

March 7, 2023

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

RE: House Bill 930: 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 seven years. Our fourth state program is expected to launch in Oregon in 2024.

ISPA agrees with many of the goals expressed in HB 930 to responsibly manage discarded mattresses. Nevertheless, we urge the committee to make several changes to HB 930 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 2 million units annually and has recycled over 11 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 930 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 930 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 930 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 930 includes language about the stewardship organization allowing for 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, offering 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. In the experience of the Mattress Recycling Council, the required meetings and additional staff provided are largely unnecessary for the conduct of the advisory board's business.

5. Performance standard language

MRC recognizes and advocates for performance standards generally, however HB 930 contains logical inconsistencies that would hamper the success of mattress recycling program. Specifically,

requiring a stewardship organization to promulgate performance standards for the collection of illegally dumped units is counter-intuitive. As the program more successfully diverts illegally dumped units, the number of such units collected will decrease, making the organization appear to be failing. Likewise, performance standards for the stewardship organization related to renovation rates assumes the stewardship organization can control the business activity of an independent mattress renovator. Similarly, it is unclear what closed-loop recycling is intended to cover. MRC urges reconsideration of the performance standards to allow for successful implementation of the bill.

ISPA looks forward to working with Delegate Hill, the Environment and Transportation Committee stakeholders as Maryland considers 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