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HB1146

February 26, 2021

TO: Members of the Environment and Transportation Committee

FROM: Natasha Mehu, Director of Government Relations

RE: HOUSE BILL 1146 – Environment – Office of Recycling – Mattresses and Box Springs

POSITION: OPPOSE

Chair Barve, Vice Chair Stein, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **opposes** House Bill (HB) 1146.

House Bill 1146 would require a county to include, in a certain recycling plan by December 31, 2024, a certain plan for decreasing the amount of mattresses and box springs disposed of in landfills, requiring the Office of Recycling within the Maryland Department of Environment to provide to local communities certain encouragement, information and examples relating to programs that divert mattresses and box springs from disposal in landfills and incinerators and that recycle or reuse mattresses and box springs, etc.

Although the City of Baltimore supports waste reduction and recycling efforts, the City does not support House Bill 1146. This bill places the burden on local government and calls for studying and reporting rather than action in order to effectively manage the recycling of mattresses. Maryland would benefit from legislation that requires mattress producers to create stewardship plans, including a funding mechanism, to keep these bulky items out of the waste stream.

In this proposal, all responsibility for planning the diversion of mattresses and box springs from landfills and incinerators is placed on local government and the Maryland Department of Environment (MDE). House Bill 1146 would require each county to amend its recycling plan to “include a plan for decreasing the number of mattresses and box springs disposed of in landfills” and would require MDE to provide local community information on mattress and box spring recycling and to work with other departments to submit a report to the General Assembly on its progress. While these requirements would not necessarily result in any increase in recycling mattresses and box springs, they

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would further increase the workload and responsibility of local and State government offices that are already over-burdened and underfunded. States that have successful mattress recycling legislation, including Rhode Island, California and Oregon, place the stewardship responsibility on mattress producers, not on local or State government agencies.

The bill calls for a reduction in the number of mattresses and box springs disposed of in landfills by 15% by 2026 and 90% by 2035. However, tracking efforts of mattresses and box springs landfilled or incinerated are minimal at this time. All waste landfilled or incinerated is measured in tons, which would not be an accurate measure for these materials, as tonnage may decrease for a variety of other factors. There is no baseline for the number of mattresses and box springs currently being landfilled or incinerated which would make it difficult to establish a baseline to measure the success of this proposed program.

House Bill 1146 states that the adoption of this legislation will “promote innovation and industry for recycling and reuse of the component parts of mattresses and box springs”. While this legislation may encourage the development of recycling for these materials, this industry does not currently exist in Maryland. Due to the lack of mattress recyclers in the State, it would be difficult, if not impossible, for local government to identify a recycler and pay to transport bulky mattresses to wherever the facility may be located.

Additionally, this legislation would create administrative responsibilities for government agencies, rather than establishing a manufacturer stewardship program that would place the responsibility of mattress recycling on the producers and consumers of the product. Stewardship programs, as managed in other states, could spur a robust program that would decrease illegal dumping of mattresses, decrease landfill disposal, and increase jobs. A stewardship program would enable a mechanism to collect revenue to be transferred to a non-profit organization which would collect mattresses and arrange for their recycling.

Local government is typically only responsible for collecting waste and recycling from residents and some small businesses and offices. Under a stewardship program, mattresses could be collected not only from households, but also from hotels, universities, healthcare facilities, and other large locations. This has the potential to greatly increase the recycling of mattresses.

California, Connecticut, and Rhode Island all have EPR programs which allow for a fee charged on each mattress to fund the program. The mattress industry created a non-profit organization, the Mattress Recycling Council, to develop and administer the robust programs in these states. The Mattress Recycling Council has paid staff to manage the programs across the states and is managed by a board of directors. It uses the funds from the mattress fees to collect, transport, and recycle mattresses discarded in the state, to combat illegal dumping, and to educate consumers and the industry about the Code and

benefits of mattress recycling. This organization recycles at least one million mattresses annually.

The bill sets admirable goals but lacks the measures needed to reach those goals. For these reasons, we request an **unfavorable** report on House Bill 1146.