

SENATE No.

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:

Edward J. Kennedy

DISTRICT/ADDRESS:

First Middlesex

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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.