



Rule Concepts

Background

The Mattress Stewardship Rulemaking Advisory Committee will provide input to the Department of Environmental Quality on proposed rulemaking. DEQ is undertaking rulemaking to clarify and implement Senate Bill 1576 (2022), also known as the [Mattress Stewardship Act](#). The Act requires mattress producers to join a stewardship organization with an approved plan to develop, implement and administer a statewide program for the financing, collection and environmentally sound management of discarded mattresses in the state of Oregon.

Rule concepts for discussion at Dec. 8, 2022 RAC meeting

DEQ seeks feedback from Rulemaking Advisory Committee members on the following concepts:

1. Annual Fee

DEQ is required by law to establish an annual fee to be paid by the stewardship organization that is reasonably calculated to cover DEQ's costs to administer, implement and enforce the Act. See Section 9(3) of SB 1576.

Rule Concept:

DEQ proposes an annual fee to cover the Department's expenses associated with the costs to cover the to administer, implement and enforce sections 1 to 14 of this 2022 Act. *

- First year: \$215,000
- Second year: \$190,000
- Third year and onward: \$160,000

The proposed fee is higher in years one and two to adequately cover DEQ's expected startup costs. Fees for the third and subsequent years will cover DEQ's average costs including inflation until 2040. DEQ welcomes feedback, especially regarding how to split start up costs between years one and two.

* Numbers are preliminary and may change subject to cash flow modeling.

2. Annual Reporting

The Act requires the annual report to include the weight of materials sent for disposal at each of the following waste-to-energy facilities, landfills and any other facilities. See Section 9(2)(f)(C) of SB 1576.

The mattress program may include reuse of discarded mattresses. DEQ seeks to clarify that a stewardship organization must report on any reuse in its annual report.

Rule Concept:

DEQ recommends:

- Clarifying that the phrase ‘any other facilities’ includes reuse facilities, and
- Requiring the stewardship organization to report on weights and number of mattresses sent to reuse facilities when reporting these data.

DEQ welcomes discussion and feedback regarding reporting about mattress reuse and any other types of facilities that should be included in this concept.

3. Notification of Changes

The law requires that at least once per month, a stewardship organization shall provide written notice to DEQ of any changes made in the previous month to a plan approved by the department; these changes include but are not limited to: location or the number of permanent collection sites; producers or renovators registered; recyclers or renovators that manage discarded mattresses. See Section 7(3) of SB 1576.

DEQ must keep an updated list of registered producers, renovators and retailers on its website, and seeks complete information to fulfill that requirement. This information will provide transparency to the public.

Rule Concept:

DEQ recommends that changes in the following entities are cause for written notification:

- Retailers registered
- Reuse facilities managing discarded mattresses

DEQ welcomes feedback about its proposal to articulate that written notification is required regarding changes to retailers registered in the program and any reuse facilities managing discarded mattresses.

Other concepts DEQ will propose to EQC

1. Administrative Process

Under the Act, a stewardship organization that violates the Act may be required to meet additional reporting requirements (beyond those required for the annual reports), as the Environmental Quality Commission determines by rule or order. See Section 6(5)(a)(B) of SB 1576. Transferring this duty from EQC to DEQ will make for a more efficient administrative process internally, decreasing time and cost to the program.

Rule Concept:

Transfers authority to DEQ to issue an order for violations related to the Act, which may include additional reporting requirements determined by DEQ as may be appropriate to avoid future violations.

This concept will be proposed to the EQC as a necessary housekeeping item and does not require RAC input.

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