



Oregon Department of Environmental Quality

Plan Guide for the Mattress Stewardship Program

Disclaimer

This document and references to the Mattress Stewardship Act of 2022 and corresponding rules in Chapter 340, Division 98 of the Oregon Administrative Rules are provided for information and guidance only. This guide does not constitute rulemaking by the Environmental Quality Commission and may not be relied upon to create an enforceable right or benefit, substantive or procedural, enforceable at law or in equity, by any person.

This guide also does not supplant, replace, or amend any of the legal requirements of Senate Bill 1576, the Mattress Stewardship Act of 2022, or related administrative rules. Conversely, an omission or truncation of regulatory requirements in this guidance document does not relieve a stewardship organization or other parties of their legal obligations to fully comply with all regulatory requirements. Users should rely on official versions of the Act and corresponding rules in Chapter 340, Division 98 of the Oregon Administrative Rules. DEQ anticipates revising this guide periodically as conditions warrant.

Purpose

This guide is intended to assist prospective stewardship organizations in understanding the form and manner for submitting a plan to the Oregon Department of Environmental Quality for the development and implementation of a mattress stewardship program pursuant to the Act and related rules.

As required in the Act, a stewardship organization must obtain DEQ approval of its plan before the stewardship organization may begin implementing its program. In operating a mattress stewardship program, a stewardship organization must meet the requirements of its DEQ-approved plan, including meeting or exceeding the service requirements described in Section 5 of the 2022 Act.

For definitions of terms used in this guide, please consult the Mattress Stewardship Act of 2022 and corresponding rules in Chapter 340, Division 98 of the Oregon Administrative Rules.

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Section 1. Submission and Review Process

A prospective stewardship organization must submit an initial program plan to the Department of Environmental Quality by October 1, 2023. The timeline for DEQ's review of a plan is set forth in section 6 of the Act. As part of the plan review process, DEQ will convene a Mattress Stewardship Program Advisory Committee to assist in the review of submitted plans and will hold a 30-day public comment period after posting a submitted plan on DEQ's website.

An approved program plan is valid for five years. A stewardship organization with an approved plan must submit a plan renewal to DEQ for reapproval at least 180 days before its approved plan expires. Please consult the Act for when a stewardship organization may be required to submit a plan amendment.

Section 2. Plan Format

A stewardship organization may refer to sections 3 to 5 of this guide for the format, content and submission process for plans, including an initial plan and plan renewals.

Please use the outline below as guidance for the table of contents, and clearly denote where each required component of a plan identified in the Act can be found in the plan. The following section explains in greater detail, what may be included in these components.

1. Definitions
2. Background
3. Implementation Timeline
4. Program Operations
5. Collection
6. Performance Goals
7. Program Administration
8. Budget
9. Assessment Fee
10. Illegal Dumping
11. Public Education, Advertising and Promotion
12. Closure Plan
13. Coordination
14. Program Changes
15. Contact and Certifying Certification

Section 3. Plan Content

1) *Definitions*

- a) The plan should state that it uses and incorporates the definitions from the Act and the related administrative rules in Chapter 340, Division 98 of the Oregon Administrative Rules.
- b) Definitions for all other terms used in the plan should be listed in this section.

2) *Background*

Describe any relevant information about the stewardship organization, including but limited to, how the organization meets the definition of “stewardship organization” under the Act, its organizational structure, and its history and success with mattress stewardship programs in other jurisdictions and relevant program experience.

3) *Implementation Timeline*

Provide an implementation timeline with deliverables and milestones from program initiation through the term of the plan. Per the Act, a stewardship organization must implement a mattress stewardship program as described in its initial plan no later than seven months after the plan is approved by DEQ. The timeline should include dates and deliverables for the first seven months of implementation.

4) *Program Operations*

- a) Describe how the stewardship organization will manage a mattress stewardship program that complies with all federal and state laws applicable to the operation of the mattress stewardship program, including the Mattress Stewardship Act and related rules in OAR Chapter 340, Division 98.
- b) Describe how program mattresses will be identified.
- c) Describe how the program will handle discarded mattresses that are received through collection sites or collection events and that are not program mattresses, including mattresses from outside the state.
- d) Identify each producer, renovator and retailer that is registered with the stewardship organization, as of 30 days before the date of plan submission in an **appendix**, that includes the business’ name, physical address, contact name, phone number and email address.
- e) Identify each of the proposed transporters and recyclers that the stewardship organization will contract with to transport and process program mattresses. In an **appendix**, please include the business’ name, physical address, contact name and phone number.
- f) Describe 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.
- g) Describe how the stewardship organization will prioritize renovation, reuse or recycling over disposal in providing for the environmentally sound management and final disposition of program mattresses under the mattress stewardship program.

- h) Describe the recycling methods that the recyclers will use for the processing of mattresses.

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 data¹ when planning for the convenience standard.

- a) In an **appendix**, list all proposed collection sites and events, including location name, physical address, a contact name and phone number.
- b) If proposing alternative methods to providing convenient service, describe and provide any geographic information systems analysis or additional 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.

A stewardship organization could measure effectiveness of the alternative methods compared to collection by a collection site or event on an annual basis, with a commitment to increasing the level of alternative methods or awareness of the alternative methods if data does not suggest the alternative methods are providing an equivalent level of convenient service.

Examples of additional information as mentioned above could include:

- i) Concurrence by local governments with the proposed alternative method in the areas where residents are underserved by collection sites or events.
 - ii) The determination of any enhanced services needed, to improve equitable access, including historically underserved populations.
- c) Describe how the stewardship organization will establish and maintain collection sites at permitted solid waste facilities and other suitable sites for the collection of discarded mattresses, provided that the stewardship organization ensures the sites do not impose a fee for making space available for storage containers.
 - d) Describe the process for identifying and engaging with permanent collection sites and event sites, including organizations that recycle, reuse or renovate discarded mattresses
 - i) Include contacts made and information provided to prospective sites
 - ii) Describe the process for engagement with tribal governments.

¹ <https://www.pdx.edu/population-research/population-estimate-reports>

- e) Describe how collection sites will collect, separate, manage and get rid of program and non-program mattresses.
- f) Describe how the stewardship organization will provide for storage containers at no charge at, and transportation and recycling of program mattresses from, collection sites. Describe how the stewardship organization will determine storage container options based on the size of site, volumes collected and different weather considerations throughout the state.
- g) Describe how the stewardship organization will calculate and provide financial compensation to collection sites for their reasonable actual costs to collect and manage mattresses.
- h) Describe how the stewardship organization will provide for bulk pickup service at no cost to collect a minimum of 100 properly source separated program mattresses at one time.
- i) Describe how the public will access available collection opportunities as part of the mattress program, including how the stewardship organization's website will meet the requirements of Section 3(4) of the Mattress Stewardship Act and OAR 340-098-0480.

6) *Performance Goals*

Following the schedule described in statute, explain when the stewardship organization will submit proposed performance goals to DEQ for approval, as part of the initial program plan.

7) *Program Administration*

Describe how the program's overall daily management will be handled through management of contracts, record keeping, reporting, and compliance oversight of service providers.

- a) Identify and provide the contact information for key personnel responsible for running various aspects of the program, including the authorized representative.
- b) Provide a statement that the stewardship organization retains legal responsibility for all plan commitments and any violations of the Mattress Stewardship Act, as well as all federal and state laws applicable to the operation of the mattress stewardship program.
- c) State that all obligations of vendors, collection sites, and other participating entities described in the plan, unless noted specifically, are set forth in contracts enforceable by the stewardship organization.
- d) Describe how the program will be consistent with the policies for materials management set forth in ORS 459.015(2) including responding within three business days to requests by DEQ, unless the timeline specifies otherwise in the Act.
- e) Describe the auditing, inspection and other procedures that will be used by the stewardship organization and the frequency at which the procedures will be implemented to ensure that all entities the stewardship organization contracts with to implement the mattress stewardship program engage in environmentally sound management practices.
- f) Describe the stewardship organization's processes for ensuring that the recyclers contracted with by the stewardship organization to process program mattresses and entities handling discarded mattresses through their final disposition will comply with environmentally sound management practices.

- g) Describe the stewardship organization's record keeping, and how such record-keeping will be adequate to ensure environmentally sound management of program mattresses, as required in Section 11 of the Act.
- h) Describe how the stewardship organization will ensure that all required program participants are participating, the actions that will be taken to bring required participants into compliance and the process for referring non-compliant entities to DEQ for potential enforcement actions.
- i) Describe the stewardship organization's methods for the following:
 - i) Management of discarded mattresses.
 - ii) Tracking and documenting the fate of discarded mattresses from collection through final disposal within and outside the state.
 - iii) Conducting performance audits and inspections of recyclers, haulers and other parties, including the frequency of such performance audits and inspections.
 - iv) Ensuring compliance with work health and safety requirements.
 - v) Describe how the stewardship organization will keep detailed documentation for these methods.

8) *Budget*

- a) Describe the financial health of the stewardship organization.
- b) Describe the stewardship organization's process for establishing the proposed operating budget and why the proposed operating budget will ensure an effective mattress stewardship program that complies with the Act.
- c) Include an anticipated annual operating budget for the mattress stewardship program for two years of program operations, beginning with the year in which the plan is submitted to the department. Line items should include but are not limited to:
 - i) The collection, transportation and processing of program mattresses.
 - ii) The administrative costs of the mattress stewardship program to the stewardship organization.
 - iii) The costs of compensating collection sites for their reasonable actual costs to collect and manage discarded mattresses.
 - iv) The anticipated amount of moneys that the stewardship organization will hold in unallocated reserve funds for the mattress stewardship program.
 - v) The annual fee to be paid to the department pursuant to section 9(3) of the 2022 Act.

9) *Assessment Fee*

- a) Describe the methodology and data used to arrive at the proposed assessment amount.
- b) Describe a proposed method for collecting the mattress stewardship assessment from retailers.
- c) Describe the method for ensuring the assessment is remitted to the stewardship organization.

10) *Illegal Dumping*

Describe the mechanism to mitigate the costs associated with collection and management of discarded mattresses that are illegally dumped and why the proposed mechanism will be effective. The proposed mechanism must take into account the cost of one or more incentives to encourage collectors to properly dispose of discarded mattresses and discourage illegal dumping, and may include but need not be limited to proposals for funding of cleanup activities, for education and outreach or for studies to evaluate the causes of illegal dumping. In describing the mechanism, the plan may address efforts to ensure equitable outcomes such as:

- Understanding barriers
- Geographic differences in the state
- Different housing types

11) *Public Education, Advertising and Promotion*

- a) Describe how the stewardship organization will provide public education, advertising and promotion of discarded mattress collection opportunities statewide and on a regular basis.
 - i. Explain how education will be enhanced in the first years of the program to grow awareness of the new program.
 - ii. For each type of outreach, include details such as frequency, reach, languages that will be used and what areas of the state are being targeted.
 - iii. Ensuring equity in the program is of particular importance to DEQ, including methods that make for equitable outcomes, measuring for equity and making changes as needed.
- b) Describe how the stewardship organization will identify and notify retailers about the mattress stewardship program, and what information will be provided.
 - i. If there are different sets of information for online and physical store fronts, please describe them.
 - ii. This should include information necessary to comply with the program and should be directed to all retailers selling or offering for sale mattresses in Oregon.
- c) Describe education efforts to participating collection sites and events, including types of information provided and how often.

12) *Closure Plan*

Following the schedule described in statute, explain when the stewardship organization will submit a proposed closure plan to DEQ for approval, as part of the initial program plan.

13) *Coordination*

Describe methods that will be used by the stewardship organization to identify, engage and coordinate activities with existing recycling programs, including existing nonprofit organizations that are mattress recyclers, to further the environmentally sound management of discarded mattresses.

14) Program Changes

- a) Describe procedures, including how the stewardship organization will consult with DEQ, regarding changes to the system for collecting discarded mattresses that may require a plan amendment.
- b) Include a description of how the stewardship organization will submit a plan amendment or notification on a timely basis as required by Section 7 of the Mattress Stewardship Act and OAR 340-098-0460.

15) Contact and Certifying Information

A stewardship organization should provide a primary contact for the organization managing the mattress stewardship program in Oregon. This should include the contact's name, address, phone number and email address. Please specify when the stewardship organization will notify DEQ if this contact changes (for instance, within two business days of the change).

The following certifying statement should be included with the signature of the program's authorized representative: *I, [name of authorized representative], hereby declare under penalty of false swearing (Oregon Revised Statute 162.075 and ORS 162.085) that the above information and all of the statements, documents and attachments submitted with this plan are true and correct.*

Section 4. Supplemental Information

As part of the plan submittal, a stewardship organization should also provide:

- a) Documentation of the stewardship organization's non-profit status, including:
 - i) 501(c)(3) status in Oregon
 - ii) Articles of incorporation
 - iii) Proof of registration as a charity with the Oregon Department of Justice
 - iv) If incorporated outside of Oregon, proof of registration as a foreign corporation with the Oregon Secretary of State
- b) Proof of adequate liability insurance for a stewardship organization and contractors working for the stewardship organization

Section 5. How to Submit

1. A stewardship organization should submit the information described in section 3 of this guide, including appendices, as a plan, by email, to DEQ's Mattress Program Coordinator. The plan should be in a searchable electronic file. DEQ will make submitted plans available for public comment in accordance with the Mattress Stewardship Act. A program operator should submit the supplemental information outlined in section 4 of this guide in a separate email to the program coordinator by the same date that the plan is due. A stewardship organization may be required to submit paper copies at DEQ's request.
2. If a stewardship organization is submitting a revised plan, the revised plan should contain any changes to the initial plan in track changes or otherwise clearly noted.

Program Contact

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Oregon Department of Environmental Quality

Materials Management Program

Non-discrimination Statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).

Translation or other formats

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