

**The State of the Mattress Recycling Industry**

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**The state of mattress recycling laws in the United States**

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In 2013, three states (Connecticut, Rhode Island and California) passed laws requiring manufacturers to create statewide programs to collect and recycle mattresses and box springs. Several other states are considering similar legislation. These laws have the potential to significantly change the playing field for mattress rebuilders and recyclers in the United States – in both good and bad ways. This document summarizes each law and provides comments on how rulemaking is shaping up, opportunities for recyclers, and potential pitfalls.

One important note: All three mattress recycling laws are considered product stewardship programs (also called extended producer responsibility or EPR), meaning manufacturers bear the responsibility for recycling their products at the end of their usable lives. The International Sleep Products Association, the trade association for the bedding industry, has set up a nonprofit called the Mattress Recycling Council (MRC) to propose how mattress recycling programs will work in each state and to run the programs. Their website offers more details: <http://www.mattressrecyclingcouncil.org>.

**Connecticut**

When Connecticut passed Public Act 13-42 it became the first state to approve a mattress recycling law. Recycling is defined as the process of breaking mattresses into their components and transforming those parts into new, usable or marketable materials. Recyclers that participate in the program must attempt to recycle at least 85 percent of the materials in each mattress. Incineration is not considered recycling even if it generates energy. The Connecticut Department of Energy and Environmental Protection has regulatory authority over the program.

Funding comes from a $9 fee that consumers pay whenever they purchase a new mattress or box spring. There is a mechanism to raise or lower that fee as needed. MRC will collect the fee from retailers and use it to fund mattress recycling activities.

Mattresses will be collected at transfer stations, or they can come from other entities including retailers, hotels and universities. It is important to note that none of these entities are obligated to participate in the mattress recycling program, and no individual in Connecticut is required to actually recycle their mattresses. They can do so if they choose, but mattresses are not banned from landfills and dumps.

MRC’s program has two major components: transportation and recycling. The organization has already selected three transportation companies through a competitive bid who will pick up all mattresses and box springs. Those companies will transport the mattresses to one of two recycling companies, which were also identified through a competitive bid process. The two mattress recyclers are Park City Green (run by the nonprofit Greater Bridgeport Community Enterprises) and Recyc Mattress (run by a Canadian for-profit company).

As part of the mattress recycling program, MRC is also implementing a public information campaign and a reporting system so they can provide statistics on the program. The reporting system will track things like number of mattresses recycled, the tonnage of mattress commodities recycled, and how those commodities were recycled. Mattress recycling organizations will have to report all their data to MRC.

The troubling thing about MRC’s plan is that there is no priority given to reuse. We believe reuse is a higher use than recycling and should be encouraged whenever possible. In addition, as currently written the law will not help rebuilding businesses, recyclers who want to sell their reusable springs to rebuilders, or nonprofits that need mattresses to give to families.

MRC plans to launch the program on Feb. 1, 2015. A full copy of the proposed mattress recycling program is available at

<http://www.ct.gov/deep/lib/deep/reduce_reuse_recycle/mattress/mrc_connecticut_plan_2014july1.pdf>.

**Rhode Island**

Rhode Island’s Public Law 2013-281/2013-423 was modeled after Connecticut’s mattress recycling law. Implementation is likely to be very similar, with MRC contracting with transportation companies to pick up mattresses and privately owned mattress recycling companies doing the deconstruction. The major difference in Rhode Island is that there is only one waste transfer station that is likely to receive nearly all the mattresses.

Currently all the mattresses that get recycled in Rhode Island go to a company in Massachusetts, but Rhode Island is hoping to identify a local company that can take on mattress recycling in the coming years.

Work on the Rhode Island law has been slow. MRC and the Rhode Island Resource Recovery Corporation, which has regulatory authority over the law, are watching to see how things go in Connecticut. They are expected to tweak their program based on what they observe. Implementation is expected to happen sometime in 2016. The best place to find information about Rhode Island’s mattress recycling legislation is the MRC website.

**California**

SB254, the Used Mattress Recovery and Recycling Act, is California’s mattress recycling bill. The California program will be similar to the one in Connecticut with some notable exceptions.

California places priority on the waste hierarchy (reduce, reuse, recycle) and the state assembly was willing to include a provision in the law to encourage reusing mattresses. This is good news for nonprofits that give used mattresses away; mattress recyclers who want to sell springs that are still in good shape; and mattress rebuilding companies (who pushed very hard to make sure their businesses wouldn’t be hurt by the law). Exactly what the reuse provision will look like, however, remains to be seen.

There is a potential missed opportunity in the reuse portion of the legislation. California has lots of great mattress rebuilding companies, but there are a few that are illegally covering mattresses with slip covers and selling them as rebuilt mattresses. Even if someone reports them, the health department does not have the funds to conduct an investigation. DR3 Recycling has proposed that a portion of the mattress recycling fee paid to MRC be redirected to the health department so they can investigate shady mattress refurbishers. Whether that proposal will be accepted is unknown.

At this point our biggest concern is that California is a much bigger state than Connecticut. In fact, if you put the states of Connecticut and Rhode Island together they are still smaller than Siskiyou County in the northern part of the state. It is possible that most of the money from the recycling fee will get eaten up by transportation, leaving little or nothing for the recyclers.

Compounding this problem is that the rural areas represent the biggest area of growth for mattress recycling in California. In the San Francisco bay area, the recycling rate for mattresses is about 3 percent per capita, and the reuse rate is relatively high (likely because there are more people with higher incomes who replace mattresses more frequently and buy higher quality beds). In the four rural counties where DR3 Recycling takes mattresses, the recycling rate is about 11 percent per capita, and almost all those mattresses must be recycled (likely because there are more people with lower incomes, and they tend to hold on their beds longer and sell them to people for reuse when they are done with them). Traveling to the rural areas to pick up this abundance of mattresses will be more expensive and take more staff time.

When he signed SB254, Governor Jerry Brown emphasized that the bill was intended to reduce costs to solid waste departments. That does not leave a lot of wiggle room for increasing costs above their current level. But there was also language in the legislation stating that existing mattress recyclers were not to be harmed by the legislation. How those two potentially conflicting provisions will play out are anyone’s guess.

MRC’s goal is to have an initial proposal for mattress reuse and recycling to CalRecycle, the regulatory agency, by the first quarter of 2015. After that they will take bids from companies interested in doing the work. The program is expected to take effect in 2016. The mattress recycling fee charged by retailers is likely to be $9. CalRecycle has some information about the new law on their website at <http://www.calrecycle.ca.gov/mattresses/default.htm>.

**Other states considering mattress recycling legislation**

Illinois, Massachusetts, Texas, New Jersey, Maine and Mississippi are considering mattress recycling legislation. Advocates in Illinois (chiefly Chicago Mattress, the state’s largest mattress recycler) are the furthest along in passing a bill. However, it is likely that other states will wait and see how mattress recycling laws pan out in other states before taking too many steps toward setting up their own programs.