

SENATE No. 513

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 assess the future of mattress recycling in the Commonwealth.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Edward J. Kennedy

First Middlesex

Vanna Howard

17th Middlesex

SENATE No. 513

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 513) of Edward J. Kennedy and Vanna Howard for legislation to assess the future of mattress recycling in the Commonwealth. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2922 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to assess the future 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 (1) "Brand" means a name, symbol, word or mark that attributes a mattress to the
4 producer of such mattress;

5 (2) "Commissioner" means the Commissioner of the Department of Environmental
6 Protection;

7 (3) "Covered entity" means any political subdivision of the state, mattress retailer,
8 permitted transfer station, waste-to-energy facility, health care facility, educational facility,
9 military base or commercial or nonprofit lodging establishment that possesses a discarded

10 mattress that was used and discarded in this state. "Covered entity" does not include any
11 renovator, refurbisher or any person who only transports a discarded mattress;

12 (4) "Department" means the Department of Environmental Protection;

13 (5) "Discarded mattress" means any mattress that a consumer discarded, intends to
14 discard or abandoned in the state;

15 (6) "Energy recovery" means the process by which all or a portion of solid waste
16 materials are processed or combusted in order to utilize the heat content or other forms of energy
17 derived

18 from such solid waste materials;

19 (7) "Foundation" means any ticking-covered structure that is used to support a
20 mattress and that is composed of one or more of the following: A constructed frame, foam or a
21 box spring, whether stationary, adjustable or foldable. "Foundation" does not include any bed
22 frame or base made of wood, metal or other material that rests upon the floor and that serves as a
23 brace for a mattress;

24 (8) "Institution" means established organizational entities including, but not limited to
25 health care facilities, higher education facilities, military bases, public and private correctional
26 facilities and jails, assisted living facilities, and group homes;

27 (9) "Mattress" means any resilient material or combination of materials that is enclosed
28 by ticking, used alone or in combination with other products, and that is intended for or
29 promoted for sleeping upon. "Mattress" includes any foundation and any used or renovated
30 mattress. "Mattress" does not include any mattress pad, mattress topper, sleeping bag, pillow, car

31 bed, carriage, basket, dressing table, stroller, playpen, infant carrier, lounge pad, crib or bassinet
32 mattress, crib bumper, liquid or gaseous filled ticking, including any water bed and any air
33 mattress that does not contain upholstery material between the ticking and the mattress core, and
34 upholstered furniture, including a sleeper sofa;

35 (10) "Mattress core" means the principal support system that is present in a mattress,
36 including, but not limited to, springs, foam, air bladder, water bladder or resilient filling;

37 (11) "Mattress stewardship fee" means the amount added to the purchase price of a
38 mattress sold to a consumer or to an ultimate end user in this state that is necessary to cover the
39 cost of collecting, transporting and processing discarded mattresses by the council pursuant to
40 the mattress stewardship program;

41 (12) "Mattress topper" means any item that contains resilient filling, with or without
42 ticking, that is intended to be used with or on top of a mattress;

43 (13) "Non-profit social enterprise organization" means an organization that sells goods
44 and services and enhances economic development and environmental justice through work
45 opportunities in mattress recycling for individuals facing significant barriers to employment;

46 (14) "Performance goal" means a metric proposed by the council and approved by the
47 department to measure, on an annual basis, the performance of the mattress stewardship
48 program, taking into consideration technical and economic feasibilities, in achieving continuous,
49 meaningful improvement in improving the rate of mattress recycling in the state and any other
50 specified goal of the program. At a minimum, goals must include collection and recycling rates
51 and public awareness;

52 (15) "Producer" means any person, irrespective of the selling technique used, including
53 that of remote sale, who manufactures or renovates a mattress that is sold, offered for sale or
54 distributed in the state under the producer's own name or brand. "Producer" includes (A) the
55 owner of a trademark or brand under which a mattress is sold, offered for sale or distributed in
56 this state, whether or not such trademark or brand is registered in this state, and (B) any person
57 who imports a mattress into the United States that is sold or offered for sale in this state and that
58 is manufactured or renovated by a person who does not have a presence in the United States;

59 (16) "Renovate" or "renovation" means altering a mattress for the purpose of resale
60 including any one, or a combination of, the following: Replacing the ticking or filling, adding
61 additional filling, or replacing components with new or recycled materials. "Renovate" or
62 "renovation" does not include (A) the stripping of a mattress of its ticking or filling without
63 adding new material, (B) the sanitization or sterilization of a mattress without otherwise altering
64 the mattress, or (C) the altering of a mattress by a renovator when a person retains the altered
65 mattress for personal use, in accordance with regulations of the Department of Consumer and
66 Business Services;

67 (17) "Renovator" means any person who renovates discarded mattresses for the
68 purpose of reselling such mattresses to consumers;

69 (18) "Retailer" means any person who sells mattresses to a consumer or to an ultimate
70 end user in this state or offers mattresses to a consumer in this state through any means,
71 including but not limited to remote offerings such as sales outlets, catalogs or the Internet.

72 (19) "Sanitization" means the direct application of chemicals to a mattress to kill
73 human disease-causing pathogens;

74 (20) "Sale" means the transfer of title of a mattress for consideration, including, but
75 not limited to, the use of a sales outlet, catalog, Internet web site or similar electronic means to a
76 consumer or to an ultimate end user in the state;

77 (21) "Sterilization" means the mitigation of any deleterious substances or organisms,
78 including human disease-causing pathogens, fungi and insects from a mattress or filling material
79 using a chemical or heat process;

80 (22) "Ticking" means the outermost layer of fabric or material of a mattress. "Ticking"
81 does not include any layer of fabric or material quilted together with, or otherwise attached to,
82 the outermost layer of fabric or material of a mattress; and

83 (23) "Upholstery material" means all material, loose or attached, between the ticking
84 and the core of a mattress.

85 (24) "Waste hauler" means any person who provides commercial, institutional, and
86 residential solid waste removal services, including the removal and end-of-use management of
87 discarded mattresses, in the state under the waste hauler's own name and brand.

88 SECTION 2. Chapter 21H of the General Laws is hereby amended by inserting after
89 Section 7 the following section:- Mattress Stewardship Program

90 Sec. 8. (a) Within 180 days following enactment of this act, each producer, or such
91 producer's designee, shall join the mattress recycling council and by said date such council shall
92 submit a plan, for approval by the Commissioner, to establish a state-wide mattress stewardship
93 program, as described in this subsection. Retailers may participate in said council. Such mattress
94 stewardship program shall, to the extent it is technologically feasible and economically practical:

95 (1) provide for free, convenient and accessible state-wide opportunities for the receipt of
96 discarded mattresses from any person in the state with a discarded mattress that was used and
97 discarded in the state, including, but not limited to, participating covered entities that accumulate
98 and segregate a minimum of one hundred discarded mattresses for collection at one time; (2)
99 provide for free collection of discarded mattresses from transfer stations that accumulate and
100 segregate fewer than fifty mattresses, provided the transfer stations require such collection due to
101 space or permit requirements; (3) provide suitable storage containers at, or make other mutually
102 agreeable storage and transport arrangements for, permitted transfer stations for segregated,
103 discarded mattresses, at no cost to such municipality, provided such transfer station makes space
104 available for such purpose and imposes no fee for placement of such storage container on the
105 transfer station's premises; (4) provide that the organization will conduct research, as needed,
106 related to improving used mattress collection, dismantling, and recycling operations, including
107 pilot programs to test new processes, methods, or equipment on a local, regional, or otherwise
108 limited basis; and (5) include a mattress stewardship fee that is sufficient to cover the costs of
109 operating and administering the program.

110 (b) The plan submitted pursuant to subsection (a) of this section shall: (1) identify each
111 producer participating in the program; (2) describe the fee structure for the program and include
112 a proposed budget; (3) establish performance goals for the program that clearly outline the
113 maximum feasible level of recovery and recycling of used mattresses in support of the
114 Commonwealth's overall waste diversion goals as outlined in the department's solid waste
115 master plan; (4) identify proposed facilities to be used by the program; (5) Offer organizations
116 that recycle or renovate discarded mattresses the opportunity to participate as collection sites; (6)
117 meet minimum convenience goals approved by the department that provide communities,

118 including but not limited, to small towns, rural towns, residents of multifamily housing
119 structures, and environmental justice populations equitable access to collection sites and a
120 timeline for implementing and achieving convenient access to the program; (7) detail how the
121 program will promote the recycling of discarded mattresses consistent with the state's solid
122 waste management hierarchy; (8) include a description of the public education program; (9)

123 propose a mechanism to mitigate the costs associated with collection of discarded
124 mattresses that are illegally dumped, which may include but need not be limited to proposals for
125 funding of clean-up activities, for education and outreach or for studies to evaluate the causes of
126 illegal dumping.

127 (c) The council shall establish and implement a fee structure that covers, but does not
128 exceed, the costs of developing the plan described in subsection (b) of this section, operating and
129 administering the program described in subsection (a) of this section and shall not maintain total
130 reserves exceeding 60 percent of its annual operating expenses, consistent with the requirements
131 of the Financial Accounting Standards Board's Accounting Standards Update 2016-14, Not-for-
132 Profit Entities (Topic 958), and any future updates to that standard. If the council's reserves
133 exceed the amount specified, the department may require the organization to increase spending
134 on implementing the requirements of this chapter in order to reduce the excess amount of
135 reserves. The council may not use any moneys collected through a mattress stewardship fee to
136 pay penalties assessed against the council. The council may initially set the fee as a flat rate and
137 not as a percentage of the purchase price. During the third year of implementing a mattress
138 stewardship program under a plan or initial plan, the council shall fund a study conducted by the
139 department that examines (i) how the mattress stewardship fee can be differentiated to: 1)
140 incentivize the reduction of toxics and resources (e.g., energy and water) associated with

141 mattress production; 2) incentivize the use of post-consumer recycled content in mattress; and 3)
142 discourage the use of mattress materials that pose challenges for the recycling of discarded
143 mattresses; and (ii) the scope of discarded mattresses in this state that are not being collected as
144 part of the council's mattress stewardship program and recommendations on how to direct the
145 discarded mattresses to, and include them, in the council's program. The results of the study will
146 be used to establish a system of differential fees within one year of completion of the study. The
147 council shall maintain all records relating to the program for a period of not less than three years.

148 (d) The council shall include in its plan, and all future plans, the establishment of a
149 new Employment Social Enterprise Impact Program based on written recommendations provided
150 by the Commissioner. The goal of the program will be for the council to contract with a
151 nonprofit entity that will provide recycling services to the council, as well as to foster the
152 sustainability of nonprofit employment social enterprise organizations that sell goods and
153 services and enhance economic development and environmental justice through the provision of
154 work opportunities in mattress recycling for individuals facing significant barriers to
155 employment. The program will be effective 90 days after the approval of a plan. Based on the
156 submission of an application from an eligible nonprofit social employment enterprise, the
157 council shall contract with at least one nonprofit employment social enterprise as a vendor for
158 the collection, transportation and recycling of mattresses, assuming the nonprofit requests in its
159 application to carry out all such services, during the four-year period of the initial plan. Eligible
160 applicants will be 501c3 nonprofit employment social enterprise organizations that have a
161 demonstrated and positive history of providing mattress recycling services in Massachusetts as
162 an approved vendor to the department for at least five years while providing employment and
163 professional skills training opportunities for individuals facing significant barriers to

164 employment. In addition to the council's funding for the collection, transportation, and recycling
165 of mattresses, the department will provide such selected nonprofit a contract that includes an
166 additional payment, known as a social impact payment, that will be provided as general
167 operating support to help fund the offering of wraparound and work readiness services for those
168 individuals receiving employment and training through the mattress recycling enterprise who
169 face past barriers to employment, including but not limited to outreach, training, education,
170 transitional employment services, case management, and administrative support. The additional
171 social impact payment will equal no less than \$40 per mattress recycled or reused by the
172 nonprofit, not to exceed \$1,500,000 per year. The nonprofit contracted by the council in its initial
173 plan will be eligible to receive subsequent contracts for additional social impact payments by the
174 department upon completion of the initial four-year plan. After the third year of the plan, the
175 council will evaluate the opportunity to expand the Employment Social Enterprise Impact
176 Program. Additionally, during the first four-year plan period, the selected nonprofit employment
177 social enterprise will receive priority consideration in any bid or grant application through the
178 council or department that supports mattress recycling, and will be eligible to receive grant
179 awards from the department or council, as such programs are available, on a continual annual
180 basis to best support the nonprofit's sustainability.

181 (e) Pursuant to the program, recycling shall be preferred over any other disposal
182 method for mattresses, to the extent that recycling is technologically feasible and economically
183 practical.

184 (f) The nonprofit employment social enterprise shall, monthly, submit to the department a
185 request for reimbursement that includes (i) the total number of mattresses collected and recycled
186 by the nonprofit employment social enterprise. The department may (i) increase the minimum

187 social impact payment, (ii) increase the annual cap on social impact payments, and (iii) adjust the
188 reimbursement schedule.

189 (g) The Commissioner shall approve the plan for the establishment of the mattress
190 stewardship program, provided such plan meets the requirements of subsections (a) to (c),
191 inclusive, of this section. Not later than ninety days after submission of the plan pursuant to this
192 section, the Commissioner shall make a determination whether to approve the plan. Prior to
193 making such determination, the Commissioner shall post the plan on the department's Internet
194 web site and solicit public comments on the plan for not less than thirty days. In the event that
195 the Commissioner disapproves the plan because it does not meet the requirements of subsections
196 (a) to (d), inclusive, of this section, the Commissioner shall describe the reasons for the
197 disapproval in a notice of determination that the Commissioner shall provide to the council. The
198 council shall revise and resubmit the plan to the Commissioner not later than forty-five days after
199 receipt of notice of the Commissioner's disapproval notice. Not later than forty-five days after
200 receipt of the revised plan, the Commissioner shall review and approve or disapprove the revised
201 plan and provide a notice of determination to the council. The council may resubmit a revised
202 plan to the Commissioner for approval on not more than two occasions. If the council fails to
203 submit a plan that is acceptable to the Commissioner because it does not meet the requirements
204 of subsections (a) to (c), inclusive, of this section, the Commissioner shall modify a submitted
205 plan to make it conform to the requirements of subsections (a) to (c), inclusive, of this section,
206 and approve it. Not later than one hundred eighty days after the approval of a plan pursuant to
207 this section, or one hundred eighty days, in the case of a plan modified by the Commissioner, the
208 council shall implement the mattress stewardship program. The initial plan submitted by a
209 council and approved by the department shall be valid for five years. At least 180 days before the

210 expiration of a plan or initial plan, the council shall submit the plan to the department to be
211 reapproved for an additional five years.

212 (h) (1) The council shall submit any proposed substantial change to the program to
213 the Commissioner for approval. For the purposes of this subdivision, "substantial change"
214 means: (A) A change in the processing facilities to be used for discarded mattresses collected
215 pursuant to the program, (B) a material change to the system for collecting mattresses, (C) a
216 change to the fee structure, (D) a change in the composition of the committee. If the
217 Commissioner does not disapprove a proposed substantial change within ninety days of receipt
218 of notification of such proposed substantial change, such proposed substantial change shall be
219 deemed approved.

220 (2) Within 90 days following the end of the program's second fiscal year, the council
221 shall submit updated performance goals to the Commissioner that are based on the experience of
222 the program during the first two years of the program and to ensure continued alignment with the
223 department's solid waste diversion goals.

224 (i) The council shall notify the Commissioner of other material changes to the
225 program on an ongoing basis, without resubmission of the plan to the Commissioner for
226 approval. The department may promulgate regulations regarding permissible changes without
227 resubmission of the plan.

228 (j) Within 90 days following the end of the program's second fiscal year and every
229 two years thereafter, the council shall propose a mattress stewardship fee for all mattresses sold
230 in this state except those products excluded from the definition of "Mattress" in Section 1. (k)

231 On and after the implementation of the mattress stewardship program, each manufacturer,

232 renovator, retailer, or distributor that sells a mattress to a consumer or to an ultimate end user in
233 the state shall add the mattress stewardship fee, established pursuant to subsection (a) of this
234 section and described in subsection (h) of this section, to the purchase price for such mattress and
235 shall remit the fee collected to the council. In each transaction described above, the fee shall
236 appear on the invoice and shall be accompanied by a brief description of the fee. The council
237 shall determine the rules and procedures that are necessary and proper to implement the
238 collection of the fee in a fair, efficient, and lawful manner. Any producer or retailer who fails to
239 participate in such program shall not sell mattresses in this state.

240 (k) Not later than October fifteenth of each year, the council shall submit an annual
241 report to the Commissioner of the for the most recently completed fiscal year. The
242 Commissioner shall post such annual report on the department's Internet web site. The
243 Commissioner shall review and approve the yearly annual report. Such report shall include: (1)
244 Information on the number and tonnage of discarded mattresses collected pursuant to the
245 mattress stewardship program from: (A) transfer stations, (B) retailers, (C) collection events, (D)
246 employment social enterprise organizations and (E) all other covered entities during the previous
247 calendar year at a sufficient level of disaggregation to determine how the program is performing
248 in different regions of the state; (2) Information on the number and tonnage of program
249 mattresses collected pursuant to the mattress stewardship program for renovation during the
250 previous calendar year at a sufficient level of disaggregation to determine how the program is
251 performing in different regions of the state; (3) the tonnage of mattresses diverted for recycling;
252 (4) the weight of mattress materials recycled, as indicated by the weight of each of the
253 commodities sold to secondary markets; (5) the weight of mattress materials sent for disposal at
254 each of the following: (A) Waste-to-energy facilities, (B) landfills, and (C) any other facilities;

255 (6) a summary of the public education that supports the program; (7) an evaluation of the
256 effectiveness of methods and processes used to achieve performance goals of the program,
257 information on progress made toward achieving the goals, an explanation of why any goals were
258 not met during the previous calendar year and any efforts that will be taken to improve progress
259 toward meeting the goals in the future, if applicable; (8) recommendations for any changes to the
260 program; (9) the total sales of mattresses sold to consumers in this state in the previous calendar
261 year by producers, renovators and retailers registered with the council; (10) the number of
262 discarded mattresses received through collection that were not included in the program, the
263 number of discarded mattresses that were illegally dumped as reported to the department, an
264 analysis of how the data required by this paragraph has changed over time and strategies the
265 council will take to address discarded mattresses that are not included in the program and
266 discarded mattresses that are illegally dumped; and (11) the mattress recycling organization's
267 costs and revenues for the previous calendar year.

268 (l) The Commissioner of the Department of Environmental Protection shall appoint a
269 mattress stewardship program advisory committee. The advisory committee shall be comprised
270 with membership representation from the Commissioner of the Massachusetts Department of
271 Environmental Protection, or his/her designee, who shall serve as chair of the committee; a
272 representative from MassRecycle; two representatives from two different covered entities; a
273 representative from a Massachusetts-based mattress recycling organization; a representative of
274 an environmental nongovernmental organization; a representative of a social enterprise nonprofit
275 organization involved in mattress recycling; and a representative of the International Sleep
276 Products Association. The commissioner shall place great emphasis on selecting a diverse group
277 of advisory committee members. The attorney general shall appoint one member to the advisory

278 committee with expertise in consumer protection. The advisory committee shall meet not less
279 than once every quarter and shall consult with the council and advise the department, including
280 delivering written recommendations regarding: (1) The review of any plan for the development
281 and implementation of a mattress stewardship program submitted to the department; (2) The
282 review of any amendment to a plan; (3) The review of annual reports submitted by a council. The
283 department may select and hire a third-party facilitator for the Advisory Committee, which shall
284 be included among the administrative costs of the program, to be paid by producers or producer
285 responsibility organizations.

286 (m) The council shall conduct during the third year of implementing a mattress
287 stewardship program, and in consultation with the mattress stewardship program advisory
288 committee and a minimum of three other community organizations invited by the advisory
289 committee, a study evaluating the most effective methods of providing discarded mattress
290 collection services to low-income individuals, environmental justice populations, municipalities
291 with populations of less than 5,000 residents, and multifamily housing structures.

292 (n) Two years after the implementation of the program and every three years
293 thereafter, or upon the request of the Commissioner but not more frequently than once a year, the
294 council shall cause an audit of the program to be conducted by an auditor as described in
295 subsection (h) of this section. Such audit shall review the accuracy of the council's data
296 concerning the program and provide any other information requested by the Commissioner,
297 consistent with the requirements of this section, provided such request does not require the
298 disclosure of any proprietary information or trade or business secrets. Such audit shall be paid for
299 by the council. The council shall maintain all records relating to the program for not less than
300 three years.

301 (o) Upon implementation of the mattress stewardship program described in section 2 of
302 this act, any covered entity that participates in such program shall not charge for the receipt of
303 discarded mattresses that are discarded in this state provided covered entities may charge a fee
304 for providing the service of collecting mattresses.

305 (p) Each producer and the council shall be immune from liability for any claim of a
306 violation of antitrust law or unfair trade practice, if such conduct is a violation of antitrust law, to
307 the extent such producer or council is exercising authority pursuant to the provisions of sections
308 1 to 6, inclusive, of this act.

309 (q) (1) The Commissioner may seek civil enforcement of the provisions of sections 2 and
310 3 of this act.

311 (2) Whenever, in the judgment of the Commissioner, any person has engaged in or is
312 about to engage in any act, practice or omission that constitutes, or will constitute, a violation of
313 any provision of section 2 or 3 of this act, the Attorney General may, at the request of the
314 Commissioner, bring an action for an order enjoining such act, practice or omission. Such order
315 may require any producer or renovator that violates the provisions of this Act to incur a civil
316 penalty not to exceed \$1,000 per day for each day of the violation and any retailer that violates
317 the provisions of this Act incurs a civil penalty not to exceed \$100 per day for each day of the
318 violation. Upon a showing by the Commissioner that such person has engaged in or is about to
319 engage in any such act, practice or omission, the court may issue a permanent or temporary
320 injunction, restraining order or other order, as appropriate.

321 (3) Any action brought by the Attorney General pursuant to this section shall have
322 precedence in the order of trial.

323 (r) In the event that another state implements a mattress recycling program, the council
324 may collaborate with such state to conserve efforts and resources used in carrying out the
325 mattress stewardship program, provided such collaboration is consistent with the requirements of
326 sections 1 to 6, inclusive, of this act.

327 (s) Nothing in this section shall prohibit the department from administering existing
328 mattress recycling programs.

329 (t) The department shall establish an annual fee to be paid by the council that is
330 reasonably calculated to cover the costs to the department to administer, implement and enforce
331 this Act. The department shall provide notice to the council no later than June 1 of each year of
332 the annual fee for the upcoming calendar year.

333 SECTION 3. Chapter 21H of the General Laws is hereby amended by inserting after
334 Section 7 the following section:- “Section 9: Mattress Recycling Needs Assessment”

335 Section 9. Mattress Recycling Needs Assessment

336 (a) The department shall conduct a needs assessment, a copy of which is to be published
337 on the department’s Internet website, and filed with the clerks of the house of representatives and
338 the senate and the chairs of the joint committee on environment, natural resources and
339 agriculture not later than October 5, 2023. This needs assessment and final report shall include:

340 (1) both a two-year and five-to-ten-year analysis of the state’s projected mattress
341 recycling demand, volume, mattress recycling capacity, associated costs, resource and budgetary
342 needs following the effective date of the updated regulations pursuant to 310 CMR 19.000,
343 including: (A) a recommendation on the continuation of the state’s current role in mattress

344 recycling and the possible expansion of its mattress recycling infrastructure, (B) an
345 environmental impact analysis of the state’s current mattress recycling infrastructure, (C)
346 recommendations and best practices for supporting municipalities with mattress collection,
347 mattress transportation, and associated mattress recycling costs, (D) recommendations for
348 continued social enterprise involvement with the statewide mattress recycling program, including
349 a review of opportunities to increase additional community impacts through preferred
350 partnerships with local non-profit social enterprises and organizations that recycle mattresses,
351 and policy recommendations to reduce potential barriers to entry in the statewide mattress
352 recycling program for social enterprise organizations, and (E) an analysis of the interests and
353 concerns of various stakeholders, including, but not limited to (i) producers, (ii) online and out-
354 of-state retailers, (iii) in-state retailers, (iv) municipalities, (v) commercial and non-profit social
355 enterprise mattress recyclers, (vi) commercial waste haulers, (vii) institutions, (viii) the
356 department, and (ix) consumers;

357 (2) both a two-year and five-to-ten-year analysis of (A) the future capacity of social
358 enterprise engagement in the statewide mattress recycling program, (B) capacity to address
359 recycling needs and coverage gaps across all regions in the commonwealth using a variety of
360 strategies, including but not limited to commercial, non-profit or social enterprise vendors,
361 regional or municipal mattress recycling services, retailer mattress take-back programs, producer
362 responsibility programs, or waste hauler mattress collection services, and (C) a determination of
363 the necessity and feasibility of providing ongoing recycling-related logistical support for
364 municipalities that host institutions of higher education with large off-campus student
365 populations;

366 (3) policy recommendations for establishing proper end-of-use management standards for
367 mattresses, including, but not limited to: (A) ensuring proper in-state disposal of discarded
368 mattresses, including incentives to promote use of in-state mattress recycling infrastructure, (B)
369 support for non-profit social enterprise mattress recycling entities, (C) monetary fines for
370 improper or illegal disposal of mattresses, and (D) the feasibility of implementing a waste
371 tracking system that ensures effective and legal end-of-use management of mattresses;

372 (4) policy recommendations for the continuation and improvement of a statewide
373 mattress stewardship program; and

374 (5) recommendations for best practices to ensure broad and comprehensive public access
375 to accurate online information about the availability of statewide mattress recycling options,
376 access to such options, and proper mattress end-of-use management.

377 (b) As part of the needs assessment, the department shall solicit public input regarding
378 end-of-use mattress recycling needs, gaps in departmental resource allocation and opportunities
379 for increased programmatic support for municipalities with populations of less than 5,000
380 throughout the Commonwealth. Not later than March 5, 2025, the department shall (i) hold not
381 less than 4 public hearings in geographically-diverse municipalities across the commonwealth, 2
382 of which shall be held in rural municipalities, to receive public testimony on the end-of-use
383 mattress management needs of small and rural municipalities, and shall provide for remote
384 participation; and (ii) solicit and accept written and electronic testimony submissions from the
385 public. The department shall solicit public comment for at least 30 days and shall summarize the
386 public input it receives in the needs assessment.

387 SECTION 4. Sections 1 and 2 of this act shall take effect upon its passage.

SECTION 5. Section 3 of this act shall take effect 180 days after its passage.