

IN CONSIDERATION OF RESOLUTION NO. 20-5069 FOR THE PURPOSE OF
SUPPORTING STATEWIDE PRODUCT STEWARDSHIP LEGISLATION FOR
MATTRESSES

Date: January 14, 2020

Department: Waste Prevention and
Environmental Services

Meeting Date: January 30, 2020

Prepared by: Scott Klag x1665,
scott.klag@oregonmetro.gov

Presenters: Scott Klag; Pam Peck
Length: 10 minutes

ISSUE STATEMENT

This resolution articulates the Metro Council's support for a statewide product stewardship bill for mattresses to be introduced at the 2020 Oregon legislative session and directs staff to pursue passage of legislation consistent with the Council's policy priorities and principles.

ACTION REQUESTED

Approval of Resolution 20-5069.

IDENTIFIED POLICY OUTCOMES

The Metro Council's Legislative Principles support product stewardship legislation that requires that whoever designs, produces, sells or uses a product bear responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle.

A goal of the 2030 Regional Waste Plan (Ordinance No. 19-1431) is to reduce the environmental impact of products disposed in Oregon, and advocate for product stewardship legislation that reduces those impacts.

Resolution 19-4954 supported state legislation on product stewardship legislation for mattresses during the 2019 session.

POLICY QUESTION(S)

Does the Metro Council want to continue supporting statewide product stewardship legislation for mattresses at the 2020 state legislative session?

POLICY OPTIONS FOR COUNCIL TO CONSIDER

The statewide 2020 mattress legislation is expected to be substantially the same as the bill supported by the Metro Council in 2019. Staff will continue to seek policy direction from the Council throughout the legislative session if significant changes are proposed for the bill.

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 20-5069.

STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION

At its Dec. 3, 2019 work session, Council discussed specific actions that Metro could take to make the region's recycling system stronger and more resilient in the future. Those actions addressed both the "curbside" recycling system (for materials collected at residences and businesses) and special materials of interest to Council, including mattresses. At the conclusion of that discussion, Council directed staff to implement the comprehensive work plan that was discussed, including formally expressing its support for state legislation to enact producer responsibility requirements for mattresses in the Oregon Legislature's 2020 session. Council further indicated that if the Legislature did not pass such legislation in 2020, then the Council would consider a region-specific ordinance later in the year.

A product stewardship program for mattresses aligns with multiple goals and actions within the 2030 Regional Waste Plan.

Goal 5: Reduce the environmental and human health impacts of products and packaging that are made, sold, used or disposed in Oregon.

Action 5.4 Advocate for product stewardship legislation and other policy approaches that can achieve the greatest reduction in environmental and human health impacts from products and packaging made, used or disposed in the region.

Goal 8: Increase the reuse, repair and donation of materials and consumer products.

Goal 10: Provide regionally consistent services for garbage, recyclables and other priority materials that meet the needs of all users.

Action 10.8 Advocate for statewide legislation or implement regional policies to increase the types of products and packaging for which manufacturers and retailers provide environmentally sound, convenient and accessible take-back programs.

Goal 11: Address and resolve community concerns and service issues.

Action 11.4 Provide services to clean up illegal dumps on public property, prioritizing communities with greatest need.

Action 11.5 Research the root causes that contribute to illegal dumping and how they can be addressed.

Goal 12: Manage all garbage and recycling operations to reduce their nuisance, safety and environmental impacts on workers and the public.

A statewide mattress stewardship program will support achievement of (a) Goal 5 by diverting mattresses that can be refurbished for reuse; (b) Goal 8 by increasing the availability of services to residents who have mattresses to discard, including low income and multifamily residents; (c) Goal 11 by assisting Metro in addressing the illegal dumping of mattresses; and (d) Goal 12 by diverting mattresses from solid waste facilities where they are difficult and dangerous to manage.

- **How does this advance Metro's equity goals?**

The legislation requires provision of free, convenient and accessible collection opportunities for any person in the state. The legislation will increase collection from multifamily residences, low income communities and communities of color.

Mattress recycling facilities that will be supported by this legislation can create permanent employment and training opportunities for populations that face significant barriers to employment, including a history of incarceration or homelessness.

- **How does this advance Metro's climate action goals?**

Once disassembled, up to 85 percent of a typical mattress is recyclable. Materials such as metal, foam, cotton and wood can be used to make new products. Significant reductions in greenhouse gases and energy use have been shown to result from reuse and recycling of mattress components¹.

- **Known Opposition/Support/Community Feedback**

The mattress industry helped develop the bill last session, although the session adjourned before final language in some areas could be agreed upon. The Association of Oregon Recyclers (AOR) (composed of among others - solid waste and recycling companies and local and state governments) supported the bill. BRING, a Eugene based reuse and recycling non-profit was strongly supportive.

- **Explicit list of stakeholder groups and individuals who have been involved in policy development.**

The National Sleep Products Association (an industry trade organization) and its stewardship agency (MRC – the Mattress Recycling Council), the Oregon Department of

¹ [Mattress and Box Spring Case Study: The Potential Impacts of Extended Producer Responsibility in California on Global Greenhouse Gas \(GHG\) Emissions](#)

Environmental Quality and Metro staff are among those involved in developing the bill's approach. St. Vincent DePaul, which has active mattress recycling programs in the state also supported and commented on the bill's development. The national Product Stewardship Institute, which has experience with mattress legislation in other states, also provided technical assistance.

- **Legal Antecedents:**

Oregon has legislated statewide product stewardship programs for electronics (2007); paint (2009); and pharmaceuticals (2019). The Oregon Bottle Bill (1971, 2011) is also a type of product stewardship. The proposed statewide legislation under consideration would add mattresses to the type of products covered by this policy approach.

There are similar legislated mattress stewardship programs, operated by the industry's stewardship entity MRC, in three other states: Connecticut, Rhode Island and California.

- **Anticipated Effects:** The program would ensure the availability of mattress recycling opportunities for residents in the Metro region and across the state. The increased services will reduce the number of mattresses in the waste stream and improve safety conditions for workers at our and other transfer stations. More convenient disposal options should also reduce illegal dumping of mattresses.
- **Financial Implications (current year and ongoing):** A portion of Metro's costs for managing illegally dumped mattresses should be mitigated by the program.

BACKGROUND

Over the past several years, Metro Councilors and staff have discussed the need for more mattress reuse and recycling in the Portland metropolitan region. Staff has been following other states' development of product stewardship laws for mattresses as a potential solution.

In 2018, state Senator James Manning from the Eugene area expressed interest in sponsoring a bill to promote mattress recycling. Persons promoting the idea to him were familiar with the California stewardship legislation. With assistance from others, including the Oregon DEQ and Metro staff, the Senator introduced SB 276 in the 2019 session. The bill was amended and passed out of its policy committee, but died in Ways and Means. There were additional amendments related to DEQ oversight and antitrust that were close to being finalized when time ran out. Discussions on the 2020 bill will start from that point.

The bill would establish a statewide product stewardship system for the collection and proper management of mattresses. The bill will require manufacturers to take responsibility for establishing a stewardship organization that will develop, finance and implement the program. The program will support local private and non-profit entities already at work recycling mattresses across the state.

The mattress stewardship program will address a challenging item for Metro-area residents to manage, create jobs, recover materials that can be recycled into new products and divert mattresses from solid waste facilities where they are difficult and dangerous to manage.

ATTACHMENTS

Attachment 1 to Staff Report: Exhibit A to Resolution 19-4954, Metro Council
Legislative Priorities, 2019 Legislative Session

Attachment 2 to Staff Report: Exhibit B to Resolution 19-4954, Metro Council
Legislative Principles, 2019 Legislation Session