



Oregon

Tina Kotek, Governor

Department of Environmental Quality

Materials Management Program

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April 11, 2024

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

Dear Mr. LaRussa:

Thank you for the revised mattress stewardship program plan (Plan) that the Mattress Recycling Council (MRC) submitted to the Oregon Department of Environmental Quality (DEQ) on Feb. 26, 2024, in response to DEQ's initial response letter which was sent on Dec. 28, 2023.

DEQ would like to note that this revision provided much more detail and information to help inform how MRC will fulfill the requirements of the program. DEQ appreciates that MRC recognized the need for more information about this new program and took action to supply such details.

After DEQ's review of the Plan, DEQ rejects the revised Plan as proposed. Revisions to the program plan are still needed that, where possible, are objective and measurable, and include adequate detail to ensure fulfillment of the Act. 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.

The revised plan continues to lack information pertaining to the convenience standard including how convenience will be met by program launch. The Plan must 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. As part of providing convenient service, the plan should describe how additional collection sites required at Section 5(1)(a)(A) in the Act will be distributed throughout the state.

DEQ is deeply concerned about the increased assessment amount MRC proposed in the revised plan. \$22.75 per mattress or box spring would make Oregon's program the most expensive mattress stewardship program in the country. DEQ invites MRC to discuss ways to streamline the program budget, to ensure a reasonable assessment amount for the consumer who is ultimately funding this program. We encourage MRC to ensure that the assessment per mattress is sufficient to recover, but not exceed, the costs of establishing and administering the mattress stewardship program.

Additionally, the plan is unclear about which mattresses MRC will provide collection and environmentally sound management for; specifically, program mattresses which are brought to a collection site or event but are deemed non-recyclable due to their condition. The plan should

make clear that MRC will provide for the environmentally sound management of all program mattresses and that collection sites will be compensated for their reasonable actual costs to collect and manage these mattresses, as required in Sections 4(1)(e) and 9(2)(c) of the Act.

There are additional items throughout the plan that still require revisions or need more information. DEQ has noted some outstanding items in a marked up copy of MRC's revised plan, with suggestions for language that would fulfill requirements of the Act. With clear suggestions provided for fulfilling statute, we anticipate a revised plan can be turned around quickly, in order to initiate this much-anticipated program. DEQ is happy to help with these revisions, including working through the plan together with MRC section by section.

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 June 10, 2024, with revisions in a format that shows track changes to the plan document. 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. DEQ appreciates MRC's continued work and looks forward to working together, to ensure a successful program for the statewide collection and environmentally sound management of discarded mattresses.

Sincerely,



Rachel Harding
Materials Management Program Analyst
Mattress Stewardship Program
Oregon DEQ