly. By December 31, 2021, MDE, in coordination with the Maryland Departments of Commerce and Labor ("Commerce" and "Labor") and the Governor's Office of Small, Minority, and Women Business Affairs (GOSBA) would be required to report on:

- How each county manages mattress and box spring waste.
- The projected life span of landfill capacity in each county.
- How the landfill capacity will be affected if mattresses and box springs were no longer disposed of in landfills.
- A cost benefit analysis of, in summary, managing mattress and box spring waste through a statewide versus county level approach, and the effectiveness of diverting mattress and box spring waste from disposal to recyclables and reusable materials.
- A projection for the types of jobs that would be created under a statewide program and county programs.
- A recommendation on how to implement a statewide mattress and box spring recycling plan.
- An analysis on the use of gate fees and advance recovery fees.
- How the recommended statewide plan will work towards the goal of reducing incineration waste and increasing recyclables.
- An analysis of other states' recycling programs.

To develop this report, MDE would need to not only coordinate with Commerce, Labor, and GOSBA, but would also need to coordinate with representatives of local departments of public works, mattress and box spring recyclers, and other applicable stakeholders to compile the required information and to develop the required recommendations. This would likely involve scheduling multiple meetings with stakeholders and diverting Office of Recycling staff and other resources toward the research that will need to be completed to report on the topics listed in the bill. Additionally, it would not be possible for MDE to coordinate with stakeholders, conduct the required research, formulate meaningful recommendations, and write the report in the 3-month period between the bill's effective date and the December 31, 2021 report submission date.

MDE also would be required to report on progress made in the State on diverting mattresses and box springs from disposal in landfills and incinerators as part of its existing annual *Maryland Solid Waste Management and Diversion Report* beginning in 2022. Lastly, on or before December 1, 2022 and annually thereafter, the Department would be required to report an update on the items reported on in the report due to the legislature on December 31, 2021. This new annual report could be included in the existing annual *Maryland Solid Waste Management and Diversion Report*, which could be accomplished by amending the bill to add this new reporting requirement under §9-1702(e) of the Environmental Article.

To meet the requirements of the bill and establish a mattress and box spring reuse and recycling program, MDE would need to procure a contractor, which is expected to cost at least \$100,000.

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General funds would be needed as there are no available special funds to hire a contractor. Once the program is established, the additional duties under this bill could be handled with existing staff and resources. MDE assumes the requirement to “encourage” local communities to consider mattress and box spring recycling programs would not involve financial support or other activities that would significantly increase expenditures.

MDE proposes that the due dates for the reports due on December 31, 2021 and December 1, 2022 be delayed each by two (2) years. Since a local government’s revision of their county plan would rely upon the recommendations of MDE, Commerce, Labor, and GOSBA, the date in which the county plan must include a plan to decrease the number of mattresses and box springs disposed of in landfills should be delayed by two (2) years as well.

Thank you for your consideration. We will continue to monitor House Bill 1146 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at (410) 260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", with a long horizontal line extending to the left.

Tyler Abbott

cc: The Honorable Terri L. Hill
Ms. Kaley Laleker, Director, Land and Materials Administration

AMENDMENTS TO HOUSE BILL 1146
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “incinerators” insert “, and to provide a certain update related to the disposal of mattresses and box springs in the State by a certain date;”; and strike beginning with “requiring” in line 16 down through “year;” in line 17.

AMENDMENT NO. 2

On page 3, in line 32, strike “2024” and substitute “2026”.

On page 5, in line 22, strike “AND”; in line 24, after “INCINERATORS” strike “period” and substitute “; AND”; and after line 24, insert:

“(11) BEGINNING JANUARY 1, 2024, AN UPDATE ON THE ITEMS REPORTED UNDER § 9-1725(C) OF THIS SUBTITLE”.

On page 6, in line 3, strike “2021” and substitute “2023”.

On page 7, strike in their entirety lines 18 through 21, inclusive.