

From: Frank Chin [mailto:FCHIN@dpw.lacounty.gov]

Sent: Monday, February 09, 2015 3:55 PM

To: Harley, Ashley@CalRecycle

Cc: Mattress EPR; Doug Kobold (koboldd@SacCounty.net)

Subject: Comments to the Proposed Regulations for the Used Mattress Recovery and Recycling Program

Dear Ms. Ashley Harley,

The Mattress Advisory Committee has the following comments to the Proposed Regulations for the Used Mattress Recovery and Recycling Program.

Though the Proposed Regulations for the Used Mattress Recovery and Recycling Program did not expand on the methods or research in improving used mattress collection in the mattress recycling plan, the Advisory Committee feels that certain methods or research should be addressed and written into the Proposed Regulations. One item we feel strongly about is the handling of bed bug infested mattresses. Research should be conducted to determine how to quickly detect bed bugs in mattresses picked up at homes and along roadways. Research should include the separation of new mattresses and used mattresses on delivery trucks, proper hygiene in handling mattresses such as separate employee uniforms and onsite washer and dryer at recycling centers, downstream recycled material end products methods to eliminate bedbugs. Instead of leaving it completely open-ended, the method or research should have this addressed as a requirement and not something that can be overlooked by the mattress stewardship organization.

The mattress recycling plan leaves it up to the mattress stewardship organization to enter into contracts or agreements (Section 42987.1 (j)). What mechanisms and oversight will be in place to ensure a fair process takes place during the RFP phase for the transportation, transfer station participation, and recycling? Will it be as transparent as the governmental RFP process? What recourse do losing bidders have? CalRecycle should be involved.

It is our assumption that the RFP will be region by region. If a vendor bids and is accepted for, say Alameda County, are transfer sites in Alameda required to use that vendor, even if another one, which did not win the County bid, comes in with same price and transportation cost, and is a recognized mattress recycler in say, Yolo County? There is nothing in the rule-making about holding current mattress recyclers harmless. So how does this rulemaking protect DR3 and similar long term mattress recyclers?

The Advisory Committee is concerned that the California fee money go to the program of collecting and managing mattresses. Based on the experience of PaintCare using California fee payer money to sue CalRecycle claiming regulation overreach and then having to reimburse CalRecycle to defend it using the fee money, we would like to see that prohibited in the regulations if it is legal to do so. If the industry does not like the regulations, than the industry can pay for a lawsuit, but that should not be funded by California fees for mattress recycling and goes beyond what is normal "administrative" costs. If this is not prohibited and continues, it only makes the case for internalization of costs and recycling as a cost of doing business.

Page 10, Line 30, "plan" should be "report" since the topic is the annual report not the mattress recycling plan.

Sincerely,

Frank Chin & Doug Kobold
Co-Chairs of the Mattress Advisory Committee
fchin@dpw.lacounty.gov
kobold@SacCounty.net