

**Mattress Product Management**

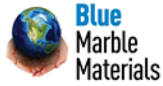
**Written Comments Received on California Mattress Stewardship Program Annual Reports**

This page contains stakeholder comments on Mattress Stewardship program Annual Reports.

**Comments received by CalRecycle on the Mattress Recycling Council's (MRC) Revised 2017 Annual Report\* (Year 2)**

<b>Commenter</b>	<b>Representing</b>	<b>Comment</b>
Tchad Robinson	Blue Marble Materials	<a href="#">Letter: November 6, 2018</a>
Don Franco	Gateway Mattress	<a href="#">Letter: November 6, 2018</a>
Doug Kobold	California Product Stewardship Council	<a href="#">Letter: November 7, 2018</a>
Joanne Brasch	Mattress Advisory Committee	<a href="#">Letter: November 14, 2018</a>

CalRecycle requested that public comments on the Annual Report be sent to [mattresses@calrecycle.ca.gov](mailto:mattresses@calrecycle.ca.gov) through November 6, 2018.



November 6, 2018

California Department of Resources Recycling and Recovery  
Scott Smithline – Director  
1001 I Street  
Sacramento, CA 95812-4025

SUBJECT: Comments on MRC 2017 California Annual Report as Revised on October 22, 2018

Director Smithline:

As the President of Blue Marble Materials (BMM), the largest mattress recycler comprising approximately fifty percent (50%) of the units recycled on behalf of California Mattress Recycling Program (Program) for 2017, I thank you for the opportunity to comment on the Mattress Recycling Council (MRC) 2017 California Annual Report (Annual Report). While I am also a member of the California Mattress Recycling Advisory Committee (Advisory Committee), my comments below relate only to my role as President of Blue Marble Materials.

The intent of these comments is to provide information to clarify statements made by the MRC in the Annual Report.

As requested by the Joint Legislative Audit Committee, on August 30, 2018, the California State Auditor presented its audit report concerning the California Department of Resources Recycling and Recovery's (CalRecycle) oversight of the Program as administered by the MRC. The audit concluded, "Although the Mattress Council has collected millions of dollars in revenue from California consumers to operate the mattress program, it has used a significant portion of this revenue to amass a reserve rather than spending the funds to ensure that the mattress program achieves the program goals." It further concludes, "Finally the Mattress Council has built up its net assets and cannot demonstrate that it met key objectives of the mattress program." The audit report goes on to identify specific Program budget items the MRC has neglected as it amassed funding reserves of over \$40 million.

In addition, the Advisory Committee's July 18, 2018 written comments to the Annual Report reiterate and sharpen the conclusions of the State Auditor in stating, "The Committee asks the MRC and CalRecycle to closely monitor the 'disposition of materials' (page 34) in subsequent years to determine whether further large increases in this budget item are needed. The amount of mattress material collected for recycling through MRC programs, but nevertheless landfilled or incinerated, is a key metric to measure the progress toward greater recycling through development of commodity markets." The MRC lack of investment to develop markets for recyclable mattress materials is an issue identified by both the audit report and the Advisory Committee, and one that significantly affects the financial profitability and recycling rate of mattress recyclers.

Considering the findings of the State Auditor and Advisory Committee, several MRC statements contained in the Annual Report may be misleading and deserve clarification. On page 44 of the Annual Report, the MRC states, "In both years, MRC's largest recycler had the lowest recycling rate, substantially reducing the Program-wide average. For the sake of perspective, if this recycler's performance was excluded from the analysis, the Program-wide recycling rates in 2016 and 2017 would have been 80.4% and 77.6% respectively."



These statements may lead one to conclude, incorrectly, that the cause of the low program recycling rate is the operation of the largest recycler rather than the lack of market development for mattress materials by the MRC. As evidenced by communications following several inspections by the MRC of BMM operations (Exhibit 1), the MRC noted that BMM processes are able to meet the 75% recycling rate as long as we are able to find sufficient market buyers. As the largest recycler, purchasers of mattress materials prefer to diversify their suppliers and purchase a portion of their needs from multiple recyclers. Notably, while this portion may be all or a majority of available mattress materials from smaller recyclers, this same portion represents only a small fraction of the mattress materials available from BMM resulting in more materials from BMM being unsold. As such, the lack of market development for these materials disproportionately affects BMM and our recycling rate.

As has been consistently communicated to the MRC, BMM has been unable to identify sufficient local markets to purchase saleable and prepared quilt and wood products, has not received the requested assistance from the MRC and, therefore, has been forced to landfill a majority of these materials at various times. This is a consequence of the lack of market development on the part of the MRC and not a reflection on the operations of BMM. Had sufficient markets existed for the recyclable materials prepared by BMM, the BMM recycling rate would have been greater than the 75% requirement for both 2017 and year-to-date 2018. Therefore, the suggestion that if BMM's performance was excluded from the analysis, the Program-wide recycling rates would have been raised is false as these same materials, irrespective of which recycler prepared them, would be landfilled where the MRC has failed to develop additional markets for these materials.

There is the possibility of finding markets for these materials in locations a greater distance from a recycler's facility; however, the MRC has opted to amass greater Program reserves rather than compensate recyclers for transportation expenses to ship these materials to more distant potential recyclable markets. Without the assistance of the MRC to either (1) develop material markets, or (2) pay for transportation expenses to more distant material markets, the only option the MRC provides is for the landfilling of these materials. Unfortunately, the priorities, and resulting budgetary decisions, of the MRC have caused or substantially contributed to the low Program-wide recycling rate.

*These comments do not constitute a complete or exhaustive statement of all comments or issues and we reserve the right to comment further based on our continuing evaluation of the matters addressed.*

Respectfully,

A handwritten signature in blue ink, appearing to read "Tchad Robinson", written over a horizontal line.

Tchad Robinson  
Blue Marble Materials



## Exhibit 1

**From:** Mark Patti  
**To:** [Tchad Robinson](#)  
**Cc:** [Mike O'Donnell](#); [Justine Fallon](#)  
**Subject:** RE: Follow Up  
**Date:** Monday, February 5, 2018 3:58:13 PM  
**Attachments:** [image004.png](#)

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Tchad,

Thanks for the meeting with me this morning and for giving me a tour of the Blue Marble Facility. Per your email, I will share both items we discussed this morning.

MRC staff will follow up with you if there are additional questions. Have a great evening. Sincerely,

**Mark Patti**  
**Southern California Program Coordinator**



**Mattress Recycling Council**

Cell: 661-302-8888

[mpatti@mattressrecyclingcouncil.org](mailto:mpatti@mattressrecyclingcouncil.org)

[www.mattressrecyclingcouncil.org](http://www.mattressrecyclingcouncil.org)

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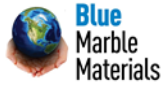
**From:** Tchad Robinson [mailto:TCR@BlueMMat.com]  
**Sent:** Monday, February 05, 2018 3:22 PM  
**To:** Mark Patti <[mpatti@mattressrecyclingcouncil.org](mailto:mpatti@mattressrecyclingcouncil.org)>  
**Subject:** Follow Up Mark,

Congratulations, again, on your beloved Eagles and thank you for taking the time to visit our facility today. Even though it was unannounced, I hope you found it useful.

Sylvia asked me to remind you that she would like to speak with you regarding the information for the annual Cal-Recycle report. Please expect an email or call from her.

To reiterate what we toured and discussed today. We toured the facility and discussed our interim (version 2.0) process for recycling mattresses and box springs. You were comfortable that our improved semi-automated processes are able to meet the 75% recycling rate as long as we are able to find sufficient market buyers our high volume of the quilt fabric. The recyclable materials we are producing to meet this 75% rate are: shredded metal; foam, quilt, cotton, plastic film, clean wood, mixed wood and cardboard.

We also reviewed the improvements we will be making in our version 3.0 of the technology which will fully-automate the recycling process. However, we will change our current operations until the



3.0 technology has been tested and proven to exceed the recycling rate threshold.

The guidance I would find helpful from the MRC would be on (1) what new markets are being developed for the quilt fabric and (2) how to account and adjust for the water weight, which helps to prevent any fires, in our trash.

Let me know if I missed anything that we covered so we can stay on the same page.

*Best Regards,*

*Tchad Robinson*  
*President*

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CalRecycle

November 6, 2018

PO Box 4025

Sacramento, Ca 95812

Re: 2017 MRC Revised Annual Report

On August 22 2018 Director Smithline signed the disapproval of the MRC 2017 Annual Report. On pages 11 and 12 in the paragraphs under "Reuse/Renovation" in the "Requirement for Approval" section it states "The MRC must provide a description of how it coordinates with renovators in addition to consumers, recyclers, retailers, collections sites, large generators and to ensure that the Program does not adversely impact renovation. The description should include any Program requirements or incentives that impact the number of units renovated. In addition, the Annual Report should include a discussion on the flow of units going from contracted recyclers to renovators".

Listed below are examples of how the 2017 MRC Revised Annual Report does not meet the requirements as noted above.

1. On page 33 of the report, 2<sup>nd</sup> paragraph- MRC states that the Plan provides the incentive be offered only for units delivered to contracted recyclers because " most other locations do not have resources....to administer the incentive...." That is false! Most renovators have the resources needed and would welcome the mattresses that would be dropped off. Also discussed on page 33 is the 3.00 bounty as being sufficient. That statement is correct. The problem is not that 3.00 is not enough money, the problem is not enough locations to drop them off where one can receive the bounty.
2. On page 41-42 under section titled "Reuse"- MRC states that recyclers are not compensated for any whole units sold to renovators which lowers the Program costs. Since MRC pays recyclers much more for processing a mattress than most renovators can pay a recycler for a whole unit, it is in the best interest of the recycler to dismantle the mattress. Since the recyclers are understandably trying to make as much money as possible, more pieces get dismantled. This process actually increases the recycling cost of MRC. Under a revised approach the MRC can reduce costs by 50% for every mattress a recycler sells to a renovator. Example: a recycler sells a whole mattress or box spring to a renovator, MRC pays the recycler 50% of the negotiated processing fee for handling of that unit, and the renovator pays the recycler for the product.
3. On page 43, section "No Cost Business recycling- MRC states they work with large volume mattress consumers such as hotels and dormitories directly to deliver those units to recyclers at no cost. There is no mention of sending or contracting with renovators to pick up those units.

However, on page 17-18 of the revised Plan under section "Institutional Collectors" MRC states in their words that "units from these sources are clean, dry and have a positive residual value as renovated mattresses in secondary markets." Why would MRC not reach out to renovators to pick up and haul those units? MRC would save significant money as most renovators in a close enough proximity would pick up those mattresses for free.

4. On page 51, section "New Markets for Reclaimed Mattress Materials" MRC states that if demand for materials increased and if contracted recyclers can earn more money from selling materials the Program can lower costs" I agree with that statement 100% and the way to achieve that is to promote recyclers to sell whole units and materials to renovators.

Under the Revised Plan MRC has not shown how they will work with or coordinate with renovators, or ensure they are not adversely impacted. In fact, as shown in my comments above it shows that they are unwilling to work directly with renovators and are actually discouraging it.

Don Franco Jr.

November 7, 2018

CalRecycle Mattress Team  
1001 I Street -P.O. Box 4025  
Sacramento, CA 95812-4025

Sent via [mattresses@calrecycle.ca.gov](mailto:mattresses@calrecycle.ca.gov)

**SUBJECT: 2017 MRC Revised Annual Report Comments and Recommendation for Disapproval**

Dear CalRecycle Mattress Team:

The California Product Stewardship Council (CPSC) is a non-profit organization of 200+ California local governments, business partners, interested non-profits and individuals working towards a single mission: To shift California's product waste management system from one focused on government-funded and ratepayer financed to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design. Our goal on having a representative sit on the Advisory Committee is to ensure this program is transparent, cost-effective, convenient to use, well publicized, and ensures appropriate use of feepayer money by the Mattress Recycling Council (MRC).

The California Mattress Stewardship Program is not a pure producer responsibility program because the International Sleep Products Association (ISPA) lobbied to ensure it was a visible fee program which handed public feepayer money to an out of state industry group. We were concerned when the bill passed about giving control of consumer money to an out-of-state industry group and we continue to have that concern based on what we are seeing (or not seeing) in the program results.

CalRecycle states in the August 21, 2018 Request For Approval (RFA), "this is the second consecutive year that the MRC's Annual Report provided insufficient detail about its activities to determine if statutory, regulatory, and Plan requirements were met and sufficient progress was made in achieving the MRC's Program goals." The RFA goes on to say on page 4 "staff were disappointed to find that not only did the MRC's 2017 Annual Report not include the requested information or provide an explanation on why MRC was non-responsive to the requests, but in several areas contained less information than in the 2016 Annual Report".

CPSC believes this pattern is hauntingly similar to our experience with the Carpet America Recovery Effort (CARE) stewardship organization and does not want MRC to continue to avoid providing the state the data necessary to evaluate the program. We agree with CalRecycle that the report lacked key information statutorily required to analyze the effectiveness of the program, such as quantified metrics for convenience, source reduction, and illegal dumping. We reviewed the 2017 Revised Annual Report and state our detailed concerns in the attachment, but our key issues are listed below:

1. There is \$42,361,873 held in net assets at the end of 2017, which means funds are not being spent to provide a program to all California fee payers, which in itself is totally unacceptable especially when there are so many issues with the program.



2. Lack of any effort to offer collection convenience for disadvantaged fee payers, aside from Fresno and Tulare Counties.
3. Lack of illegal dumping metrics, data collection, and goals.
4. Lack of any effort at greener design including source reduction.

The revised annual report did not track changes and made it exceedingly difficult for us to identify changes from the previous version, resulting in hours of review. In summary, we believe the statutorily required information requested by CalRecycle was not provided and therefore recommend the **2017 Revised Annual Report be disapproved.**

Thank you for the opportunity to provide our comments. We look forward to being very involved in the discussions to ensure the mattress stewardship program works for California stakeholders and fee payers.

Sincerely,



Doug Kobold, Executive Director  
California Product Stewardship Council

Attachment 1: Detailed comments by page number and issue

## ATTACHMENT 1

### 1. Collection Convenience

- a. On page 30, MRC claims the retailer takeback “requirement alone instantly created a convenient, no-cost collection channel for millions of California mattress purchasers”, but the program is far from convenient and many locations still do not have daily access to the program.
- b. After many requests by CalRecycle, the Advisory Committee, and other stakeholders, there is still no quantifiable metric for convenience of consumer access to mattress recycling.
- c. Efforts to target low-income communities do not differ from methods targeting general consumers, retailers, and rural communities other than creating additional sites and advertisements in two counties, Fresno and Tulare. MRC does not target specific communities within counties, such as financially or mobility restricted residents within the other 56 counties in the state.
- d. A survey to study “awareness” of the program in low-income communities does not equate to access or use, which should be the end-goal of engaging that community.

### 2. Waste Hierarchy

- a. There is no information on what MRC did to promote innovation in green design and recycling technology to improve design for recyclability.
- b. There is no incentive for recyclers and renovators to work together to optimize the number of mattresses getting reused.
- c. We acknowledge and appreciate MRC stated on page 40 that they took no action on source reduction and the “Sustainability Initiative” should provide an information from recyclers to manufacturers. MRC has repeatedly stated their intent to keep the Advisory Committee and stakeholders engaged and we need to have a role in developing the scope and methods of the initiative.
- d. The “Sustainability Initiative” goals (page 41) and other green design efforts do not contain quantifiable metrics and goals are inadequate to measure success.

### 3. Illegal Dumping

- a. MRC claims it can’t create baseline metrics for illegal dumping due to lack of data, which aligns with their justification for the 2018 changes to the illegal dumping program to generate more data, but it is not clearly stated how the data will be used to mitigate abandoned mattresses.

### 4. Research and Development

- a. We commend MRC for investing in R&D in 2018 and beyond, but think more detail is needed to justify spending with specific outcomes and goals. R&D investments should focus on green design and design for recyclability to improve recycling rates and improve source reduction.

5. Financial Reserves

- a. We agree with CalRecycle and Joint Legislative Audit Committee (JLAC) that MRC is holding too large of a reserve instead of using it to fulfill the program for the fee payers of California.
- b. On page 70, MRC reflects their net assets are approximately \$42 million, which includes their reserve of \$30 million, but the balance of \$12 million represents approximately 6 months of operating capital, including accounts receivable and cash-on-hand for short-term needs, like a reserve fund. With six months of capital, why does MRC believe it needs an additional \$30 million?



## CALIFORNIA MATTRESS RECYCLING ADVISORY COMMITTEE

*Helping to answer the question of what to do with that old mattress!*

November 14, 2018

Scott Smithline, Director  
CalRecycle 1001 I Street -P.O. Box 4025  
Sacramento, CA 95812-4025

### **Subject: Recommended Disapproval of the 2017 MRC Revised Annual Report**

Dear Director Smithline,

The California Mattress Recycling Advisory Committee (Committee) appreciates the opportunity to provide our comments and recommendations for the Mattress Recycling Council (MRC) 2017 Revised Annual Report (Report). The Committee held a conference call on Thursday, November 8, 2018 to discuss the contents of this letter representing the unified perspective of the entire Committee. While individual Committee members may have comments specific to their industry sector or specific to their organization, they may choose to share them separately. During the conference call, committee members provided verbal and written comments on the Report. A final draft of the letter was shared with the committee on Friday, November 9<sup>th</sup> and an E-vote was completed on Tuesday, November 14<sup>th</sup> with the following votes by each committee member.

Committee Member	Vote on MRC letter
Don Franco	Aye
Christopher Gibson	Aye
David Goldstein	Aye
Rebecca Jewell	Out of the Country
Mark Murray	Abstain
Terry McDonald	Aye
Robert McGowan	Aye
Jim McHargue	Aye
Veronica Pardo	Aye
Tchad Robinson	Aye
Rebecca A. Rasmussen	Abstain
Joanne Brasch	Aye
Jo Zientek	Aye
<b>Total</b>	
Aye	10
No	0
Abstain	2
No response	1

The California mattress recycling program has many strengths and the MRC has made some changes to the Report at CalRecycle's request. The Committee is concerned that our recommendations were not in the Report, nor were those of CalRecycle's.

Therefore, the Committee recommends **disapproval of the Report** for the reasons listed below:

1. Convenience

- a. The Report does not state that all fee payers have convenient access to the program. Combining mattress collection events with other collection events, such as E-waste or HHW events, may be more impactful.
- b. MRC did not engage the low-income communities other than increasing outreach and access in two counties, with no activities in the other 56 counties specifically engaging low-income or multi-cultural communities.
- c. The Report does not identify a plan or goals on reducing the occurrence of illegally dumped mattresses.

2. Waste Hierarchy

- a. There is little focus on providing incentives for recyclers to work with renovators (page 33), deterring large scale mattress generators from working with renovators (pages 43), and for not paying recyclers any processing fee for mattresses deemed reusable at the recycler and sold to the renovator. Page 42 shows renovation numbers rising from 2016 to 2017, but 2016 data is acknowledged to be incomplete, so this data should not be used in the report, as it is misleading.
- b. It is unclear what, if anything, is being done to promote innovations, such as green design and new recycling technologies, in California
- c. No mention is made of work to help move wood diversion up the hierarchy from biomass to recycling. Our concern about this is compounded by a follow up email (May 23) from Mike O'Donnell, Program Director of the MRC in response to our inquiries. In that email, he wrote "No need to research other end uses for wood at this time, there are plenty of viable end markets in California." He also wrote, "Wood sent to biomass is considered recycling."
- d. No mention is made of plans, preparations, or efforts to implement simple, low-cost opportunities, suggested by the advisory committee, for using MRC outreach to promote source reduction. This could include publicizing advice related to mattress durability and mattress maintenance derived from organizations such as Consumer Reports and MattressClarity.com

3. Research and Development

- a. Similar to the concerns presented in the Waste hierarchy section, the Committee agrees there is not enough investment in green design and recycling technology to reduce total mattress discards and improve the recycling yield per mattress. MRC staff previously told the Subcommittee on Diversion and Commodity Markets that over \$900,000 would be in the budget for research and development, primarily

focused on development of commodity markets. Page 223 shows just \$54,776 spent for “research and advisory” in 2017. It is not clear from the report how the MRC is preparing for the massive scale-up required to make this jump. Has new staff been hired for development of commodity markets? Have research and development contracts been put in place with public, private, or non-profit organizations? Did staff work with existing producers of recycled products to investigate whether subsidies, free delivery of material, or other methods of assistance could boost their production?

- b. It is unclear what, if anything, has been done to implement strategies previously discussed by the committee with the MRC, including funding test runs of products using recycled mattress commodities, promoting products made with content from California mattresses, or paying for financial and business planning consultants to help these companies find opportunities for expansion using recycled mattress commodities.

The new “Sustainability Initiative” added to the revised annual report in response to requirements to promote source reduction (page 40) is an outreach and data gathering effort, seeking voluntary compliance from mattress industry participants. It should not be funded through research and development funds.

#### 4. Reserves

- a. The Committee agrees with CalRecycle and the Joint Legislative Audit Committee (JLAC) that the reserves are too large with little justification of why.
- b. The Committee agrees with the JLAC audit on the need for better fiscal controls and transparency on \$40+ million of public fee money controlled by MRC.

#### 5. Metrics and Goals were missing from the following sections:

- a. “Data collected from this survey will add to MRC’s understanding of awareness levels in low-income communities” does not equate to access and needs to describe the methods of achieving increased program use in those communities. (page 9)
- b. “MRC will be evaluating all solid waste collection contracts in California to locate and recruit additional communities into the Program,” but does not provide detail on how this evaluation is going to occur, and what criteria will be used to locate and recruit additional communities. What associations (maybe CRRA) are they going to use to help coordinate this effort? (page 16)
- c. “The more that retailers do to fulfill their pick-up obligations, the more accessible the Program is to consumers, and the less that the Program needs to rely on other options for collecting discarded mattresses for recycling,” does not indicate what MRC is doing to ensure retailers are fulfilling their obligations and no quantification of how many producers use common-carrier delivery, exempting them from the requirement set to ensure convenience.
- d. “MRC conducts random and scheduled visits of recyclers and collectors to confirm their compliance” is missing number and depth of these audits, and how these visits

are improving the program. Also include metrics on how many audits showed compliance vs. non-compliance with program requirements. (Page 19)

- e. “MRC is currently conducting a study to identify all bulky-item pick-up programs that could join the program” is missing other collection companies, recycle yards, and corporation yards that collect bulky items and do not fall under the CalRecycle permit requirements and no detail on extending these other programs when they are outside the requirements of the permit. (page 21)
- f. “[The GIS convenience] analysis will help MRC define metrics to quantify convenient access to the Program and identify underserved areas” does not identify timelines or goal for using the information for programmatic changes. (page 30)
- g. The table on page 44 of the report shows how low performance at “Recycler A” was a major factor in the failure to make progress towards improvement of the “recycling rate” (which should actually be called the “utilization rate” of commodities collected for recycling). The goal is 75%, and the utilization rate declined from 63.6% to 59.2%. Even if an explanation of problems with “Recycler A” is not possible at this time due to legal or other issues, an equally relevant matter is also ignored. No explanation is given for why “Recycler C” is no longer an MRC contractor, even though their utilization rate rose from 59% in 2016 to 70% in 2017. More importantly, no information is provided related to lessons learned regarding progress towards improvement of utilization goals. This is just one example of how we are asked to advise on a program that does not share all the information with the Committee.

In previous meetings, the Committee discussed the need for new legislation to amend the mattress stewardship law SB 1274 (Hancock) to optimize the requirements and drive green design. The waste hierarchy is not enough as it is not driving producers to design for recyclability. This is evident in the Report on pages 33, 40, and 43 as discussed in this letter.

The Committee is prepared to meet in 2019 to specifically discuss the gamut of legislative opportunities to optimize mattress recycling in California and be a model for other states to drive a circular economy.

Respectfully,

**Terry McDonald**, *Chair*

St. Vincent de Paul Society of Lane Co., Inc.

**Joanne Brasch**, *Vice Chair*

California Product Stewardship Council

**David Goldstein**

*Diversion & Commodity Markets*

*Subcommittee Chair*

Ventura County

**Jim McHargue**

*Illegal Dumping Subcommittee Chair*

Amador County

**Rebecca A. Rasmussen**

*Outreach & Program Marketing*

*Subcommittee Chair*

Office of Mayor Eric Garcetti, City of LA

**Don Franco**

Gateway Mattress Co., Inc.

**Rebecca Jewell**

Independent Consulting

**Robert McGowan**

Pacific Central Region at Mattress Firm Inc.

**Veronica Pardo**

California Refuse Recycling Council

**Chris Gibson**

Recology

**Mark Murray**

Californians Against Waste

**Tchad Robinson**

Blue Marble Materials

**Jo Zientek**

Santa Clara County