

HOUSE No. 4810

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 1, 2024.

The committee on Environment and Natural Resources, to whom were referred the petition (accompanied by resolve, Senate, No. 512) of Edward J. Kennedy that provisions be made for an investigation and study by a special commission (including members of the General Court) relative to mattress recycling, the petition (accompanied by bill, Senate, No. 513) of Edward J. Kennedy and Vanna Howard for legislation to assess the future of mattress recycling in the Commonwealth, the petition (accompanied by bill, House, No. 881) of Edward R. Philips and others for legislation to establish a mattress recycling program and the petition (accompanied by bill, House, No. 916) of Andres X. Vargas, Mindy Domb and others for legislation to assess the future of mattress recycling, reports recommending that the accompanying bill (House, No. 4810) ought to pass [Senator Edward Kennedy dissents].

For the committee,

DANIEL CAHILL.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to establish a mattress recycling program 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. Chapter 21H of the General Laws is hereby amended by inserting after
2 section 8 the following sections:-

3 Section 9. As used in sections 9-16, inclusive, the following words shall have the
4 following meanings unless the context clearly indicates otherwise:

5 “Brand”, a name, symbol, word or mark that attributes a mattress to the producer of the
6 mattress.

7 “Consumer”, a person who is the purchaser, by retail sale, of a mattress for final delivery
8 and use.

9 “Department”, the department of environmental protection.

10 “Discarded mattress”, a mattress that has been used and abandoned or discarded in the
11 commonwealth.

12 “Final disposition”, the point beyond which no further recycling, renovation, disposition,
13 or other processing of a discarded mattress occurs.

14 “Foundation”, a ticking-covered structure that is used to support a mattress or sleep
15 surface and that may be constructed of frames, foam, box springs or other materials, used alone
16 or in combination.

17 “Mattress”, a foundation or a resilient material or combination of materials that is
18 enclosed by a ticking, used alone or in combination with other products, and intended or
19 promoted for sleeping upon; provided, however, that “mattress” shall not mean: (i) an unattached
20 mattress pad or unattached mattress topper, with or without resilient filling or ticking, that is
21 intended to be used with or on top of a mattress; (ii) a sleeping bag; (iii) a pillow; (iv) a car bed,
22 crib mattress or bassinet mattress; (v) carriage, basket, dressing table, stroller, playpen, infant
23 carrier, lounge pad, crib bumper or other product manufactured for young children or the pad for
24 a product described in this subparagraph; (vi) a water bed, air mattress or other product that
25 contains liquid- or gas-filled ticking and does not contain upholstery material between the ticking
26 and the mattress core; or (vii) a foldout sofa bed, futon, futon mattress or upholstered furniture.

27 “Mattress core”, the principal support system that is present in a mattress and that may be
28 constructed of materials such as springs, foam, air or water bladders or resilient filling.

29 “Mattress stewardship assessment”, the amount added at retail sale to the purchase price
30 of a mattress to cover the costs of a mattress stewardship program.

31 “Mattress topper”, any item that contains resilient filling, with or without ticking, that is
32 intended to be used with or on top of a mattress.

33 “Person”, a government entity or unit, public or private corporation, individual,
34 partnership, association, firm, trust, estate or other legal entity.

35 “Premium service”, an additional or high-level offering related to mattress sales and
36 disposition, including but not limited to at-home and curbside pickup services.

37 “Producer”, any person, irrespective of the selling technique used, including that of
38 remote sale or online commerce, who: (i) manufactures a mattress that is sold, offered for sale or
39 distributed in the commonwealth; (ii) owns a trademark or brand under which a mattress is sold,
40 offered for sale or distributed in the commonwealth, whether or not such trademark or brand is
41 registered in the commonwealth; or (iii) imports a mattress into the United States that is sold or
42 offered for sale in the commonwealth.

43 “Recycle”, to recover materials or by-products for reuse, use as an ingredient or a
44 feedstock in an industrial or manufacturing process to make a marketable product, or use in a
45 particular function or application as an effective substitute for a commercial product or
46 commodity; provided, however, that “recycle” does not mean to recover energy from the
47 combustion of a material or to create a fuel; and provided further, that “recycle” does not include
48 composting or conversion.

49 “Recyclers”, persons contracted with the stewardship organization to recycle mattresses.

50 “Renovate”, to alter a discarded mattress for resale through adding to or replacing the
51 ticking or filling, adding additional filling or replacing components of the discarded mattress
52 with new or recycled materials; provided, however, that “renovate” shall not mean stripping a
53 discarded mattress of the ticking or filling without adding new material or sanitizing or
54 sterilizing a discarded mattress without other alteration to the discarded mattress.

55 “Retailer”, a person that offers new, used or renovated mattresses for retail sale in the
56 commonwealth.

57 “Retail sale”, sale in the commonwealth to a consumer by any means and for any purpose
58 other than resale, including but not limited to sale by remote offerings such as sales outlets,
59 catalogs or the internet.

60 “Stewardship organization”, a nonprofit organization designated by a producer or group
61 of producers to implement a mattress stewardship program.

62 “Ticking”, the outermost layer of fabric or related material of a mattress; provided,
63 however, that “ticking” shall not mean any layer of fabric or material quilted together with or
64 otherwise attached to the outermost layer of fabric or material of a mattress.

65 Section 10. (a) Not later than July 1, 2025, the department shall establish criteria for
66 mattress stewardship programs, which shall be designed to collect discarded mattresses and
67 dispose of such mattresses using environmentally sound management practices. The department
68 shall determine the methods by which a stewardship organization may submit a mattress
69 stewardship program plan. A program plan shall include but not be limited to: (i) a list of
70 producers and retailers registered with the stewardship organization; (ii) the catchment area in
71 the commonwealth in which the stewardship organization intends to operate; (iii) a description of
72 discarded mattress collection efforts, provided that basic collection services exclusive of
73 premium services shall be offered at no cost to consumers; (iv) a description of the
74 environmentally sound management practices for discarded mattresses received by the
75 stewardship organization; (v) performance standards for recyclers to contract with the
76 stewardship organization; (vi) recycling methods to be used by recyclers; (vii) auditing,

77 inspection and other procedures of the stewardship organization to ensure implementation of
78 environmentally sound management practices; (viii) program performance goals for discarded
79 mattress collections and recycling rates; (ix) a culturally competent and, as applicable,
80 linguistically diverse education and outreach program about the mattress stewardship program;
81 (x) a two-year operating budget for the mattress stewardship program; and (xi) a proposed
82 mattress stewardship assessment amount.

83 (b) The department shall review and issue a determination on a mattress stewardship
84 program plan no later than 180 days after submission. A program plan may be approved for up to
85 5 years. If a program plan is not approved, the department shall inform the stewardship
86 organization in writing of the reasons for its determination, any necessary plan revisions, and
87 instructions for resubmission of a revised program plan.

88 (c) A stewardship organization shall submit to the department a mattress stewardship
89 program plan amendment not less than 60 days in advance of a planned substantial change to
90 the program, and not less than 30 days after an unplanned substantial change to the program.

91 (d) Approved program plans may be submitted to the department to be reapproved for an
92 additional five years as a subsequent program plan. Subsequent program plans shall be submitted
93 not less than 12 months prior to the expiration of the then-current program plan and include
94 proposed improvements based on performance metrics and achieved results of the existing
95 mattress stewardship program, as applicable.

96 (e) The department may require one or more performance audits of mattress stewardship
97 programs with approved plans.

98 (f) The department shall publish on its website all mattress stewardship programs with
99 approved plans, including but not limited to the name of the responsible stewardship
100 organization, the catchment area, a link to the website of the stewardship organization, and the
101 program plan expiration date.

102 Section 11. (a) A stewardship organization shall implement a mattress stewardship
103 program within 180 days of receiving program plan approval from the department. An
104 implemented mattress stewardship program shall: (i) provide convenient consumer access to
105 mattress collection sites and request and schedule premium services; (ii) maintain mattress
106 collection sites at permitted solid waste facilities or other suitable locations for the collection of
107 discarded mattresses; (iii) prioritize renovation or recycling over disposal in the final disposition
108 of mattresses; and (iv) comply with other criteria established by the department.

109 (b) A stewardship organization with an approved mattress stewardship program plan shall
110 make available on its website: (i) a complete and accurate list of all producers and retailers
111 registered with the stewardship organization; (ii) the brands owned by all producers registered
112 with the stewardship organization; (iii) available mattress collection opportunities, including any
113 offered premium services; and (iv) other information relevant for retailers to comply with this
114 chapter.

115 (c) A stewardship organization with an approved mattress stewardship program plan shall
116 collect mattress stewardship assessments from affiliated retailers and use mattress stewardship
117 assessments to pay costs associated with the planning, implementation, administration and
118 operation of a mattress stewardship program and to establish a financial reserve to prepare for

119 unexpected costs. A stewardship organization may not use mattress stewardship assessments to
120 pay penalties assessed against the organization by the department.

121 (d) Annually not later than April 1 in each year of the duration of an approved mattress
122 stewardship program, a stewardship organization shall pay a fee to the department in an amount
123 established by the department.

124 (e) Annually not later than April 1 in each year of the duration of an approved mattress
125 stewardship program, a stewardship organization shall submit to the department an annual report
126 for the preceding calendar year that includes, without limitation: (i) costs, revenues, and an
127 updated budget, as applicable; (ii) the quantity and tonnage of discarded mattresses collected
128 through the program; (iii) the final dispositions of mattresses collected through the program,
129 delineated by weight and material; (iv) a description of why mattress materials were not recycled
130 and intended efforts to increase the recycling rate of mattress materials within the mattress
131 stewardship program; (v) the total number of mattresses sold by producers and retailers
132 registered with the stewardship organization; (vi) results of the audits of the stewardship
133 organization's contracted entities; and (vii) an evaluation of the mattress stewardship program
134 effectiveness and possible methods of improvement.

135 (f) Nothing in this chapter shall prevent a stewardship organization from coordinating
136 efforts to implement a mattress stewardship program with: (i) existing recycling programs in the
137 commonwealth; (ii) municipalities in the commonwealth; or (iii) programs for the collection and
138 environmentally sound management of discarded mattresses in other states, provided appropriate
139 notice of such coordination is provided to the department.

140 Section 12. A producer or retailer shall not sell or offer for sale a mattress to a person
141 unless the producer or retailer is registered with a stewardship organization with an approved
142 mattress stewardship program plan; provided, however, that a retailer registered with a
143 stewardship organization shall not violate this section if, at the time of purchase from a producer,
144 the producer of a mattress was registered with a mattress stewardship program.

145 Section 13. At the point of retail sale of a mattress, a retailer shall: (a) identify the
146 mattress stewardship assessment as a separate line item on the receipt for a mattress provided to
147 a consumer; (b) collect the mattress stewardship assessment; and (c) provide to a consumer
148 information on available collection opportunities for discarded mattresses through the mattress
149 stewardship program. A retailer shall remit the mattress stewardship assessment to the
150 stewardship organization.

151 Section 14. A producer, retailer, or stewardship organization that violates this chapter
152 may be subject to fines, suspension or revocation of a mattress stewardship program plan, or
153 other penalty as determined by the department.

154 Section 15. Annually not later than July 1, the department shall publish on its website and
155 submit to the house and senate committees on ways and means, the joint committee on
156 environment and natural resources, and the clerks of the house and senate a report on mattress
157 stewardship programs in the commonwealth.

158 Section 16. The department shall promulgate regulations to implement sections 9-15 ,
159 inclusive, of this chapter.

160 SECTION 2. There shall be established and set up on the books of the commonwealth a
161 separate fund to be known as the Mattress Stewardship Fund. The fund shall consist of: (i)

162 revenue from appropriations or other money authorized by the general court and specifically
163 designated to be credited to the fund; (ii) interest earned on such revenues; (iii) funds from public
164 and private sources, including, but not limited to, gifts, grants, donations and settlements
165 received by the commonwealth that are designated to be credited to the fund; (iv) federal funds
166 paid to the commonwealth designated to be credited to the fund; and (v) monies paid to the
167 commonwealth pursuant to paragraph (d) of section 10 of chapter 21H of the General Laws. All
168 amounts credited to the fund may be expended by the department, without further appropriation,
169 for the purpose of administering, implementing and enforcing sections 9 to 15, inclusive, of
170 chapter 21H of the General Laws. Amounts credited to the fund that are unexpended at the end
171 of a fiscal year shall not revert to the General Fund.

172 SECTION 3. Proposed sections 12 and 13 of chapter 21H, as set forth in section 1 of this
173 act, shall take effect on January 1, 2027.

174 SECTION 4. Except as provided in section 3, the provisions of this act shall take effect
175 upon its passage.