



October 26, 2020

Ken DaRosa
Acting Director
CalRecycle Mattress Stewardship Program
1001 I Street
Sacramento, CA 95814

Dear Acting Director DaRosa,

On September 1, 2020, the Mattress Recycling Council California, LLC (MRC) submitted to CalRecycle its 2019 annual report (the Annual Report) and 2021 proposed budget (Budget).

On September 25, 2020, the California Mattress Recycling Advisory Committee (the Committee) submitted by email a letter to CalRecycle commenting on MRC's 2019 Annual Report and 2021 budget. This letter responds to the Committee's 11 recommendations regarding the Annual Report.

Section 42987(a)(3)(C) of the California Public Resources Code requires that MRC respond to recommendations made by the Committee that have been approved by a majority of the Committee by a rollcall vote held at a public meeting that is memorialized in the Committee's minutes.¹ Although the Letter does not state that these requirements have been fully met, MRC's responds to the Committee's specific recommendations are as follows (the Committee's recommendations are quoted verbatim and in the order in which they appear in the Committee's letter, with emphasis in original):

1. "Expand **work on equity** in EJC and consider California Water Code Section 79505.5 (a) definition of disadvantaged communities as "a community with an annual median household income that is less than 80 percent of the statewide annual median household income". This is more reflective of rural communities than current EJC criteria. Consider efforts in EJC beyond collection, such as the Stockton curriculum project and expand statewide."

¹ PRC 42987(a)(3)(C) provides as follows:

- (i) The mattress recycling organization shall consult the advisory committee at least once during the development and implementation of the plan required pursuant to Section 42987.1, and annually prior to the submission of both an annual report required pursuant to Section 42990.1 and an annual budget required pursuant to Section 42988.
- (ii) For purposes of being consulted pursuant to this subparagraph, the advisory committee shall prepare specific written recommendations at a publicly scheduled and noticed meeting of the advisory committee that are approved by a majority of the advisory committee's members pursuant to a rollcall vote and included in the official approved minutes of the meeting. The organization shall consider and respond to those written recommendations in writing.

MRC Response:

As detailed in the Annual Report beginning on page 49, MRC has identified the relevant disadvantaged communities (which we refer to as “environmental justice (EJ) communities”) using CalEPA’s CalEnviroScreen 3.0 — an environmental mapping program that identifies California communities by census tract that are disproportionately burdened by and vulnerable to multiple sources of pollution and includes indicators such as poverty and linguistic isolation. MRC has expanded its efforts to address environmental justice issues to these communities. MRC has used the same definition for disadvantaged communities in the 2018 and 2019 annual reports. MRC developed this definition in close consultation with CalRecycle. We further understand that CalRecycle uses the same definition with respect to other statutes and programs under its jurisdiction, and that applying a consistent definition in this regard is appropriate.

The Annual Report also discusses rural county access beginning on page 48, which MRC has defined to be consistent the definition of rural county set forth in Cal. Pub. Res. Code § 40184, which in general defines a rural county as one that disposes of less than 200,000 tons of waste annually.

MRC thinks that these definitions are appropriate for these purposes. For the foregoing reasons, and in the interest of consistency, MRC intends to make no changes to the Annual Report in light of this recommendation. Nevertheless, should CalRecycle change its position regarding the definition of these terms, MRC is prepared to reconsider this point for future annual reports.

2. “Conduct **follow-up surveys** with repeated questions to the same or similar population sample.”

MRC Response:

MRC could not survey in 2020 because of COVID-19 disruptions but plans to resume surveys in 2021.

3. “**Compensate recyclers** for selling a mattress to renovators.”

MRC Response:

The Committee states renovators pay recyclers less for units than MRC pays recyclers to dismantle and recycle units, but this is an apples and oranges comparison. To perform recycling services for MRC, the recycler must handle, store, fully dismantle each unit, prepare commodities for sale to secondary buyers and report this information to MRC. By comparison, selling a unit to a renovator requires little, if any, labor or handling. As a result, selling units to renovators is more profitable for recyclers than performing the recycling services, and no compensation from MRC is necessary to encourage recyclers to sell units to renovators.

4. “**Improve the website** by including links for local government interested in or participating in the program, clarifying they are considered collectors by MRC’s definitions and provide more details on grant funding. When retailers pick up during drop off, if they transport to a collection site, is that counted as “collection site” rather than “retailer” also?”

MRC Response:

MRC's website currently includes links for local governments interested in participating in the program:

<https://mattressrecyclingcouncil.org/wp-content/uploads/2020/04/CA-Collection-Sites-Info-Sheet.pdf>

MRC's website also currently provides information on collection site funding:

<https://mattressrecyclingcouncil.org/site-improvements-projects/>

Although not cited in the recommendation, MRC assumes that the Committee's last question refers to Table 14, page 58, of the Annual Report. In that table, units that retailers drop off at a collection site are classified under "No-Cost Collection Sites." The reference to "Retailers" on that table refers to units collected by retailers that are delivered directly to an MRC contracted recycler. There is no double counting of units on Table 14.

5. "**More analysis** on landfill bound mattresses materials to decrease the remaining 29.5% landfilled portion and what can be done to improve recyclability and access to markets recognizing that the condition of some components are not recyclable."

MRC Response:

MRC informed the Committee's Commodity Markets Subcommittee on August 14, 2020 that we intend to complete a waste characterization study in 2021 that will identify what types of materials are being landfilled and why. This is also mentioned on page 39 of the annual report. MRC will release the final results of that study and plans to discuss those results in its 2021 annual report.

6. "Improve Illegal dumping **program participation** from local jurisdictions, identify barriers to jurisdiction implementation, and suggest improvements."

MRC Response:

As noted on page 73 of the Annual Report, as a direct result of MRC's continued efforts to promote the program to local governments, tribal communities, franchise haulers and other collectors, participation in the Illegally Dumped Mattress Collection Initiative grew 22% from 2018 to 2019. Approximately 18 million residents live in the 66 jurisdictions that reported in 2019, accounting for nearly half (45%) of the state's population.

In its 2018 annual report, MRC discussed results from a survey of 51 registered participants who did not submit data. The main barriers to participation were that the participant lacked either staff resources to prepare the data MRC requested or the ability to track illegally dumped units. In response to this feedback, MRC sends participants reminders to enter their data each month. These changes have improved the quality of reported data and overall participation.

MRC will continue to promote the initiative to eligible participants at conferences, in-person and email communications with municipalities, direct mail and with the Illegal

Dumping Technical Advisory Committee and Environmental Services Joint Powers Authority members.

7. **“Expand research** to consider impacts on wildfires and help communities negatively impacted by the fires and their ability to effectively manage mattresses.”

MRC Response:

In previous years, MRC has provided collections for shelters and CalFire dorms in affected communities. In general, mattresses damaged by fire, smoke or water are not recyclable, and best managed as solid waste.

8. **“Add incentives** to areas with greater impacted for illegal dumping, such as unsheltered encampments and proactively find/collect those mattresses.”

MRC Response:

As MRC explained in the Annual Report on page 77, MRC in 2020 invited communities most affected by illegal mattress dumping to present proposals to MRC for pilot studies to mitigate illegal dumping by establishing or improving resident education, eradication or enforcement activities. Examples of proposed projects include:

- Community workshops, school programs, social media campaigns
- Programs to tag illegally dumped units with educational materials
- Behavioral change strategies
- Beautification projects
- Surveillance equipment, lighting, fencing and signage for illegal dumping hot spots
- Model contracts with solid waste collectors to improve convenient collection
- Infrastructure for drop-off locations operating during after-hours or in nontraditional locations

MRC will award up to \$250,000 to fund some of these pilot projects and will report on results of these studies in our 2021 annual report.

9. **“Work with the Committee and CalRecycle on development of a definition and criteria for what constitutes a “permanent collection site”.”**

MRC Response:

For purposes of the 2020 annual report, MRC will work with Cal Recycle (in consultation with the Committee) to define the term “permanent collection site.”

10. **“Increase the research budget and consider innovative ways to recruit large projects, such as piloting manufacturer projects.”**

MRC Response:

It is unclear what the Committee means by “piloting manufacturer projects.”

We note, however, that MRC’s research mandate is defined by Section 42987.1(g) of the California Public Resources Code, which requires that MRC’s plan include “[c]onducting research, as needed, related to improving used mattress collection, dismantling, and

recycling operations, including pilot programs to test new processes, methods, or equipment on a local, regional, or otherwise limited basis.” Pursuant to this provision, MRC funds research that will improve mattress collection, dismantling and recycling efficiency, as well as research to identify new and better markets for recycled mattress materials because that will also improve the financial sustainability of recycling operations generally.

As discussed at length in the Annual Report (pages 91-103), MRC has undertaken a number of projects to fulfill these goals. We have commissioned studies to identify inefficiencies and bottlenecks at numerous stages of the collection and processing stream. MRC has then funded improvements to help alleviate these operational obstacles as well as improve the quality of the material being recycled and reduce the amount of waste being generated by our recyclers. We are also actively engaged in funding the development of new machinery that will help our recyclers process one of the more difficult to separate mattress components, pocketed coils.

MRC is also actively engaged with members of the mattress industry as well as others in efforts to find new and better uses for the materials removed from discarded mattresses. For example, MRC is collaborating with industry members to conduct a life cycle analysis. This work will provide data we can use to evaluate the environmental impacts of our recycling operations as well as engage with industry leaders to foster circular economy principals for mattress materials. Both of these important topics will be discussed further in future annual reports.

MRC is also working with industry and others to improve how mattresses are transported from collection points to recyclers. This will help reduce the amount of fuel consumed in this process and will yield other efficiencies and savings.

Finally, MRC is receptive to considering unsolicited research ideas. Interested applicants may submit their ideas through MRC’s [Recycled Materials Market Development](#) RFP process, which MRC regularly promotes.

MRC’s research funding will fluctuate from year to year depending on the specific projects to be funded. Thus, if MRC initiates a large project in one year, it may need to budget more funds that year. Once that project is completed, further funding for that project is unnecessary. MRC decides on the number and complexity of the projects it will undertake depending on its assessment of the relative importance of the project (both in terms of the significance of the issue to be addressed and how quickly the results of the project might be expected to benefit the Program), how long the project will take to complete and the extent to which MRC can efficiently manage the project.

11. “Include a detailed **explanation of the AB 187** implementation processes, such as communication on new program requirements, new covered products, and the assistance to retailers to comply with the additional common carrier requirements.”

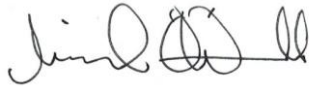
MRC Response:

AB 187 was enacted in October 2019, with those provisions of the bill that will affect retailers or consumers becoming effective in 2020 or later. Nevertheless, we accurately described on page 130 of the Annual Report our initial efforts undertaken in 2019 to

implement these changes. MRC will provide further details about our efforts to communicate the relevant AB 187 requirements to the appropriate stakeholders in our 2020 and 2021 reports.

Please contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike O'Donnell". The signature is fluid and cursive, with the first name "Mike" and last name "O'Donnell" clearly distinguishable.

Mike O'Donnell
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