

February 23, 2021

Maryland House Environment and Transportation Committee
House Office Building, Room 251
6 Bladen St., Annapolis, MD 21401
e-mail: aa_ent@mlis.state.md.us

RE: HB 1146 Environment - Office of Recycling - Mattresses and Box Springs

Dear Chair Barve, Vice-Chair Stein and Members of the Committee:

The International Sleep Products Association (ISPA) represents mattress manufacturers, as well as those that provide components and services to mattress companies. On behalf of our members, I am writing to express our interest in working with Delegate Hill, this Committee and interested stakeholders to advocate for legislation that will create a successful mattress recycling program in Maryland.

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 (MRC), which has operated successful mattress recycling programs in California, Connecticut and Rhode Island for the past five years. ISPA agrees with the goals expressed in HB 1146 to responsibly manage discarded mattresses. Nevertheless, we urge the committee to make several changes to HB 1146 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 1.5 million units annually and has recycled over 7.5 million units total over its five 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 1146 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.

As a result, 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 both allow for better economies of scale in collecting, transporting and recycling mattresses and funding from all of the states in the Mid-Atlantic region.

When the mattress recycling laws in Connecticut and Rhode were enacted, they included a provision that would allow those states to participate in a multi-state regional approach to mattress recycling in the future. Since then, ISPA has worked with several other states in the North East that are interested in enacting mattress recycling laws in an effort to work toward that regional approach.

For these reasons, we urge Maryland at a minimum to:

- Add a similar provision to HB 1146 that would permit regional cooperation.
- Also amend the bill to make clear that the recycling fee provided for in the bill would apply to all mattresses delivered to residents in Maryland, regardless of whether they were sold in Maryland or elsewhere. This would help minimize the risk that consumers will go out of state to buy a new bed.
- Amend the bill to prohibit parties from bringing mattresses discarded outside of Maryland into the state for recycling.

We also urge Maryland to consult with its neighboring states in an effort to determine whether they have interest in establishing a regional solution to mattress recycling. ISPA is prepared to participate in, or possibly help facilitate, those regional discussions

2. Allow Funding for Research to Improve Program Objectives

We urge the Committee to amend the bill to allow for the recycling organization to use recycling fees to conduct research to improve the efficiency of its collection, transportation and recycling operations in Maryland, as well as to identify new and better markets and uses for post-consumer mattress materials.

3. Convenience Criteria

ISPA urges the Committee to reconsider the convenience criteria proposed in HB 1146 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.

For example, excess paint is not bulky and easy for residents to transport to a retail location or recycling facility. Mattresses are large, bulky items. Paint stores welcome having customers return excess paint on their premises. Used mattresses can be infested with bedbugs, mold or other biologicals. As a result, mattress retailers do not want used beds near their floor models or new inventory. Furthermore, few

mattress retailers have the space to store used mattresses. For these reasons, convenience criteria that may work well for collecting excess paint may not be appropriate for collecting used mattresses.

To make mattress recycling convenient for all residents in the other states in which MRC operates, residents have several no-cost options for recycling a discarded mattress. They may have their old mattresses picked up at curbside if that service is available, have the retailer take back their old mattress when a new unit is delivered if offered, or take their old mattress to transfer stations, public works yards and collection events. In addition, public and private entities, including hotels, universities, military installations, junk haulers and apartment complexes participate in the program. MRC works with mattress retailers and other entities to process the units they collect at MRC-contracted recyclers. Rather than set proscriptive convenience standards in the bill, we urge the committee instead to require that the recycling organization analyze the state's geography and population distribution and propose a recycling plan that provides convenient residential access to the program under these circumstances.

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ISPA recognizes the complexities involved in crafting legislation such as this. We look 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 Delegate Hill and the Committee to enact mattress recycling legislation that will be successful in Maryland.

Sincerely,



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