

HB1226 Mattresse Sponsor testimony final 2022.pdf

Uploaded by: Aubrie Zepp

Position: FAV

TERRI L. HILL, M.D.

Delegate - Legislative District 12
Baltimore and Howard Counties

Health and Government Operations

Subcommittees

Government Operations and Health Facilities
Public Health and Minority Health Disparities



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

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SUPPORT

HB1226: Environment - Office of Recycling - Mattresses and Box Springs

March 9, 2022

Dear Chairman Barve, Vice-chair Stein, and Members of the Environment and Transportation Committee,

I am asking for your support of HB 1226, with amendments, to close a hole in our environmental sustainability plan by establishing a state-wide mattress stewardship program similar to programs successfully piloted in Connecticut, New Hampshire, and California, but modified based on lessons learned since their introduction 8 years ago to meet Maryland's ecologic sustainability goals. In so doing it creates opportunity for greater incorporation of the Divert, Reduce, Re-use, Recycle model successfully employed for over 20 years by St. Vincent De Paul Society in Oregon and California, as well as others, to create good paying jobs for the traditional hard to employable, and run profitably.

In five of the last six sessions, I have brought legislation before this committee with the goal of reducing the number of mattresses and box springs going to landfills, incinerators or scattered waste through establishment of a State mattress waste stream management plan. This committee passed mattress stewardship bills in two of those years, and in 2019, legislation passed the chamber, only to stall in senate committee because the compromises required to get it through the House made it a bill that, according to the Senate Education, Health and Environment Committee chairman, "didn't do anything."

Senator Pinsky was right. The bill we passed did everything but what it needed to do - establish a Mattress Stewardship Program. Which is, after working over the last several months with the International Sleep Products Association, The Product Stewardship Council, the Sierra Club, MACo, the Department of the Environment, recyclers, and other stakeholders and interested parties, what HB1146 does.

Considering that mattresses and box springs are among the bulkiest consumer products sent to landfills - taking up substantial space and presenting challenges to the machinery used in waste management, that in Ocean City alone there are 9,500 hotel bed, according to the official city website, with hotels changing mattresses as often as every 4-5 years, and that Maryland Department of the Environment in 2017 estimated Maryland's landfill capacity to be 31 years according to Department of Legislative Services 2017 Solid Waste Management Report, I hope you will agree that this is a king size problem we are obligated to put to bed.

As introduced, HB1226 would establish the Maryland Mattress Stewardship Program, a Mattress Stewardship Advisory Board representing communities and stakeholders, an auditing and reporting process, a funding source, and phase in a ban on incineration by 2026. The Program would be based on a manufacturers plan to be submitted by 2022 and implemented by 2023 that would

- minimize public sector involvement in, and financial responsibility for, the management of mattress disposal;
- promote mattress reuse and recycling;
- include agreements to collect, transport, reuse, recycle, and process for materials recovery, reclamation, and disposal;
- provide for convenient and available collection of mattresses.

Amended, HB1226 would remove the absolute ban on incineration in order to allow the Stewardship Programs to landfill, rather than incinerate or send out of state, the limited number of deeply contaminated mattresses that cannot be sanitized, reused, recycled, or reclaimed because of health concerns.

Support HB1226 so tonight, you can sleep better knowing that your mattress will provide local communities with social and economic developmental opportunities instead of taking up costly, environmentally detrimental, scarce landfill capacity or discharging incineration pollutants into the atmosphere.

I ask for a favorable report so we can put this problem to bed.

A handwritten signature in black ink, appearing to be "D. P. ...", located in the lower-left quadrant of the page.

HB1226 Mattresse Sponsor testimony final 2022.pdf

Uploaded by: Terri Hill

Position: FAV

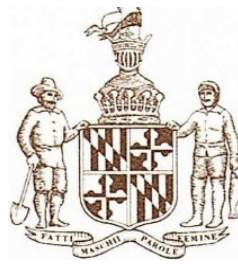
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St Vincent de Paul Letter re HB 1070.pdf

Uploaded by: Terri Hill

Position: FAV



St. Vincent de Paul Society of Lane County

PO Box 24608, Eugene OR 97402 (541)687-5820

Thursday Feb. 23 2017

Maryland House Economic and Transportation Committee

Subject: HB1070 Department of the Environment – End-of-Life Management of Mattresses Study

Greetings:

We are pleased to share our experience with regard to mattress recycling as Maryland considers funding a study of this useful tool for waste diversion and job creation. St. Vincent de Paul Society of Lane County set up the first financially viable mattress recycling facility nationwide when it opened DR3 in Oakland, CA in 2000. This was long before stewardship laws incentivized the process. Since then, the agency has opened two more mattress recycling facilities, one at our headquarters in Eugene, OR, and a second facility just outside of Sacramento.

Our three facilities process well over 300,000 mattresses annually and employ 50 people. Besides deconstructing mattresses, we also create pet beds from some of the material and we refurbish mattresses, covering old mattress springs with new foam and fabric and selling those refurbished beds at an affordable price in the communities where we operate thrift stores.

In our opinion, landfilling mattresses is not much different from throwing away money and jobs. The embodied energy of the materials in a mattress – the still-usable steel, foam, fabric and wood – have value in the commodities markets.

Because we are a nonprofit with a social services focus, we are different from for-profit recyclers who often seek to automate their systems as much as possible. While automating may reduce costs, it also, in our experience, reduces the recycling rate as automated systems often end up damaging the materials to the degree that they have no value in the secondary markets and wind up being landfilled.

At our California processing facilities we achieve a 90 percent recycling rate, which is higher than the overall state rate for mattress recycling.

We make these jobs available to people who face barriers to employment, such as recent incarceration. In fact, the operations manager at our Woodland CA facility was a head of household receiving TANF benefits when he started as a general worker in summer 2015. A year later, he was promoted to his current position overseeing a crew of 18. We have many such success stories among the workers in our materials management businesses.

In addition to mattress recycling, we operate 15 retail thrift stores, an appliance repair and recycling facility, a glass foundry that converts old window glass into art and architectural glass, a used car lot, a Styrofoam recycling project, and a fashion upcycling division. We divert about 100 tons of

materials daily in our operations. We employ close to 600 people and about half of our annual budget comes from our materials management businesses. We use those funds to help pay for four homeless shelter programs, emergency services that help thousands of residents every month, wrap-around support programs for the people living in our 1,300 units of affordable housing, job training and help for homeless veterans and their families. We are the largest social services agency in our county.

Ample research confirms that waste diversion creates more jobs than landfilling or incineration. Besides helping states meet their zero waste goals, mattress recycling also reduces greenhouse gas emissions, according to research conducted on behalf of the state of California.

Oregon does not currently have a stewardship law on the books, but we have worked with solid waste officials in several counties to set up systems to keep mattresses from their landfills. These systems work where counties own the landfills and are willing to pay a fee to keep mattresses out. In communities where tip fees are low or there is no interest in extending the life of the landfill, it can be more difficult to set up a functional program without stewardship legislation.

Please feel free to reach out to us if we can be helpful in the discussion about best ways to implement mattress recycling.

Regards,

A handwritten signature in black ink, appearing to read "Susan Palmer". The signature is fluid and cursive, with the first name "Susan" and last name "Palmer" clearly distinguishable.

Susan Palmer
Economic Development Director
St. Vincent de Paul Society of Lane County
www.svdp.us

2022_HB1226_testimony.pdf

Uploaded by: Andrew Hinz

Position: FWA

**Testimony of Andrew Hinz for Supporting HB1226 House Environment & Transportation Committee
March 9, 2022**

Position: FAVORABLE

House Environment & Transportation Committee Chair and Members,

Thank you for considering my testimony.

Of course we must divert mattresses from our landfills and incinerators and support the development of mattress recycling industry and jobs in Maryland. Please also amend the bill regarding landfilling vs incinerating contaminated mattresses.

A mattress stewardship program in Maryland would create significant environmental and economic benefits. Mattresses are large and bulky, taking up significant volume in our landfills. Almost 4.5 million mattresses and 4.5 million box springs are sent to the landfill or incinerator every year in the United States, according to Nationwide Mattress Recycling, amounting to 250 million pounds of mattress material. Landfilling or incinerating mattresses also bears the risk of the flame retardants contained in many mattresses entering the atmosphere and harming public health.

Mattresses are extremely recyclable, and doing so - like all Zero Waste strategies - creates local jobs. Steel innersprings, once separated from the rest of the mattress, can be recycled and used again; and wooden frames can be recycled into other wood products. Even the foam and fibers in mattresses, including newer foam mattresses, can be recycled into new mattress materials and other products, from oil filters to carpet padding. Jobs in mattress recycling are local and do not require prior skills or formal education, creating job opportunities for residents in Maryland communities.

And please amendment so that mattresses are never incinerated, to ensure that those few mattresses that cannot be recycled have a responsible, unarmful disposal option in the future.

Again, thank you.

March 7, 2022
Andrew Hinz
1427 Park Avenue
Baltimore, Maryland 21217

HB1226 FAVORABLE WITH AMENDMENTS.pdf

Uploaded by: Dave Arndt

Position: FWA

Testimony Supporting HB1226
House Environment & Transportation Committee
March 9, 2022

Position: FAVORABLE WITH AMENDMENTS

Dear Chair and Members of the Committee,

As a resident of Baltimore, MD, I am writing to express my strong support of HB1226 to divert mattresses from our landfills and incinerators and support the development of mattress recycling industry and jobs in Maryland. We encourage the committee to consider an amendment regarding landfilling vs incinerating contaminated mattresses, and then to report favorably on this bill.

A mattress stewardship program in Maryland would create significant environmental and economic benefits. Mattresses are large and bulky, taking up significant volume in our landfills. Almost 4.5 million mattresses and 4.5 million box springs are sent to the landfill or incinerator every year in the United States, according to Nationwide Mattress Recycling, amounting to 250 million pounds of mattress material. Landfilling or incinerating mattresses also bears the risk of the flame retardants contained in many mattresses entering the atmosphere and harming public health. With landfill capacity and the public health burden of trash incineration gaining increasing importance across Maryland counties, diverting mattresses from landfills and incinerators is a promising opportunity to move toward a Zero Waste future.

Mattresses are extremely recyclable, and doing so - like all Zero Waste strategies - creates local jobs. Steel innersprings, once separated from the rest of the mattress, can be recycled and used again; and wooden frames can be recycled into other wood products. Even the foam and fibers in mattresses, including newer foam mattresses, can be recycled into new mattress materials and other products, from oil filters to carpet padding. Jobs in mattress recycling are local and do not require prior skills or formal education, creating job opportunities for residents in Maryland communities. Passing HB1226 will spur the development of mattress recycling businesses in Maryland, keeping bulky materials out of landfills and incinerators, and creating local jobs in the Zero Waste economy.

I encourage the committee to consider whether it is preferable to landfill or incinerate those mattresses that cannot be recycled. HB1226 currently bans mattresses from being landfilled entirely, but says that mattresses which cannot be recycled due to contamination or other health and safety reasons may be incinerated. We are concerned that this provision may cause environmental harm and be unworkable in the long term. Incinerating contaminated mattresses may risk releasing those contaminants into the atmosphere, as well as the environmentally harmful emissions that incinerators emit inherently. Additionally, with only two municipal trash incinerators located in Maryland, one of them right in my backyard, that we are working to close, this provision may soon prove unworkable if there are no incinerators left in Maryland. I encourage the committee to consider an amendment that does not require that mattresses be

incinerated, to ensure that those few mattresses that cannot be recycled have a disposal option in the future.

Thank you,

Dave Arndt

Retired Chemical Engineer and Climate, Environmental and Social Justice Advocate

HB1226-ET_MACo_SWA.pdf

Uploaded by: Dominic Butchko

Position: FWA



House Bill 1226

Environment - Office of Recycling - Mattress Stewardship Program - Establishment

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environment and Transportation and
Economic Matters Committees

Date: March 9, 2022

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS HB 1226 WITH AMENDMENTS**. The bill would establish the Mattress Stewardship Program within the state of Maryland. The program is designed to shift mattress disposal and recycling responsibility to manufacturers.

HB 1226 would create a statewide Mattress Stewardship Program. Instead of landfills, the program would divert mattresses to recycling operations run by mattress producers. This diversion would reduce waste and create employment opportunities within Maryland. Financing would be provided through the Mattress Stewardship Assessment, which effectively amounts to a fee on the sale of all mattresses within the state. Producers would be charged with establishing the necessary recycling infrastructure using funds from the assessment. The bill also, following an implementation period, outright bans the disposal of mattresses within landfills and drastically limits their incineration.

Counties presently serve as the main processor of discarded mattresses, often disposing of them within landfills or through incineration. The Mattress Stewardship Program is incredibly innovative in its approach, philosophy, and design. By shifting the disposal responsibility from taxpayer-funded operations to producer-run facilities, local resources could be freed up and reinvested into other essential services. Counties support the direction proposed by the bill, but have concerns regarding effects of any rocky implementation – any pieces of the envisioned disposal system being missing at the time of a ban on landfill disposal could create major complications. A stakeholder study could still allow Maryland to reach the timetable envisioned by the bill as introduced. **Therefore, counties urge the Committee to convene a workgroup to review the ideas within HB 1226 and report back to the General Assembly before the next regular legislative session.**

The idea of a producer-run mattress recycling program is innovative and worthy of further study. The bill's timetable would afford a working group as a first step. Accordingly, MACo urges the Committee to provide a **FAVORABLE WITH AMENDMENTS** report for HB 1226.

HB1226 - Clean Water Action - FWA.pdf

Uploaded by: Jennifer Kunze

Position: FWA

Testimony Supporting HB1226
House Environment & Transportation Committee
March 9, 2022

Position: FAVORABLE WITH AMENDMENTS

Dear Chair and Members of the Committee,

Clean Water Action strongly supports HB1226 to divert mattresses from our landfills and incinerators and support the development of mattress recycling industry and jobs in Maryland. We encourage the committee to consider an amendment regarding landfilling vs incinerating contaminated mattresses, and to report favorably on this bill.

A mattress stewardship program in Maryland would create significant environmental and economic benefits. Mattresses are large and bulky, taking up significant volume in our landfills. Almost 4.5 million mattresses and 4.5 million box springs are sent to the landfill or incinerator every year in the United States, according to Nationwide Mattress Recycling, amounting to 250 million pounds of mattress material. Landfilling or incinerating mattresses also bears the risk of the flame retardants contained in many mattresses entering the atmosphere and harming public health. With landfill capacity and the public health burden of trash incineration gaining increasing importance across Maryland counties, diverting mattresses from landfills and incinerators is a promising opportunity to move toward a Zero Waste future.

Mattresses are extremely recyclable, and doing so - like all Zero Waste strategies - creates local jobs. Steel innersprings, once separated from the rest of the mattress, can be recycled and used again; and wooden frames can be recycled into other wood products. Even the foam and fibers in mattresses, including newer foam mattresses, can be recycled into new mattress materials and other products, from oil filters to carpet padding. Jobs in mattress recycling are local and do not require prior skills or formal education, creating job opportunities for residents in Maryland communities. Passing HB1226 will spur the development of mattress recycling businesses in Maryland, keeping bulky materials out of landfills and incinerators, and creating local jobs in the Zero Waste economy.

We encourage the committee to consider an amendment regarding whether it is preferable to landfill or incinerate those mattresses that cannot be recycled. HB1226 currently bans mattresses from being landfilled entirely, but says that mattresses which cannot be recycled due to contamination or other health and safety reasons may be incinerated. We are concerned that this provision may cause environmental harm and be unworkable in the long term. Incinerating contaminated mattresses may

risk releasing those contaminants into the atmosphere, as well as the environmentally harmful emissions that incinerators emit inherently. Additionally, with only two municipal trash incinerators located in Maryland that their host communities are working to close, this provision may soon prove unworkable if there are no incinerators left in Maryland. We encourage the committee to consider an amendment that does not require that mattresses be incinerated, to ensure that those few mattresses that cannot be recycled have a disposal option in the future.

Thank you,

Jennifer Kunze

Clean Water Action

jkunze@cleanwater.org

HB1226_MDSierraClub_fwa 9Mar2022.pdf

Uploaded by: Josh Tulkin

Position: FWA



Maryland Chapter
P.O. Box 278
Riverdale, MD 20738

Committee: Environment and Transportation

Testimony on: HB 1226 “Environment – Office of Recycling – Mattresses and Box Springs”

Position: Support with Amendments

Hearing Date: March 9, 2022

The Maryland Chapter of the Sierra Club strongly supports HB 1226 with amendments. This bill would create a Maryland Mattress Stewardship Program in which the manufacturers of mattresses and box springs sold in the state would take responsibility for the collection, processing, renovation, recycling, and ultimate disposal of all used mattresses, in conformance with a plan approved by the Maryland Department of the Environment (MDE). The program would be funded by an assessment added to the price of mattresses. The bill would also ban the landfilling and incineration of mattresses and box springs as of January 1, 2027. We are proposing amendments that would increase the coverage, oversight, and environmentally sound management of the program.

An estimated 15-20 million mattresses are discarded annually in the United States, or more than 50,000 per day.¹ They are discarded by households, hotels, dormitories, hospitals, prisons, and other institutions. Calculations from 2011 suggest that fewer than 2 percent were recycled.² These bulky and springy large items cannot be compressed and result in inefficient use of costly landfill space. The use of incineration as a disposal method results in air pollution and contributes to climate change. An unknown number are illegally dumped in the environment. In most states, including Maryland, the costs of disposal and cleanup are borne by local government and financed by taxpayers.

The disposal of so many used mattresses is not only costly to taxpayers, it is also waste of valuable resources. More than 75 percent of a mattress can be recycled.³ Steel springs are a recyclable metal resource. Foam can be recovered and made into carpet padding. Wood can be broken up and made into mulch or animal bedding. Cotton and other fabric fibers can be made into insulation or industrial filters. The process is labor-intensive, so increased mattress recycling creates jobs.

HB 1226 acts on one of the recommendations of Maryland’s 2014 Zero Waste Plan to establish extended producer responsibility (EPR) programs for mattresses and other difficult-to-manage materials.⁴ Under this program, all manufacturers selling mattresses in Maryland individually or through an organization must participate in a stewardship plan in which they take responsibility for the end-of-life management of used mattresses – collection, processing, repurposing, recycling, and ultimate disposal. The program

¹Mattress Recycling Council (MRC) website, accessed 3/4/2022, [.https://mattressrecyclingcouncil.org](https://mattressrecyclingcouncil.org)

²Maryland Department of the Environment (MDE). 2014. *Zero Waste Maryland: Maryland’s Plan to Reduce, Reuse, and Recycle Nearly All Waste Generated in Maryland by 2040*. Footnote 83, p. 48.

³MRC website, *op. cit.*

⁴MDE, *op. cit.*, Recommendation 4.3, p. 3.

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

would be financed through an assessment on each mattress at the time of purchase that can only be used for the purpose of the program. The program's objectives, goals, operations, management, budget, calculation of the assessment, and other details would be elaborated in a Plan that must be approved by MDE. Additional public accountability is provided by independent audits and annual reports.

Successful mattress stewardship programs are already operational in Connecticut (since 2015), California (2016), and Rhode Island (2016); programs are under consideration in Massachusetts and Oregon. They provide a dramatic increase in availability of drop-off and collection sites, increasing convenience, coupled with public education and engagement with local mattress recycling and repurposing businesses. Collectively, the programs in these states have recycled more than 8 million mattresses since their inception, saving 7,380,000 yards of landfill space and recovering 300 million pounds of material for use in new items.⁵ The 2019 annual reports for these programs, run by the nonprofit Mattress Recycling Council in each state, report a mattress recycling rate of 69% in Rhode Island, 70.5% in California, and 73% in Connecticut. The programs have reduced the responsibilities of local government, reducing their financial burden for disposal.

Maryland has an opportunity to learn from the experience of the mattress stewardship programs in the other three states to improve effectiveness. We have been in discussions with the sponsor in support of several amendments:

- The program should accept all mattresses, regardless of their condition, since an assessment is paid on all mattresses.
- Management must be environmentally sound. The very small percentage of mattresses that cannot be recycled or renovated should be landfilled, not incinerated.
- The program should also aim to reduce illegal dumping of mattresses, which should be tracked over time to measure the success of those efforts.
- The Advisory Board should include a representative from the solid waste industry and its mandate should be extended beyond offering advice in setting up the program, to include reviewing and commenting on all stewardship plans, making recommendations to MDE on the approval of plans, and reviewing and commenting on all annual reports.
- The penalties for noncompliance should be written into the law, not left to the producers or their representative organizations to propose in the Program Plan.

With these amendments and based on experience in other states, a well-run Maryland Stewardship Program would potentially divert 70-85% of mattresses from landfills and incinerators by increasing recycling and convenience to customers, while creating new jobs and saving local governments and taxpayers the cost of end-of-life management of used mattresses. We respectfully request a favorable report on HB 1226.

Martha Ainsworth
Chair, Zero Waste Committee
Martha.Ainsworth@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

⁵MRC website, *op. cit.*

HB1226_ENT_FWA_LessPlasticPlease.pdf

Uploaded by: Liz Feighner

Position: FWA



Howard County, Maryland

Testimony: HB1226 Environment – Office of Recycling - Mattress Stewardship Program - Establishment

Hearing Date: Mar 9, 2022

Bill Sponsor: Delegate Hill

Committee: Environment and Transportation, Economic Matters

Submitting: Less Plastic Please

Position: Favorable with Amendments

[Less Plastic Please](#) is a Howard County, MD grassroots organization representing more than 200 advocates and was instrumental in passing the plastic-bag-fee and plastic reduction act in our county. We support the Mattress Stewardship Program with amendments.

Howard County does provide a mattress recycling program at the Residents' Convenience Center at Alpha Ridge Landfill, but this program is limited to only those residents who can transport a mattress in a large vehicle. In addition, Howard County residents who do not live near the landfill can travel up to 40 miles round trip to recycle their mattress. Even with these major inconveniences, residents in Howard County do at least have a limited option of recycling their mattresses and reducing landfill waste.

Having a mattress stewardship program in Maryland would create significant environmental and economic benefits and offset the burden and costs away from those few municipalities that offer a limited recycling program. Diverting mattresses from our landfills and incinerators lowers the public health risk of the flame retardants contained in many mattresses entering the atmosphere and moves Maryland towards a Zero Waste future.

We have concerns that HB1226 currently bans mattresses from being landfilled entirely, but says that mattresses which cannot be recycled due to contamination or other health and safety reasons may be incinerated. Incinerating contaminated mattresses may risk releasing those harmful contaminants into the atmosphere causing significant health hazards. We hope that an alternative to incinerating non-recyclable mattresses can be determined.

We urge a favorable report with amendments.

[Less Plastic Please](#)

Submitted by Liz Feighner

lessplasticpleasehoco@gmail.com

MD HB 1226 ISPA Testimony 3 7 22[18].pdf

Uploaded by: Marie Clarke

Position: FWA

March 7, 2022

Environment and Transportation Committee
Room 251
House Office Building
Annapolis, Maryland 21401

RE: House Bill 1226: Environment - Office of Recycling - Mattress Stewardship Program - Establishment

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

The International Sleep Products Association (ISPA) represents mattress manufacturers, as well as those that provide components and services to mattress companies. 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 or MRC, which has operated successful mattress recycling programs in California, Connecticut, and Rhode Island for the past six years.

ISPA agrees with many of the goals expressed in HB 1226 to responsibly manage discarded mattresses. Nevertheless, we urge the committee to make several changes to HB 1226 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 remits 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 10 million units total over its six years of operations. The mattress industry designed MRC so that its activities can be expanded easily to additional states that enact legislation consistent with the existing programs.

Based on our initial review of HB 1226 and the mattress industry's experience in implementing other recycling programs, our concerns and 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. The more consistent HB 1226 is with the existing mattress recycling programs in Connecticut and Rhode Island, the more cost savings and efficiencies we would expect to see in any mattress recycling program in Maryland.

2. Convenience criteria and premium pick-up services

ISPA urges the Committee to reconsider the convenience criteria proposed in HB 1226 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.

Further, HB 1226 requires the stewardship organization fund premium pick up services for mattresses from private property. MRC works with existing infrastructure but does not offer this type of collection option in any of our current states. While we support curbside bulky item pick up of mattresses and encourage counties to continue that service where available, providing these services statewide could increase costs 5-fold.

3. Fee language

ISPA recommends some changes to the fee language, including:

- a. Fee should cover but not exceed the costs of operating and administering the program and maintain a financial reserve sufficient to operate the program over a multi-year period.
- b. MRC experience with the fee remitted by the retailer rather than others in the supply chain is cleaner and allows for uniformity for retailers operating in Maryland and other MRC program states or future MRC program states.

4. Advisory Board

ISPA understands and appreciates the interest in transparency and stakeholder involvement but believes an advisory board is unnecessary to achieve these objectives. MRC depends on stakeholder feedback and input during program plan development and implementation. MRC seeks to engage all stakeholders, not just those listed in the bill elevated to the Advisory Board, to build a convenient and effective statewide mattress recycling program. MRC recommends that any advisory board clearly disclose any potential financial, personal, or business conflicts of interest and adhere to relevant open meetings rules and regulations.

5. Certain unrecyclable discarded mattresses

There are certain used mattresses, for example, those mixed with putrescible solid waste in the back of a trash compactor, those infested with bedbugs, heavily contaminated with bodily fluids or otherwise pose a public health risk that cannot be handled by workers at mattress recycling facilities. Those mattresses must be disposed of and should be managed, as they are now, through the existing solid waste stream. The bill should address these units as non-program units and allow for their safe and proper disposal.



ISPA looks 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 the Committee, bill sponsor and interested stakeholders to expand MRC's successful network to Maryland.

Sincerely,

Marie Clarke

VP, Policy and Government Affairs

International Sleep Products Association

2022.03.07_PSI Testimony_MD_Mattress_HB 1226.pdf

Uploaded by: Scott Cassel

Position: FWA



Scott Cassel
Chief Executive Officer/Founder

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March 7, 2022

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 1226, 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 1226, which will create a statewide mattress stewardship program for Maryland with sustainable funding from producers. HB 1226 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 eight 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, 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.

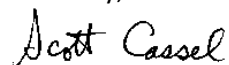
Although the three current mattress EPR laws have notably increased recycling, there are fundamental problems with the programs that we have identified since the first laws were passed eight years ago. These problems should not be repeated in Maryland. Based on our study of these programs and discussions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

- 1) **Ensure all mattresses, regardless of condition, are included in the program** as consumers pay a stewardship assessment on *all* mattresses purchased.
- 2) **Include provisions for penalties** for violation of the mattress stewardship law as a strong incentive to comply. Maryland's electronics EPR law includes penalties for manufacturers and retailers who fail to comply with the law.
- 3) **Require the Advisory Board to provide ongoing advice** on development and implementation of the program through review of program plans and annual reports. This provides continuing program transparency and an opportunity for local governments, mattress recyclers, environmental groups, environmental justice organizations, and other stakeholders to provide ongoing input into the program, which will enhance program effectiveness.
- 4) **Require retailers to provide educational materials**, developed and provided by producers, to consumers to increase public awareness about opportunities to collect and recycle mattresses through the program.
- 5) **Rather than a uniform assessment on all mattresses, require that the stewardship assessment be differentiated** to: (1) be fairer so that people buying mattresses that cost less to recycle (e.g., a simple mattress) pay less than those buying mattresses that cost more to recycle (e.g., large, multi-material mattresses with electronic gadgets); (2) incentivize use of post-consumer recycled content; and (3) incentivize the reduction of toxics and resources (e.g., energy and water) associated with mattress production. At a minimum, PSI suggests that the state oversight agency conduct a study (paid for by industry) to be completed within one year of bill enactment that would recommend how such a system could be put in place.

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.

Sincerely,



Scott Cassel

Chief Executive Officer / Founder

Cc: Delegate Terri L. Hill

HB1226_MRA_UNF.pdf

Uploaded by: Sarah Price

Position: UNF



**HB1226 – Environment - Office of Recycling - Mattress Stewardship Program -
Establishment
Environment and Transportation Committee
March 9, 2022**

Position: Unfavorable

Background: HB1226 would require sellers of mattresses in Maryland to establish and implement a mattress disposal program which includes adding a fee to the sale of all mattresses in the state.

Comments: The Maryland Retailers Association continues to have many concerns with the establishment of product stewardship programs. These programs set a dangerous precedent for adding additional fees onto the cost of any items that are deemed difficult to dispose of or potentially hazardous in any way. Our concerns with stewardship programs and with the mattress stewardship proposal are as follows:

1. The Product Stewardship Institute (PSI) acts as the umbrella organization for a coalition of nonprofit entities that seek to establish stewardship programs for a long list of everyday items including batteries, textiles, and “junk mail”. This stewardship approach to reducing waste, if ultimately expanded to apply to full list of items that are targeted by PSI’s partners, will have a direct financial impact on all consumers.
2. Most if not all jurisdictions in Maryland already have collections or drop-off options for unusual trash items or hazardous waste, funded through taxpayer dollars. Though proponents of stewardship programs claim that local waste management costs will decrease over time as more jurisdictions participate in the program, it is unlikely that Marylanders will see a corresponding decrease in their local taxes and waste disposal prices. This will ultimately mean increased household costs across the state as citizens must pay new assessments on particular items in addition to their local taxes and fees.
3. Just as we saw with other stewardship programs considered by this Committee, the proposed mattress program has serious ethical implications regarding gatekeeping the market on items that are deemed difficult to dispose of. Stewardship programs in other states have been supported by manufacturers who would see that such programs eliminate their competition in stores by banning manufacturers who do not participate in the program. Such behavior is unethical, and retailers across the country who operate in jurisdictions that have passed similar proposals have confirmed that the programs make it difficult for companies to remain competitive.

4. Though HB1226 specifies that the assessments collected to fund the stewardship program may not surpass the cost of the program's operation, it does not identify a timeline for altering the amount of the assessment if it needs to be updated. Retailers need to know when to expect updates to the program so that they can make the appropriate changes in their POS systems in a timely manner.

For these reasons, we must urge an unfavorable report on HB1226. Thank you for your consideration.