



Oregon

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Department of Environmental Quality

Materials Management Program

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Dec. 28, 2023

Michael LaRussa
Western Region Program Director
Mattress Recycling Council
mlarussa@mrc-us.org

Dear Mr. LaRussa:

Thank you for the mattress stewardship program plan (Plan) that the Mattress Recycling Council (MRC) submitted to the Oregon Department of Environmental Quality (DEQ) on Sept. 29, 2023, for the development and implementation of a mattress stewardship program in Oregon under Senate Bill 1576 of 2022 (the Mattress Stewardship Act or Act). Pursuant to the Act, as part of DEQ's plan review process, DEQ provided for a public comment period on the Plan and consulted with the Mattress Stewardship Program Advisory Committee (Committee), an advisory committee created by the Act to advise DEQ on submissions by a stewardship organization, on the Plan. The public comments received and a summary of the Committee's input on the Plan are available on DEQ's website.

After DEQ's review of the Plan, and with consideration of the input received through public comments and the Committee, DEQ rejects the proposed Plan. DEQ requests plan revisions that, where possible, are objective and measurable, with tasks completed by a date certain. Revisions should provide sufficient information to demonstrate the plan requirements in Section 4 of the Act are met.

As required by Section 6 of the Act, DEQ is providing MRC with the reasons, in writing, that the Plan does not meet the plan requirements set forth in the Act. Specifically, the Plan did not meet or needs additional information to address the following requirements:

1. Describe how the stewardship organization will manage and administer a mattress stewardship program, as required at Section 4(1)(a) of the Act.
2. Identify program mattresses, as required at Section 4(1)(b) of the Act.
3. Describe how discarded mattresses that are received through collection sites or collection events and that are not program mattresses will be handled, as required at Section 4(1)(c) of the Act.
4. Include a description of how the stewardship organization will provide for the environmentally sound management of program mattresses, regardless of the producer, with no charge at the point of collection of discarded mattresses, except that the stewardship organization may allow for a person that provides a premium service under the mattress stewardship program to charge for the additional cost of that premium service, as required at Section 4(1)(e) of the Act.

5. Provide service, including convenient collection service, as required at Section 4(1)(f), 4(3)(b), Section 5 and Section 18(2) of the Act by program launch.
6. Include additional information pertaining to an anticipated annual operating budget for the mattress stewardship program for two years of operation of the program, beginning with the year in which the plan is submitted to the department, as required at Section 4(1)(h) of the Act.
7. Provide a mechanism to mitigate the costs associated with the collection and management of discarded mattresses that are illegally dumped, as required at Section 4(1)(j) of the Act.
8. Provide for public education, advertising and promotion of discarded mattress collection opportunities statewide and on a regular basis, as required at Section 4(1)(k) of the Act.
9. Describe methods that will be used by the stewardship organization to coordinate activities with existing recycling programs, including existing nonprofit organizations that are mattress recyclers, to further the environmentally sound management of discarded mattresses as required at Section 4(1)(m) of the Act.
10. Address procedures for identifying substantial or material changes to the system for collecting discarded mattresses for which a plan amendment will be required as required at Section 4(1)(n) and Section 7 of the Act.

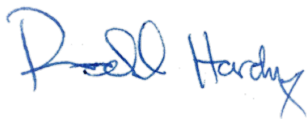
Section 18(2) of the Act requires a stewardship organization to implement a mattress stewardship program no later than seven months after the date that the initial Plan is approved. The Plan suggests that MRC may not have its program operational, nor be able to provide convenient service within this timeframe.

Please see the attachment for more details about aspects of the Plan that require additional information, clarification or revision, as well as suggestions for improvement. Due to the amount of additional information, clarification and revision needed, DEQ may have additional comments once these have been addressed and DEQ has reviewed the revised Plan as a whole.

As specified in the Act, MRC has 60 days from this date to submit a revised Plan for DEQ's review. Please respond on or before Feb. 26, 2024. DEQ will review the revised Plan within 45 days after the date DEQ receives this revised Plan.

If you have any questions about the contents of this letter, please do not hesitate to contact me.

Sincerely,



Rachel Harding
Materials Management Program Analyst
Mattress Stewardship Program
Oregon DEQ

Attachment

Feedback as part of DEQ's response to the Mattress Recycling Council's Proposed Plan for the Mattress Stewardship Program, submitted on Sept. 29, 2023

This list includes areas in the Plan that DEQ identified as not meeting plan requirements set forth at Section 4 of Senate Bill 1576 of 2022 (Act) and Oregon Administrative Rule, or as requiring additional information or clarification to assess whether legal requirements are met. Please revise the Plan to ensure consistency throughout, with the comments provided. This list also includes suggestions to improve readability. In some comments, DEQ has suggested sample revisions using bold for text additions and strikethroughs for text removal; italics indicate language from the Plan. Please review suggested revisions carefully for accuracy before adopting any revisions.

1. Overall Plan Formatting

- a. For readability, DEQ suggests that MRC remove plan guide language contained at the beginning of each new part, throughout the Plan. For example, in Part 5:

Part 5 – Collection

~~The Mattress Stewardship Act requires a stewardship organization to operate at least one collection sites in every county with a population of 10,000 or more, plus an additional 25 sites to be distributed throughout the state to extend convenient service to all persons in the state. A stewardship organization must establish and maintain collection sites at permitted solid waste facilities or other suitable site for the collection of discarded mattresses, such as organizations that recycle or renovate mattresses, reuse stores or locations on tribal land. In counties that have a population of less than 10,000 people and that do not have a permanent collection site, at least one collection site per year must be held in that county.~~

~~It is preferred that a stewardship organization use Portland State University population data when planning for the convenience standard. <https://www.pdx.edu/population-research/population-estimate-reports>~~

- b. Similarly, DEQ suggests that MRC remove the plan guide language at the beginning of each subpart, and instead summarize the topic of the subpart. For example, in Part 5(b):
"b) If proposing alternative methods to providing convenient service..." could be shortened to "b) alternative methods to providing convenience service."
- c. When listing multiple items, consider organizing them under subheadings and/or numbering, instead of bulleting the list. This will make it easier to reference.

Part 3 – Implementation Timeline

2. Please reformat the current information in Part 3 into a timeline layout for better clarity. As an example, DEQ suggests a table with tasks listed in sequential order, including when deliverables will occur and how long they will take to complete. DEQ understands that MRC may not be able to provide exact dates or that some tasks may be ongoing.
3. In the ***From Plan approval to Program Launch*** timeline, DEQ suggests revising as follows for clarity:

Deliver retailer point-of-sale materials to all retailers registered with MRC (for receipt by all retailers 1-2 weeks before Program launch, then distributed as requested).

4. Section 18(2) of the Act requires a stewardship organization to implement a mattress stewardship program no later than seven months after the date that the initial Plan is approved. Please revise the timeline and other parts of the Plan to describe how MRC will meet the required convenience standard through collection sites and events within seven months of plan approval, as described at Section 5(1)(a) of the Act, or actions that will provide an equivalent level of convenient service throughout the state as provided at Section 5(1)(b) of the Act. Revisions should demonstrate how MRC will complete all tasks needed to start collecting and managing discarded mattresses, including providing the public-facing website, container delivery, signage and commitment from all participating collection sites, recyclers and other entities to meet program requirements within seven months of plan approval.

For example, the following bullets on page 7 of the Plan suggest that the Program will not be ready to receive program mattresses within seven months of plan approval:

From Plan approval to Program Launch (which will occur within seven months of DEQ's Plan approval):

- *Contract with collection sites (ongoing multi-year task (2024-2029))*

From Program launch to end of the Plan term:

- *Deliver containers to collection sites (first week of Program launch, ongoing as new sites join the Program)*
- *Deliver recycler and collection site signage (first week of Program launch, ongoing as new sites join the Program)*
- *Activate Oregon reporting and assessment remittance capabilities in the reporting portal (within first two weeks of Program launch)*

5. Please provide more information about the survey proposed on page 8 of the Plan, including the method of delivery, the sample sizes, the related margins of error and confidence intervals, the level of disaggregation, whether the survey will take into account urban and rural areas, racial demographics, low-income individuals and people living in multifamily housing structures, and the methodology to ensure an accurate representation of different demographic and geographic groups in Oregon.

- *Survey Oregon consumers (by August 2025, and each year thereafter)*

6. A stewardship organization, if seeking DEQ approval for alternative convenient services, should propose such services in its plan, per Section 5 of the Act. Additionally, if proposing alternative methods to providing convenient service, the stewardship organization should describe and provide information sufficient to support how the alternative methods will result in providing service to residents throughout this state at an equivalent level of convenient service compared with the number of collection sites and events required under the Act.

On page 8 of the Plan, please revise the following task to reflect the timeframe of this requirement if MRC determines the need for proposing alternative methods for convenient service:

- *Propose methods for alternative convenient service measurement to DEQ (2025, if necessary)*

7. At the bottom of page 8, the following bullet should have these additional details:
 - *Report to DEQ on relevant changes (including number, **name**, and **address** of permanent collection sites, registered retailers and producers, and Program recyclers and reuse organizations managing discarded Program mattresses) (monthly)*

Part 4 – Program Operations

8. On page 9, please include the following clarification, if accurate:

To comply with federal and state laws, MRC will take the following steps:

*2. Stay Updated: Given that laws and regulations can change over time, MRC will **promptly** review any updates or amendments that may affect our compliance.*

9. Please clarify when MRC will establish the internal policies and procedures specified on page 9 to ensure that the mattress stewardship program will operate in accordance with the Act beginning the day of Program launch:

4. Develop Compliance Policies and Procedures: MRC will establish internal policies and procedures that outline how we will comply with applicable laws and regulations.

10. Please clarify whether MRC will review and assess compliance practices at least monthly, quarterly, or on some other recurring schedule; to “regularly review” does not provide enough information (as seen on page 9):
- 7. Conduct Audits and Assessments: MRC will regularly review and assess our compliance practices to identify potential areas of weakness, non-compliance or improvement.*
11. In Part 4(b), on page 10, in describing how program mattresses will be identified, please describe how mattresses will be screened to determine whether they are program mattresses, as required at Section 4(1)(b) of the Act. Please include this information in Part 5(e) of the Plan as needed, to explain collection site guidelines and requirements.
12. In Part 4(b), on page 10, MRC proposes to limit program mattresses to those discarded by Oregon residents. Section 2 of the Act defines “discarded mattress” and “program mattress” without reference to Oregon residency. Please make changes throughout the Plan to remove state residency as a criterion for accepting mattresses into the program and ensure consistency with the definitions of “discarded mattress” and “program mattress” at Section 2 of the Act. For example:
- Consistent with these terms, MRC will consider Program mattresses to be those mattresses that have been discarded in Oregon ~~by Oregon residents~~.*
13. In Part 4(c) please add details to describe how the program will handle discarded mattresses that are received through collection sites or collection events and that are not program mattresses. This should explain how mattresses received through the program, which do not meet the definition of program mattresses, will be handled. Please include this information in Part 5(e) of the Plan as needed, to explain collection site guidelines and requirements.
14. The Plan should clarify how the Program will work to prevent acceptance of out-of-state mattresses generally, not only at the Washington border. For example, on page 10 in Part 4(c), the Plan could be revised as follows:
- The nearest significant out-of-state population center is in Washington state near the Oregon border. The mitigation tools that MRC **will use** ~~intends to use (as needed)~~ to prevent non-Program units from ~~Washington~~ **outside the state** from entering the Program include:*
15. On page 11, in the third paragraph of Part 4(c) the below bullet should be edited to be more consistent with statutory language:
- Point-of-sale materials to inform residents who buy a mattress from an Oregon retailer that they may not have their discarded mattress recycled through the Program.*
- For example:
- Point-of-sale materials to inform **consumers that mattresses may not be transported from outside of Oregon to be discarded in this state.***

16. The last bullet in Part 4(c) on page 11, as shown below, should be removed as an option to address the issue of non-program mattresses. As written, the option may result in MRC, at its discretion, excluding program mattresses from the program.

If the number of units collected by a site near the Washington border exceeds historic levels or the number of units that its service area would typically generate, and MRC concludes that this situation is likely caused by the fact that the collector has accepted non-Program units, MRC may limit the number of units it will accept from that collector.

17. Please remove the legal analysis offered on page 11 in Part 4(d) and elsewhere in the Plan regarding the purpose of plan requirements. DEQ is open to accepting the contact name, phone number, and address of producers, renovators and retailers through a separate submission with a claim of confidentiality. However, DEQ can only provide confidentiality to the extent allowed by law.

~~*The purpose of this requirement is to identify for the public which entities are registered for the Program. The Act does not require that the Plan also list each registrant's contact name, phone number and e-mail address. To protect the privacy of those individuals, MRC has concluded that it is not appropriate to provide such personal information in a public document such as the Plan.*~~

For example:

Appendix A contains a list of company names and addresses of each producer, renovator and retailer that have registered with the Program as of August 30, 2023 (30 days before Plan submittal). This list will continue to grow as important Program milestones are reached, including DEQ's approval of the Plan, announcement of the assessment and the Program start date.

MRC will provide the contact name, phone number and address to DEQ and request confidentiality.

18. Pertaining to the proposed transporters and recyclers listed in tables 1 and 2 on page 12, please clarify:
- a. Whether MRC confirmed that the proposed transporters and recyclers hold the required licenses and meet the other requirements to transport and recycle program mattresses in accordance with all applicable laws and regulations.
 - b. Whether the proposed transporters and recyclers have indicated interest in participating in the proposed program.
19. Either in Part 4(f), or a new subpart based on MRC's organizational preferences, please relocate all program recycling standards and requirements from Appendix B, into Part 4 of the Plan.

20. In Part 4(f) on page 12, the Plan states, *Program mattresses are eligible for collection and recycling under the Program at no charge to the consumer, regardless of which company manufactured that unit.*
“Eligible” suggests, but does not clarify, under what circumstances a consumer may be charged for collection and recycling. Please revise this statement to clarify that MRC will provide for the environmentally sound management of program mattresses, regardless of the producer, with no charge at the point of collection of discarded mattresses, except that MRC may allow for a person that provides a premium service under the mattress stewardship program to charge for the additional cost of that premium service.
21. Throughout Part 4(f) MRC mentions ‘environmentally sound management practices’ but also references Appendix B’s ‘Recycling Standards’. Please clarify the relationship between MRC’s Recycling Standards and ‘environmentally sound management’ as set forth in the Act.
For example, are environmentally sound management practices as required by the Act fulfilled in part, through the incorporation and required adherence to the requirements of MRC’s Recycling Standards?
22. Please revise Part 4(f) to more clearly describe how MRC, as the stewardship organization, will provide for the environmentally sound management of program mattresses. For example, on page 12:
MRC will ensure that all entities it contracts with to implement the mattress stewardship program will hire third parties who will use environmentally sound management practices to collect, transport and recycle discarded units.
23. Pertaining to the third to the last paragraph in Part 4(f) on page 13, please include the underlined language;
and please describe whether the performance metrics mentioned will be listed in the Recycling Standards:
MRC will contract with mattress recyclers that can establish that they have the ability to use environmentally sound management practices to provide the required mattress recycling services, and that will agree to comply with both contractual performance metrics and relevant federal, state and local legal requirements, including the Mattress Stewardship Act.
24. On page 13 in the last paragraph of Part 4(f) MRC states the following; please clarify when DEQ will be notified of a failure to comply with such standards, and what steps, including terminating the use of a recycler or collection site, MRC will take to remedy non-compliance.
The recyclers with which MRC will contract will be required by contract to comply with Recycling Standards (see Appendix B).
25. Please describe in Part 4(g) of the Plan, how MRC is prioritizing renovation or recycling over disposal, as required at Section 5(2)(e) of the Act.

26. On page 14 in the second paragraph, please provide examples of best practices referenced:
In order to minimize the number of units that cannot be recycled for these reasons, MRC will work with collectors to implement best practices.
27. Please revise the third paragraph on page 14, to state that reuse organizations may also participate as collection sites.
As a result, used mattress sellers and renovators of used mattresses who comply with relevant federal and state laws may also participate in the Program as collection sites.
28. In either Part 4(g) or (h), please clarify at what stage mattresses in the mattress program are evaluated and identified for reuse and renovation.
29. In Part 4(h) on page 14, please confirm that contaminated landfill units will be reported. For example:
*After discarded mattresses arrive at a recycling facility, the recycler will unload the container. At its discretion, a recycler may landfill units contaminated with bedbugs or putrescible solid waste, or that may not otherwise be in recyclable condition, to minimize facility contamination and worker exposure to health and safety risks. **These mattresses will be reported in the annual report as required at Sections 9(2)(f) and (g) of the Act.***

Part 5 – Collection

30. Please revise Parts 5(a) and (b) of the Plan to describe how MRC will provide convenient collection service to all areas of the state, as required by Section 5 of the Act, within seven months of plan approval. If MRC does not anticipate being able to establish the minimum number of collection sites required by statute by Program launch, MRC may, as set forth at Section 5 of the Act, propose in the Plan alternative methods to providing convenience. If MRC proposes alternative services, the Plan should describe how MRC will provide for the environmentally sound management of program mattresses under these alternative methods.
31. In Part 5(c), please describe MRC’s process for identifying and gauging interest of prospective collection sites and event sites, including organizations that recycle, reuse or renovate discarded mattresses.
32. In Part 5(c) please describe whether and how MRC will consider communities traditionally underserved by convenient waste collection services when locating a collection site to extend convenient service.
33. In Part 5(c), at the top of page 17, MRC states the following; please describe circumstances that MRC considers as “necessary and appropriate.”
MRC will as necessary and appropriate provide information about best practices for improving operational efficiency and stacking and loading units efficiently and safely, as well as offer suggestions to improve the quality and condition of collected mattresses and recycled materials.
In the same paragraph, please describe what MRC considers as “necessary” as shown here:
MRC will also provide necessary facility signage, invoicing support, etc.

34. All requirements and guidelines of a collection site or event should be clearly stated in the Plan. Either in Part 5(e), or a new subpart, based on MRC's organizational preferences, please include these collection site requirements.
35. As part of collection site requirements in Part 5 of the Plan, please describe the collection site standards that MRC will require of participating collection sites to ensure the environmentally sound management of program mattresses and compliance with all applicable federal, state, local and other laws and regulations.

For example, the Plan can address how MRC will require collection sites to identify, track, collect, manage, and report program mattresses for recycling and program mattresses for landfilling or other disposition.

36. DEQ received multiple public comments asking MRC to provide more information as it pertains to risk mitigation for bed bugs and infectious disease in the recovery system. Please include this information in Part 5 of the revised Plan, as part of collection site guidelines and requirements.
37. In Part 5 as part of collection site requirements, please describe in more detail the environmentally sound management practices that collection sites will be required to use for program mattress collection.
38. In Part 5(e), please describe whether MRC's collection site guidelines for Oregon will be consistent and compliant with the Mattress Stewardship Act, including the requirements for environmentally sound management of program mattresses, and all applicable federal, state, local and other laws and regulations.
39. In Part 5(e), MRC's Plan states,
The guidelines also describe non-recyclable mattresses (e.g., those that are wet, insect-infested, excessively soiled, etc.) and how to identify bedbug-infested units. [...] MRC will inform collectors that they will not be compensated for collecting or handling non-Program units and that those units are not eligible for no-cost recycling through the Program. Collectors will be responsible for the cost of recycling or disposing of such units outside the Program.

- a. Please revise, both here and throughout the Plan, terms such as "Program units" and "Program products" to "program mattresses" to align with the terms used in Act.
- b. In addition, please clarify whether MRC will compensate collection sites for handling non-recyclable program mattresses, such as program mattresses that are wet, insect-infested or excessively soiled.
In a phone call with MRC and DEQ on Dec. 19, 2023, MRC explained that the costs associated with handling these type of program mattresses is worked into the actual reasonable cost compensated to collection sites. MRC said that these types of mattresses make up roughly 10% of all mattresses collected. These pieces of information should be included in the Plan to help clarify the compensation process.

40. In the third paragraph of Part 5(f), DEQ suggests allowing a collection site to contact a transporter before a container is completely full so there is no gap in convenience service. For example:

Collection sites that do not transport units using their own equipment will contact a transporter provided by MRC ~~when~~ before a full container is ready to be picked up and swapped for an empty one to prevent a gap in convenient service.

And for better clarity, DEQ suggests rewriting this portion of the paragraph:

*For sites located in urban areas, MRC transporters will swap a trailer **within 48 hours** after receiving a request, and **within five days after receiving a request** for sites in rural areas.*

41. In Part 5(g), please describe how MRC will calculate compensation for reasonable actual costs to collect and manage mattresses. This should include the factors MRC takes into consideration (for example, handling time per mattress), and types of information a collection site provides to MRC (for example, wage information).

42. In Part 5(g) please describe how MRC will provide compensation, including:

- a. How payment will be remitted to a collection site.
- b. What information or data a collection site needs to provide MRC to calculate a site's compensation.
- c. How often compensation will be remitted to a site.
- d. Description of any true up process that MRC will use to reconcile numbers throughout the year.

43. In Part 5(h), please clarify the timeframe and procedure for the proposed transporters to fulfill a request for bulk pick-up service.

Part 6 – Performance Goals

44. Please clarify that MRC will comply with the requirements at Section 8(2) of the Act as well as Oregon Administrative Rule 340-098-0440.

For example:

MRC will submit proposed performance goals to DEQ no later than two years after implementation, as required by Section 8(2) of the Act. In submitting goals, MRC will comply with this requirement and Oregon Administrative Rule 340-098-0440 and will use data collected in the Program's initial years, including data from consumer surveys described in Part 11 of this Plan, as baseline data to inform proposed performance goals.

Part 7 – Program Administration

45. Similar to previous comments in this letter, Part 7 of the Plan contains legal analysis; please remove these instances throughout the Plan. Additionally, DEQ is open to accepting the contact information for key personnel responsible for running various aspects of the program through a separate submission with a claim of confidentiality. However, DEQ can only provide confidentiality to the extent allowed by law.

46. The stewardship organization is required to comply with the Act. A suggested statement that is more consistent with that requirement is shown below, for use in Part 7(b) of the Plan:
As the stewardship organization, MRC's legal responsibilities are set forth in the Act, federal law and other state law. MRC will comply with and fulfill these responsibilities.
47. In Part 7(c), MRC does not clarify which obligations of vendors, collection sites, and other participating entities, as described in the Plan, are enforceable through contracts. If there are obligations not set forth through contracts, then describe how MRC can ensure its vendors and participating entities fulfill these obligations.
48. Part 7(e) directs the reader to Part 6(f) for information on MRC's proposed auditing, inspection and other procedures. If MRC intended to direct the reader to Part 7(f), please revise.
49. In Part 7(f) on page 23, please describe what the minimum recycling targets are based on, as mentioned in the second paragraph.
50. In Part 7(f), the following language should be included, as part of the last paragraph that discusses auditing:
Auditor reports, including their procedures and findings, will be included in the annual reports.
51. In Part 7(f), please describe what steps MRC will take if an entity is not using environmentally sound management practices, including whether MRC will terminate a contract with a recycler, transporter or other entity for the collection, transportation, or processing of program mattresses.
52. In Part 7(g), please clarify how, upon request, MRC will make such records available for inspection by DEQ, including whether MRC will provide such records for DEQ to review at DEQ's office.
53. For DEQ's understanding, please describe the "metrics" MRC mentions in the second paragraph of Part 7(g):
Data and reports extracted from that system provide important metrics for annual reporting and internal performance tracking.
54. In Part 7(h) in the second paragraph, it is unclear how much time will elapse between the first certified letter and when DEQ will be notified of the unresponsive party; please revise this paragraph for clarification.
55. Please describe what the late fees and associated interest are used for, as mentioned in the last paragraph of Part 7(h).

56. In table 3 on pages 24-25, please clarify where in the process a producer, renovator or retailer is no longer registered.
Please also clarify how much time is allowed for each step in the notification protocol. Add an additional column if needed.
57. In Part 7(i), please describe MRC's process for ensuring compliance with worker health and safety standards. The Act lists compliance with worker health and safety requirements as part of environmentally sound management.

Part 8 - Budget

58. In Part 8, please explain how the proposed budget for 'Collection Site Handling Fees' is calculated. This should include the factors, numbers and metrics that go into calculating the reasonable actual cost of collection sites to collect and manage discarded mattresses.
59. In Part 8(b), please include how many program mattresses MRC projects will be both sold and disposed of in Oregon, for each year of the budget.
60. In Part 8(b), please describe if and when MRC will evaluate actual expenditures against its proposed budget and propose a change to the assessment fee, if necessary.
61. In a phone call with MRC and DEQ on Dec. 19, 2023, MRC explained helpful facets about the proposed budget, including lower participation upon program start up and a higher reserve to keep the assessment stable. Please include this and other background information pertaining to the development of the budget for this new program, as it is helpful to DEQ and the public for an understanding of the overall Plan.
62. DEQ received several comments from both the public and the Committee as it pertains to the proposed program budget. MRC's revisions to the Plan should consider these comments, which can be found on DEQ's Mattress Stewardship website.

Part 9 – Assessment Fee

63. In Part 9(b), please describe how MRC will inform all retailers of their requirements, and whether MRC will provide an example to retailers of how to describe the assessment on a receipt.
64. In Part 9(b), please describe how often retailers will remit assessment fees to MRC.
65. In Part 9(c), please describe what information or documentation a retailer needs to provide at the time of remitting assessment fees to MRC.
66. In Part 9(c), please describe how MRC will audit retailer records to ensure that program mattresses sold is equal to assessment fees remitted.

67. In Part 9(c), the following language should be updated to align with the Act; as an example:

- *Brick-and-mortar retailers in Oregon (~~regardless of physical location~~) must collect the assessment on all sales of mattresses ~~and foundations to Oregon consumers or for delivery in Oregon.~~*
- *Online retailers must collect the assessment on all mattresses ~~and foundations~~ sold for delivery in Oregon, regardless of where the online retailer is located.*
- *Manufacturers of mattresses ~~and foundations~~ who sell to any consumer in Oregon ~~sold to Oregon commercial entities, such as hotels, motels and other hospitality establishments, dormitories, nursing homes, hospitals, and prisons (also known as “contract” or “institutional” customers)~~, must collect the assessment on such sales and remit it to MRC.*

Part 10 – Illegal Dumping

68. Part 10 of the Plan does not describe a mechanism to mitigate the costs associated with illegal dumping. If MRC determines that the 3-stage process is needed to help inform a mechanism, please include it in the revised Plan, however, it is not sufficient on its own; a mechanism for mitigating the costs associated with collection and management of discarded mattresses that are illegally dumped is required in the Plan, as listed at Section 4(1)(j) of the Act.

In a phone call with MRC and DEQ on Dec. 19, 2023, MRC explained that illegally dumped mattresses will be accepted at any collection site or event after the program launches. If this is intended to be MRC’s mechanism while studies are being conducted to inform a more permanent approach, please state this in the Plan.

69. In providing a mechanism for meeting the requirement at Section 4(1)(j) of the Act, please describe how the mechanism applies throughout Oregon, including how MRC will obtain existing data on illegal dumping that is already available outside of the Metro area, to create a mechanism in all regions of Oregon.

70. Describe how illegally dumped mattresses are to be handled through the program until a mitigation mechanism is in place. Please refer to comment 64 as needed.

Part 11 – Public Education, Advertising and Promotion

71. In Part 11(a), explain how education will be enhanced in the first three years of the program to grow awareness of the new program.

72. In Part 11(a), please describe how MRC will deploy and measure its public education, advertising and promotion to ensure that such outreach methods are reaching the public statewide and on a regular basis.

73. Regarding education and surveying, please explain what steps MRC will take to ensure education and outreach includes efforts to reach minority, lower-income, rural and other historically underrepresented populations throughout Oregon.
Please describe how MRC will engage with historically underserved communities to ensure equitable access to and awareness of the mattress stewardship program in these communities; the timeline for such engagement, and how MRC will use such engagement to inform strategies to foster public awareness in historically underserved communities.

Examples of engagement may include the use of webinars, surveys, and community listening sessions, and outreach to community-based organizations. Note that webinars and online surveys require technological access that may be a barrier to historically underserved communities; accordingly, a range of opportunities for engagement should be provided.

74. In Part 11(a) at the bottom of page 30, please describe how MRC will monitor the effectiveness of its outreach and how MRC will adjust the elements of its communications plan.
MRC will monitor the effectiveness of its outreach annually and adjust elements of the communications plan as necessary.
75. In Part 11(a), describe what types of education, aside from signage, will be provided to consumers at collection sites.
76. In Part 11(a) on page 31, please describe whether there is a minimum number of community events per year that will MRC participate in as a vendor. What types of events does MRC think would be best to focus on? Will these be in both urban and rural areas of the state?
77. Part 11(a) of the Plan states that *MRC's marketing efforts will be emphasized during Earth Day (April 22) and America Recycles Day (Nov. 15).*
Please describe what measurable steps MRC will take to emphasize marketing efforts during these events, including what techniques and materials will be developed and utilized for event promotion and participation.
78. In Part 11(a), please describe if and how MRC will coordinate with local governments to provide consumer education, as part of MRC's education and outreach efforts.
79. At the top of page 31, the Plan states, *In the initial years [...] MRC will implement tactics that have already proven successful [...].* Please revise to clarify what MRC considers to be the "initial years" of the Oregon program.
For example, "In the first two years of the program..."

80. In Part 11(a) on page 32, the Plan states: *On an annual basis, MRC will issue a consumer survey*; please include the following details in the Plan:
- a. Specify if this survey will distinguish between and collect responses from both rural and urban areas.
 - b. Describe the parameters of the survey, including but not limited to, how the survey will be administered, what the sample size will be, how MRC will ensure the survey captures a representative sample of the state.
81. DEQ would find it helpful if these survey results were included in the annual report that MRC submits each year; is it possible for MRC to do this?
82. On page 32 in the last paragraph of Part 11(a), the Plan states, *In future years, based on awareness levels and the Program’s financial performance, the following [additional outreach tactics] may be implemented to increase awareness in a specific region, to a specific demographic or to a statewide audience [...]*.
- a. Please revise to clarify this time frame. For example: “In the third year of the program, based on [...].”
 - b. Regarding public awareness levels, please clarify whether the awareness levels will be measured through the annual survey or other methods. At what awareness levels will MRC take action to implement the additional outreach tactics? Or will MRC take action depending on factors other than awareness levels?
83. In addition to what is mentioned in Part 11(c), describe what type of information MRC will provide to collection sites, in order to help them explain program elements to the public, especially in the first several years of the program, when a consumer might have purchased a mattress before POS retailer education was being distributed.

For example, could the same hard-copy retailer education also be made available to collection sites?

Part 12 – Closure Plan

84. To reduce confusion and questions about what is an “initial Plan,” DEQ recommends deleting the first sentence in this Part of the Plan and revising the second sentence as follows:
- MRC will submit a closure plan to DEQ no later than two years after implementation, as required by Section 8(2) of the Act.*

Part 14 – Program Changes

85. Please clarify that MRC will also follow the provisions of OAR 340-098-0460.

Appendices

86. To reiterate comment 18, please relocate all program recycling standards and requirements listed in Appendix B into Part 4 of the Plan.

87. The opening paragraphs of the Standards in the current Appendix B should be updated for accuracy and clarity:

The Standards also include data tracking and reporting requirements.

MRC reserves the right at its discretion to review and revise these Standards.

This language should be revised; as an example:

MRC will seek DEQ approval to revise the standards.

For purposes of these Standards, the term “Mattress” or “unit” ~~should be interpreted to include both~~ means the same thing as Mattresses and Foundations (or box-springs), as defined in Section 2 of the Act and section 1 of this plan.

88. In 2.6 of the current Appendix B, please add that a recycler will also document and provide MRC with weight/percentage of materials that were not processed.

89. Either in section 3 or 4 of the Recycling Standards, please state that a recycler will maintain and provide MRC with a chain of custody for all materials and require of any subcontractor or purchaser, that the chain of custody be maintained through final disposition of materials within this state and outside the state, per Section 4(1)(e) of the Act, as defined in Section 2(4)(b)(B) and Section 2(5).

90. Please provide a copy of the certificate mentioned Section 3.7 of the current Appendix B.

91. The language in Appendix E, part b) 2. should be updated to reflect the Act:

2. Collection site compensation for reasonable actual costs to collect and manage discarded mattresses