

**SENATE . . . . . No. 614**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Edward J. Kennedy*

*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 promote the future success of mattress recycling in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	
<i>Dylan A. Fernandes</i>	<i>Plymouth and Barnstable</i>	<i>2/5/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>6/3/2025</i>

**SENATE . . . . . No. 614**

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By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 614) of Edward J. Kennedy and Dylan A. Fernandes for legislation to promote the future success of mattress recycling in the Commonwealth. Environment and Natural Resources.

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**The Commonwealth of Massachusetts**

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

An Act to promote the future success 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 "Brand" means a name, symbol, word or mark that attributes a mattress to the producer of  
4 such mattress;

5 "Commissioner" means the Commissioner of the Department of Environmental  
6 Protection;

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

12 "Department" means the Department of Environmental Protection;

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

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

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

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

26 "Mattress" means any resilient material or combination of materials that is enclosed by  
27 ticking, used alone or in combination with other products, and that is intended for or promoted  
28 for sleeping upon. "Mattress" includes any foundation and any used or renovated mattress.

29 "Mattress" does not include any mattress pad, mattress topper, sleeping bag, pillow, car bed,  
30 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 "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 "Mattress recycling fee" means the amount added to the purchase price of a mattress sold  
37 to a consumer or to an ultimate end user in this state that is necessary to cover the cost of  
38 collecting, transporting and processing discarded mattresses pursuant to the mattress recycling  
39 program;

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

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

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

50 "Producer" means any person, irrespective of the selling technique used, including that of  
51 remote sale, who manufactures or renovates a mattress that is sold, offered for sale or distributed  
52 in the state under the producer's own name or brand. "Producer" includes the owner of a

53 trademark or brand under which a mattress is sold, offered for sale or distributed in this state,  
54 whether or not such trademark or brand is registered in this state, and any person who imports a  
55 mattress into the United States that is sold or offered for sale in this state and that is  
56 manufactured or renovated by a person who does not have a presence in the United States;

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

64 "Renovator" means any person who renovates discarded mattresses for the purpose of  
65 reselling such mattresses to consumers;

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

69 "Sanitization" means the direct application of chemicals to a mattress to kill human  
70 disease-causing pathogens;

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

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

77 "Ticking" means the outermost layer of fabric or material of a mattress. "Ticking" does  
78 not include any layer of fabric or material quilted together with, or otherwise attached to, the  
79 outermost layer of fabric or material of a mattress; and

80 "Upholstery material" means all material, loose or attached, between the ticking and the  
81 core of a mattress.

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

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

87 Sec. 8. (a) Within 300 days following enactment of this act, the Department shall develop  
88 a written plan to establish a state-wide mattress recycling program, as described in this  
89 subsection. Such mattress recycling program shall offer program services, incentives, and a  
90 variety of other strategies to best address existing mattress recycling needs and coverage gaps  
91 across all regions in the commonwealth; expenses associated with this program will use funding  
92 from a new mattress recycling fee structure, as outlined in the department's plan, that is  
93 sufficient to cover the costs of operating and administering the program. The program shall  
94 begin no later than 24 months after the enactment of this legislation.

95 (b) Pursuant to the program, recycling shall be preferred over any other disposal method  
96 for mattresses, to the extent that recycling is technologically feasible and economically practical.  
97 Reuse is also prioritized and the plan shall make reuse eligible for compensation reimbursement  
98 incentives offered by the department.

99 (c) The plan submitted pursuant to subsection (a) of this section shall: describe the fee  
100 structure for the program and include a proposed budget; establish performance goals for the  
101 program that clearly outline the maximum feasible level of recovery and recycling of used  
102 mattresses in support of the Commonwealth's overall waste diversion goals as outlined in the  
103 department's solid waste master plan; a timeline for implementing and achieving convenient  
104 access to the program; detail how the program will promote the recycling of discarded mattresses  
105 consistent with the state's solid waste management hierarchy; include a description of the public  
106 education program; propose a mechanism to mitigate the costs associated with collection of  
107 discarded mattresses that are illegally dumped, which may include but need not be limited to  
108 proposals for funding of clean-up activities, for education and outreach or for studies to evaluate  
109 the causes of illegal dumping; the department shall establish and implement a fee structure that  
110 covers, but does not exceed, the costs of developing the plan described in this section, operating  
111 and administering the program described in subsection (a) of this section. Revenue from any  
112 fees collected shall be remitted to the department. If the Secretary of Energy and Environmental  
113 Affairs deems it necessary to carry out the goals of strengthening mattress recycling services  
114 across the Commonwealth, there shall be established and set up on the books of the  
115 Commonwealth a separate fund to be known as the Mattress Recycling Trust Fund that has the  
116 primary and only goal of funding recommendations that are outlined in the Plan; The  
117 department, in consultation with the Mattress Recycling Council and International Sleep

118 Products Association and others, shall determine the rules and procedures that are necessary and  
119 proper to implement the collection of a fee in a fair, efficient, and lawful manner.

120 (d) During the third year of implementing a mattress recycling program under an  
121 approved plan, the department shall fund a study that examines (i) how the mattress recycling  
122 program can incentivize the reduction of toxics and resources (e.g., energy and water) associated  
123 with mattress production; incentivize the use of post-consumer recycled content in mattress; and  
124 discourage the use of mattress materials that pose challenges for the recycling of discarded  
125 mattresses; and (ii) the scope of discarded mattresses in this state that are not being collected as  
126 part of the department's mattress recycling program and recommendations on how to direct the  
127 discarded mattresses to, and include them, in the department's program. And (iii) In consultation  
128 with the mattress program advisory committee and a minimum of three other community  
129 organizations invited by the advisory committee, a study evaluating the most effective methods  
130 of providing discarded mattress collection services to low-income individuals, environmental  
131 justice populations, municipalities with populations of less than 5,000 residents, and multifamily  
132 housing structures; Results of the study will be used to establish any changes to the fee structure  
133 or overall program design. The department shall maintain all records relating to the program for  
134 a period of not less than three years.

135 (e) The department shall include in its plan a new innovation grant program to provide  
136 funding to support eligible entities to carry out research and new pilot projects, including the  
137 purchase of equipment and capital building expenses, aimed at advancing the goal of increased  
138 sustainability for the field of mattress recycling. Through this grant program, the department  
139 shall focus on supporting innovations that particularly advance recycling related to materials  
140 within the mattress that are most challenging to recycle; Eligible services shall include research

141 and implementation related to material processing innovations or the creation of new products  
142 made from recycled mattress materials.

143 (f) The department shall include in its plan, and all future plans, the establishment of a  
144 new employment social enterprise impact pilot program based on written recommendations  
145 provided by the Commissioner. The goal of the program will be to foster the sustainability of  
146 nonprofit employment social enterprise organizations that sell goods and services and enhance  
147 economic development and environmental justice through the provision of work opportunities in  
148 mattress recycling for individuals facing significant barriers to employment. The department  
149 shall include in its plan the most recent language for the employment social enterprise impact  
150 pilot program that has been previously approved in the state's General Appropriations Act.

151 (g) The Commissioner of the Department of Environmental Protection shall appoint a  
152 mattress recycling program advisory committee who shall provide guidance, feedback, and  
153 recommendations on the formation and approval of the plan, in addition to their guidance as it  
154 relates to the ongoing implementation of the program; The advisory committee shall have its  
155 first meeting no later than 60 days after enactment of this legislation; Prior to the approval of the  
156 Plan, the committee shall meet on a regular basis, for no less than 6 months to carry out its focus  
157 on providing guidance, feedback, and recommendations on the establishment of the plan that will  
158 be used to design the offering of the new mattress recycling program; After the approval of the  
159 Plan and the initial establishment of the mattress recycling program, the Committee shall meet  
160 no less than once every quarter to provide feedback and recommendations as it relates to the  
161 implementation of the program, including the review of the Commissioner's annual report.

162           The advisory committee shall advise the department, including delivering written  
163 recommendations regarding: The review of any plan for the development and implementation of  
164 a mattress recycling program; the review of any amendment to a plan; the review of annual  
165 reports submitted by the department. The department may select and hire a third-party facilitator  
166 for the Advisory Committee, which shall be included among the administrative costs of the  
167 program, to be paid by the mattress recycling fee.

168           The advisory committee shall be comprised with membership representation from the  
169 Commissioner of the Massachusetts Department of Environmental Protection, or his/her  
170 designee, who shall serve as chair of the committee; a representative from MassRecycle; two  
171 representatives from two different covered entities; a representative from a Massachusetts-based  
172 mattress recycling organization; a representative of an environmental nongovernmental  
173 organization; a representative of a social enterprise nonprofit organization involved in mattress  
174 recycling; and a representative of the International Sleep Products Association. The  
175 commissioner shall place great emphasis on selecting a diverse group of advisory committee  
176 members. The attorney general shall appoint one member to the advisory committee with  
177 expertise in consumer protection.

178           (h) Nothing in this section shall prohibit the department from administering existing  
179 mattress recycling programs.

180           (i) Prior to the approval of this Plan, the department shall solicit public input regarding  
181 end-of-use mattress recycling needs, gaps in departmental resource allocation and opportunities  
182 for increased programmatic support for municipalities with populations of less than 5,000  
183 throughout the Commonwealth. The department shall (i) hold not less than 4 public hearings in

184 geographically-diverse municipalities across the commonwealth, 2 of which shall be held in rural  
185 municipalities, to receive public testimony on the end-of-use mattress management needs of  
186 small and rural municipalities, and shall provide for remote participation; and (ii) solicit and  
187 accept written and electronic testimony submissions from the public. The department shall solicit  
188 public comment for at least 30 days and shall summarize the public input it receives in the needs  
189 assessment.

190 (j) Not later than October fifteenth of each year, the department shall submit an annual  
191 report to the clerks of the senate and house, the chairs of the senate and house committees on  
192 ways and means, and the chairs of the joint committee on environment, natural resources and  
193 agriculture; The Commissioner shall post such annual report on the department's Internet web  
194 site. The Commissioner shall review and approve the yearly annual report. Such report shall  
195 include: Information on the number and tonnage of discarded mattresses collected pursuant to  
196 the mattress recycling program; a summary of the public education that supports the program; an  
197 evaluation of the effectiveness of methods and processes used to achieve performance goals of  
198 the program, information on progress made toward achieving the goals, an explanation of why  
199 any goals were not met during the previous calendar year and any efforts that will be taken to  
200 improve progress toward meeting the goals in the future, if applicable; recommendations for any  
201 changes to the program; the number of discarded mattresses that were illegally dumped as  
202 reported to the department, an analysis of how the data required by this paragraph has changed  
203 over time and strategies the department will take to address discarded mattresses that are not  
204 included in the program and discarded mattresses that are illegally dumped; and the mattress  
205 recycling program's costs and revenues for the previous calendar year.