

METRO 2021 LEGISLATIVE ISSUE IDENTIFICATION

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ISSUE: Extended Producer Responsibility for Mattresses

BACKGROUND: Extended Producer Responsibility (EPR) legislation for mattresses will 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.

Mattresses are present in the waste stream in significant numbers and pose a problem for the solid waste system. Thousands of mattresses from the Metro region and across Oregon are discarded each year. These bulky, hard-to-handle items are difficult to process as garbage and can pose a safety hazard to solid waste workers. Metal springs in the mattresses can damage equipment at our solid waste facilities.

A stewardship program will create new jobs at facilities set up to recycle mattresses. Disassembling mattresses can provide permanent employment and training opportunities for populations that face significant barriers to employment, including a history of incarceration or homelessness.

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 and prevent the harvesting of virgin materials.

This program will build on Oregon's legacy of establishing successful EPR programs such as those for bottles, leftover paint and discarded electronics. Manufacturers selling their products into the state will be required to belong to a stewardship organization. The stewardship organization will be required to achieve certain standards of convenience to ensure services are available to all Oregonians. Like the Oregon paint producer responsibility law, an assessment will be collected at the point of sale when a consumer purchases a mattress; there will be no charge to drop off for recycling. The state will approve the assessment to ensure it will cover, but not exceed, the cost of the program.

RECOMMENDATION: Support a statewide EPR for mattress legislation.

A statewide program would be more beneficial than a regional program as it offers greater coverage and potentially greater efficiencies than a regional one and would be overseen by the DEQ, which has developed expertise with these types of programs. However, if the state legislation does not pass, Metro would develop and implement a program at the regional level.

LEGISLATIVE HISTORY: The Oregon Legislature is set to again consider the creation of a state EPR program for mattresses in the 2021 session. Metro supported state legislation establishing a producer responsibility program for mattresses during both the 2019 and 2020 legislative sessions.

On January 30, 2020, the Metro Council passed Resolution 20-5069 in advance of the 2020 Oregon legislative session in support of mattress EPR legislation. At that time, while supporting the state bill, Councilors expressed interest in pursuing such legislation regionally if it failed to pass at the state level. `

At the 2020 legislative session a strong bill (HB 2772A) came out of committee and went to Ways and Means, and its chief sponsor expected it to pass. While most of the bill was developed in discussions with the main association of mattress manufacturers, the amended bill included an important provision, resisted by the manufacturers, that ensures DEQ's ability to enforce against producers who fail to comply. However, the collapse of the session meant that the bill died, along with almost every other bill.

Three other states (Connecticut, Rhode Island and California) have passed similar legislation and are successfully collecting and recycling hundreds of thousands of mattresses.

OTHER INTERESTED PARTIES: 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. Other supportive parties include mattress recyclers and a local mattress retailer. As noted above, the main association of mattress manufacturers continues to oppose a key provision.

IMPACT IF PROPOSED ACTION OCCURS: An EPR program for mattresses will provide the following for the region:

- **Policy:** An EPR program for mattresses aligns with multiple goals and actions within the 2030 Regional Waste Plan.
- **Equity:** 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.
- **Operations:** The increased services will reduce the number of mattresses in the waste stream and improve safety conditions for workers at transfer stations. More convenient disposal options should also reduce illegal dumping of mattresses.
- **Employment:** 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.
- **Climate:** Significant reductions in greenhouse gases and energy use have been shown to result from reuse and recycling of mattress components.