

## **Massachusetts Extended Producer Responsibility Commission**

June 18, 2025 | 10 a.m. to 1 p.m.

via Zoom

Meeting minutes

### **Commissioners present**

- John Beling, Chair, and Deputy Commissioner, Massachusetts Department of Environmental Protection
- Rep. Christine Barber, House Chair, Joint Committee on Environment and Natural Resources Appointee, Massachusetts House of Representatives
- Sharon Byrne Kishida, Nominee, Senate Minority Leader
- Kris Callahan, Director of Policy and Regulatory Affairs, Bureau of Climate and Environmental Health, Massachusetts Department of Public Health
- Max Haworth for Leigh-Anne Cole, Executive Director, Community Action Works
- Jose Delgado, Councilor, City of Springfield, Arise for Social Justice
- Janet Domenitz, Executive Director, MassPIRG
- Lew Dubuque, Vice President, Northeast Chapter, National Waste and Recycling Association
- Magda Gancarz, Vice President of Government Affairs, Associated Industries of Massachusetts
- Sarah Kalish, Executive Office of Economic Development
- David Melly, Legislative Director, Environmental League of Massachusetts
- Conor O'Shaughnessy, Budget Director and Environmental Policy Analyst, Office of Representative Bradley Jones, House Minority Leader
- Andrew Potter, Chair, Select Board, Town of West Stockbridge
- Catherine Ratte, Director, Land Use and Environment Department, Pioneer Valley Planning Commission
- Bill Rennie, Senior Vice President, Retailers Association of Massachusetts
- Neil Rhein, Executive Director, Keep Massachusetts Beautiful
- Waneta Trabert, Vice President, MassRecycle
- Tracy Triplett, Senior Enforcement Counsel, Office of Attorney General Andrea Joy Campbell
- Abbie Webb, Vice President of Sustainability, Casella Waste Management

### **Commissioners absent**

- Senator Mike Barrett, Senate Chair, Joint Committee on Telecommunications, Energy, and Utilities

### **Staff and consultants present**

- Greg Cooper, Director, Hazardous and Solid Waste, Massachusetts Department of Environmental Protection
- John Fischer, Deputy Director, Solid Waste, Massachusetts Department of Environmental Protection

- Julie McNeill, Attorney, Bureau of Air and Waste, Massachusetts Department of Environmental Protection
- Courtney Rainey, Deputy Chief of Staff and Director of Government Affairs
- Jennifer Haugh, Vice President of Planning, GreenerU
- Madeline Rawson, Project Manager, Planning, GreenerU

### **Special guests present**

- Dan McGowan, Northeast Program Manager, Mattress Recycling Council

### **Agenda and minutes**

#### **1. Welcome and roll call**

Commission Chair John Beling welcomed the group and started the meeting at 10:04 a.m. He took roll call and noted a quorum.

#### **2. Review of goals and agenda**

Beling shared the meeting goals and agenda on slide 3. The meeting goals are as follows:

1. Approve agenda and minutes
2. Confirm vote on paint EPR recommendation
3. Level set on past and present mattresses EPR efforts
4. Hear ideas, concerns, support
5. Identify and discuss support for proposed paint EPR recommendations

#### **3. Approval of agenda and minutes**

**Commissioner Jose Delgado moved to approve the meeting agenda for June 18. Commissioner Tracy Triplett seconded. The motion carried unanimously.**

**Commissioner Janet Domenitz moved to approve the May 21, 2025, meeting minutes. Commissioner Catherine Ratte seconded.**

Commissioner Waneta Trabert: One error: it was in the section talking about Phil Goddard's comments, stating that in a previous collection event saying they filled a three-foot trailer, but it should be a 53-foot trailer [see page 14].

Chair Beling: Any comments? The recommendation is to amend the minutes to make that correction.

Commissioner Sarah Kalish: I noticed on page 15, that the date July 1 is stated, and I believe in the conversation July 31 was suggested to align with the legislative calendar. I just wanted to note that.

Chair Beling: We actually had talked about that. In the discussion, we had mistakenly suggested July 1, but in the recommendation, we are going to reflect July 31. Our belief is that it's accurate, but we were wrong.

Commissioner Sharon Byrne Kishida: Also in the minutes, I made a suggested edit saying can or cannot; you'll note that in the document.

Chair Beling: If you could indicate that page number?

Kishida: I'll have to look it up and put it in the chat. [Chat: Suggested edit to 5/21 Commission meeting minutes: page 10, second paragraph, beginning of 4<sup>th</sup> line, suggest adding not to can.]

Updated text:

McAuliffe: That's a difficult metric to try and put your hand on. We do know how much paint is sold, because that's reported to us by manufacturers. We don't know how much is actually used by consumers and how much they're putting away because they want to hold onto it for one to five years, because we **cannot** track those numbers. We don't have numbers on what would actually go into the municipal waste stream.

Chair Beling: We'll have to make both changes before we move to approve. Once that's done, we'll make those two corrections and move to approve.

Beling reiterated the proposed amendments to the minutes.

**Commissioner Tracy Triplett moved to approve the amended minutes of May 21, 2025.**

**Commissioner Bill Rennie seconded. The motion passed unanimously.**

#### **4. Paint resolution**

Chair Beling took a straw poll of the current language for a paint EPR recommendation to the legislature and invited Commission members to provide their vote based on a scale of agreement in the chat. The resolution reads as follows:

The Commission recommends the Massachusetts legislature enact legislation establishing an extended producer responsibility program for paint by July 31, 2026. The Commission recommends the development and implementation of a program (e.g., PaintCare) that aligns with programs already in place in other Northeast states (Connecticut, Maine, Rhode Island, Vermont, and New York), to provide consistency across the region.

The Commission acknowledges proposed paint EPR legislation under consideration before the Massachusetts legislature at time of report publication: H.886, which includes aerosol-based paint, and S.647.

Commissioner	1 whole- heartedly agree	2 agreement with minor point of contention	3 support with reservation	4 more discussion needed	5 serious disagreement	n/a / abstained
John Beling						x
Christine Barber		x				
Mike Barrett						x
Sharon Byrne Kishida	x					
Kris Callahan		x				
Jose Delgado		x				
Janet Domenitz		x				
Lew Dubuque	x					
Magda Garncarz				x		
Max Haworth		x				
Sarah Kalish	x					
David Melly	x					
Conor O'Shaughnessy	x					
Andrew Potter						x
Catherine Ratte	x					
Bill Rennie					x	
Neil Rhein	x					
Waneta Trabert		x				
Tracy Triplett					x	
Abbie Webb		x				

Commissioner Tracy Triplett: I'm here representing the Attorney General's Office. The one point that was raised with me through our legislative and policy group was a request that rather than stating only that we acknowledge the proposed legislation that we make clear that we're not endorsing it. That was a request from within my office. I should also say that it turned out that a week was not enough time to send this proposal through all the channels that were needed in my office, so I will not be able to vote today.

Chair Beling: Would anyone else like to comment on Tracy's point?

Commissioner David Melly: You did want the bills endorsed, or you felt like acknowledging it was too much?

Triplett: The latter. The reasoning is our office does endorse different legislation and does not, and wanted to make clear that this group itself, even though I'm going to have to abstain from voting today. The request was that the language read "acknowledges but does not endorse."

Chair Beling: Does anyone else feel that we should take that approach?

Trabert: I strongly disagree with that approach. I would actually like it to say something. It does not need to say endorses, but I would like it to say acknowledges these bills and these bills meet these criteria for the statement above.

Kalish: I would say the Economic Development Office also understood "acknowledges" as meaning "noting they exist" and not implying support. So that was what our team had internally kind of agreed to, so I guess the clarification on that language was something that we had discussed. To Tracy's point,

process-wise, it would be also helpful to receive it, maybe two weeks before the vote so we can run through the proper channels.

Triplett: The request I had was three weeks, which I realize is very hard. It's just we are so busy right now with many things and there are multiple divisions within the office as well as up to the Attorney General it turns out who have to sign off on any vote.

Beling: There was another person with a 4.

Commissioner Magna Garncarz: I'm in a similar boat where one week wasn't enough time to solicit member feedback and run this up the chain to get approval. I just need more time and discussion before I can commit to a vote.

Commissioner Bill Rennie: On the acknowledgment of the legislation, I would tend to agree with Tracy and others that I don't see the need to acknowledge the legislation—they are well aware of the bills they have before them, and I don't think acknowledge really says anything to them. I don't see it as being necessary. The aerosol-based paint is new to these programs and isn't in all states as I understand it. I won't repeat myself from everything I said at the previous meeting, but I remain in opposition to the program. We don't believe that it is true EPR, given that it is 100% financed by the consumer.

Chair Beling: Anyone else want to make points?

Commissioner Neil Rhein: Just to be clear, I want to understand what we're discussing here. Are we saying we are going to endorse or not endorse the current legislation? If we're not endorsing, what's the point? Or not endorsing? If there's legislation out there, what's our conclusion? Are we for it or against it?

Chair Beling: My recommendation is that we don't pick a horse at this point. I agree—they know there is legislation. This is in some ways stating the obvious. We thought it was somewhat respectful to say we know you've been working on this; we're not coming at you out of the blue. It's useful to acknowledge the work that's gone into this legislation. We're here to make recommendations about EPR programs and not endorse specific legislation. The other recommendations will be more detailed than this. Does anyone else have any comments?

**Commissioner Catherine Ratte moved to approve the following language:**

The Commission recommends the Massachusetts legislature enact legislation establishing an extended producer responsibility program for paint by July 31, 2026. The Commission recommends the development and implementation of a program (e.g., PaintCare) that aligns with programs already in place in other Northeast states (Connecticut, Maine, Rhode Island, Vermont, and New York), to provide consistency across the region.

The Commission acknowledges proposed paint EPR legislation under consideration before the Massachusetts legislature at time of report publication: H.886, which includes aerosol-based paint, and S.647.

**Commissioner David Melly seconded. Commissioner Bill Rennie opposed. The motion carried.**

## **5. Presentation: mattresses**

Dan McGowan, Mattress Recycling Council, presented slides 10–28 on mattress recycling and extended producer responsibility programs in Connecticut, Rhode Island, and California.

## **6. Presentation: mattresses in Massachusetts**

John Fischer, DEP, shared slides 29–30 of statistics and programs on mattress recycling efforts in Massachusetts.

## **7. Clarifying questions**

Chair Beling: Do you have any information on the \$125 fee in Sudbury?

Greg Cooper, Director, DEP Solid Waste: One of the things we're seeing is with the ban, you can't throw mattresses in the trash, and there's a wide variability of services. Pricing varies widely across the state.

Fischer: Regardless of what the actual fee in is Sudbury, that's the actual take-home point; these fees are variable from one town to another.

Trabert: I have a question for Dan about curbside collection, which was referenced on his slide. I would like to understand how that fits into MRC's model.

McGowan: The model is to recycle any mattress or box spring that fits the program description really being in recyclable condition are the two main pillars there. We will work with any community in doing curbside collection and keeping them separated so they aren't mixed with kitchen waste and losing the structure of the mattress that recyclers wouldn't be able to deconstruct and market. Any bed collected is eligible for no-cost recycling, whether that's curbside or direct pickup, or in other cases we have a trailer at the facility or DPW and we would transport those to recycler. Really any bed that gets collected from a Massachusetts consumer is eligible for the program.

Trabert: Just to be crystal clear, a curbside collection is not covered by the fee paid; it needs to be arranged separately either by the municipality of resident and paid for, then brought to a collection point that is covered by MRC program.

McGowan: Correct; the cost of that collection is very high depending on where you are. That's in Law 1023 model legislation, which is premium service. Anybody who wants or needs that service, it's there, but what we provide is a no-cost drop-off spot. We don't want to have that fee and that service and have

that fee any higher than it needs to be; we want that to stay low, and if you want curbside service, it's available, but we don't feel it should be part of that fee and make folks who don't need it have to pay for it.

Commissioner Christine Barber: The fee is 100% on the consumer at the point of service, correct?

McGowan: Yes, that's a visible fee on the receipt that gets established by an auditing process by the state regulator.

Barber: It's on the consumer.

McGowan: Yes, away from the taxpayer.

Erik Dyson, a member of the public: Question for Dan. You noted in your presentation for those states that don't actually recycle mattresses that Mass recycles 400,000 mattresses last year, which was 66% of mattresses available, yet in other states, you're hovering around 65% ten years into the program. Wouldn't that suggest the Massachusetts model is working well? There is price variability; it's a much more complicated topic to discuss. We're not just throwing out round numbers. How do you justify getting up to 95% when we're already doing up to 66% in states with program?

McGowan: I think you're looking at two different numbers; 66% is collected, not necessarily recycled. We don't exactly know how many are thrown away in Connecticut or Rhode Island, but 97% of the population is within a collection point. We think that we're somewhere above 90-95% of all mattresses discarded going through our system. So we know that through the program, through the consistency of messaging, through the availability of all municipalities to take advantage of it, we could realistically surpass that 66% that is currently collected. We operate around 75% of the actual mattresses being collected that get made back into new materials. There are certain materials that are in there that don't have good end markets. Sometimes the beds will come in moldy or excessively dirty, so there's not a good market for that. So there is a percentage of the mattresses that are collected that don't ultimately get made into new products, and we don't count them in our recycling. I do commend what Massachusetts has done, the work that you and your brethren recyclers are doing in the state. But we are missing a third of the mattresses that are being disposed of. And there we're not seeing the economies of scale, the consistent messaging that is available once the program and operation get going, that we have those cost efficiencies that you could get instead of the \$125 that was mentioned for Sudbury—the \$16 to \$22 that our current states are operating at and have that consistent program throughout the state, and what people pay when they buy a mattress, not just when they dispose of it. There's no cost at that point in time and they don't have the incentive to just throw this stuff on the side of the road and make it town's and DPW's issues.

Rennie: Question on collection of the fee is at the point of sale. It's obviously easy to understand in a brick-and-mortar setting but you said that in other states you collect from online sales as well. How do you capture all of those online sales, given that consumers can kind of buy anything from anywhere? How is that tracked? How do you get that data?

McGowan: You're right; online sales are part of the program. That's the state law: if you are a retailer selling to a Massachusetts consumer, you have to collect and remit the fee. That's one of the positives of the fee being right there on the receipt is that it's transparent and easy for anybody to get on there. Part of the administrative cost we have is doing due diligence to make sure the fee is applied to a sale that is being remitted to us and there's a whole group that does that work to make sure that there isn't an opportunity for foreign imports, disadvantage to any Massachusetts-based or U.S.-based retailer or manufacturer. Something we are cautious and adamant about that there are not free riders to this program—that would not be fair to the manufacturers or consumers.

Rennie: We're always a little cautious around any Massachusetts-only fee or mandate because of the online sales issue, and I think there's endless options out there, so I was just curious as to how successful you've been in other states in tracking that down. Understand you probably can't get 100%, but you probably do pretty well.

McGowan: The ISPA is the voice of mattress industry and sleep products. The interest of Massachusetts retailers is paramount. We want to see that fee as low as possible. Then we look to regulators to help us enforce that.

Commissioner Jose Delgado: Has the fee changed/increased over the time you have been operating in other states?

McGowan: Yes. In the ten years in Connecticut and other states, it has increased. Operations is the vast majority of the costs, as I showed on a previous screen. The cost to transport these mattresses, and to pay for labor to do the recycling work—minimum wage increases, fuel costs increase—there are costs that affect us and the program. The cost of living increases and the fee also increases, and we attempt to keep that fee as low as possible.

## **8. Discussion**

Commissioner Abbie Webb: Thanks to those who have presented so far. Casella does provide mattress recycling services. We have facilities in Connecticut and New York and provide collection throughout the Northeast. We've gotten a little support from DEP. We collect around 250,000 units a year. In general, we do support EPR for hard-to-recycle materials. It's fair to applaud groups that have achieved a lot here on the ban. That 66% rate is a lot to accomplish. As a resident here in Fitchburg, I have a variety of affordable options. My question for Commissioners to consider is whether it's realistic to expect EPR to deliver above and beyond 66% and how that might play out. Is it possible that mattress recycling is already sufficiently well established in that it doesn't need EPR? If we say mattresses are on a good path, we can turn our time and attention to a different material stream that would advance the state's goals?

Beling: Any thoughts on that comment?

Rennie: That is similar to point I was going to make—I'm looking for more information on the current program through DEP given that 66% does seem pretty successful. Begs the question is do we need to make a change, or we've only been up and running for a couple years, continue to trend upwards?



McGowan: Like I said, we don't exactly have disposal information. It's not something that the State regulators collect, but you know, we have 98% of the state within 15 miles of a collection point. So we believe we're collecting nearly 100% of all mattresses and running those through our program. Most of the towns are registered with the program because it's no cost to them. It's something that gets eliminated from their tax roll. It's something that they don't have to pay for anymore. It's just a major cost savings to Connecticut or Massachusetts municipalities and taxpayers. It's not something that gets financed through that system anymore and is one set fee for everybody throughout the State.

Trabert: I do think that a program such as the MRC program would work in Massachusetts; I completely understand the points that Abbie and Bill. But they are not operators from within the system. I work for the City of Newton, and municipalities have had to comply with this unfunded mandate from the state since 2022, and residents or taxpayers are paying for the recycling of these mattresses. And it's pretty expensive with this patchwork quilt system right now. Residents that are paying for disposal or proper management, recycling, or a mattress would welcome a point-of-sale fee somewhere in the range that was listed because it's going to be much less than what they're paying right now. The amount of administrative burden and work put on municipalities to handle the residential sector of mattress recycling, there's no way to really measure it, but it's not distributed equally either. In well-resourced communities, my staff has been able to handle it—it's a thorn in our side, but we can handle it. But the City of Boston, Lawrence, New Bedford have all faced major problems with getting mattresses collected in an orderly fashion. Boston can't charge a fee because there are so many multifamily housing units that they can't do curbside; they don't know who's putting it out. I don't see it as a sustainably funded system, whereas this EPR would create level playing field, where consumers are paying for it instead of taxpayers.

Kishida: Massachusetts does not have a history of passing EPR legislation, but they do have a strong (DEP) and longstanding track record in passing waste bans on products that would be better taken out of the trash and recycled, such as mattresses are. Thanks to the ban of 11/1/2022, we have a robust statewide state collection contract. I had counted eight; John said nine. That's great. If this bill were to pass, it would be a uniform fee, and like Waneta was just saying, I spoke to three of my former cities—Chelsea, Lynn, and Revere—and they even have a different price. Chelsea, like Boston, has curbside pickup twice a week for free because they feel like they have to. It costs them upwards of \$250,000. I understand the cost. Curbside collection in Revere is \$75 per piece, and it's \$55 in Lynn. So that's another thing that's going to happen. If this legislation passes, we'll have lower costs and a uniform fee, which makes so much sense. It's going to reduce trash, which is one of the major goals of the Solid Waste Master Plan, and reduce illegal dumping, which will in turn lessen contamination.

Chair Beling: Sharon, is there any specific bill filed or recommendations in the council?

Kishida: The bill is H.1023 by Rep. Phillips. I support this, but I'd want to make a few changes. But it's MRC's bill. It doesn't contain the suggestion of a social enterprise fund. But it's not well defined what the impact of that would be. And another one mentions a grant program.

Commissioner Andrew Potter: This might be a naïve point, but I'll make it nonetheless. In the discussion that I've heard, and you can point me to other information, but I haven't really heard anything about producer responsibility in the discussion of mattresses today. I've heard consumer responsibility and maybe a producer responsibility to charge the consumer that fee, but where does producer responsibility come in in thinking of end-of-lifecycle mattress disposal?

Trabert: Yes, the fee is paid by the consumer. Even if the fee wasn't at the point of sale, it would be folded into the price of product. That's how these systems work. Whoever is buying the product needs to fund the system. So this is a transparent fee at the point of sale. The producer responsibility piece comes into play that a law would presumably require a product stewardship organization by the manufacturers to be created. MRC already serves that function and has this program. They work on behalf of producers to have the system, which is the producer responsibility component of this approach.

Domenitz: I have a follow-up question for Waneta. When you say the system, you're talking about both collection and recycling of the materials?

Trabert: Correct. For drop-off specifically within this program that has been defined and recycling of mattresses.

Melly: I broadly want to echo support for this concept. The thing that is most resonant to me is standardizing economies of scale. The fact is we've had for two and a half years now a disposal ban and it has shifted the burden onto sort of a patchwork of local programs, which speaks to the need to create a unified system. Two things that would add are that municipalities have been front lines of this work to date, so in setting up a program in Massachusetts just having the DEP and municipalities be really collaborative with actual an actual producer responsibility organization just makes a lot of sense, so however that gets written in consultation with language of legislation, it would be silly not to give folks implementing this an opportunity to weigh in. As to getting a statewide system up and running, once you have the infrastructure in place, that makes it easier to think more normatively about how to reduce and recover materials, versus having all these ideas parceled out into individual programs. The industry evolves and knowledge of best practices evolve, and we would implement our sustainability goals and waste reduction goals through one program, which would be easier than the patchwork of individual programs that need to be individually updated to reflect best practices.

Domenitz: I agree with much of what David just said. The most compelling aspect is standardization where I'm confused about actual policy pieces. That bleeds over into how I would make the case to the public and decision makers, depending on where different people are coming from. We're naming things differently. From a municipal standpoint, it's an unfunded mandate. From the DEP standpoint, we've made grants to facilitate programs. There's the point-of-sale fee that's in this. Where is the money coming from with an objective analysis and what does it cost to administer? I'm confused about that right now. Somerville will pick up your mattress and charge you nothing at curbside. Some towns charge different amounts. The DEP is granting towns to facilitate the program. This would have a consumer point of sale of something like \$15-20 per purchase. I still need clarification on what it costs now, who's paying for it, and how that would differ in this paradigm. I think we can save that for a separate conversation, but I can't follow all those pieces.

Trabert: In the example of Somerville charging nothing, that means taxpayers are paying for recycling system from the general fund. It's not a fee being paid by user of the system; it's everyone in Somerville paying for mattress recycling for anyone who uses it. In a town that has a fee system, it's the end user paying that fee to properly manage the mattress. Newton for example has drop-off program where residents pay \$35 a piece (mattress, box spring) to drop off at recycling center. Curbside pickup is \$60 per piece. That is a municipality choosing not to subsidize the cost and instead covering the recycling cost that city has contracted with recycler and passing cost on to individual who needs the service. If there is no fee, it's broadly put on taxpayers from the general fund. If there is a fee, it's to subsidize the cost. An EPR system would be much more streamlined. There would be a point-of-sale fee when new mattresses are purchased, then no fee when collected at drop-off point. If different entities wanted to provide curbside collection service for residents, they would contract with some hauling companies collecting from curbside to a drop-off point and there would be a fee for that. That's not covered in the EPR program as it is modeled in other states right now.

Domenitz: Regarding user vs. taxpayer, eventually everyone is going to have to get rid of a mattress, right? So even that kind of clouds it for me.

Trabert: Yes and no. There is a robust reuse market. You could sell it or give it away for free on Facebook Marketplace, if you were to keep it in use. There are lots of folks where it doesn't happen, and they need to get rid of a mattress. There are circumstances where it does not apply to people at different times.

Domenitz: I can talk to you offline.

Delgado: Some of my questions were kind of answered. My initial thoughts are as a counselor in the City of Springfield. We have curbside pickup fee that's significantly lower than other places. We pick up 7,000 mattresses a year at a loss, so to the point of protecting taxpayers, I can definitely hear that piece. The one area of curbside pickup, I can bring my mattress somewhere, but a lot of folks don't have that. That's an important piece. How has this group worked with municipalities and other states on that end, being mindful that not everybody has a car, but I'm also here on behalf of Arise for Social Justice, and a person who buys that mattress, pays a fee, and if they can't get rid of it, they have to pay a fee. So they have to pay two fees?

McGowan: We've worked in a variety of different ways in other towns. Hartford has curbside pickup; trailer at their DPW for all units collected to pay for transportation and removal and recycling. Also have transfer station for drop-off. Commercial and residential can take advantage. Similar with East Hartford; they go around and pick them up. One of the things we also see is they're not picking up as many. There's a lot of illegal dumping that happens currently because there's cost avoidance. If there is no cost at the end of life, you don't feel the need to leave it. Now it's the city who has to pay for it. So there's a lot of opportunity there. Some towns pick up and deliver directly to recycler, and those just get dropped off at recycler at no cost, and truck goes onto its way.

Delgado: I think we charge \$16 for bulk pickup, so that would essentially be the same. No impact on that end. Overall, this program could help municipalities. In our city, we have an illegal dumping program; we

also have to have that fine balance between making our bulk pickup fee low enough that it doesn't encourage further illegal dumping, so I think this could help with that. I also like that you are using the existing infrastructure, so local companies are still in use. This is different from paint where they set up their own system. The fees particularly in bulk is where some residents get a double fee.

McGowan: \$16 also pays for disposal, so that should come down. With Providence, they do collection, they have a contract; they also work with DPW and have neighborhood collections and put it in a container for an underserved community.

Rhein: Broadly speaking, I support the idea of a unified, standard approach across the state. When people move from one community to the next, they know how their mattress disposal is going to be managed. The same approach exists with the Recycle Smart Massachusetts program; they use a standardized approach so there is not a patchwork of different rules and approaches across the state. Makes sense. Question: in the current system, the reason people are getting rid of mattress is usually because they've purchased a new one. If I order something from Jordan's and they deliver to my home, and they take the old one away, how does that figure into current pricing?

McGowan: That is a great example. We recycle thousands of mattresses in Connecticut and Rhode Island that Jordan's picks up. Landfill costs went up substantially. MRC pays for the container, transporter, and recycling, so to that point and other points of the patchwork situation, all those people just call a transporter directed for them; it's one singular person and not 350 municipalities trying to figure this out themselves.

Rhein: Just in the case of Jordan's, do they charge a fee and how much?

McGowan: I don't know the answer to that.

Melly: I feel like a lot of discussion so far has been focused on cost piece and individual residential situation. This question is for both DEP and Dan. For high-volume users, such as hotels and universities, how do they operate currently in terms of recycling and how would that look different under the MRC model?

McGowan: I think each operates a little differently but if they have a thousand beds to get rid of, they have to figure out who will take them, the cost, and go around and shop prices like municipalities have to do at this point in time. With the current MRC system, there is a large-volume program. They would contact the program coordinator who will get them registered, provide them trailers and eliminate that cost, and get them recycled.

Fischer: An additional point of info: we've done some informal information-gathering about how this works with retail mattress sellers, but it varies by company for delivery, service, and fees. The service typically includes removal of an old mattress. But there are often different fees for different services. It's typically included as part of a delivery fee.

Domenitz: I repeat my concern about curbside pickup and having that built in somehow.

Rennie: I would like to highlight again that this is our second product category, and both are funded at the point of sale by the consumer. I would hope the trend does not continue.

Webb: I think this was outlined, but it's worth stating that having clear standards of service for both processors and collectors if we do go in this direction to maintain consistent service levels.

Trabert: There are two of bills before the legislature, H.3985 and S.614, that actually propose a state-run program with no independent stewardship organization. I recommend not taking that approach.

Rennie: For paint discussion, we received a background document from PSI, but I think it would be helpful if we got the information from the presenters. Last time PaintCare gave a presentation, but we didn't receive that in advance. For meetings going forward, it would be helpful to get that information.

## **9. Public input**

Mike O'Brien: How do you dispose of a mattress if you don't have a car? Who handles units at transfer station?

Cooper: Municipalities provide a collection service. There may be a scheduled pickup with a fee attached or not. There are lots of service providers just out there in terms of state contract that will pick up mattresses, but they also work with your "Got Junk" type operations to have mattresses picked up and recovered. Similar with trash.

Amber Schmidt: Is there any data on the fee paid when purchased (RI) versus paying for disposal (MA) and decrease/increase in illegal dumping?

Cooper: I think it's possible that MRC has data on illegal disposal because they work in that world and help in collection for municipalities, but John, I don't think we have data on Massachusetts municipalities reporting on illegal disposal of mattresses.

Fischer: We don't have quantitative data; it comes up as a concern. Certainly, if there's a mattress collection/recycling fee and the more significant the fee is, the greater the concern. On the data of fee and information on Connecticut and Rhode Island for the EPR system, there is a significant range in mattress recycling and collection fees charged by municipalities in Massachusetts. It varies both among drop-off and curbside programs. In PSI's report, a typical range was \$20–70 per unit. There's a little bit of a difference between curbside and drop-off, but not as much as you might think. Fees for curbside aren't that much higher which suggests they are partially subsidized.

Amber: Is there an equity lens being addressed?

McGowan: That cost will remain \$0 because there is no cost at end of life.

Fischer: When EPR program like you have, MRC, a resident could dispose of multiple mattresses for no fee, so it's not necessarily a one-to-one with what they purchased. They could dispose of other mattresses as well.

McGowan: Correct. Legacy mattresses can get recycled with no end-of-life costs. There is a correlation between sales and disposal, but not one to one by any means.

Schmidt: The question I posed is, does this EPR program address the equity issue of having to pay at end of life or is there thought about what is most equitable approach?

Richard Abramowitz: Do municipalities get reimbursed for their services under mattress EPR?

McGowan: Under the current program, they do not—just the removal of costs they currently have. Some municipalities do deliver and provide transportation for a fee, and we'll contract with them to provide that sort of work, but containers and transport are provided, and cost avoidance is their payment, if you will.

Mike O'Brian: How many Rhode Island-based mattress recyclers participate in the MRC program?

McGowan: Currently zero.

Erik Dyson, COO/owner of Mass Recycling: Two points. There's a lot talk about the hope of standardization, and as a mattress recycler here in Massachusetts, we have 150 customers. There will not be standardization across cities and towns. With a standard fee of \$15-20, that is probably under market, and that's why Rhode Island went out of business—there was no standardization of approach. Every municipality has a different situation. Chelsea picks up for free because of a fear of illegal dumping. Taxpayer cost burdens would still have to go away. The only cost savings would be that they would not pay me to do pick-up, because it's already been covered. Suburban towns with transfer stations currently collect and charge residents a fee, typically between \$20-50. Under MRC, they are no longer allowed to charge those fees because it's a cost avoidance structure. Costs are associated with that. I work all over Boston and Cape Cod, they create fees that they think are fair. Standardization will not occur. The PSI document that was sent out said there was \$13 million in cost savings to municipalities; that is misleading because most municipalities charge residents for drop-off. It's admirable that MRC has suggested that there is not a market-based solution like in Massachusetts; we are in line with what's done in other states. Dan said that 98% of units are being recycled and 95% of residents have access.

Peg Hall: In 2011, Hartford got its first quarterly bill for mattress disposal, and it was \$300,000. They realized they would have to spend more than \$1 million for disposal. I wrote the EPR law for Connecticut over the next two years. Just to clarify different components: there is getting a mattress from a user to a consolidation point, then getting them to a recycler, then paying a fee to get it recycled. If you are a large-volume generator like a hotel, you already are a consolidation point, and it will be taken care of at your site. If you're an urban area, you have a concern about illegal dumping and you can't pressure people to put something at the curb and eventually take it in their car. You have to provide a service. So, the City of Hartford was already collecting mattresses with bulky waste and went with separate collection. They provide a trailer at the transfer station. Originally a recycler was near Hartford, so the town chose to

collect mattresses and direct-hauled them to the recycler or to eastern towns in Massachusetts near a recycler. MRC negotiated a fee to cover costs for that second stage of getting consolidated materials to the recycler. We're not doing what Manchester is doing, but on case-by-case basis, MRC might be paying for that next stage of it. On the topic of policy, Waneta pointed out bills are not EPR. Some pieces of other bills are better to salvage. One I would recommend is instead of a 100-yard minimum for MRC to provide a piece of storage that it be changed to 50. We're talking about a trailer. It's more reasonable to have a small hotel or motel to consolidate for free collection service. Also in 1023, verbiage for "may" should be "shall." I'm happy to include my contact info.

Mike Orr, Recycling Director, City of Cambridge: I second what Waneta and Sharon have said about EPR not just about diversion rate but about bigger systemic program, which is management of this material. One thing overlooked in mattress PSI doc is the cost of disposal; e.g., we send a mattress with bedbugs, they'll charge us anywhere from \$30 to \$140. That's another incentive to recycle it. It speaks to why there's such a large diversion rate, because there are additional incentives. Diversion rate is not the best metric to say why we don't need EPR; it's a very huge lift for municipalities to manage mattresses, especially during moving periods and thousands of actors in the city with property managers that aren't hands-on and have no idea how to handle their trash or they have private trash collection. They have to field all these questions about where to deal with it. I can speak firsthand for how much work that is—it's hours and hours of time. The metric of diversion is not best. Having conversation is really important, because it's an incredible amount of work to get each of these little mattresses from little tiny streets and getting picked up without having the city council on your back. I highly recommend EPR to take the burden off municipalities' backs.

Phil Goddard, Town of Warren, Department of Integrated Solid Waste Management: We live in a diverse state with rural areas without large programs or that could afford to pay costs per mattress. It's expensive for customers. An EPR program would help those areas to avoid charging \$150 per mattress and as a deterrent to dump. We need to think about access, and that small communities may opt out of offering disposal to customers, which really puts people in a bind. The other thing is I've heard of synergies between having states coordinate better within the program and working with processors may increase with some sort of connecting Massachusetts to Connecticut and Rhode Island.

Amanda Nicholson, PSI: I'd like to respond to Erik Dyson's comment. Recycling statistics in the background document related to MRC's program is percent of collected mattress materials through the recycling program. This is not the same as percent of mattresses collected as compared to percent estimated to be generated. It's not a direct comparison to say there is a ~60% collection rate for MRC program. We can follow up with additional information for direct comparison. One other point Erik raised was that MRC has a 95% access rate; that's where Massachusetts stands to benefit. Residents do not currently achieve this through the current program even though the DEP's work is excellent. We're still closer to under 80%, possibly 60%. There is some missing data that we can't really fully assess. We know when there is increased access, there will be increased collection volumes. This is an important benefit of MRC program that Massachusetts ought to consider.

Claire Galkowski, Project Director of South Shore Recycling Cooperative: I work for 18 municipalities on the South Shore Solid Waste program. I echo comments several municipalities have made. Since the

mattress ban went in, some of our private haulers stopped curbside collection, so we don't have a municipal program within their curbside contracts. It's fortunate that Erik's company is providing that service at cost. Assuming if we did get EPR program, that cost would have processing subtracted. Right now, it's \$50 per mattress. I do get calls from residents in a dire situation; \$200 is a choking point for mattress disposal. It's kind of an equity issue—if they have to downsize or move, those will become illegally dumped mattresses and municipalities will have to pick them up at taxpayer expense. EPR will make it less expensive. Cost of disposal should always be included in the product cost, because it's part of the use. People should know the true cost of owning a mattress.

## 10. Straw poll: mattresses

Kishida: Just a clarifying question on the vote. Are you referring to the specific legislation that is MRC model legislation?

Beling: The recommendation will be similar to the paint recommendation, which is similar to what's on the screen. We are trying to be fairly vague; we think we should enact legislation that aligns with that of neighboring states. We'll also acknowledge work that's been done by the legislature, though we're recommending something different.

Dubuque: So we're not supporting a bill?

Beling. No.

Beling shared slide 37, which includes straw poll language on a mattress EPR recommendation:

—To support a recommendation to enact legislation to establish an extended producer responsibility law for mattresses that aligns with the Mattress Recycling Council model.

The Commission preliminarily voted as follows using a scale of agreement:

Commissioner	1 whole- heartedly agree	2 agreement with minor point of contention	3 support with reservation	4 more discussion needed	5 serious disagreement	n/a / abstained
John Beling						x
Christine Barber						x
Mike Barrett						x
Sharon Byrne Kishida		x				
Kris Callahan			x			
Jose Delgado*			x			
Janet Domenitz						x
Lew Dubuque		x				
Magda Garnicarz						x
Max Haworth†		x				
Sarah Kalish		x				
David Melly‡		x				
Conor O'Shaughnessy						x
Andrew Potter	x					



Catherine Ratte	x	
Bill Rennie		x
Neil Rhein	x	
Waneta Trabert**	x	x
Tracy Triplett	x	
Abbie Webb††		x

\* Curbside pickup is an issue as my city has 100% curbside. Also, that would mean a double fee for our residents.

† Also agree with need to work out curbside issue

‡ I suggest that the recommendation include a specific acknowledgment of both the 2021 disposal ban and existing municipal costs.

\*\* Curbside collection is not solved with the MRC model, but it is still highly beneficial to municipalities versus the current patchwork system.

†† Casella supports mattress recycling, and we support EPR for hard-to-recycle materials. I think we still need to know the “collected for recycling” rate for existing mattress EPR states (CT, CA RI). Specifically, the statistics that would be comparable to the 66% referenced for MA in the pre-read document.

Beling: Regarding curbside collection, is that something we should reference? An EPR model with some provision that considers costs or includes curbside pickup as part of actual bill? I’m curious about how folks are thinking about that.

Trabert: I do not think that’s a good recommendation. Lengthy discussion in Oregon to try to solve this issue and it was not solved. It’s kind of unsolvable because of the variation in cost for curbside pickup. It’s better than what we have now by a lot; not constructive to mention it in a recommendation.

Melly: It might be helpful to have a couple different options.

McGowan: Curbside is very expensive and would drive that fee pretty high, so a person who doesn’t need curbside could do it at a convenient price point. Adds significantly to the cost.

Beling: Our job is to say an EPR program similar to other states. We’re trying to catch up, frankly. That’s my view of our mission to get us more aligned with our neighboring states, because these programs work better if they’re regionalized than if they’re fragmented.

## 11. Next steps and adjourn

Webb asked about working groups and commission membership.

Beling: We can’t have a quorum. We’re calling them advisory groups, so they’re not going to be voting on topics, just helping the Commission. Most topics are pretty complicated.

Cooper: We have the maximum number of Commission members allowable for plastics and packaging right now.

Webb: Can we find out who’s on packaging and how many do we need for electronics?

Cooper: When we set up the meeting notice and reminder, we can send that out. There's a maximum number of commission members we can have, not a majority, or it will become a quorum. There's only four of five Commission members on electronics, so there's more seats available there. But there is no limit to the number of public participants.

**Commissioner Sharon Byrne Kishida moved to adjourn. Commissioner Jose Delgado seconded. The motion carried unanimously.**

The meeting adjourned at 12:34 p.m.

Respectfully submitted,  
*Jennifer A. Haugh*  
*GreenerU*

DRAFT