

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF SUPPORTING ) RESOLUTION NO. 20-5069  
STATEWIDE PRODUCT STEWARDSHIP )  
LEGISLATION FOR MATTRESSES ) Introduced by Councilor Craddick

WHEREAS, Metro is the solid waste system planning authority for the greater Portland metropolitan region and acts pursuant to its constitutional, statutory, and charter authority; and

WHEREAS, in Ordinance No. 19-1431 Metro adopted the 2030 Regional Waste Plan, which serves as the greater Portland area’s blueprint for investing in our garbage and recycling system, reducing the environmental and health impacts of products that end up in this system, and advancing progress toward Metro’s racial equity objectives; and

WHEREAS, mattresses are present in the waste stream in significant numbers and pose a challenge for residents needing to manage their discarded mattresses, including those living in multi-family residences; and

WHEREAS, a goal of the 2030 Regional Waste Plan is to reduce the environmental impact of products disposed in Oregon, and advocate for product stewardship legislation that reduces those impacts; and

WHEREAS, a mattress stewardship program will conserve resources and can create permanent employment and training opportunities for populations that face significant barriers to employment, including a history of incarceration or homelessness; and

WHEREAS, the Metro Council in 2019 adopted legislative principles in support of product stewardship legislation and directed Metro staff to support legislation creating programs for managing discarded mattresses based on producer responsibility and product stewardship principles; and

WHEREAS, in 2020 the Oregon Legislature will consider legislation establishing a product stewardship program for mattresses; now therefore,

BE IT RESOLVED that the Metro Council supports statewide product stewardship legislation for mattresses, and directs staff to pursue passage of mattress stewardship legislation consistent with the Council’s policy priorities and principles.

ADOPTED by the Metro Council this 30 day of Jan



Lynn Peterson, Council President

Approved as to Form:

[Signature]  
Carrie MacLaren, Metro Attorney

IN CONSIDERATION OF RESOLUTION NO. 20-5069 FOR THE PURPOSE OF  
SUPPORTING STATEWIDE PRODUCT STEWARDSHIP LEGISLATION FOR  
MATTRESSES

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Date: January 14, 2020

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Department: Waste Prevention and  
Environmental Services

Presenters: Scott Klag; Pam Peck  
Length: 10 minutes

Meeting Date: January 30, 2020

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### **ISSUE STATEMENT**

This resolution articulates the Metro Council's support for a statewide product stewardship bill for mattresses to be introduced at the 2020 Oregon legislative session and directs staff to pursue passage of legislation consistent with the Council's policy priorities and principles.

### **ACTION REQUESTED**

Approval of Resolution 20-5069.

### **IDENTIFIED POLICY OUTCOMES**

The Metro Council's Legislative Principles support product stewardship legislation that requires that whoever designs, produces, sells or uses a product bear responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle.

A goal of the 2030 Regional Waste Plan (Ordinance No. 19-1431) is to reduce the environmental impact of products disposed in Oregon, and advocate for product stewardship legislation that reduces those impacts.

Resolution 19-4954 supported state legislation on product stewardship legislation for mattresses during the 2019 session.

### **POLICY QUESTION(S)**

Does the Metro Council want to continue supporting statewide product stewardship legislation for mattresses at the 2020 state legislative session?

## **POLICY OPTIONS FOR COUNCIL TO CONSIDER**

The statewide 2020 mattress legislation is expected to be substantially the same as the bill supported by the Metro Council in 2019. Staff will continue to seek policy direction from the Council throughout the legislative session if significant changes are proposed for the bill.

## **STAFF RECOMMENDATION**

Staff recommends approval of Resolution No. 20-5069.

## **STRATEGIC CONTEXT & FRAMING COUNCIL DISCUSSION**

At its Dec. 3, 2019 work session, Council discussed specific actions that Metro could take to make the region's recycling system stronger and more resilient in the future. Those actions addressed both the "curbside" recycling system (for materials collected at residences and businesses) and special materials of interest to Council, including mattresses. At the conclusion of that discussion, Council directed staff to implement the comprehensive work plan that was discussed, including formally expressing its support for state legislation to enact producer responsibility requirements for mattresses in the Oregon Legislature's 2020 session. Council further indicated that if the Legislature did not pass such legislation in 2020, then the Council would consider a region-specific ordinance later in the year.

A product stewardship program for mattresses aligns with multiple goals and actions within the 2030 Regional Waste Plan.

*Goal 5:* Reduce the environmental and human health impacts of products and packaging that are made, sold, used or disposed in Oregon.

*Action 5.4* Advocate for product stewardship legislation and other policy approaches that can achieve the greatest reduction in environmental and human health impacts from products and packaging made, used or disposed in the region.

*Goal 8:* Increase the reuse, repair and donation of materials and consumer products.

*Goal 10:* Provide regionally consistent services for garbage, recyclables and other priority materials that meet the needs of all users.

*Action 10.8* Advocate for statewide legislation or implement regional policies to increase the types of products and packaging for which manufacturers and retailers provide environmentally sound, convenient and accessible take-back programs.

*Goal 11:* Address and resolve community concerns and service issues.

*Action 11.4* Provide services to clean up illegal dumps on public property, prioritizing communities with greatest need.

*Action 11.5* Research the root causes that contribute to illegal dumping and how they can be addressed.

*Goal 12:* Manage all garbage and recycling operations to reduce their nuisance, safety and environmental impacts on workers and the public.

A statewide mattress stewardship program will support achievement of (a) Goal 5 by diverting mattresses that can be refurbished for reuse; (b) Goal 8 by increasing the availability of services to residents who have mattresses to discard, including low income and multifamily residents; (c) Goal 11 by assisting Metro in addressing the illegal dumping of mattresses; and (d) Goal 12 by diverting mattresses from solid waste facilities where they are difficult and dangerous to manage.

- **How does this advance Metro's equity goals?**

The legislation requires provision of free, convenient and accessible collection opportunities for any person in the state. The legislation will increase collection from multifamily residences, low income communities and communities of color.

Mattress recycling facilities that will be supported by this legislation can create permanent employment and training opportunities for populations that face significant barriers to employment, including a history of incarceration or homelessness.

- **How does this advance Metro's climate action goals?**

Once disassembled, up to 85 percent of a typical mattress is recyclable. Materials such as metal, foam, cotton and wood can be used to make new products. Significant reductions in greenhouse gases and energy use have been shown to result from reuse and recycling of mattress components<sup>1</sup>.

- **Known Opposition/Support/Community Feedback**

The mattress industry helped develop the bill last session, although the session adjourned before final language in some areas could be agreed upon. The Association of Oregon Recyclers (AOR) (composed of among others - solid waste and recycling companies and local and state governments) supported the bill. BRING, a Eugene based reuse and recycling non-profit was strongly supportive.

- **Explicit list of stakeholder groups and individuals who have been involved in policy development.**

The National Sleep Products Association (an industry trade organization) and its stewardship agency (MRC – the Mattress Recycling Council), the Oregon Department of

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<sup>1</sup> [Mattress and Box Spring Case Study: The Potential Impacts of Extended Producer Responsibility in California on Global Greenhouse Gas \(GHG\) Emissions](#)

Environmental Quality and Metro staff are among those involved in developing the bill's approach. St. Vincent DePaul, which has active mattress recycling programs in the state also supported and commented on the bill's development. The national Product Stewardship Institute, which has experience with mattress legislation in other states, also provided technical assistance.

- **Legal Antecedents:**

Oregon has legislated statewide product stewardship programs for electronics (2007); paint (2009); and pharmaceuticals (2019). The Oregon Bottle Bill (1971, 2011) is also a type of product stewardship. The proposed statewide legislation under consideration would add mattresses to the type of products covered by this policy approach.

There are similar legislated mattress stewardship programs, operated by the industry's stewardship entity MRC, in three other states: Connecticut, Rhode Island and California.

- **Anticipated Effects:** The program would ensure the availability of mattress recycling opportunities for residents in the Metro region and across the state. The increased services will reduce the number of mattresses in the waste stream and improve safety conditions for workers at our and other transfer stations. More convenient disposal options should also reduce illegal dumping of mattresses.
- **Financial Implications (current year and ongoing):** A portion of Metro's costs for managing illegally dumped mattresses should be mitigated by the program.

## **BACKGROUND**

Over the past several years, Metro Councilors and staff have discussed the need for more mattress reuse and recycling in the Portland metropolitan region. Staff has been following other states' development of product stewardship laws for mattresses as a potential solution.

In 2018, state Senator James Manning from the Eugene area expressed interest in sponsoring a bill to promote mattress recycling. Persons promoting the idea to him were familiar with the California stewardship legislation. With assistance from others, including the Oregon DEQ and Metro staff, the Senator introduced SB 276 in the 2019 session. The bill was amended and passed out of its policy committee, but died in Ways and Means. There were additional amendments related to DEQ oversight and antitrust that were close to being finalized when time ran out. Discussions on the 2020 bill will start from that point.

The bill would establish a statewide product stewardship system for the collection and proper management of mattresses. The bill will require manufacturers to take responsibility for establishing a stewardship organization that will develop, finance and implement the program. The program will support local private and non-profit entities already at work recycling mattresses across the state.

The mattress stewardship program will address a challenging item for Metro-area residents to manage, create jobs, recover materials that can be recycled into new products and divert mattresses from solid waste facilities where they are difficult and dangerous to manage.

## **ATTACHMENTS**

**Attachment 1 to Staff Report: Exhibit A to Resolution 19-4954**, Metro Council  
Legislative Priorities, 2019 Legislative Session

**Attachment 2 to Staff Report: Exhibit B to Resolution 19-4954**, Metro Council  
Legislative Principles, 2019 Legislation Session

**METRO COUNCIL LEGISLATIVE PRIORITIES**  
**2019 Legislative Session**



**TOP PRIORITY ITEMS**

- **Climate:** Support legislation to create a “cap and invest” system to reduce greenhouse gas emissions and incentivize investment in clean energy. Seek specific provisions that support implementation of the Portland region’s Climate Smart Strategy to reduce transportation-related greenhouse gas emissions. Seek opportunities to support other climate-related investments related to Metro’s other areas of responsibility.
- **Household hazardous waste:** Establish a program based on producer responsibility and product stewardship principles to manage household hazardous waste.
- **Affordable housing:** Support legislation increasing state housing funding, improving tenant protections, and providing additional tools and authority to local governments to address housing supply and affordability.
- **Urban growth management:** Ensure that the Legislature establishes the policy framework and process for local land use decisions and respects the authority of local governments, including Metro, to make specific decisions on local land use matters. Oppose efforts to legislatively determine specific land use designations in the region.
- **Transportation projects:** Provide funding to support project development and eventual construction of Southwest Corridor and I-205 projects.
- **Brownfield cleanup and redevelopment:** Establish a state brownfield cleanup tax credit and support recapitalization of the state’s Brownfields Redevelopment Fund.

**OTHER ITEMS**

- **Columbia River levees:** Support legislation to consolidate drainage districts and provide funding to support recertification of Columbia River levees.
- **Plastics:** Support a statewide ban on single-use plastics, including plastic bags, that does not pre-empt local authority or create an undue burden on low-income consumers.
- **Paid parental and family leave:** Support legislation to establish a statewide program and policy for paid parental and family leave.
- **Industrial site readiness:** Provide funding to implement statute authorizing loans to make land inside urban growth boundaries available for industrial development and job creation through infrastructure investment, brownfield cleanup, land aggregation, and other means. Support statutory changes to make statute clearer and easier to implement.
- **Product stewardship:** Support legislation creating programs for managing discarded pharmaceutical drugs and mattresses based on producer responsibility and product stewardship principles.

- **Jurisdictional transfer:** Advance efforts to identify candidate highways for jurisdictional transfer and provide funds to facilitate transfers.
- **Emerging transportation technologies:** Ensure that legislation establishing statewide policy frameworks for ride-hailing companies, automated vehicles and other technology-driven transportation innovations do not unreasonably limit local government authority or access to data needed for sound transportation management and planning.
- **Geographic data:** Support legislation to create and fund central state repository for standardized geographic “framework” data.
- **Oregon Conservation Strategy:** Support creation of an Oregon Conservation and Recreation Fund dedicated to the conservation and management of Oregon’s non-game fish and wildlife and their habitats.
- **Willamette Falls Locks:** Support funding to repair and reopen the Locks and transfer ownership to the Department of State Lands.
- **Air quality:** Establish requirements and incentives to reduce diesel particulate emissions, increase the use of clean diesel engines, and reduce diesel engine idling.
- **Tax Supervising and Conservation Commission:** Increase the cap and growth factor for the TSCC’s budget.
- **Qualification-based selection:** Establish an alternative approach to contracting for certain categories of professional services that enables a contracting agency to consider price as a factor before selecting a contractor.



## METRO COUNCIL 2019 LEGISLATIVE PRINCIPLES<sup>1</sup>

### LOCAL AUTHORITY

1. **Pre-emption:** With respect to issues related to solid waste management, land use, transportation and other matters of regional concern, Metro's authority should not be pre-empted or eroded.
2. **Funding:** To ensure a prosperous economy, a clean and healthy environment, and a high quality of life for all of their citizens, Metro and the region's counties, cities, and other service providers must have the financial resources to provide sustainable, quality public services. Accordingly, the Legislature should remove existing restrictions on local and regional revenue-raising authority and avoid enacting new limitations or pre-emptions, and all state mandates should be accompanied by funding.

### EQUITY

3. **Racial Diversity, Equity and Inclusion:** Metro envisions a region and state where a person's race, ethnicity or zip code does not predict their future prospects and where all residents can enjoy economic opportunity and quality of life. Metro therefore supports legislation that acknowledges past discrimination, addresses current disparities and promotes inclusion in public programs, services, facilities and policies.

### HOUSING:

4. **Affordable Housing:** Metro supports efforts to ensure that housing choices are available to people of all incomes in every community in our region, and to reduce the number of households that are burdened by the combined costs of housing and transportation.<sup>2</sup> To achieve these outcomes, Metro supports legislative actions consistent with Oregon's land use laws that increase the supply of both regulated affordable housing and market-rate housing; provide funding for both housing development and services that support lower-income renters; and provide reasonable protections for renters against arbitrary and unfair actions.

### LAND USE AND URBAN GROWTH MANAGEMENT:

5. **Local Authority:** The Legislature should take no actions that reduce or compromise Metro's land use and urban growth management authority.
6. **Oregon's Land Use System:** Oregon's land use planning system provides an important foundation for the prosperity, sustainability and livability of our region; this system reflects the values of Oregonians and enjoys strong public support.<sup>3</sup> The Legislature should exercise restraint and care when considering changes to Oregon's land use system.
7. **Successful Communities:** Metro supports legislation that facilitates the achievement of the six desired outcomes for successful communities that have been agreed upon by the region: vibrant, walkable communities; economic competitiveness and prosperity; safe and reliable transportation choices; leadership in minimizing contributions to global warming; clean air, clean water and healthy ecosystems; and equitable distribution of the burdens and benefits of growth and change.<sup>4</sup>
8. **Local Land Use Decisions:** Management of the urban growth boundary is a complex undertaking that involves extensive analysis, public input, and a balancing of many factors. Urban growth management decisions have profound impacts not just on land at the

boundary, but on communities within the boundary and on farms and other rural lands outside the boundary. For these reasons, the Legislature should establish the process and policy framework for local land use decisions and should affirm the authority of local governments, including Metro, to make specific decisions on local land use matters.

9. **Efficiency:** Land within the urban growth boundary should be used efficiently before the boundary is expanded.<sup>5</sup>
10. **Need:** The UGB should not be expanded in the absence of demonstrated need.<sup>6</sup>
11. **Integration of Land Use and Transportation:** Land use and transportation planning should be coordinated so land uses do not undermine the efficiency and reliability of the transportation system and transportation investments do not lead to unintended or inefficient land uses.<sup>7</sup>
12. **Annexation:** Cities are the preferred governing structure for providing public services to urban areas, and Metro supports reforms that will facilitate, or reduce barriers to, orderly annexation and incorporation.
13. **Rules/Statutes:** Administrative rules should not be adopted into statute.
14. **Non-Regulatory Tools:** State efforts at regulatory streamlining should include funding to support development of non-regulatory tools for achieving desired land use outcomes.<sup>8</sup>
15. **Fiscal Responsibility:** Funding to support urban development should be generated at least in part by fees on those who directly benefit from that development.

#### **SOLID WASTE:**

16. **Life cycle approach:** Metro supports efforts to minimize the health, safety, environmental, economic and social impacts associated with consumer products and packaging throughout all stages of a product's life cycle, beginning with resource extraction and continuing through design, manufacturing, consumption and disposal.<sup>9</sup>
17. **Product Stewardship/Producer Responsibility:** Metro supports legislation providing that whoever designs, produces, sells or uses a product bears responsibility for minimizing the product's environmental impact throughout all stages of the product's life cycle. Under this market-based approach, the life-cycle costs of a product are internalized into its price rather than being forced onto the general public. This approach also provides an incentive for manufacturers to design and produce their goods in a way that minimizes waste, environmental impact and management costs.

#### **TRANSPORTATION:**

17. **Transportation Governance:** The Legislature should take no actions that reduce or compromise Metro's or JPACT's authority in the areas of transportation policy and funding.
18. **Transportation Funding:** Providing adequate funding for all transportation modes that move people and freight supports economic prosperity, community livability, public health and environmental quality. For these reasons, Metro supports an increase in overall transportation funding, investments in a safe and balanced multimodal transportation system that addresses the needs of all users, and flexibility in the system to provide for local solutions to transportation problems.

#### **PARKS AND NATURAL AREAS:**

19. **Parks and Natural Areas:** Our region has invested heavily in protecting water quality and wildlife habitat and providing residents with access to nature and outdoor activity. Parks and

natural areas are regional assets that support public health, environmental quality, strong property values and economic prosperity. For these reasons, Metro supports measures to increase local and regional authority to raise revenues to support parks and natural areas and to increase the level of state funding distributed to local governments for acquisition, capital improvements, and park operations.

**SUSTAINABILITY:**

- 20. Climate Change:** Metro supports efforts to combat and adapt to climate change and to meet the state’s goals for reducing greenhouse gas emissions. Metro and its regional partners are committed to the Climate Smart Strategy, which includes actions needed to achieve state targets for reducing greenhouse gas emissions from transportation. The state should provide financial support for implementation of the Climate Smart Strategy.
- 21. Species Conservation:** Metro supports efforts to protect and restore wildlife habitat, to recover threatened and endangered species, and to create a better future for wildlife, both in Oregon and globally.
- 22. Conservation Education:** Metro supports efforts to provide stable and reliable funding to conservation education.

**ECONOMIC PROSPERITY:**

- 23. Infrastructure Finance:** Metro supports measures, including funding or revenue measures, which facilitate state, regional or local investments in the public structures needed to accommodate population and economic growth in a way that helps the region achieve its six desired outcomes for successful communities.
- 24. Metro Venues:** Because the Oregon Convention Center, Expo Center, Portland’s 5 Centers for the Arts and Oregon Zoo are assets that contribute millions of dollars to the state and regional economies, Metro supports legislative measures that facilitate the success of these venues in attracting visitors and enhancing the quality of their experiences.

**AGENCY OPERATIONS:**

- 25. Firearms and Public Facilities:** Metro supports legislation that increases Metro’s authority to regulate the carrying of firearms on Metro properties and public venues, and opposes legislation that limits or reduces that authority.
- 26. Disaster Preparedness:** Metro supports legislative efforts to improve community disaster preparedness and resilience, with the goal of enabling the Portland region to provide for the immediate needs of its residents and businesses after a catastrophic event and facilitating the region’s short- and long-term recovery.

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<sup>1</sup> Unless otherwise noted, endnotes refer to applicable policy statements in Metro’s Regional Framework Plan (RFP).

<sup>2</sup> RFP Policy 1.3 (Housing Choices and Opportunities).

<sup>3</sup> See <http://oregonvaluesproject.org/findings/top-findings/> (specifically item 5, Natural Resource Protections for Future Generations)

<sup>4</sup> RFP Chapter 1 (Land Use).

<sup>5</sup> RFP Policy 1.1 (Compact Urban Form).

<sup>6</sup> RFP Policy 1.9 (Urban Growth Boundary).

<sup>7</sup> RFP Policy 1.3.13 (Housing Choices and Opportunities); Transportation Goal 1 (Foster Vibrant Communities and Efficient Urban Form).

<sup>8</sup> RFP Policy 1.1 (Compact Urban Form); Policy 1.2 (Centers, Corridors, Station Communities and Main Streets).

<sup>9</sup> Draft 2030 Regional Waste Plan, page 11.