



**Committee:** Environment and Transportation

**Testimony on:** HB 1146 “Environment – Office of Recycling – Mattresses and Box Springs”

**Position:** Support with Amendments

**Hearing Date:** February 26, 2021

**The Maryland Chapter of the Sierra Club and Plastic Free QAC (Queen Anne’s County) are writing in support of HB 1146, as amended by the sponsor.** It 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, repurposing, recycling, and ultimate disposal of all used mattresses, in conformance with a plan approved by the Maryland Department of the Environment. 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, 2026. We are proposing additional amendments to increase public oversight, scope, and effectiveness of the program.

**An estimated 15-20 million mattresses are discarded annually in the United States, or more than 50,000 per day.<sup>1</sup>** They are discarded by households, hotels, dormitories, hospitals, prisons, and other institutions. Calculations from 2011 suggested that fewer than 2 percent were recycled.<sup>2</sup> 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 a waste of valuable resources.** More than 75 percent of a mattress can be recycled.<sup>3</sup> Steel springs are a valuable 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 1146 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.<sup>4</sup>** 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 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, the calculation of the assessment, and other details would be elaborated in a Plan that must be approved by the Maryland Department of the Environment (MDE). Additional public accountability is

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<sup>1</sup> Mattress Recycling Council (MRC) website, accessed 2/23/2021. <https://mattressrecyclingcouncil.org>

<sup>2</sup> Maryland 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.

<sup>3</sup> MRC website, *op. cit.*

<sup>4</sup> MDE, *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 75,000 members and supporters, and the Sierra Club nationwide has over 800,000 members and nearly four million supporters.

provided by independent audits and annual reports; all program expenses, including the cost of MDE review, are financed by the program.

**Successful mattress stewardship programs are already operational in Connecticut (since 2015), California (2016), and Rhode Island (2016), and programs are under consideration in Massachusetts and Oregon.** The most frequent objectives of these programs are to divert used mattresses from landfills and incinerators, increase recycling, and reduce the costs to local governments of managing disposal. There are also often objectives to reduce illegal dumping. 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 6 million mattresses since their inception, saving 7,380,000 yards of landfill space and recovering 214 million pounds of material for use in new items.<sup>5</sup> 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 minimized the responsibilities of local government, reducing their financial burden for disposal.

**We believe that a mattress stewardship program in Maryland based on an amended version of HB 1146 will realize similar success.** The bill as amended by the sponsor proposes a program that closely resembles the language of the Paint Stewardship Program (HB 127), also under consideration by the Maryland General Assembly. However, used mattresses are not the same as postconsumer paint, and Maryland has an opportunity to learn from the experience of the mattress stewardship programs in the other three states to improve effectiveness.

**Given the numerous amendments already in play, we offer recommendations to be addressed, rather than specific language.** The bill should articulate a few specific requirements for the Stewardship Plan:

- The Plan should be renewable by MDE on a regular basis, to ensure continued public oversight.<sup>6</sup>
- The program should be required to accept all mattresses, regardless of their condition, since an assessment is paid on all mattresses.
- There should be an explicit component with an objective of reducing dumping.
- Special consideration should be taken to ensure that communities with high rates of mattress dumping per capita and multifamily dwellings have good access to mattress recycling opportunities.
- The assessment should be dependent on the size of the mattress and its recyclability
- Management must be environmentally sound. Incineration should be banned as a disposal option (the bill currently bans incineration as of 2026), as should conversion of plastic into chemicals or fuel (also referred to as “chemical” or “advanced” recycling), for the reasons cited in Sierra Club’s testimony in support of HB 21 on Chemical Conversion of Plastic.<sup>7</sup>

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<sup>5</sup> MRC website, *op. cit.*

<sup>6</sup> California’s plan, for example, is renewable every four years and there are opportunities for amendment.

<sup>7</sup> According to the most recent annual reports for the three mattress stewardship states, mattresses do not have a great deal of plastic relative to other materials. However, the annual reports for all three states mentioned, in the discussion of “research and sustainability,” the possibility of embracing gasification and pyrolysis for possible additional recycling: “In 2019 and 2020, MRC continued to monitor developments in this area for the purpose of assessing whether the technology could be applicable for difficult-to-recycle materials.”



**Finally, the bill's restriction on landfilling of mattresses needs to be revisited.** As currently written, it prohibits the landfilling of mattresses statewide as of 2026 (as well as a ban on incineration). Ideally, we would like to see a 100% recycling rate for mattresses. However, even in existing mattress stewardship states, not all of the mattress components can be recycled. For example, in California, 29.5% of materials from mattresses could not be recycled, reused, or renovated, and were disposed of in a landfill. Some used mattresses are in very poor condition, soiled, or unsuitable for recycling. We are concerned that a ban on all forms of disposal could result in an increase in illegal dumping. We suggest that this issue be postponed until after the Maryland program is up and running and there is evidence on the extent to which mattresses can be diverted from landfills, before acting on a possible prohibition.

**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 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 1146.

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