



# Used Mattress Recovery and Recycling Program Informal Rulemaking Workshop

We will begin shortly.

Please use [mattresses@calrecycle.ca.gov](mailto:mattresses@calrecycle.ca.gov) for all questions and comments during this workshop.

Thank you!



**Used Mattress Recovery and  
Recycling Program  
Informal Rulemaking Workshop**

**March 13, 2014**

**Cynthia Dunn, Senior Specialist**



# Purpose of Rulemaking

- Clarify statute
- Establish administrative procedures
- Provide a level playing field by establishing consistent standards

# Overview of Regulatory Process

(Approximate timeframes)

1. Scoping Sessions
2. Informal draft text
3. Informal workshop  
(today)
4. Public meeting (May)
5. File proposed regulations (June)
6. Public comment  
(45-day)
7. Public hearing  
(July/Aug)
8. Revisions and public comment (15-day)
9. Adoption at public meeting; File final rulemaking with OAL
10. OAL approves/disapproves (early 2015)



# Overview: Used Mattress Recovery & Recycling Act (SB 254)

- Scope
- Mattress recycling plan requirements
- Budget
- Mattress recycling charge
- Goals
- Annual reports
- Retail take-back
- Enforcement



## Scope of Products

- “Mattress” means a resilient material or combination of materials that is enclosed by a ticking, is used alone or in combination with other products, and is intended for or promoted for sleeping upon.
- Includes a foundation and a renovated mattress or foundation.



## Scope of Products, cont'd...

“Mattress” does not include:

- Unattached mattress pad or topper
- A sleeping bag or pillow
- A car bed, crib, or bassinet mattress
- Juvenile products



# Mattress Recycling Plan Requirements

- Due to CalRecycle on or before July 1, 2015
- Submitted by a mattress recycling organization
  - 501(c)(3) or 501(c)(6)
  - Qualified industry association
  - Composed of manufacturers, renovators, and retailers
  - Certified by CalRecycle
    - Prior to certification, Director of CalRecycle must appoint an Advisory Committee



# Mattress Recycling Plan Requirements, cont'd...

## Methods to:

- Increase the # of used mattresses diverted from landfills;
- Reduce the # of illegally dumped used mattresses; and
- Increase the quantity of used materials recovered and recycled for other uses



# Mattress Recycling Plan Requirements, cont'd...

- Consultation process
- Funding
- Methodology for estimating amount of mattresses sold, available for collection, and collected and recycled in the state
- Coordination with existing programs
- Financial incentive
- Education and outreach
- Report from advisory committee



# Budget

- Due to CalRecycle on or before July 1, 2015 and annually thereafter
- CalRecycle approves or disapproves the budget



# Mattress Recycling Charge

- Added to the purchase price of a mattress at the point of sale (visible)
- Set by the mattress recycling organization
- Approved by CalRecycle as part of the annual budget



# Goals

- On or before January 1, 2018, CalRecycle shall establish:
  - State mattress recycling baseline amount
  - State mattress recycling goals
- Beginning July 1, 2019 MRO must demonstrate its good faith effort to comply with those goals
- On or before July 1, 2020 and every four years thereafter, CalRecycle reviews and updates, as necessary, the baseline amount and goals



# Annual Reports

On or before July 1, 2017, reports from:

- Mattress Recycling Organization
  - Advisory committee
- Mattress recyclers
- Mattress renovators
- Operator of a solid waste facility



## **Retail Take-Back**

- On and after July 1, 2014, a retailer must offer a consumer the option to have a used mattress picked up for recovery at the time of delivery at no additional cost to the consumer



# Enforcement

- CalRecycle may impose an administrative civil penalty on any manufacturer, mattress recycling organization, recycler, renovator, or retailer that is in violation of the Act.



# Outline: Informal Draft Regulatory Text

- I. Definitions
- II. *Used Mattress Recovery and Recycling Plan Submittal*
- III. *Used Mattress Recovery and Recycling Plan*
- IV. *Mattress Recycling Charge and Annual Budget*
- V. *Mattress Recycling Organization Annual Report*
- VI. *Used Mattress Recycler Annual Report*
- VII. *Used Mattress Renovator Annual Report*
- VIII. *Solid Waste Facility Annual Report*
- IX. *Advisory Committee Annual Report*
- X. Records
- XI. Criteria and Procedures to Impose Civil Penalties
- XII. Proprietary, Confidential, or Trade Secret Information



## **I. Definitions (§18960)**

- Brand
- Collection
- Operational costs
- Recycling fee
- Significant or material change



## **II. Used Mattress Recovery and Recycling Plan Submittal (§18961)**

- Instructions for a Mattress Recycling Organization to submit a used mattress recovery and recycling plan

# III. Used Mattress Recovery and Recycling Plan (§18962)

- Describes what must be in a plan
- Describes how CalRecycle will approve, disapprove, or conditionally approve

- 1) Proof of certification
- 2) Program goals, methods, and activities
- 3) Contact information
- 4) Stakeholder consultation
- 5) Performance measurement
- 6) Financing mechanism
- 7) Education and outreach
- 8) Advisory committee report



## **IV. Mattress Recycling Charge and Annual Budget (§18963)**

- Description of program budget components
- Feedback requested specifically regarding 18963(b)(4) and 18963(b)(5)

# V. MRO Annual Report (§18964)

- Describes what must be in an annual report
- Describes how CalRecycle will approve, disapprove, or conditionally approve annual reports

- 1) Contact information
- 2) Executive summary
- 3) Methods used
- 4) Updated lists of participants and brands
- 5) Description of program availability
- 6) Best management practices
- 7) MRO coordination
- 8) Objectives and activities
- 9) Financing mechanism
- 10) Education and outreach
- 11) Advisory committee report
- 12) Good faith effort



## **VI. Used Mattress Recycler Annual Report (§18965)**

Feedback requested specifically on  
18965(b)(2) and 18965(b)(3):

- CalRecycle would need the total number of California mattresses received and recycled (from both in-state and out-of-state sources) to determine baseline and set goals



## **VII. Used Mattress Renovator Annual Report (§18966)**

Feedback requested specifically on  
18966(b)(2) and 18966(b)(3):

- CalRecycle would need the total number of California mattresses received and renovated (from both in-state and out-of-state sources) to determine baseline and set goals



## **VIII. Solid Waste Facility Annual Report (§18967)**

Feedback requested specifically on  
18967(b)(2):

- Similar to the used mattress recycler and renovator annual reports, CalRecycle would need this data to determine baseline and set goals



## **IX. Mattress Recycling Organization Advisory Committee Annual Report (§18968)**

- Per §42987(a)(3) of the Public Resources Code



## **X. Records (§18969)**

- Who must keep records
- Generally what records must be kept
- How long records must be retained



## **XI. Criteria to Impose a Civil Penalty (§18970) and Procedure for Imposing Civil Penalties (§18971)**

- Procedures explain how CalRecycle would officially impose and process a civil penalty.
- Cross-references California's Govt. Code, which provides for 'due process' including the right to request a hearing, present a defense, etc.



## **XII. Proprietary, Confidential, or Trade Secret Information (§18972)**

- Standard language



# Next Steps

## Staff will:

- Review and consider comments received through March 27, 2014
- Prepare proposed regulatory text for consideration at CalRecycle May public meeting
- Keep apprised via CalRecycle's mattress listserv: <http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=133>



# CalRecycle Contacts

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