



February 24, 2021

Delegate Kumar Barve, Chair  
Delegate Dana Stein, Vice-Chair  
House Environment & Transportation Committee  
Maryland General Assembly  
House Office Building – Room 251  
Annapolis, Maryland 21401

**RE: Support for HB 1146 as Amended, Mattress Stewardship Program**

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

Thank you for the opportunity to submit testimony in support of HB 1146 as amended, which will create a statewide mattress stewardship program for Maryland with sustainable funding from producers. HB 1146 will improve collection convenience, increase the number of mattresses collected and recycled, create jobs (including for those with barriers to employment), and significantly reduce the financial burden on local governments, whose scarce funding (made scarcer by the COVID-19 pandemic) competes with other important municipal services, such as hiring teachers and firefighters.

California, Connecticut, and Rhode Island have reaped the benefits of their mattress extended producer responsibility (EPR) laws, which were passed in 2013 as a result of PSI's facilitation of a model EPR bill with input from government and industry stakeholders. Since implementation, these three programs have collected more than six million mattresses from hundreds of cities, towns, solid waste facilities, landfills, and other entities such as retailers, hotels, and universities.

In the first year of its program, Connecticut:

- recycled 63.5 percent of the state's discarded mattresses, an increase from only 8.7 percent recycled in the prior year;
- recycled 2,800 tons of steel, foam, and other materials;
- saved 1.7 million cubic feet of landfill space; and
- saved greenhouse gas emissions comparable to annual emissions from 875 passenger vehicles.

Nationally in the U.S., fewer than five percent of mattresses are recycled annually even though up to 90 percent of mattress components can be recycled and used to make steel, carpet padding, animal bedding, and mulch. Much of this bulky waste ends up in landfills or is illegally dumped,

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imposing significant management costs on local governments and taxpayers. EPR programs generally provide a continuous flow of high-quality material to mattress renovators, recyclers, and manufacturing operations, allowing long-term investments in local recycling and manufacturing facilities that use recycled mattress components as a feedstock for new product manufacturing.

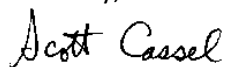
Although the three current mattress EPR laws have notably increased recycling, there are fundamental problems with the programs that we have identified since the first laws were implemented seven years ago. These problems should not be repeated in Maryland. Based on our study of these programs and discussions with government officials overseeing the industry-run programs, PSI recommends the following changes to strengthen the bill:

- 1) **Establish measurable performance goals for collection rate, recycling rate, and public awareness.** Performance goals are critical to evaluate the program and make improvements.
- 2) **Require that a new stewardship plan be submitted at least every five years** as is standard in effective EPR laws. Lack of a plan renewal limits the ways in which the program can be improved based on unforeseen “lessons learned” as the program is implemented and matures.
- 3) **Establish an Advisory Committee** comprised of representatives from local government, the solid waste industry, the environmental community, and those involved in the collection, processing, and recycling of used mattresses. This approach provides greater transparency and an opportunity for local governments and the community to provide ongoing input into the program, which will better help ensure the program will work for them.
- 4) **Expand the definition of “producer” beyond the manufacturer** to ensure a level playing field: *“Producer” means any person, irrespective of the selling technique used, including that of remote sale, that:*
  - (a) *Manufactures a mattress that is sold, offered for sale or distributed in this state under their own brand;*
  - (b) *If not a manufacturer of a mattress under their own brand, is the owner of a trademark or brand under which a mattress is sold, offered for sale or distributed in this state, whether or not such trademark or brand is registered in this state; or*
  - (c) *Imports a mattress into the United States that is sold or offered for sale in this state.*
- 5) **Rather than a uniform assessment on all mattresses, require that the stewardship assessment be differentiated** to: 1) incentivize the reduction of toxics and resources (e.g., energy and water) associated with mattress production; 2) incentivize use of post-consumer recycled content; and 3) discourage mattress designs that pose challenges to recycling. Charging the same assessment for all mattresses is an equity issue since many low-income families buy smaller, less expensive mattresses yet pay the same fee as those who buy large, expensive mattresses. Also, the current bill provides no incentive to design mattresses to be more easily recyclable or healthier. People buying mattresses that cost more to recycle (e.g., large, multi-material mattresses with gadgets) pay the same fee as those buying mattresses that cost less to recycle (e.g., a simple mattress).

PSI is a national nonprofit organization committed to reducing the health, safety, and environmental impacts of consumer products with a strong focus on sustainable end-of-life management. With members from 47 state environmental agencies and hundreds of local governments, as well as 120 partners from companies, organizations, universities, and international governments, we promote product stewardship initiatives across North America.

Thank you for your consideration and strong leadership on this important issue. If you have any questions, please feel free to contact me at (617) 236-4822, or [Scott@ProductStewardship.US](mailto:Scott@ProductStewardship.US).

Sincerely,



Scott Cassel

Chief Executive Officer / Founder

Cc: Delegate Terri L. Hill