

HOUSE No. 1023

The Commonwealth of Massachusetts

PRESENTED BY:

Edward R. Philips

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to establish a mattress recycling program in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>1/16/2025</i>
<i>Leigh Davis</i>	<i>3rd Berkshire</i>	<i>5/30/2025</i>

HOUSE No. 1023

By Representative Philips of Sharon, a petition (accompanied by bill, House, No. 1023) of Edward R. Philips for legislation to establish a mattress recycling program. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 881 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

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. Definitions

2 1. “Brand” shall mean a name, symbol, word or mark that attributes a mattress as the
3 producer of the mattress.

4 2. “Consumer” means a person (including but not limited to individuals, families
5 and business entities) who purchases a mattress for use in this state.

6 3. “Department” means the Department of Environmental Protection

7 4. “Discarded mattress” means a mattress that has been used and abandoned or
8 discarded in this state, and does not include a mattress transported from outside this state to be
9 discarded in this state.

10 5. “Environmentally sound management” includes, but is not limited to, the
11 following management practices, implemented in a manner that are designed to protect public
12 health and safety and the environment:

13 a. Keeping detailed documentation of the methods used to:

14 i. Recycle, reuse or renovate discarded mattresses to the extent feasible, cost-
15 effective, and environmentally efficient; and

16 ii. track and document the fate of program mattresses from collection through final
17 disposition.

18 b. Keeping adequate records;

19 c. Conducting performance audits and inspections as determined by a stewardship
20 organization;

21 d. Complying with worker health and safety requirements; and

22 e. Maintaining adequate liability insurance for a stewardship organization and
23 contractors working for the stewardship organization.

24 6. “Final disposition” shall mean the point beyond which no further processing takes
25 place and a discarded mattress and its components have been recycled, renovated or disposed of.

26 7. “Foundation” shall mean a ticking-covered structure that is used to support a
27 mattress or sleep surface and that may be constructed of frames, foam, box springs or other
28 materials, used alone or in combination.

29 8. "Mattress" means a resilient material or combination of materials that is enclosed
30 by a ticking, is used alone or in combination with other products and is intended for sleeping
31 upon or a foundation.

32 a. "Mattress" includes a foundation and a renovated mattress or renovated
33 foundation.

34 b. "Mattress" does not mean the following:

35 i. An unattached mattress pad or unattached mattress topper, including items with
36 resilient filling, with or without ticking, intended to be used with or on top of a mattress.

37 ii. A sleeping bag or pillow.

38 iii. A car bed, crib, or bassinet mattress.

39 iv. Juvenile products, including a carriage, basket, dressing table, stroller, playpen,
40 infant carrier, lounge pad, or crib bumper, and the pads for those juvenile products.

41 v. A product containing liquid- and gaseous-filled ticking, including a water bed and
42 air mattress that does not contain upholstery material between the ticking and the mattress core.

43 vi. Upholstered furniture that does not otherwise contain a detachable mattress or that
44 is a fold out sofa bed or futon.

45 9. "Person" means the United States, the state, a public or private corporation, local
46 government unit, public agency, individual, partnership, association, firm, trust, estate or other
47 legal entity.

48 10. “Premium service” means a service such as at-home pickup service, including
49 curbside pickup service.

50 11. “Producer” means any person, irrespective of the selling technique used,
51 including that of remote sale, that: (a) Manufactures a mattress that is sold, offered for sale or
52 distributed in this state; or (b) Is the owner of a trademark or brand under which a mattress is
53 sold, offered for sale or distributed in this state, whether or not such trademark or brand is
54 registered in this state; and (c) Unless covered by (a) or (b), imports a mattress into the United
55 States that is sold or offered for sale in this state.

56 12. “Program mattress” means a discarded mattress that a stewardship organization
57 will provide environmentally sound management for under a mattress stewardship program.
58 “Program mattress” shall not mean a mattress transported from outside this state to be discarded
59 in this state or a mattress rendered unrecyclable by solid waste collection methods.

60 13. “Recycler” means a person that recycles discarded mattresses.

61 14. "Recycling" means any process in which discarded mattresses and components
62 may lose their original identity or form as they are dismantled and their materials transformed
63 into new, usable or marketable materials

64 15. “Renovate” shall mean to alter a discarded mattress for resale through adding to
65 or replacing the ticking or filling, adding additional filling or replacing components. “Renovate”
66 shall not mean:

67 (a) Stripping a discarded mattress of the ticking or filling without adding new material;

68 (b) The sanitization or sterilization of a discarded mattress without other alteration to the
69 discarded mattress;

70 (c) Recycling.

71 (d) Refurbishing that disqualifies a mattress for a red wholesale renovator tag to be
72 affixed to the mattress, in accordance with the regulations adopted by the Department

73 16. “Retailer” means a person that offers new, used or renovated mattresses for retail
74 sale.

75 17. “Sale” or “sell” means any transfer of title for consideration, including remote
76 sales conducted through sales outlets, catalogues, or the internet or any other similar electronic
77 means. “Sale” or “sell” does not mean a donation.

78 18. “Stewardship Assessment” means the per unit amount added to the purchase price
79 of a mattress sold to a consumer to cover the costs of a mattress stewardship program.

80 19. “Stewardship organization” shall mean a nonprofit organization designated by a
81 producer or group of producers to implement a mattress stewardship program.

82 20. “Ticking” shall mean the outermost layer of fabric or related material of a
83 mattress. “Ticking” shall not mean any layer of fabric or material quilted together with, or
84 otherwise attached to, the outermost layer of fabric or material of a mattress.

85 SECTION 2. Establishment of the Program; Retailer, Producer and Renovator Duties

86 (1) Except as provided in subsection (3) of this section, a producer, renovator or
87 retailer shall not sell or offer for sale any mattress to any person in this state unless the producer,

88 renovator or retailer is registered with a stewardship organization with a plan approved by the
89 Department under section 5 of this Act.

90 (2) On and after the date that a mattress stewardship program is implemented, a
91 retailer:

92 a. Shall purchase a mattress only from a producer or renovator that is registered with
93 a stewardship organization as of the date of purchase as evidenced by information made
94 available by a stewardship organization pursuant to subsection (4) of this section;

95 b. Shall collect, at the point of sale, the mattress stewardship assessment established
96 pursuant to a plan approved by the Department under section 5 of this Act and remit the mattress
97 stewardship assessment to the stewardship organization that implements the mattress stewardship
98 program; and

99 c. Shall provide to consumers, at the point of sale, information on available
100 collection opportunities for discarded mattresses through the mattress stewardship program.

101 (3) Following the implementation of the mattress stewardship program, a retailer
102 complies with the requirements of this section if, on the date the mattress was ordered from the
103 producer or its agent, the producer of the mattress brand is listed on the [Department's] website
104 as implementing or participating in an approved mattress stewardship program.

105 (4) A stewardship organization shall make available on the stewardship
106 organization's website and on request:

107 a. Information on registered brands provided to the stewardship organization by the
108 producers and renovators registered with the stewardship organization;

109 b. Information on available collection opportunities; and

110 c. Any other information necessary for retailers to comply with subsection (2) of this
111 section.

112 (5) A retailer or renovators shall identify the mattress stewardship assessment as a
113 separate line item on the receipt for a mattress provided to a consumer at the point of sale.

114 (6) A stewardship organization or shall use a mattress stewardship assessment
115 collected in this state to pay the costs to plan, implement, administer and operate a mattress
116 stewardship program in this state, including a financial reserve to prudently prepare for
117 unexpected costs.

118 (7) Nothing in this section prevents a stewardship organization from, with notice to
119 the Department, coordinating efforts for carrying out a mattress stewardship program in this state
120 with programs for the collection and environmentally sound management of discarded mattresses
121 in other states.

122 SECTION 3. Program Plan

123 (1) A stewardship organization shall submit to the Department a plan for the
124 development and implementation of a mattress stewardship program. The plan must:

125 a. Describe how the stewardship organization will manage and administer a mattress
126 stewardship program.

127 b. Identify each producer, renovator and retailer that is registered with the
128 stewardship organization as of 30 days before the plan is submitted to the Department.

- 129 c. Include a description of how the stewardship organization will provide for the
130 environmentally sound management of program mattresses, regardless of the producer. The
131 description shall include, at a minimum:
- 132 i. Identification of the proposed recyclers that the stewardship organization will
133 contract with to process program mattresses and the recycling methods that the recyclers will
134 use;
- 135 ii. How the stewardship organization will implement the mattress stewardship
136 program to engage in environmentally sound management practices; and
- 137 iii. Describe how non-program mattresses will be handled.
- 138 d. There shall be no charge at the point of collection of discarded program
139 mattresses, except that the stewardship organization may allow for a person that provides a
140 premium service under the mattress stewardship program to charge for the additional cost of that
141 premium service for program mattresses.
- 142 e. Provide service as described in section 4 of this Act.
- 143 f. Establish performance goals for:
- 144 i. The collection target and recycling rates of program mattresses; and
- 145 ii. Public awareness of the mattress stewardship program.
- 146 g. Include an anticipated annual operating budget, as described in subsection (2) of
147 this section, for the mattress stewardship program for two years of operation of the program,
148 beginning with the year in which the plan is submitted to the Department.

149 h. Include a proposed method for collecting the mattress stewardship assessment
150 from retailers and a method for ensuring the assessment is remitted to the stewardship
151 organization. The mattress stewardship assessment must be sufficient to recover, but not exceed,
152 the costs of establishing and administering the mattress stewardship program.

153 i. Provide for public education and awareness of discarded mattress collection
154 opportunities statewide and on a regular basis.

155 j. Address procedures for identifying substantial or material changes to the system
156 for collecting discarded mattresses for which a plan amendment will be required under section 6
157 of this Act.

158 k. Describe the criteria for determining whether a mattress should be rejected as
159 unacceptable for recycling because it is contaminated, wet, crushed, or would otherwise pose a
160 health or safety risk to personnel or equipment, and how the solid waste sector would dispose of
161 such mattresses;

162 (2) The anticipated annual operating budget for a mattress stewardship program shall
163 include, but need not be limited to, budget line items relating to:

164 a. The collection, transportation and processing of program mattresses

165 b. The anticipated amount of moneys that the stewardship organization will hold in
166 un- allocated reserve funds for the mattress stewardship program; and

167 c. The annual fee to be paid to the Department pursuant to section 7 (3) of this Act.

168 (3) In operating a mattress stewardship program, a stewardship organization shall:

169 a. Meet the requirements of the plan submitted under this section, as approved by
170 the Department pursuant to section 5 of this Act.

171 b. Meet or exceed the service requirements described in section 4 of this Act.

172 SECTION 4. Convenience Standards

173 (1) (a) A plan submitted under section 3 of this Act must provide for convenient
174 consumer access to the program, including permanent mattress dropoff locations throughout the
175 state, collection events in underserved areas of the state, and a convenient way for the public to
176 access a list of mattress collection opportunities.

177 (b) A plan may provide for methods for providing convenient service that are alternative
178 methods to those provided for in paragraph (a) of this subsection if, based on a geographic
179 information systems analysis or additional information, the alternative methods will result in
180 providing service to residents throughout this state at an equivalent level of convenient service
181 compared with the methods provided for under paragraph (a) of this subsection.

182 (2) A stewardship organization may:

183 a. Establish and maintain collection sites at permitted solid waste facilities or other
184 suitable sites for the collection of discarded mattresses, provided such sites do not impose a fee
185 for making space available for storage containers that the stewardship organization shall provide
186 at no charge.

187 b. Provide for bulk pickup service at no cost to collect a minimum of 100 properly
188 source separated program mattresses at one time from persons including:

189 i. Retailers;

- 190 ii. Health care, educational or military facilities; and
- 191 iii. Hotels, motels, inns and other establishments that provide transient lodging.
- 192 c. Offer organizations that recycle or renovate discarded mattresses the opportunity
- 193 to participate as collection sites.
- 194 d. Notify retailers that sell or offer for sale mattresses made or sold by producers or
- 195 renovators registered with the stewardship organization about the mattress stewardship program
- 196 and provide retailers with information necessary to comply with sections 1 to 13 of this Act.

197 SECTION 5. Plan Approval

198 (1) The Department shall approve, reject or request additional information for a plan

199 submitted under section 3 of this Act or an amendment to a plan submitted under section 6 of this

200 Act no later than 60 days after the date the Department receives the plan or plan amendment

201 from the stewardship organization. The Department shall post a plan or plan amendment on its

202 website and provide for a public comment period of no less than 15 days before approving,

203 rejecting or requesting additional information on the plan or plan amendment.

204 (2) If the Department rejects, or requests additional information pertaining to Section

205 3 of this act for, the plan or plan amendment, the Department must provide the stewardship

206 organization with the reasons, in writing, that the plan or plan amendment does not meet the plan

207 requirements of section 3 of this Act. The stewardship organization shall have 30 days from the

208 date that the rejection or request for additional information is received to submit to the

209 Department any additional information necessary for the approval of the plan or plan

210 amendment. The Department shall review and approve or disapprove the revised plan or plan

211 amendment no later than 30 days after the date the Department receives the revised plan or plan
212 amendment.

213 (3) The Department's rejection of, or request for additional information for, a plan
214 amendment does not relieve a stewardship organization from continuing to implement a mattress
215 stewardship program in compliance with a previously approved plan pending a final action by
216 the department on the plan amendment.

217 (4) Beginning no later than 1-year after a plan or amended plan is approved under this
218 section, a stewardship organization must implement a mattress stewardship program as described
219 in the plan or amended plan.

220 SECTION 6. Plan Amendment

221 (1) A stewardship organization shall submit to the Department for approval an
222 amendment to a plan that has been approved by the Department under section 5 of this Act if, at
223 any time:

224 a. There is a substantial or material change, as provided for under section 3(1)(j) of
225 this Act, to the system for collecting discarded mattresses; or

226 b. The Department requests an amendment to the plan in order to address a specific
227 finding by the department that the program plan is outdated as described in the program plan.

228 (2) The Department shall review the program plan every five years after initial plan
229 approval. If it deems that the requirements of section 6(1) have been met, it may require the
230 stewardship organization to submit to the Department, an amended plan for its review and
231 approval or rejection.

232 (3) The Department may not request an amendment under subsection (1) of this
233 section until two years after the implementation of a mattress stewardship program by the
234 stewardship organization.

235 (4) Within 30 days of the following, the stewardship organization shall provide
236 written notice to the Department:

237 a. A change in the location or the number of permanent collection sites identified in
238 the plan;

239 b. A change in the producers or renovators that are registered with the stewardship
240 organization; or

241 c. A change in the recyclers or renovators and transporters that manage the
242 discarded mattresses collected by the stewardship organization under the program.

243 (5) After one year from the date when the collection of the stewardship assessment
244 commences, the stewardship organization may change the amount of such assessment, but the
245 organization shall not change the amount of such assessment more frequently than annually
246 unless the organization provides good cause to change the assessment earlier and shall provide
247 no less than 90 days' notice to the public before the change in the amount of such assessment
248 takes place.

249 (6) The stewardship organization may conduct a financial review of the fees of those
250 parties required to remit the stewardship assessment to the mattress recycling organization to
251 verify that the assessments paid are proper and accurate and to confirm that all parties required
252 by this article to pay or collect the assessment are paying or collecting the proper amount. The

253 financial review shall be carried out in accordance with generally accepted auditing practices and
254 shall be limited in scope to confirm whether the stewardship assessment has been properly
255 collected on all sales of mattresses to consumers in the Commonwealth. The stewardship
256 organization shall hire independent third-party auditors to conduct the financial review. The
257 organization shall provide to the Department a copy of such financial review reports.

258 (7) A proposed change to the mattress stewardship assessment shall not be grounds to
259 require a program plan amendment.

260 SECTION 7. Annual Report

261 (1) A stewardship organization that implements a mattress stewardship program
262 pursuant to a plan approved by the Department under section 5 of this Act shall, no later than
263 July 1 of each year, submit for review and approval to the Department:

264 a. The annual report provided for under subsection (2) of this section for the
265 preceding calendar year;

266 b. An updated budget for the upcoming calendar year that follows the budget
267 requirements provided for in section 3 of this Act; and

268 (2) The annual report submitted by a stewardship organization shall include, at a
269 minimum, with respect to mattresses collected in this state:

270 a. The total sales of mattresses sold to consumers in this state in the previous
271 calendar year by producers, renovators and retailers registered with the stewardship organization;

272 b. The mattress stewardship program's costs and revenues for the previous calendar
273 year;

- 274 c. Information on the number and tonnage of discarded mattresses collected
275 pursuant to the mattress stewardship program for recycling during the previous calendar year;
- 276 d. The weight of mattress materials recycled and the final disposition of mattress
277 materials, by weight and by material, sold as commodities in secondary markets;
- 278 e. The weight of program mattress materials sent for disposal at each of the
279 following:
- 280 i. Waste-to-energy facilities;
- 281 ii. Landfills; and
- 282 iii. Any other facilities;
- 283 f. An evaluation of why the mattress materials sent for disposal were not recycled
284 and a description of program efforts to increase the recycling rate of mattress materials under the
285 mattress stewardship program;
- 286 g. The strategies of the stewardship organization will take to address discarded
287 mattresses that are not program mattresses and discarded mattresses that are illegally dumped;
- 288 h. A summary of the public education offered in the previous calendar year that
289 supports the mattress stewardship program and examples of public education materials;
- 290 i. An evaluation of the effectiveness of methods and processes used to achieve the
291 approved program plan goals of the mattress stewardship program, information on progress
292 made toward achieving the goals, an explanation of why any goals were not met during the

293 previous calendar year and any options for improving progress toward meeting the goals in the
294 future, if applicable;

295 j. A report by an independent certified public accountant, retained by the
296 stewardship organization at the stewardship organization's expense, on the accountant's audit of
297 the stewardship organization's financial statements;

298 k. A report on the outcome of financial review of entities the stewardship
299 organization contracts with, as provided in section 6(6) of this Act; and

300 l. Recommendations for changes to the mattress stewardship program, including
301 continuous improvement.

302 (3) The Department shall establish an annual fee to be paid by the stewardship
303 organization that is reasonably calculated to cover the actual costs to the Department to
304 administer, implement and enforce sections 1 to 13 of this Act. The Department shall provide
305 notice to a stewardship organization no later than April 1 of each year of the annual fee for the
306 upcoming calendar year. Fees collected by the Department under this section shall be deposited
307 in the State Treasury to the credit of the Mattress Stewardship Fund established under section 9
308 of this Act.

309 SECTION 8. Department Powers

310 (1) The Department shall have the power to enter upon and inspect, at any
311 reasonable time, any public or private property, premises or place for the purpose of
312 investigating either an actual or suspected violation of sections 1 to 13 of this Act.

313 (2) A stewardship organization shall retain all records related to implementation of a
314 mattress stewardship program for not less than three years and make the records available for
315 inspection by the Department upon request.

316 (3) The Department shall maintain on its website a list of all producers, renovators
317 and retailers that are in compliance with sections 1 to 13 of this Act.

318 (4) Upon a written finding that a manufacturer, renovator, distributor, recycler, or
319 retailer has not met a material requirement of this chapter, in addition to any other penalties
320 authorized under this chapter, the department may take any of the following actions, after
321 affording the manufacturer, organization, renovator, distributor, recycler, or retailer a reasonable
322 opportunity to respond to, or rebut, the finding, to ensure compliance with the requirements of
323 this chapter:

324 a. Require additional reporting requirements relating to compliance with the
325 material requirement identified by the department.

326 b. Remove the manufacturer, renovator, or distributor from the department's internet
327 website and list of compliant manufacturers, renovators, and distributors, as specified in Section
328 2(4).

329 c. levy civil penalties as described in Section 12 of this act.

330 SECTION 9. Mattress Stewardship Fund

331 The Mattress Stewardship Fund is established, separate and distinct from the General
332 Fund. All moneys in the Mattress Stewardship Fund are continuously appropriated to the

333 Department and may be used only to pay the costs of administering, implementing and enforcing
334 sections 1 to 13 of this Act.

335 SECTION 10. Antitrust immunity

336 (1) The public interest is served by producers and stewardship organizations
337 collaborating to develop, fund and implement mattress stewardship programs. The
338 establishment, administration, setting, collection and disbursement of the stewardship assessment
339 shall be exempt from federal and state antitrust laws.

340 (2) (a) This section does not authorize any person to engage in activities or to
341 conspire to engage in activities that constitute per se violations of state or federal antitrust laws
342 that are not authorized under sections 1 to 13 of this Act.

343 (b) This section does not apply to any activities related to:

344 a. Pricing agreements for mattresses unrelated to the mattress stewardship
345 assessment;

346 b. Agreements regarding the output or production of mattresses; or

347 c. Restrictions on the geographic area in which, or the consumers to whom,
348 mattresses will be sold.

349 (3) The Department shall actively supervise the conduct of a stewardship
350 organization in establishing, administering, collecting and disbursing the mattress stewardship
351 assessment.

352 SECTION 11. Regulatory Authority

353 The Department may adopt rules as necessary to implement sections 1 to 13 of this Act.

354 SECTION 12. Civil Penalties

355 (1) A retailer that violates this part is subject to a civil penalty not to exceed \$100 per
356 day for each day of the violation.

357 (2) (a) a producer, renovator, or representative organization that violates this part is
358 subject to a civil penalty not to exceed \$1,000 per day for each day of the violation.

359 (b) any penalty collected under this section shall be placed in the mattress stewardship
360 fund to be used by the [department] to ensure the implementation of approved mattress
361 stewardship programs.

362 (3) In evaluating whether to impose a civil penalty, and in determining the amount of
363 such civil penalty, the Department shall take into account the materiality of the violation,
364 whether the violation is wholly or partially the result of factors beyond the control of the
365 producer or mattress recycling organization, whether the producer or mattress recycling
366 organization has made a good faith effort to comply with the provisions of this article, and
367 whether the violation can be addressed through means other than a civil penalty.

368 SECTION 13. Program Deadlines

369 (1) Initial plans for mattress stewardship programs under section 3 of this Act must
370 be submitted to the Department no later than one year after this Act becomes law.

371 (2) Notwithstanding section 5 (4) of this Act, a stewardship organization shall
372 implement a mattress stewardship program as described in an initial plan submitted pursuant to

373 subsection (1) of this section no later than one year after the date that the initial plan is approved
374 by the Department under section 5 of this Act.