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Sent: Tuesday, August 04, 2015 4:03 PM

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Subject: Comment Letter on Mattress Recycling Plan

Ashley & Nicole;

Please find the attached comment letter from the Mattress Recycling Advisory Committee.

Thanks;

Doug Kobold

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CALIFORNIA MATTRESS RECYCLING ADVISORY COMMITTEE

Helping to answer the question of what to do with that old mattress!

August 4, 2015

Ms. Ashley Harley
Ms. Nicole Castagneto
Materials Management and Local Assistance Division California Department of Resources,
Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95814

Subject: Comments on the Mattress Recycling Stewardship Plan

Ms. Harley & Ms. Castagneto,

Thank you for the opportunity to comment on the Mattress Recycling Stewardship Plan (“Plan”). The Mattress Recycling Organization Advisory Committee (“Committee”) has had the opportunity to discuss the Plan submitted by the Mattress Recycling Council (“MRC”) on July 1, 2015 and would like to submit the following comments.

General Comments:

- The reference “Attachment” was used when referring to items included in the Appendices of the Plan. The word “Attachment” should be globally replaced with “Appendix” or “Appendices” as applicable.
- The terms “California residents” and “state residents” were used throughout the Plan to reference who qualifies for no cost drop-off of mattresses or receipt of incentives for collection of mattresses. According to SB 254, an “individual” may receive no cost drop-off of an old mattress, not restricted to residency in California. We believe the law speaks to, and has the intent of, a used mattress “generated in California” is eligible for no cost drop-off or incentive payments if picked up as illegal dumping. This inconsistency should be remedied throughout the Plan as applicable. If California residency is used to qualify a consumer or individual to receive free drop-off or an incentive, how will this be enforced?

Specific Comments:

- Page 3, second paragraph, within sentence starting with “In addition to ...” the word “under” should be inserted as shown below in ***bold red italic*** text:

“In addition to administrating the Program required by the Act, MRC operates ***under*** mattress recycling laws in other states.”



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- Page 7, beginning with “Source Reduction”, edits are recommended as follows and are shown in ***bold red italic*** text or **highlighted strikeout**:

Source Reduction: The mattress industry manufactures durable mattresses that reduce the rate at which discards are generated. ~~The Act, however, is intended to divert discarded mattresses from the solid waste stream through recycling and to increase the volume of discarded mattresses that are recycled. Therefore, implementing source reduction efforts is beyond the scope of both the Act and the Plan.~~

Our comment: The statute calls for the plan to include program objectives consistent with the state’s solid waste management hierarchy, where source reduction is listed first and foremost in the hierarchy. We do not think the inclusion of “Therefore, implementing source reduction efforts is beyond the scope of both the Act and the Plan” is necessary or accurate and would like it to be struck, along with the interpretation of the Act.

Reuse: A primary goal of the Program is to divert discarded mattresses that would otherwise be disposed of as solid waste. Reuse is high on the waste hierarchy and should be encouraged. Further, the Plan will not interfere with reuse or renovation activity that complies with state and federal law.

Reduce: By increasing mattress ***reuse and/or*** recycling, ~~and as well as~~ the amount of used mattress components available for use in the manufacture of new products through the methods described in the Plan, the Program will divert mattresses from becoming solid waste disposed of in landfills.

Recycle: Consistent with the statutory provisions above, the Plan is focused on diverting used mattresses from the solid waste system for recycling. The materials reclaimed will be available for use in making new products.

~~**Reuse:** A primary goal of the Program is to divert discarded mattresses that would otherwise be disposed of as solid waste. The Plan will not interfere with reuse or renovation activity that complies with state and federal law.~~

Composting: If alternative end uses are not available, wood and other materials removed from mattresses and foundations may be composted.

Bio-mass Conversion: If ~~any~~ ***all*** of the options described above are not feasible, the ~~material~~ ***wood*** may be used for bio-mass conversion. MRC considers this beneficial use as recycling for the purposes of this Program.

- Page 9, second paragraph, edits are recommended as follows and are shown in ***bold red italic*** text or **highlighted strikeout**:



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“The Program is designed to properly manage mattresses **and** *at* the end of life, ...”

- Page 10, last paragraph, edits are recommended as follows and are shown in ***bold red italic*** text or **highlighted** ~~strikeout~~:

“MRC will proactively address bed-bug contamination by providing **participation** ***participating*** solid waste facilities with ...”

- Page 11, Program Funding. In the Committee Report, we recommended two different fees be set based on the size of the units, Twins & Fulls as one fee and Queens & Kings as another fee. The MRC has recommended on \$11.00/unit fee for all units. This is inconsistent with the recommendation of the Committee. The MRC has the authority to set two different prices under PRC 42989 (b)(2), and the differential price would be more fair to consumers.
- Page 12, the four bullets under “The charge will be collected on the following types of sales: “. It is by **strong** opinion of the Committee that these four provisions must remain in the Plan to ensure a level playing field. The text regarding stores out-of-state should not be deleted, as it is in the “errata” letter that followed the report.
- Page 13, Annual Report. Pursuant to SB 254, the MRC shall meet with the Committee once per year regarding the Annual Report required to be submitted by the MRC, as well as the Annual Budget. The Committee is willing to meet as frequently as deemed appropriate and/or necessary and mutually agreeable to the Committee and the MRC.
- Page 14, under “2. Foam”. The Committee believes that it may be more appropriate to separately identify the two primary types of foam, Polyurethane Foam, which is currently addressed in this paragraph, and Latex Foam, which is not. Edits are recommended as follows and are shown in ***bold red italic*** text:
 - 2a. ***Polyurethane*** Foam: Post-consumer mattress ***polyurethane*** foam has a limited number of end markets, but these markets are strong, with ***some material going to licensed renovators and*** the vast majority used to manufacture carpet padding. Carpet pad manufacturers use both post-consumer and post-industrial foam scrap as their primary feedstocks. MRC intends to explore alternative uses of post-consumer foam to increase the value of this material when sold into scrap markets, and thereby reduce the net cost of the recycling process.



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Latex in various forms is a growing material in the mattress waste stream, and although markets are more limited for this material, the value of virgin latex is high enough to indicate great potential for latex recycling and reuse if markets are developed.

2b. Latex Foam: The MRC should identify this material and make it a priority to research market possibilities to reuse and/or recycle this material.

- Page 14, under “5. Pocketed Coil Innersprings”. The Committee believes that the solutions proposed are insufficient. Consideration should be given to investigating ways recyclers could be incentivized to purchase equipment necessary to handle pocketed coils efficiently, and perhaps options could be considered to encourage manufacturers to design the pockets of coils for easy removal.
- Page 19, Coordination with Existing Mattress Collectors and Recyclers: second paragraph, edits are recommended as follows and are shown in ***bold red italic*** text or **highlighted strikeout**:

“CalRecycle appointed the Advisory **Council** ***Committee*** required by Section 42987(a)(3) of the Act on March 18, 2014, the composition of which includes, ***among other entities***, non-profit and for-profit mattress collectors and mattress recyclers in California. MRC has met, ...”

- Page 20, Contracted Recyclers: third line of the third paragraph, edits are recommended as follows and are shown in ***bold red italic*** text or **highlighted strikeout**:

“...selected based on costs, experience, recycling capabilities, and facility resources. **;** MRC thinks it prudent to contract with more than one facility in the Los Angeles and San Francisco ...”

This edit breaks up a long sentence so it is easier to follow. Further, this paragraph does not address how the MRC intends to handle the contracting/RFP process as new companies enter the mattress recycling field in California and want to participate in the program. The MRC should describe how they plan to handle these new players.

- Page 21, Mattress Collector Incentive. When a collector brings in an illegally dumped mattress to a recycler, the MRC should be prepared to provide an allowance for a mattress that is not recyclable (basically unrecyclable due to excessive moisture, mud, or other like conditions) and reimburse a recycler for their cost to send and dispose of mattresses that they cannot recycle to the landfill. Recyclers should provide proper documentation of the amount of the mattresses they sent to the landfill.



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- Page 32, Impact of Article XIII of California Constitution. The Committee could not determine the relevance of this provision in the Plan. Further, the paragraph beginning with “MRC understands that ...” was written in such a way that it is not clear what the MRC is trying to convey.
- Appendix E – Stakeholder Consultation. The following dates in which the MRC and Committee met were not included in Appendix E. These were:

August 6, 2014; October 28, 2014; January 21, 2015; and February 11, 2015

- Appendix G – Communications Plan. The Committee believes that the outreach to the retailers may be insufficient. A regime of regularly reinforced messages to retailers would help keep retailer staff informed of the program, especially new employees that enter the system due to normal staff turnover.
- Appendix I – Interested Solid Waste Facility Participants. The following corrections and omissions should be noted:
 - Alameda County – San Leandro: Davis Street Transfer Station was omitted.
 - Santa Clara County – Milpitas: “New Island Landfill” should be “Newby Island Landfill”.
 - Yolo County – Davis: “Davis Street Transfer Station” should be “Davis Waste Removal”.
 - Ventura County – Ventura: Gold Coast Recycling, 5275 Colt Street, Ventura, CA 93004. (805) 642-9236
 - Ventura County – Simi Valley: Simi Valley Landfill and Recycling Center, 2801 Madera Road, Simi Valley, CA 93065. (805) 579-7479

Above represents the entirety of the comments from the Committee on the Plan. If you should have any questions, please feel free to contact a Committee member or one of the Co-Chairs listed below.

Respectfully,

Doug Kobold
Co-Chair

Frank Chin
Co-Chair



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ADVISORY COMMITTEE MEMBERS

Doug Kobold (Co-Chair) – County of Sacramento

Frank Chin (Co-Chair) – County of Los Angeles

Teresa Bui – Californians Against Waste

Heidi Sanborn – California Product Stewardship Council

Rebecca Jewell – Davis Street Transfer Station

Veronica Pardo – California Refuse Recycling Council

David Goldstein – County of Ventura

Jo Zientek – City of San Jose

Don Franco, Jr. – Gateway Mattress Company, Inc.

Terry McDonald – St. Vincent de Paul Society of Lane County, Inc.

Tchad Robinson – Blue Marble Materials

Sharron Bradley – North American Home Furnishings Association

Mike Combest – The Sleep Train, Inc.