

Mattress Stewardship Rulemaking Meeting 2

Materials Management Program

Feb. 3, 2023

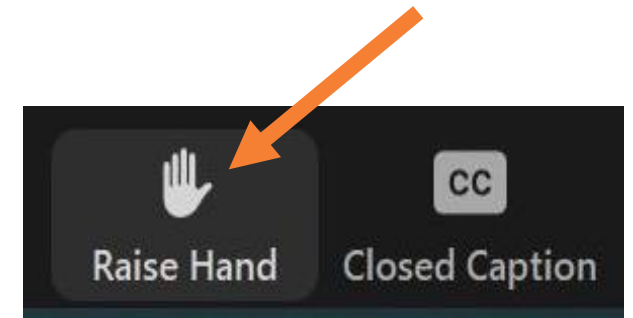
Zoom Webinar

Welcome, Overview of Today's Meeting

Time	Topic
9:00 a.m.	Welcome
9:30 a.m.	Update on proposed rules
10:15 a.m.	Break
10:25 a.m.	Discuss/review statements
11:25 a.m.	Public input period
11:40 a.m.	Next Steps
12:00 p.m.	Adjourn meeting

Webinar Tips

- 1. Join audio by either phone or computer, not both.
- 2. For panelists discussion and comments, use the raise hand button to get in the queue; if joined by phone press *9
- 3. This meeting is being recorded.
- 4. For Zoom technical issues, send a message through the chat to Hannah Carleson, or email Hannah.Carleson@deq.oregon.gov



Meeting Ground Rules

- Listen and treat everyone with respect
- Allow one person to speak at a time – use ‘raise hand’ feature
- Be prepared and set time aside for the meetings
- Provide a balance of speaking time
- Bring concerns and ideas up for discussion early in the process
- Comment constructively
- Move around and take care of yourself as needed

Communications

- Substantive discussion by the committee will occur during public meetings, not offline.
- DEQ will post meeting materials, including meeting summaries, on the rulemaking webpage:
<https://www.oregon.gov/deq/rulemaking/Pages/mattress2023.aspx>

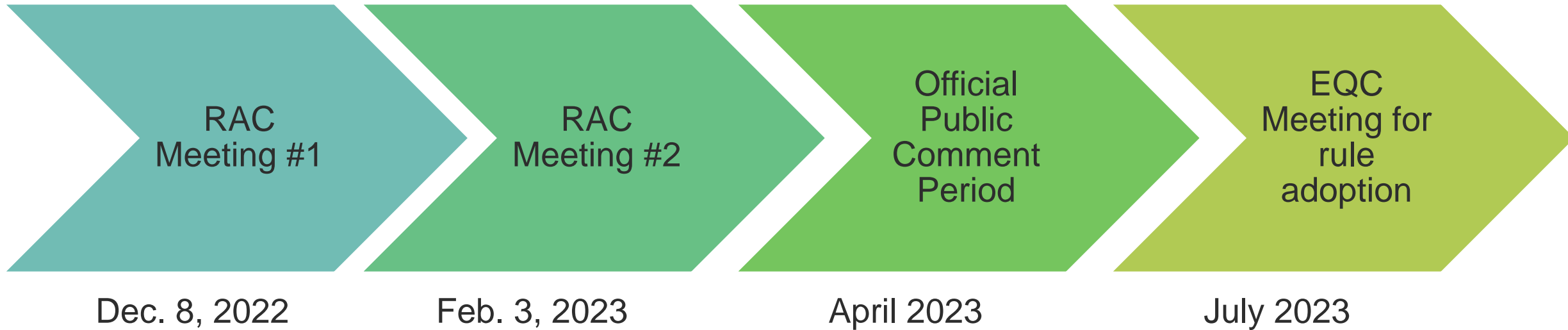
Public Involvement

Opportunities to stay engaged:

- Sign-up for email updates ([Gov Delivery](#))
- Review meeting materials
- Provide brief input during meetings
- Submit formal comments on draft rules - April 2023



Rulemaking Timeline



Questions?



Rulemaking Advisory Committee

Name	Organization
Marie Clarke	International Sleep Products Association and Mattress Recycling Council
Michelle Colletti	Community Member
Sabrina Gogol	Metro
Anna Kurnizki	Community Warehouse
Angie Marzano	Lane County Public Works
Terry McDonald	St. Vincent de Paul of Lane County
Robert Stewart	Coos County Solid Waste
Aimee Thompson	Thompson's Sanitary Service

Update to Proposed Rules



State of Oregon Department of Environmental Quality

Draft Rules

Mattress Stewardship Program, 2023 Rulemaking

Items listed in orange font, indicate edits to proposed rules since the last RAC meeting on Dec. 8.

(1) Annual Fee*

- The annual fee due on July 1, 2024, is \$205,000.
- The annual fee due on July 1, 2025, and in subsequent years, is \$200,000.
- Beginning July 1, 2026, DEQ may reduce the fee in a given year if a lesser amount is adequate to cover program costs for that year.

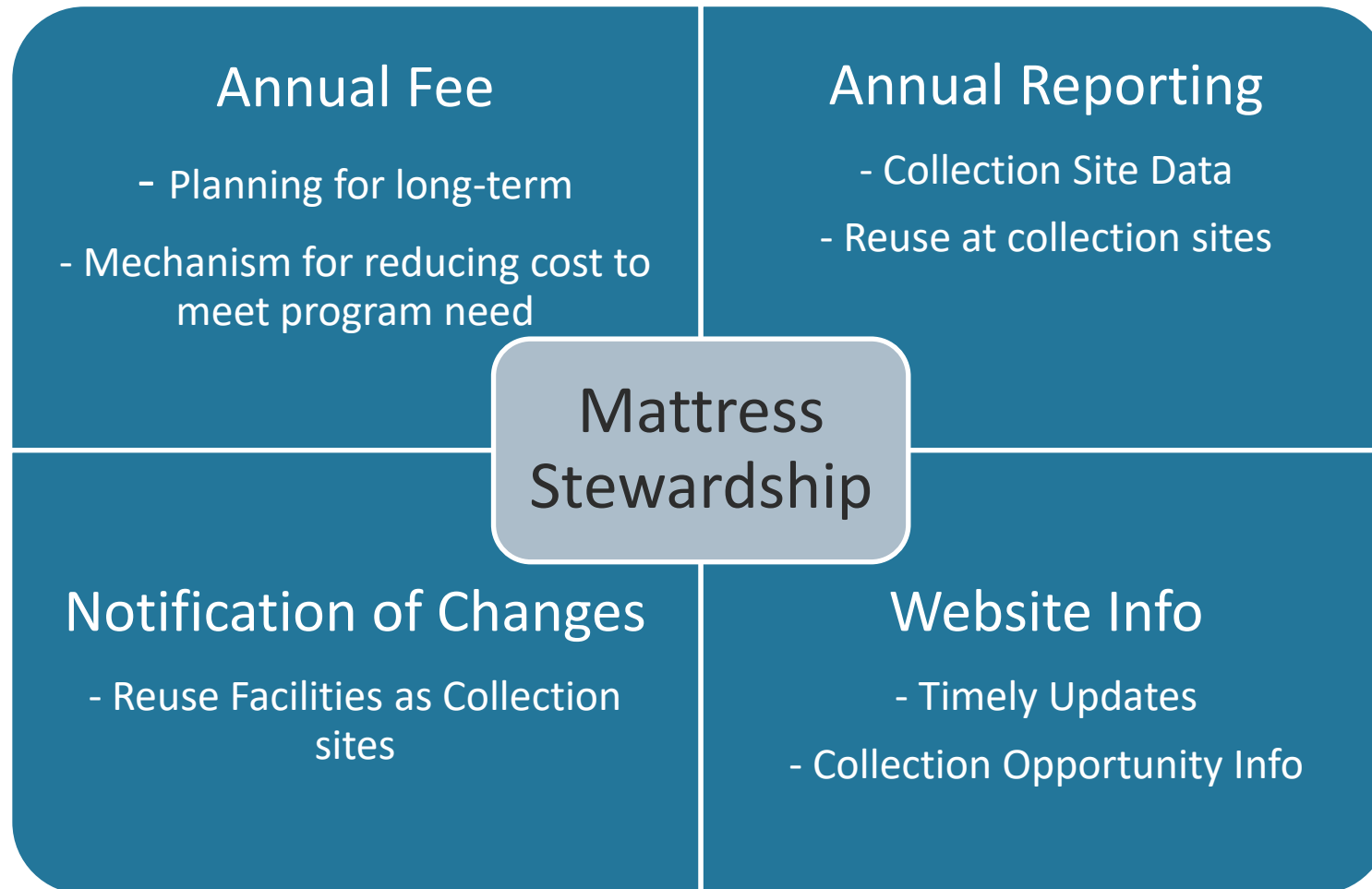
(2) Delegation of Authority

- On behalf of the EQC, DEQ may issue an order for violations related to Section 6(5)(a)(B) of SB 1576, which may include additional reporting requirements determined by DEQ as may be appropriate to avoid future violations.

(3) Annual Reporting

- A stewardship organization must report on the tonnage and number of mattresses from collection sites directed to reuse.
- Concurrent with the annual report, if requested by DEQ, a stewardship organization must submit information to determine how each collection site or event is performing, including:
 - Number and tonnage of program mattresses collected
 - Number and tonnage of program mattresses collected for recycling
 - Number and tonnage of program mattresses collected for renovation

Update to Proposed Rules



Update to Proposed Rules

Annual Fee

- ~~— First year (2024): \$215,000~~
- ~~— Second year: \$190,000~~
- ~~— Third year and onward: \$160,000~~

- First year (2024): \$205,000
- 2025 and each subsequent year: \$200,000
 - Beginning July 1, 2026, DEQ may reduce the fee in a given year if a lesser amount is adequate to cover program costs for that year.

Questions or comments on annual fee changes?

Update to Proposed Rules

Annual Reporting

- A stewardship organization must report on the tonnage and number of mattresses from **collection sites** directed to reuse.
- **Concurrent with the annual report, if requested by DEQ, a stewardship organization must submit information to determine how each collection site or event is performing, including:**
 - Number and tonnage of program mattresses collected
 - Number and tonnage of program mattresses collected for recycling
 - Number and tonnage of program mattresses collected for renovation
 - Any information requested by DEQ to assist in determining the effectiveness of a collection site or event

Questions or comments on annual reporting changes?

Update to Proposed Rules

Notification of changes

- A stewardship organization will notify DEQ **no less than once per month** when an approved plan experiences changes to the following:
 - Retailers registered with a stewardship organization; or
 - Reuse facilities managing discarded mattresses **as part of a program collection site**

Questions or comments on this update?

Update to Proposed Rules

Website Info

- In providing information on available collection opportunities, a stewardship organization must include information on the stewardship organization's website that ensures residents can access collection opportunities conveniently, including:
 - The physical address of each collection site or event
 - A phone number for each collection site or event
 - The hours of operation for each collection site or event
 - Any physical or language accessibility considerations at a collection site or event
- Information made available on the stewardship organization's website must be updated within 48 hours of the stewardship organization learning about the changes or notify DEQ in writing if the stewardship organization needs more time to provide the update.

Questions or comments on this concept?

Break

- 10-minute break
- Reconvene to go over
 - Fiscal impact statement
 - Racial equity statement



Impact Statements



State of Oregon Department of Environmental Quality

Draft Fiscal Impact Statement

Mattress Stewardship Program, 2023 Rulemaking

Introduction

The Oregon Legislature adopted Senate Bill 1576 (2022), establishing a mattress stewardship program in Oregon that must provide for the collection and environmentally sound management of discarded mattresses. The Mattress Stewardship Act requires a stewardship organization to submit a program plan to DEQ by Oct. 1, 2023. After its program plan is approved, the stewardship organization must ensure producers, retailers and renovators are registered under the plan and implement the program statewide. These entities must be registered under an approved plan in order to sell mattresses in Oregon.

DEQ invites public input on proposed permanent rule amendments to Chapter 340 of the Oregon Administrative Rules. The proposed rules will support DEQ's oversight of a new statewide mattress stewardship program in Oregon.

Fee Analysis

These proposed rules would establish new fees. SB 1576 provides the authority for the Environmental Quality Commission (EQC) to act on the proposed fees.

Impacts

RAC has particular responsibility to review and advise on:

- fiscal impacts of rules
- racial equity impacts of rules

Fiscal Impact

- Will the proposed rules have a fiscal impact?
- If so, what is the extent of the impact?
- Will the proposed rules have a significant adverse impact on small businesses?
 - If so, how can DEQ reduce that impact?

Fiscal Impact

Would the proposed rules have a fiscal impact?

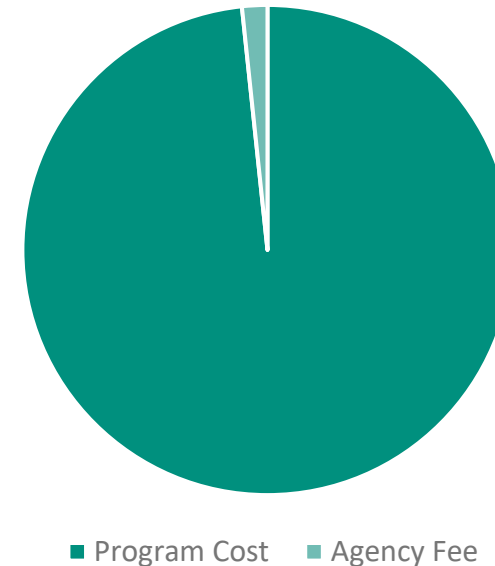
- Yes, proposed rules would have a fiscal impact
 - Annual fee to cover DEQ's expenses associated with the costs to administer, implement and enforce the Act.
- Will primarily affect a stewardship organization
 - Indirect effect on entities that buy mattresses

Fiscal Impact: Extent

What is the extent of the impact?

- In California, the state agency's annual fee is a small percentage of the overall program cost.

Annual Fee as Part of Program Cost*



**Data from MRC's 2022 Proposed Budget to CalRecycle*

Fiscal Impact on Small Businesses

Will the proposed rules have a significant adverse impact on small businesses?

If so, then how can DEQ reduce that impact?

- Not expected to have significant adverse impact on small businesses
- Shared cost by all purchasers of mattresses

Racial Equity

How will adoption of the proposed rules affect racial equity in the state?

DEQ is asking for the RAC's input on this draft statement.

Racial Equity

- It is DEQ's responsibility to review a stewardship organization's plan and ensure that it implements a program equitably for all residents in Oregon.
- The program supports environmentally sound management of mattresses at their end of life and is intended to help reduce illegal dumping of mattresses, which negatively impacts communities.
- Convenient and accessible opportunities for collection of discarded mattresses will be provided for all residents.

Public Input Period



Next Steps

- DEQ to finish writing draft rules; any edits from today's meeting
 - Compile public notice packet
 - Public comment period and meeting in April 2023
 - Draft rules to EQC in July 2023
-
- Appoint Mattress Stewardship Program Advisory Committee this summer for plan review

Adjourn Meeting

If you have any questions after today's meeting, please direct them to:

Rachel Harding

503-229-5198

mattress2023@deq.oregon.gov

Or visit

<https://www.oregon.gov/deq/recycling/Pages/Mattress-recycling.aspx>