

SENATE No. 2922

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

SENATE, June 16, 2022.

The committee on Environment, Natural Resources and Agriculture, to whom was referred the petitions (accompanied by bill, Senate, No. 569) of Edward J. Kennedy, Mathew J. Muratore, Colleen M. Garry, Jason M. Lewis and other members of the General Court for legislation to establish a mattress stewardship plan; and (accompanied by resolve, Senate, No. 570) of Edward J. Kennedy, Lindsay N. Sabadosa, John H. Rogers, Diana DiZoglio and other members of the General Court for legislation to provide for an investigation and study by a special commission relative to mattress recycling, reports the accompanying bill (Senate, No. 2922).

For the committee,
Rebecca L. Rausch

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to assess the future of mattress recycling in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2 of Chapter 21H of the General Laws is hereby amended by
2 inserting the following definitions:-

3 (1) "Brand" means a name, symbol, word or mark that attributes a mattress to the
4 producer of such mattress;

5 (2) "Commissioner" means the Commissioner of the Department of Environmental
6 Protection;

7 (3) "Covered entity" means any political subdivision of the state, mattress retailer,
8 permitted transfer station, waste-to-energy facility, health care facility, educational facility,
9 military base or commercial or nonprofit lodging establishment that possesses a discarded
10 mattress that was used and discarded in this state. "Covered entity" does not include any
11 renovator, refurbisher or any person who only transports a discarded mattress;

12 (4) "Department" means the Department of Environmental Protection;

13 (5) "Discarded mattress" means any mattress that a consumer discarded, intends to
14 discard or abandoned in the state;

15 (6) "Energy recovery" means the process by which all or a portion of solid waste
16 materials are processed or combusted in order to utilize the heat content or other forms of energy
17 derived from such solid waste materials;

18 (7) "Foundation" means any ticking-covered structure that is used to support a mattress
19 and that is composed of one or more of the following: A constructed frame, foam or a box
20 spring, whether stationary, adjustable or foldable. "Foundation" does not include any bed frame
21 or base made of wood, metal or other material that rests upon the floor and that serves as a brace
22 for a mattress;

23 (8) "Institution" means established organizational entities including, but not limited to
24 health care facilities, higher education facilities, military bases, public and private correctional
25 facilities and jails, assisted living facilities, and group homes;

26 (9) "Mattress" means any resilient material or combination of materials that is enclosed
27 by ticking, used alone or in combination with other products, and that is intended for or
28 promoted for sleeping upon. "Mattress" includes any foundation and any used or renovated
29 mattress. "Mattress" does not include any mattress pad, mattress topper, sleeping bag, pillow, car
30 bed, carriage, basket, dressing table, stroller, playpen, infant carrier, lounge pad, crib or bassinet
31 mattress, crib bumper, liquid or gaseous filled ticking, including any water bed and any air
32 mattress that does not contain upholstery material between the ticking and the mattress core, and
33 upholstered furniture, including a sleeper sofa;

34 (10) "Mattress core" means the principal support system that is present in a mattress,
35 including, but not limited to, springs, foam, air bladder, water bladder or resilient filling;

36 (11) "Mattress stewardship fee" means the amount added to the purchase price of a
37 mattress sold to a consumer or to an ultimate end user in this state that is necessary to cover the
38 cost of collecting, transporting and processing discarded mattresses by the council pursuant to
39 the mattress stewardship program;

40 (12) "Mattress topper" means any item that contains resilient filling, with or without
41 ticking, that is intended to be used with or on top of a mattress;

42 (13) "Non-profit social enterprise organization" means an organization that sells goods
43 and services and enhances economic development and environmental justice through work
44 opportunities in mattress recycling for individuals facing significant barriers to employment;

45 (14) "Performance goal" means a metric proposed by the council and approved by the
46 department to measure, on an annual basis, the performance of the mattress stewardship
47 program, taking into consideration technical and economic feasibilities, in achieving continuous,
48 meaningful improvement in improving the rate of mattress recycling in the state and any other
49 specified goal of the program. At a minimum, goals must include collection and recycling rates
50 and public awareness;

51 (15) "Producer" means any person, irrespective of the selling technique used, including
52 that of remote sale, who manufactures or renovates a mattress that is sold, offered for sale or
53 distributed in the state under the producer's own name or brand. "Producer" includes (A) the
54 owner of a trademark or brand under which a mattress is sold, offered for sale or distributed in
55 this state, whether or not such trademark or brand is registered in this state, and (B) any person

56 who imports a mattress into the United States that is sold or offered for sale in this state and that
57 is manufactured or renovated by a person who does not have a presence in the United States;

58 (16) "Renovate" or "renovation" means altering a mattress for the purpose of resale
59 including any one, or a combination of, the following: Replacing the ticking or filling, adding
60 additional filling, or replacing components with new or recycled materials. "Renovate" or
61 "renovation" does not include (A) the stripping of a mattress of its ticking or filling without
62 adding new material, (B) the sanitization or sterilization of a mattress without otherwise altering
63 the mattress, or (C) the altering of a mattress by a renovator when a person retains the altered
64 mattress for personal use, in accordance with regulations of the Department of Consumer and
65 Business Services;

66 (17) "Renovator" means any person who renovates discarded mattresses for the
67 purpose of reselling such mattresses to consumers;

68 (18) "Retailer" means any person who sells mattresses to a consumer or to an ultimate
69 end user in this state or offers mattresses to a consumer in this state through any means,
70 including but not limited to remote offerings such as sales outlets, catalogs or the Internet.

71 (19) "Sanitization" means the direct application of chemicals to a mattress to kill
72 human disease-causing pathogens;

73 (20) "Sale" means the transfer of title of a mattress for consideration, including, but
74 not limited to, the use of a sales outlet, catalog, Internet web site or similar electronic means to a
75 consumer or to an ultimate end user in the state;

76 (21) "Sterilization" means the mitigation of any deleterious substances or organisms,
77 including human disease-causing pathogens, fungi and insects from a mattress or filling material
78 using a chemical or heat process;

79 (22) "Ticking" means the outermost layer of fabric or material of a mattress. "Ticking"
80 does not include any layer of fabric or material quilted together with, or otherwise attached to,
81 the outermost layer of fabric or material of a mattress; and

82 (23) "Upholstery material" means all material, loose or attached, between the ticking
83 and the core of a mattress.

84 (24) "Waste hauler" means any person who provides commercial, institutional, and
85 residential solid waste removal services, including the removal and end-of-use management of
86 discarded mattresses, in the state under the waste hauler's own name and brand.

87 SECTION 2. Chapter 21H of the General Laws is hereby amended by inserting after
88 Section 7 the following section:- Mattress Stewardship Program

89 Sec. 8. (a) Within 90 days following enactment of this act, each producer, or such
90 producer's designee, shall join the mattress recycling council and by said date such council shall
91 submit a plan, for approval by the Commissioner, to establish a state-wide mattress stewardship
92 program, as described in this subsection. Retailers may participate in said council. Such mattress
93 stewardship program shall, to the extent it is technologically feasible and economically practical:

94 (1) provide for free, convenient and accessible state-wide opportunities for the receipt of
95 discarded mattresses from any person in the state with a discarded mattress that was used and
96 discarded in the state, including, but not limited to, participating covered entities that accumulate
97 and segregate a minimum of one hundred discarded mattresses for collection at one time; (2)

98 provide for free collection of discarded mattresses from transfer stations that accumulate and
99 segregate fewer than fifty mattresses, provided the transfer stations require such collection due to
100 space or permit requirements; (3) provide suitable storage containers at, or make other mutually
101 agreeable storage and transport arrangements for, permitted transfer stations for segregated,
102 discarded mattresses, at no cost to such municipality, provided such transfer station makes space
103 available for such purpose and imposes no fee for placement of such storage container on the
104 transfer station's premises; (4) provide that the organization will conduct research, as needed,
105 related to improving used mattress collection, dismantling, and recycling operations, including
106 pilot programs to test new processes, methods, or equipment on a local, regional, or otherwise
107 limited basis; and (5) include a mattress stewardship fee that is sufficient to cover the costs of
108 operating and administering the program.

109 (b) The plan submitted pursuant to subsection (a) of this section shall: (1) identify each
110 producer participating in the program; (2) describe the fee structure for the program and include
111 a proposed budget; (3) establish performance goals for the program that clearly outline the
112 maximum feasible level of recovery and recycling of used mattresses in support of the
113 Commonwealth's overall waste diversion goals as outlined in the department's solid waste
114 master plan; (4) identify proposed facilities to be used by the program; (5) Offer organizations
115 that recycle or renovate discarded mattresses the opportunity to participate as collection sites; (6)
116 meet minimum convenience goals approved by the department that provide communities,
117 including but not limited, to small towns, rural towns, residents of multifamily housing
118 structures, and environmental justice populations equitable access to collection sites and a
119 timeline for implementing and achieving convenient access to the program; (7) detail how the
120 program will promote the recycling of discarded mattresses consistent with the state's solid

121 waste management hierarchy; (8) include a description of the public education program; (9)
122 propose a mechanism to mitigate the costs associated with collection of discarded mattresses that
123 are illegally dumped, which may include but need not be limited to proposals for funding of
124 clean-up activities, for education and outreach or for studies to evaluate the causes of illegal
125 dumping.

126 (c) The council shall establish and implement a fee structure that covers, but does not
127 exceed, the costs of developing the plan described in subsection (b) of this section, operating and
128 administering the program described in subsection (a) of this section and shall not maintain total
129 reserves exceeding 60 percent of its annual operating expenses, consistent with the requirements
130 of the Financial Accounting Standards Board's Accounting Standards Update 2016-14, Not-for-
131 Profit Entities (Topic 958), and any future updates to that standard. If the council's reserves
132 exceed the amount specified, the department may require the organization to increase spending
133 on implementing the requirements of this chapter in order to reduce the excess amount of
134 reserves. The council may not use any moneys collected through a mattress stewardship fee to
135 pay penalties assessed against the council. The council may initially set the fee as a flat rate and
136 not as a percentage of the purchase price. During the third year of implementing a mattress
137 stewardship program under a plan or initial plan, the council shall fund a study conducted by the
138 department that examines (i) how the mattress stewardship fee can be differentiated to: 1)
139 incentivize the reduction of toxics and resources (e.g., energy and water) associated with
140 mattress production; 2) incentivize the use of post-consumer recycled content in mattress; and 3)
141 discourage the use of mattress materials that pose challenges for the recycling of discarded
142 mattresses; and (ii) the scope of discarded mattresses in this state that are not being collected as
143 part of the council's mattress stewardship program and recommendations on how to direct the

144 discarded mattresses to, and include them, in the council's program. The results of the study will
145 be used to establish a system of differential fees within one year of completion of the study. The
146 council shall maintain all records relating to the program for a period of not less than three years.

147 (d) The council shall include in its plan the establishment of a new Employment Social
148 Enterprise Impact Program based on written recommendations provided by the Commissioner.
149 The goal of the program will be to foster the sustainability of nonprofit employment social
150 enterprise organizations that sell goods and services and enhance economic development and
151 environmental justice through the provision of work opportunities in mattress recycling for
152 individuals facing significant barriers to employment. The program will be effective 30 days
153 after the approval of a plan. Based on the submission of an eligible nonprofit application, the
154 council shall select at least one nonprofit employment social enterprise and award a contract as a
155 vendor for the collection, transportation and recycling of mattresses during the four-year period
156 of the initial plan. Eligible applicants will be 501c3 nonprofit employment social enterprise
157 organizations that have a demonstrated history of providing mattress recycling services in
158 Massachusetts as an approved vendor by the department while providing employment and
159 professional skills training opportunities for individuals facing significant barriers to
160 employment. In addition to the council's funding for the collection, transportation, and recycling
161 of mattresses, the selected nonprofit will be provided a contract that includes an additional social
162 impact payment to support the offering of wraparound and work readiness services, including but
163 not limited to training, transitional employment services, and case management as long as fifty
164 percent of individuals in the work crew face barriers to employment. The social impact payment
165 will equal no less than \$18 per mattress recycled or reused by the nonprofit, not to exceed
166 \$500,000 per year. Subsequent to the first four-year period of the plan, the council will evaluate

167 the opportunity to expand the Employment Social Enterprise Impact Program, and will continue
168 to provide all program offerings included in the initial plan, with no interruption of the program,
169 to at least one eligible nonprofit with a minimum of five years of mattress recycling experience
170 as an approved vendor in Massachusetts. Additionally, nonprofit employment social enterprises
171 will receive priority consideration in any bid or grant application through the council or
172 department that supports mattress recycling, and will be eligible to receive awards on a continual
173 annual basis to best support their sustainability.

174 (e) Pursuant to the program, recycling shall be preferred over any other disposal method
175 for mattresses, to the extent that recycling is technologically feasible and economically practical.

176 (f) If the mattress stewardship fee established by the council is less than the social impact
177 payment, the department shall, monthly, reimburse participating nonprofit employment social
178 enterprises for the difference between the fee and the social impact payment, per mattress
179 collected and recycled. The nonprofit employment social enterprise shall, monthly, submit to the
180 department a request for reimbursement that includes (i) the total number of mattresses collected
181 and recycled by the nonprofit employment social enterprise; and (ii) transportation costs incurred
182 by the nonprofit employment social enterprise related to mattress collection and recycling. The
183 department may (i) increase the minimum social impact payment, (ii) increase the annual cap on
184 social impact payments, and (iii) adjust the reimbursement schedule.

185 (g) The Commissioner shall approve the plan for the establishment of the mattress
186 stewardship program, provided such plan meets the requirements of subsections (a) to (c),
187 inclusive, of this section. Not later than ninety days after submission of the plan pursuant to this
188 section, the Commissioner shall make a determination whether to approve the plan. Prior to

189 making such determination, the Commissioner shall post the plan on the department's Internet
190 web site and solicit public comments on the plan for not less than thirty days. In the event that
191 the Commissioner disapproves the plan because it does not meet the requirements of subsections
192 (a) to (d), inclusive, of this section, the Commissioner shall describe the reasons for the
193 disapproval in a notice of determination that the Commissioner shall provide to the council. The
194 council shall revise and resubmit the plan to the Commissioner not later than forty-five days after
195 receipt of notice of the Commissioner's disapproval notice. Not later than forty-five days after
196 receipt of the revised plan, the Commissioner shall review and approve or disapprove the revised
197 plan and provide a notice of determination to the council. The council may resubmit a revised
198 plan to the Commissioner for approval on not more than two occasions. If the council fails to
199 submit a plan that is acceptable to the Commissioner because it does not meet the requirements
200 of subsections (a) to (c), inclusive, of this section, the Commissioner shall modify a submitted
201 plan to make it conform to the requirements of subsections (a) to (c), inclusive, of this section,
202 and approve it. Not later than one hundred eighty days after the approval of a plan pursuant to
203 this section, or one hundred eighty days, in the case of a plan modified by the Commissioner, the
204 council shall implement the mattress stewardship program. The initial plan submitted by a
205 council and approved by the department shall be valid for five years. At least 180 days before the
206 expiration of a plan or initial plan, the council shall submit the plan to the department to be
207 reapproved for an additional five years.

208 (h)(1) The council shall submit any proposed substantial change to the program to the
209 Commissioner for approval. For the purposes of this subdivision, "substantial change" means:
210 (A) A change in the processing facilities to be used for discarded mattresses collected pursuant to
211 the program, (B) a material change to the system for collecting mattresses, (C) a change to the

212 fee structure, (D) a change in the composition of the committee. If the Commissioner does not
213 disapprove a proposed substantial change within ninety days of receipt of notification of such
214 proposed substantial change, such proposed substantial change shall be deemed approved.

215 (2) Within 90 days following the end of the program’s second fiscal year, the council
216 shall submit updated performance goals to the Commissioner that are based on the experience of
217 the program during the first two years of the program and to ensure continued alignment with the
218 department’s solid waste diversion goals.

219 (i) The council shall notify the Commissioner of other material changes to the program
220 on an ongoing basis, without resubmission of the plan to the Commissioner for approval. The
221 department may promulgate regulations regarding permissible changes without resubmission of
222 the plan.

223 (j) Within 90 days following the end of the program’s second fiscal year and every two
224 years thereafter, the council shall propose a mattress stewardship fee for all mattresses sold in
225 this state except those products excluded from the definition of “Mattress” in Section 1.

226 (k) On and after the implementation of the mattress stewardship program, each
227 manufacturer, renovator, retailer, or distributor that sells a mattress to a consumer or to an
228 ultimate end user in the state shall add the mattress stewardship fee, established pursuant to
229 subsection (a) of this section and described in subsection (h) of this section, to the purchase price
230 for such mattress and shall remit the fee collected to the council. In each transaction described
231 above, the fee shall appear on the invoice and shall be accompanied by a brief description of the
232 fee. The council shall determine the rules and procedures that are necessary and proper to

233 implement the collection of the fee in a fair, efficient, and lawful manner. Any producer or
234 retailer who fails to participate in such program shall not sell mattresses in this state.

235 (k) Not later than October fifteenth of each year, the council shall submit an annual report
236 to the Commissioner of the for the most recently completed fiscal year. The Commissioner shall
237 post such annual report on the department's Internet web site. The Commissioner shall review
238 and approve the yearly annual report. Such report shall include: (1) Information on the number
239 and tonnage of discarded mattresses collected pursuant to the mattress stewardship program
240 from: (A) transfer stations, (B) retailers, (C) collection events, (D) employment social enterprise
241 organizations and (E) all other covered entities during the previous calendar year at a sufficient
242 level of disaggregation to determine how the program is performing in different regions of the
243 state; (2) Information on the number and tonnage of program mattresses collected pursuant to the
244 mattress stewardship program for renovation during the previous calendar year at a sufficient
245 level of disaggregation to determine how the program is performing in different regions of the
246 state; (3) the tonnage of mattresses diverted for recycling; (4) the weight of mattress materials
247 recycled, as indicated by the weight of each of the commodities sold to secondary markets; (5)
248 the weight of mattress materials sent for disposal at each of the following: (A) Waste-to-energy
249 facilities, (B) landfills, and (C) any other facilities; (6) a summary of the public education that
250 supports the program; (7) an evaluation of the effectiveness of methods and processes used to
251 achieve performance goals of the program, information on progress made toward achieving the
252 goals, an explanation of why any goals were not met during the previous calendar year and any
253 efforts that will be taken to improve progress toward meeting the goals in the future, if
254 applicable; (8) recommendations for any changes to the program; (9) the total sales of mattresses
255 sold to consumers in this state in the previous calendar year by producers, renovators and

256 retailers registered with the council; (10) the number of discarded mattresses received through
257 collection that were not included in the program, the number of discarded mattresses that were
258 illegally dumped as reported to the department, an analysis of how the data required by this
259 paragraph has changed over time and strategies the council will take to address discarded
260 mattresses that are not included in the program and discarded mattresses that are illegally
261 dumped; and (11) the mattress recycling organization's costs and revenues for the previous
262 calendar year.

263 (l) The Commissioner of the Department of Environmental Protection shall appoint a
264 mattress stewardship program advisory committee. The advisory committee shall be comprised
265 with membership representation from the Commissioner of the Massachusetts Department of
266 Environmental Protection, or his/her designee, who shall serve as chair of the special
267 commission; a representative from MassRecycle; two representatives from two different covered
268 entities; a representative from a Massachusetts-based mattress recycling organization; a
269 representative of an environmental nongovernmental organization; a representative of a social
270 enterprise nonprofit organization involved in mattress recycling; and a representative of the
271 International Sleep Products Association. The commissioner shall place great emphasis on
272 selecting a diverse group of advisory committee members. The attorney general shall appoint one
273 member to the advisory committee with expertise in consumer protection. The advisory
274 committee shall meet not less than once every quarter and shall consult with the council and
275 advise the department, including delivering written recommendations regarding: (1) The review
276 of any plan for the development and implementation of a mattress stewardship program
277 submitted to the department; (2) The review of any amendment to a plan; (3) The review of
278 annual reports submitted by a council. The department may select and hire a third-party

279 facilitator for the Advisory Committee, which shall be included among the administrative costs
280 of the program, to be paid by producers or producer responsibility organizations.

281 (m) The council shall conduct during the third year of implementing a mattress
282 stewardship program, and in consultation with the mattress stewardship program advisory
283 committee and a minimum of three other community organizations invited by the advisory
284 committee, a study evaluating the most effective methods of providing discarded mattress
285 collection services to low-income individuals, environmental justice populations, municipalities
286 with populations of less than 5,000 residents, and multifamily housing structures.

287 (n) Two years after the implementation of the program and every three years thereafter,
288 or upon the request of the Commissioner but not more frequently than once a year, the council
289 shall cause an audit of the program to be conducted by an auditor as described in subsection (h)
290 of this section. Such audit shall review the accuracy of the council's data concerning the program
291 and provide any other information requested by the Commissioner, consistent with the
292 requirements of this section, provided such request does not require the disclosure of any
293 proprietary information or trade or business secrets. Such audit shall be paid for by the council.
294 The council shall maintain all records relating to the program for not less than three years.

295 (o) Upon implementation of the mattress stewardship program described in section 2 of
296 this act, any covered entity that participates in such program shall not charge for the receipt of
297 discarded mattresses that are discarded in this state provided covered entities may charge a fee
298 for providing the service of collecting mattresses.

299 (p) Each producer and the council shall be immune from liability for any claim of a
300 violation of antitrust law or unfair trade practice, if such conduct is a violation of antitrust law, to

301 the extent such producer or council is exercising authority pursuant to the provisions of sections
302 1 to 6, inclusive, of this act.

303 (q) (1) The Commissioner may seek civil enforcement of the provisions of sections 2 and
304 3 of this act.

305 (2) Whenever, in the judgment of the Commissioner, any person has engaged in or is
306 about to engage in any act, practice or omission that constitutes, or will constitute, a violation of
307 any provision of section 2 or 3 of this act, the Attorney General may, at the request of the
308 Commissioner, bring an action for an order enjoining such act, practice or omission. Such order
309 may require any producer or renovator that violates the provisions of this Act to incur a civil
310 penalty not to exceed \$1,000 per day for each day of the violation and any retailer that violates
311 the provisions of this Act incurs a civil penalty not to exceed \$100 per day for each day of the
312 violation. Upon a showing by the Commissioner that such person has engaged in or is about to
313 engage in any such act, practice or omission, the court may issue a permanent or temporary
314 injunction, restraining order or other order, as appropriate.

315 (3) Any action brought by the Attorney General pursuant to this section shall have
316 precedence in the order of trial.

317 (r) In the event that another state implements a mattress recycling program, the council
318 may collaborate with such state to conserve efforts and resources used in carrying out the
319 mattress stewardship program, provided such collaboration is consistent with the requirements of
320 sections 1 to 6, inclusive, of this act.

321 (s) Nothing in this section shall prohibit the department from administering existing
322 mattress recycling programs.

323 (t) The department shall establish an annual fee to be paid by the council that is
324 reasonably calculated to cover the costs to the department to administer, implement and enforce
325 this Act. The department shall provide notice to the council no later than June 1 of each year of
326 the annual fee for the upcoming calendar year.

327 SECTION 3. Chapter 21H of the General Laws is hereby amended by inserting after
328 Section 7 the following section:- “Section 9: Mattress Recycling Needs Assessment”

329 Section 9. Mattress Recycling Needs Assessment

330 (a) The department shall conduct a needs assessment, a copy of which is to be published
331 on the department’s Internet website, and filed with the clerks of the house of representatives and
332 the senate and the chairs of the joint committee on environment, natural resources and
333 agriculture not later than October 5, 2023. This needs assessment and final report shall include:

334 (1) both a two-year and five-to-ten-year analysis of the state’s projected mattress
335 recycling demand, volume, mattress recycling capacity, associated costs, resource and budgetary
336 needs following the effective date of the updated regulations pursuant to 310 CMR 19.000,
337 including: (A) a recommendation on the continuation of the state’s current role in mattress
338 recycling and the possible expansion of its mattress recycling infrastructure, (B) an
339 environmental impact analysis of the state’s current mattress recycling infrastructure, (C)
340 recommendations and best practices for supporting municipalities with mattress collection,
341 mattress transportation, and associated mattress recycling costs, (D) recommendations for
342 continued social enterprise involvement with the statewide mattress recycling program, including
343 a review of opportunities to increase additional community impacts through preferred
344 partnerships with local non-profit social enterprises and organizations that recycle mattresses,

345 and policy recommendations to reduce potential barriers to entry in the statewide mattress
346 recycling program for social enterprise organizations, and (E) an analysis of the interests and
347 concerns of various stakeholders, including, but not limited to (i) producers, (ii) online and out-
348 of-state retailers, (iii) in-state retailers, (iv) municipalities, (v) commercial and non-profit social
349 enterprise mattress recyclers, (vi) commercial waste haulers, (vii) institutions, (viii) the
350 department, and (ix) consumers;

351 (2) both a two-year and five-to-ten-year analysis of (A) the future capacity of social
352 enterprise engagement in the statewide mattress recycling program, (B) capacity to address
353 recycling needs and coverage gaps across all regions in the commonwealth using a variety of
354 strategies, including but not limited to commercial, non-profit or social enterprise vendors,
355 regional or municipal mattress recycling services, retailer mattress take-back programs, producer
356 responsibility programs, or waste hauler mattress collection services, and (C) a determination of
357 the necessity and feasibility of providing ongoing recycling-related logistical support for
358 municipalities that host institutions of higher education with large off-campus student
359 populations;

360 (3) policy recommendations for establishing proper end-of-use management standards for
361 mattresses, including, but not limited to: (A) ensuring proper in-state disposal of discarded
362 mattresses, including incentives to promote use of in-state mattress recycling infrastructure, (B)
363 support for non-profit social enterprise mattress recycling entities, (C) monetary fines for
364 improper or illegal disposal of mattresses, and (D) the feasibility of implementing a waste
365 tracking system that ensures effective and legal end-of-use management of mattresses;

366 (4) policy recommendations for the continuation and improvement of a statewide
367 mattress stewardship program; and

368 (5) recommendations for best practices to ensure broad and comprehensive public access
369 to accurate online information about the availability of statewide mattress recycling options,
370 access to such options, and proper mattress end-of-use management.

371 (b) As part of the needs assessment, the department shall solicit public input regarding
372 end-of-use mattress recycling needs, gaps in departmental resource allocation and opportunities
373 for increased programmatic support for municipalities with populations of less than 5,000
374 throughout the Commonwealth. Not later than September 5, 2023, the department shall (i) hold
375 not less than 4 public hearings in geographically-diverse municipalities across the
376 commonwealth, 2 of which shall be held in rural municipalities, to receive public testimony on
377 the end-of-use mattress management needs of small and rural municipalities, and shall provide
378 for remote participation; and (ii) solicit and accept written and electronic testimony submissions
379 from the public. The department shall solicit public comment for at least 30 days and shall
380 summarize the public input it receives in the needs assessment.

381 SECTION 4. Sections 1 and 2 of this act shall take effect upon its passage.

382 SECTION 5. Section 3 of this act shall take effect on January 5, 2023.