

**PA13-42**

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as a consensus proposed substitute language for House Bill 6437. I believe that the team work between the mattress manufactures and the mattress stewardship proponents since the 2012 legislative session has resulted in a quality piece of proposed legislation. It has created understanding between the parties that will go a long way in developing a successful program to help municipalities, institutions, and retailers that collect or receive discarded mattresses. It will provide for the convenient and proper disposal and recycling opportunities.

It will also ensure that program is designed and implemented by an independent non-governmental council funded through an echo-fee to be charged at the point of sale.

To the committee leadership, I would like to thank you, and, also, Representative Patricia Wildlitz for playing a crucial role in mediating and facilitating the working relationship between the manufacturers and the mattress stewardship proponents.

Mattresses are a significant problem for local communities. In June 2012, I attended the annual meeting of the United States of Mayors where I learned that the problem of mattress disposal, the bulky size, the impact on landfills and waste-to-energy facilities and the staggering cost of disposal are a national problem for cities and localities from California to Florida, from Minnesota, and from our neighbors in Long Island and New York and Massachusetts just to name a few. The United States Conference of Mayors' resolution supported a role for manufacturers in the end-of-life management and costs associated with discarded mattresses.

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As the Chief Executive Officer of your Capital City, I'm in the middle of budget season. Like many of my colleague towns across Connecticut, I'm struggling to balance shrinking local and state resources and increase demand for services. In a report released by my staff and the Department of Energy and Environmental Protection, Connecticut municipal costs associated with mattress disposal is estimated to be \$1.3 million. These costs come from surcharge pricing at facilities like waste to energy plants and out-of-state landfills where mattresses present a problem for equipment and burial. The mattress stewardship program will achieve economies of scale, aggregating an estimate 350,000 discarded mattresses and turning component parts into environment and economic opportunities. This bill will create savings for participated municipalities and a \$1.3 million will pay for many public works, police, and fire employees.

Mattresses are 96 percent recycle. This bill will facilitate recycling and contribute to the growing newly established mattress recycling facilities and jobs in Bridgeport and Bloomfield, Connecticut. These two businesses have been operating for a year creating new jobs and expecting -- and are expected to expand hiring with the passage of this bill. Promoting a green economy for waste materials is a message at last weeks "Recycling Means Jobs" Legislative Day hosted by Governor Malloy, DEP Commissioner Esty, and DECD Commissioner Smith.

In April 2012, Governor Malloy formed a modernizing recycling workgroup to develop approaches that expand recycling in jobs in our state. The mattress stewardship bill was named the number one priority by the Governor's Working Group for this legislative session

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because the business infrastructure is in place to receive and recycle mattresses.

In closing, I hope that the Environment Committee recognizes that this bill represents sound environmental and economic policy. I hope that there is recognition that this bill was forged through cooperation between business, municipalities, and environment groups and, as such, the mattress stewardship bill merits adoption. Thank you.

SENATOR MEYER: Thank you, Mayor and Ms. Cruz.

Really, kick this off last year, we thank you. Lots of hard work. And we now have a bill as revised which appears to be meeting everybody's standards, so, it will go.

And, you know, last year that the bill that you helped to give us, Mayor, did go through the Senate, actually, by consent, unanimously by consent. And it got hung up in the last night in the house. So, we're going to get -- come to the finish line the whole way this time.

MAYOR PEDRO SEGARRA: Thank you. And we thank you, Senator, and Representative Gentile for your stewardship on the stewardship bill in terms of making our communities be in balance with the needs of manufactures and environment groups. It's not exactly what every one individual wanted, but it was -- it's a way to move us forward towards being more responsible and providing some economies to our local government. So, thank you so much for your leadership.

SENATOR MEYER: Good. Madam Chair.

REP. GENTILE: Thank you, Senator Meyer. Good morning to everybody, all brave souls that made

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it out today.

Mayor Segarra, I'd like to thank you for your leadership on this particular individual bill. And I'd also like to give a special thank you to Marilyn. I have had the pleasure of working with her this year. And I just like to say for the record that this is a wonderful example of what can be accomplished when you find that common ground and then you build from there through education and through communication which is something that Marilyn was able to do with all of the stakeholders along with Representative Wildlitz. So, I certainly do appreciate their efforts on this bill.

And, also, I would just like to add that last year when the bill came out, I really almost am ashamed to say that I had no idea the extent to which this bill was so important. But you have made me a true believer. And I'm glad that this is one of our top priorities. So, thank you for coming out this morning.

MAYOR PEDRO SEGARRA: Thank you.

SENATOR MEYER: We do want to recognize the contribution of Representative Pat Wildlitz. She called and can't be here today. But she's been a major part of the negotiations, both, last year and then again this year.

Senator Chapman, do you have any questions?  
No. Any other questions?

Thanks so much to you both.

MAYOR PEDRO SEGARRA: And while we're discussing green, Happy St. Patrick's Day to everyone.

SENATOR MEYER: Okay. Great. Bring some green beer

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the next time.

Okay. We're very pleased to have the Commissioner of the Department of Energy and Environment Protection, Dan Esty.

Good morning, Commissioner.

COMMISSIONER DANIEL C. ESTY: Good morning, Chairman Meyer. I'm hoping I can bring Deputy Commissioner Whalen and Deputy Commissioner McCleary along with me to both comment on some of the legislation before you today and to provide answers to questions that go beyond the scope of the Commissioner's expertise.

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First, let me say a huge thank you to the Committee. I am pleased at the success we've had over the last several years working together to address issues. And I'm grateful for the leadership of the Committee and for the ranking members who I've worked with very carefully. So, thank you all and thank you for the opportunity and, today, talk with you about several things that we care a great deal about.

And let me start if I can where you just left off by thanking the Mayor and thanking Marilynn for their leadership on the mattress stewardship program. And the legislation before you which I think has been refined and calculated to be a very good consensus piece of legislation, one that we're excited about. And, Chairman, you were both correct in indicating that Pat Wildlitz is a real leader on this. And we owe her a debt of thanks for having guided us to the point where we are today.

So, I'm sorry that Pat is not here. But I honor her work on this over several years. And I think the recognition of this is an important

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issue is in no small part due to her stepping up and pushing us to focus on this critical issue.

And, frankly, what we have before you is an extended producer, responsibility approach to a critical issue. Mattresses do need to have attention paid to their end of life. And I think what you have in front of you is legislation is consistent with the State of Connecticut's waste management plan, very consistent with the Governor's working group on recycling which Deputy Commissioner McCleary can comment on further if you'd like. And, fundamentally, this bill will save our communities money. And that is why I am so enthusiastic about it.

The department estimates that our cities and towns currently spend over \$1 million. In fact, about a \$1.3 million of our hard-earned tax payer money to manage the discarding of mattresses. And, frankly, there's a significant cost as cities and towns have to take care of illegally dumped mattresses. We believe with this stewardship program in place, that should decrease and costs will go down.

I think, as well, and you've heard this from the Mayor, you heard it from the Governor in his talk at the Recycling Means Jobs event last week, we believe this program and the legislation you have before you will create good private sector jobs in a range of places and in a range of ways. And I think we are eager to build on that base and to use this as part of a broader strategy that we're working on to recast Connecticut's waste strategy to ensure that we recapture, reuse, and recycle much more. And in doing so, lower the costs that are communities bear for disposing of waste today.

So, we are excited about the legislation before you. The bill, of course, does not impose a mandate on our municipalities. So, I think it's a great recognition of the choice that people should have. But, most fundamentally, I think by creating a unified structure across the state, we overcome one of the great challenges that has, frankly, I think been a challenge across the State of Connecticut for decades. And that is, our tradition of home rule and 169 cities and towns going off in their own directions.

And in our desire to bring together sufficient supply of potentially recyclable products like mattresses having a unified structure that aggregates the supply and allows the market to work better is really the state doing its policy job in a very effective way. I think the idea of consistency will help that market function. And I think we really have here, again, a consensus draft that I believe will become a model for the country.

So, thank you for the opportunity to talk to that bill for a moment. I'd like to switch gears if I can and address an inner related set of four bills, Senate Bill 1010, Senate Bill 1012, 1013, and 1014 which all relate to what I would call an interrelated or interconnected set of issues involving our response to storms, our coastal exposure and the challenge of climate change, and, frankly, our desire and this department's focus on resiliency as a much greater priority in our public policy.

In leading into my commentary on these bills, I want to thank, in particular, Representative Albis and the entire coastal taskforce. I have been really pleased at the ongoing back and forth between the department and the coastal

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gates, you know, I think I certainly think that's a fair measurement to rely upon.

REP. ALBIS: Thank you very much. Thank you, Mr. Chair.

SENATOR MEYER: Okay. Thank you. Any other questions by the Committee? Thanks.

SENATOR FASANO: I thank you. And I thank you for bringing up these bills. And I know this is a very, very tough issue and I appreciate it. Thank you so much.

SENATOR MEYER: Okay. We're going to go to the public list with Tim Phelan to be followed by Pam Roach and the Tom Wholley, and then Scott Jackson.

TIMOTHY PHELAN: Senator Meyer, Representative Gentile, if it pleases the Committee. Sorry, if I ask Mr. Wholley to join me in my testimony. He's -- we're sort of here together.

SENATOR MEYER: Yes, that would help us. That would be great.

TIMOTHY PHELAN: Okay. Terrific. Thank you.

Good morning, Senator Meyer, Representative Gentile, Senator Chapin, Representative Albis and others here. For the record, I am president -- I am Tim Phelan, the president of the Connecticut Retail Merchant's Association. I'm here today to testify in opposition to Raised Bill number 6437, AN ACT CONCERNING MATTRESS STEWARDSHIP PROGRAM.

As you know, the Connecticut Retail Merchant Association's statewide Trade Association representing some of the world's largest

retailers as well as the state's main street merchants. Today, our focus is on the many Connecticut retailers that sell mattresses and other bedding products directly to consumers.

Before I begin with my specific reasons for opposition to this bill, I want it to be known to all parties involved in this issue, in particular, to the Senate Co-Chair of this Committee, Senator Meyer and to Representative Pat Wildlitz of our profound respect for their work on this issue. We simply disagree about many parts of this bill, but we respect their views. And we hope that they would respect ours as well.

First, the funding -- with regards to the bill, we have a number of issues that we hope will continue to be worked out, but we'd like to highlight two major objections. First, the funding mechanism by which this new program would be administered would fall directly on Connecticut Consumers in the form of a new fee or, in our opinion, a new tax. Retailers would be required to add this new fee to the purchase price of a new mattress along with a brief description of why this new fee is added. This would, obviously, add additional costs to the retailers to reprogram systems. But, more importantly, it would raise the purchase price of the mattress, thereby, putting us at a competitive disadvantage with surrounding states and against online or web based retailers.

Any additional fees that are added to the cost of a purchase of any item in today's economy could and will, most likely, will drive business away from Connecticut retailers. Proponents of this idea may be willing to take the risk that some consumers will understand. But for the hundreds of Connecticut retailers

that sell mattresses, that is too risky a bet. And, in some cases, it could be a fatal one.

The second major objection we have is in Section 3 of the bill. The language appears to prohibit a retailer from charging a fee to collect from the customer their old mattress one when they deliver this new mattress. This language would radically change, in our opinion, the way many retailers operate and in some ways, dictate how they interact with their customers while also inadvertently add more discarded mattresses onto the curb side.

For example, a retailer who currently sells a mattress to a customer with an additional fee added in for the take away of their old mattress would be prohibited from charging that fee to pick up the old mattress. Many retailers include the cost to pick up into the purchase price and have current contractors with haulers to remove the old mattress. This feature of this sale is very popular with customers. And many retailers use that as a selling point and in a competitive market place, work that price into their business plan.

Other retailers like our -- my guess today, CRMA board member, Tom Wholley, from Connecticut Mattress charges a separate fee for the take away of an old mattress and use a portion of that disposal fee to give back to the community in form of a charitable contribution.

Section 3 of the bill would appear to eliminate both methods of taking away old mattresses. And that, in turn, would discourage any retailer from taking away an old mattress upon delivery of a new mattress leaving customers with no choice, but to put that mattress on the

curb.

Perhaps that is the intent of this bill that all mattresses -- may allow to -- allow mattresses be placed on the curbside, so, that counsel can direct pickup. But for retailers, it strikes the heart of our business, customer service. Good customer service building that personal relationship with that customer is the hallmark of a successful retailer. In our opinion, Section 3 of the bill would severely hamper that effort.

I'm going to conclude my testimony now. You have my written testimony. I will say that, finally, in our humble opinion, the existing system that's in place now works. There are -- there is a private sector market that is emerging to take back old mattresses, to recycle them. We think this Committee should encourage more of that activity and stay away from the outline of this bill.

Although we know the efforts that have been put in to try to craft the bill and we appreciate that, specifically, Senator Meyer we worked with you on this issue last year and we appreciate that. But in our humble opinion, as I mentioned, we may just disagree. So, if I may ask Mr. Wholley to make a few comments.

TOM WHOLLEY: Yes. Thank you, Tim. You kind of said it all.

Senator, I'm Tom Wholley, I'm the owner of Connecticut Mattress. I've been a mattress retailer in Connecticut for almost 40 years, myself and my family. We have gone through turbulent times as retailers in Connecticut. I was forced to file Chapter 11 bankruptcy with Better Bedding which is a chain that myself and my brother own for almost 30 years.

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Two years ago I started Connecticut Mattress to get myself back up on my feet. And, thankfully, with the reputation that we've had in the Connecticut community, we are doing okay. But I just say okay.

This bill -- I'm here, I am never in this building. I'm a retailer. I'm in front of customers 60 hours a week, myself, personally on my floors. And this bill, you know, you're seeing light at the end of the tunnel with the economy. And you see things starting to turn around and then we're slapping another tax on the consumer.

There's not an issue from my perspective -- this is just my perspective -- there's not an issue right now with the removal of old bedding. The issue is with the towns handling the old bedding themselves and the cost of doing that. Every piece of bedding that we sell, we do charge a \$15 fee to remove the old bedding. That piece of bedding gets picked up by my deliver service. They charge me \$5 to do that. We -- it goes to a recycling center in East Hartford. The product gets stripped down and then it's recycled and it is not on the streets of Connecticut.

The \$10 that we gain from that removal fee goes towards buying beds for kids in the greater Hartford area. I'm pleased to say that over the last two years, we've donated 100 brand new twin-sized mattress and box springs to the working poor through Gifts of Love and Avon. And that's in jeopardy with this bill. Not only that, but, you know, the cost of doing business and the cost of doing business in Connecticut doesn't get cheaper. And when consumers see a fee that can be added to their invoice, it's going to be a point of

negotiation.

The mattress business if you don't know is like any business is a very competitive business. And I can see that many retailers will take this cost of this fee and have to incorporate it into the price of the mattress and box spring. Therefore, diminishing the margins on the product.

So, you know, there's a whole host of things that I think are wrong with this bill. If I'm a retailer in New York or Massachusetts and the product gets delivered to New York and Massachusetts and I have trucks coming into Connecticut, how -- I don't -- I didn't study the bill. I don't have time to study the bill. But I know enough about it to realize that how does that retailer be responsible to the State of Connecticut for paying the bill -- paying the fine or the fine, excuse me the fee?

So, you know, that in a nutshell is my testimony. And I'm just --

SENATOR MEYER: Okay. Let me just -- Tim, you've been involved with the dialog the last couple of years.

TIMOTHY PHELAN: Not as much this years.

SENATOR MEYER: The Mayor of Hartford came to us last year. He expressed a huge problem in the City of Hartford. He talked about the fact the city was having to spend a million dollars a year picking up abandoned mattresses. We then -- the Environment Committee then looked to see if we had a bigger problem than Hartford and we discovered we did indeed. CCM told us that on any given day in Connecticut there are about 10,000 abandoned mattresses. And others came in to testify last year in support of this

bill. Surprises, it wasn't just the big cities, although, they came in. It was a bunch of towns as well.

And the model we followed was the manufacturing model -- manufacturing burden that we did in, you know, electronic waste and unused paint. And that was to put that extra cost to do the recycling and the disposal in the cost of the product, small items, small costs.

So, that's what we're doing. We think it's forward looking in terms of trying to get stuff off our highways and our backyards and our junkyards. And it worked with electronic waste. It worked with unused painting. And we think it's going to work with mattresses as well. So, I just wanted to give you that little background.

TIMOTHY PHELAN: Thank you. I just have a brief response to that.

SENATOR MEYER: Sure.

TIMOTHY PHELAN: I think we -- our industry was involved in both of those products with electronics' waste. It was a pure extended producer responsibility approach after this Committee had a vigorous debate about whether it should be an advanced recovery fee or extended producer responsibility. The advanced recovery fee is similar to this. There's a fee onto the consumer. That, on the electronics, it was decided that the marketplace should determine that we should encourage an extended producer responsibility, meaning, the manufacturers should be encouraged to produce greener, more recyclable products.

We then shifted to a different product, different product of pain, different set of

issues about why towns were having trouble disposing of paint and a different, again, a different method of a solution. In that case, manufacturers or retailers are assessed an amount on the sending of any products into this state. So, any paint that's shipped into Connecticut, the manufacturer then is assessed.

Again, not exactly an extended producer responsibility model. A little bit different. This is, with all due respect, a different model because it's a different product. But, again, in some ways, this bill reminds me more of the electronics' bill where there was a vigorous debate in this Committee about whether or not we should have an advanced recovery fee, a fee at the point of sale or if we should have it -- we should have a fee or some sort of incentive for the manufacturer to produce a more recyclable product.

But a mattress is different than an electronics' product. And a mattress is different than a can of paint. Different products.

TOM WHOLLEY: If I can -- my time is up?

SENATOR MEYER: No, just briefly.

TOM WHOLLEY: All right. For the years that we've been in business, we have never left product on the streets. I don't know where these mattresses are coming from. But if there is a fee that's attached to every order, I know being in front of customers everyday, that there's going to be customers that do not want to pay that fee and that will leave the product on the streets. You may end up with more product on the streets than you have now. I know that every piece that we have ever picked up from a customer has never been in a landfill

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or left on the side of the road. They've all been recycled. There's been hundreds of thousands of pieces.

SENATOR MEYER: Okay. Thank you. Any questions by other members of the Committee.

Welcome, Representative Chapin. Nice to see you. You made it.

Okay. Thank you both. Thank you, gentlemen.

TIMOTHY PHELAN: Gentlemen, to be in front of Representative Gentile, I look forward to working with you as well. Thank you.

SENATOR MEYER: Next is Representative Pat -- not representative -- Hamden Council member, Pat Roach.

PAMELA ROACH: Good morning. My name is actually Pam Roach. I'm the Solid Waste and Recycling Coordinator for Hamden. And I'm here for Mayor Jackson -- speak for Mayor Jackson. He can't be here this morning because he's at another --

A VOICE: (Inaudible).

PAMELA ROACH: For Mayor Jackson.

SENATOR MEYER: You're speaking in favor -- okay. Fine. Thank you for telling us that.

PAMELA ROACH: Senator Meyer, Representative Gentile, members of the Environment Committee, I'm here speaking in support of bill 6437. Mayor Jackson has asked that I come before you to share his full support of the mattress stewardship legislation.

Hamden understands that there has been substitute language submitted. And I think

that you'll find that some of the the issues the prior gentlemen had are no longer issues because they've been deleted from the bill.

It was drawn and prepared by the mattress manufacturers and the mattress stewardship proponents of Connecticut. So, Mayor Jackson supports the substitute language since it represents a collaborative effort.

Last Friday in Hamden, Mayor Jackson hosted a mattress stewardship workshop and demonstrated the significance of this bill has to Hamden. We stand to save \$35,000 a year through this bill. And that could be put to work elsewhere in our municipal budget. As we all know, we need every bit that we can get.

Mattress stewardship legislation is a sound environmental and economic policy especially when it is the product of a meaningful dialog and support. By key stake holders involved in developing and implementing the program, municipalities, retailers, and other covered entities will have access to free and convenient disposal in recycling of mattresses.

Mayor Jackson's detailed testimony has been filed with the Clerk of the Committee. I thank you for your attention and for the speedy passage of this bill.

SENATOR MEYER: Thanks for that encouragement. Are there any questions by members of the Committee?

You know what. It's interesting because you heard the retailers before being concerned about the cost. And this is a cost with other products that has been passed to the manufacturer and the manufacturer, presumably, puts it on the product. I gather you have no

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concern about that?

PAMELA ROACH: No. No, we've done it with electronics in the past and now with the mattresses. I'm actually looking for forward to more being added to the list. We're looking for others coming up next year in the product stewardship. It's the move of the future is to get our environment cleaned up.

SENATOR MEYER: Okay. We're going in the same direction.

PAMELA ROACH: Yes.

SENATOR MEYER: Thank you very much.

PAMELA ROACH: Thank you.

SENATOR MEYER: Our next witness is from the public now is Michael Protechetti (sic). I think --

A VOICE: Hard time reading?

SENATOR MEYER: Protechetti (sic), Cicchetti, Michael Cicchetti from Covanta.

MICHAEL CICCHETTI: Thank you, Senator. It was close, Cicchetti.

SENATOR MEYER: I'm sorry.

MICHAEL CICCHETTI: Trust me, I've heard much much worse. And not only -- always a different pronunciation of my name, especially going back to my OPM days.

Senator Meyer, Representative Chapin, members -  
- I'm sorry, Shaban, and members of the  
Committee, thank you for the opportunity to  
speak on House Bill 6437. You have my  
testimony, so, I'm just going to give you a

brief overview.

I'm here on behalf of Covanta Energy. We operate or own three of the six energy from waste plants here in the State of Connecticut. We also own or operate 40 plants throughout the country in 16 states and a couple overseas.

We are a firm believer in sustainable waste management. As such, we believe in the waste hierarchy that has been adopted by the State of Connecticut that is reduce, reuse, recycle, and then recover energy. This bill represents an opportunity to both reduce and recycle solid waste that would otherwise end up in a landfill. We don't process mattresses at our energy from waste facilities. They don't work with our process. So, we also have to pay to get rid of them.

But, more importantly, this bill will save a significant amount of money for our local towns and cities. And, as such, we are happy to support this bill and encourage the Committee to move this as quickly as possible.

We had one slight request for a change, namely, in the reporting requirements. To follow the waste hierarchy that the State of Connecticut has established. We would appreciate if waste to energy is considered recovery or diversion as opposed to disposal. And that would mirror, as I mentioned, that would mirror the waste hierarchy that has been adopted by the state.

I'll leave it there and I'll be happy to answer any questions that the Committee members may have.

SENATOR MEYER: Do you have that small language change with you?

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MICHAEL CICCETTI: It's in my testimony, sir.

SENATOR MEYER: It's your testimony.

MICHAEL CICCETTI: Yes.

SENATOR MEYER: Okay, good. Great. Thanks.

Any questions? Representative, no? Thanks so much.

MICHAEL CICCETTI: Okay, thank you.

SENATOR MEYER: Our next witness is Kachina Walsh-Weaver followed by Joseph Wasserman.

KACHINA WALSH-WEAVER: Good afternoon, Senator Meyer, members of the Committee, Kachina Walsh-Weaver with the Connecticut Conference of Municipalities. I am here in support of House Bill 6437, AN ACT CONCERNING A MATTRESS STEWARDSHIP PROGRAM. We've testified in support of this bill a number of times over the last several years. We see this as a positive step towards creating a statewide mattress stewardship program for end of life's management of mattress disposal.

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As has been stated before by people before me, there's a huge cost associated with the disposal and treatment of these mattresses at the end of life. Municipalities have been burdened with this and they're looking for some relief. There's been previous product stewardship programs that have been implemented in Connecticut seem to be very successful, the reducing costs on the local level. And we are happy to support that again this year.

If I could just quickly support a few other bills that are in front of you today, the sea level rise bills. We're very happy to see

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later after Irene, not to mention the storm that we had this last year and the winter storms.

There's a lot of rebuilding that still needs to be done. They -- as with a lot of -- as with many instances, there are conflicting requirements in dealing with different agencies and what people know on the local level, what residents are doing. So, there is, obviously, a lot of things that need to be done in this area. Do I have specific suggestions for you, not right at the moment. But we'd, certainly, like to continue working with you. And we think that these bills, certainly, move in the right direction.

SENATOR ALBIZ: Thank you. I do think it would be helpful for the Committee to hear maybe an aggregate description of what the greatest problems municipalities are facing, what challenges they see forthcoming in the future. So, that would be very helpful. Thank you.

SENATOR MEYER: Thank you, Representative Albis.

Okay, appreciate it, Kachina. Thanks.

KACHINE WALSH-WEAVER: Thank you.

SENATOR MEYER: Come see us again.

Our next witness is Joseph Wasserman followed by Aaron Terranova and then Chris Hudgins.

JOSEPH WASSERMAN: Hello. My name is Joe Wasserman. I'm with Connecticut Coalition for Environmental Justice or CCEJ. We work with folks in urban areas in Connecticut around issues having to do with urban pollution and how it affects the health of the residents. I want to thank Senator Meyers and the other

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co-chair and the members of the Committee for this opportunity to testify.

We're here in support of H.B. 6437, AN ACT ESTABLISHING A MATTRESS RECYCLING STEWARDSHIP PROGRAM. We're concerned about what the massive amount of problems creating in terms of the environment by the incinerator. These mattresses all too often end up getting burned in the incinerator in Hartford that so called trash to energy plan that burns trash 24 hours a day, seven days a week.

These mattresses cause unnecessary breakdowns at these facilities and, therefore, not wanted in these plans. So, it causes a problem there as well. So, we want to reduce what we burn in these incinerators that folks in Hartford and the area are breathing, a lot of the toxins that are released by this incineration and to get -- to develop a good mattress recycling program will help this along.

Again, we need to stress the point that extended producer responsibility programs place the financial responsibility for end-of-life product management on the manufacturers. The state's EPR legislation is to save our municipalities and residents thousands of dollars annually and provides a recycling outlet for tons of unwanted electronics. We look forward to the same type of savings, recycling, and convenience for residents when the EPR legislation for paint is implemented in the next year.

The disposal of mattresses is a significant cost to municipalities across Connecticut and often to consumers as well. Our communities pay for mattress disposal using taxpayer funded funds paying \$10 to \$45 per unit tip fees. So, that's money that could be used for education

and other services that are being thrown out the window in terms of mattress recycling -- the cost of mattress recycling for the municipalities.

The other thing I just want to emphasize is it is also a job creation mechanism. I don't think that's been mentioned yet. Recycling creates a lot more jobs than incineration or land filling. So, you're putting people back to work doing something that's useful for society. So, it is an economic development tool for the urban areas. Thank you.

REP. GENTILE: Thank you, sir. Any questions or comments from Committee members? Okay, thank you.

JOSEPH WASSERMAN: Thank you.

REP. GENTILE: Aaron Terranova followed by Chris Hudgins.

ARRON TERRANOVA: Good afternoon, members of the Environmental Committee. My name is Aaron Terranova. I'm here to speak in support of Senate Bill H.B. 6437 on behalf of Pascal Cohen, president of Recyc-Mattress Corporation. And if you don't know, Recyc-Mattress Corporation is an international recycling company with locations in Canada, United States, and Europe. We've been recycling mattresses for the past seven years with a minimum recycling rate of 95 percent.

Mr. Cohen came to Connecticut in November of 2011 after learning from industry representatives that Connecticut municipalities were engaged in dialog about mattress disposal issues. He learned that mattress disposal was fragmented, costly, and unfocused on economic value associated with recycling.

Seeing the legislative climate in support of a recycling business as well as the need for mattress recycling facility, the company decided to invest \$500,000 and open the facility here in Bloomfield, Connecticut in April of 2012. The facility pays its taxes to the town. The state has hired 6 employees to date.

And according to the U.S. Census Bureau, Connecticut population is 3.5 million people which means approximately 350,000 mattresses were discarded in 2012 alone and only 40,000 of those were recycled.

This bill would help recycle those 350,000 mattresses and eliminate 11,000 tons from the waste stream and save \$10.5 million of disposal costs for the state based on a \$30 per piece disposal, create 40 additional jobs the same way it has in our other facilities in France and Canada where similar bills were introduced.

This bill can create opportunity for our business to grow and make this project viable and environmentally friendly and create a viable solution to our waste stream and create increased value in state's recycling rate.

I hope this helps you get a better understanding of what this bill will ensure for us and our viability for our company and its employees.

If you have any questions, I can write them down for Mr. Cohen and he will gladly respond to you via e-mail within 24 or 48 hours.

REP. GENTILE: Aaron, thank you. And thank you for that offer. Any questions?

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Yes, Representative Shaban.

REP. SHABIN: Thank you, Madam Chair.

How -- you said Recyc-Mattresses has been here for seven years or so. Is that --

ARRON TERRANOVA: The company, itself, has been in business in the United States and -- well, in the United States for a few years in Canada and Europe for over seven.

REP. SHABIN: What's been the success rate of or has it been successful in Connecticut, you know, since it started? You know, what I'm trying to do is get the picture if there's already a private market here and you're already having some degree of success, you know, the question a lot of people ask well, why are we getting involved at all as a government if the private market is already filling the voice.

ARRON TERRANOVA: Right. Yes. And I would probably have to defer that to Mr. Cohen to get that answer to you.

REP. SHABIN: How long have you been operating in Connecticut then?

ARRON TERRANOVA: One year.

REP. SHABIN: Okay. Thank you. Thank you, Madam Chair.

REP. GENTILE: Aaron, how many people are employed by the company? Do you know?

ARRON TERRANOVA: The total, no I do not. I know we have -- they have nine facilities in Canada and one in France and two here in the states.

REP. GENTILE: And the two that are here in the

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states, one is located in Bridgeport?

ARRON TERRANOVA: One is located in Bloomfield.

REP. GENTILE: Bloomfield. Okay. Thank you.

ARRON TERRANOVA: You're welcome.

Chris Hudgins.

CHRIS HUDGINS: Thank you, Madam Chair, members of  
the Committee. My name is Chris Hudgins. I'm  
the Vice President of Government Relations for  
the International Sleep Products Association. We represent over 700 companies' mattress  
manufacturers and suppliers of components to  
the industry. I think some of you have met  
some of our members in state, Blue Bell  
Mattress Company which is also known as Comfort  
Solutions or King Koil. It has been started in  
Hartford in 1921. They're now in East Windsor.  
And Gold Bond Mattress which was started in  
Hartford has been here since 1899.

HB 6437

We're here to speak in support of the consensus  
proposed substitute language that we have  
developed with Connecticut Mattress - excuse  
me, the Connecticut Mattress Stewardship Group.  
We started out last year when the Committee  
presented a bill. We had some concerns with it  
because it was costly. An insufficient  
solution, we've since worked with the group to  
address those concerns and we're now  
comfortable with the language. I believe  
that's all been shared with you. So, we  
request that you adopt that language.

Probably the most important component of the  
new language is the eco-fee which has been  
discussed a little bit before. But the proposed  
language would require the eco-fee to be  
visible on the invoice when a consumer

purchases a mattress. And that makes sure that they clearly understand the service they are receiving and that they have an option to recycle the mattress when we're done with it.

It also creates a transparency for tracking the fate, so, we can understand where it's going and make sure we have a system to collect it properly.

As discussed, this approach has proven successful with other products such as tires, auto batteries, motor oil, paint. And, frankly, without this fee, we would not be able to support this bill. So, it's a very key provision for us.

Tim Phelan mentioned some of the requirements in there prohibiting retailers from collecting a fee. When they pick up mattresses, that actually has been addressed. They would still be able to do that and provide a service. Often, they call it a delivery or set-up fee that could still be charged.

With that, I'm happy to answer any questions you have. We've worked well with the City of Hartford. Marilyn Cruzamonte has been very helpful with us as well as Tom Metzmer. So, we're comfortable with this language and we hope you will support it.

REP. GENTILE: Chris, thank you for your time and testimony. And, also, thank you for your efforts working with everybody. We appreciate it.

Representative Miller.

REP. MILLER: Thank you, Madam Chair.

When you buy a mattress, the company will pick

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up your old mattress. Do you see any problem with the stores picking up the old mattress and bringing them to a recycling center?

CHRIS HUDGINS: You mean currently?

REP. MILLER: Yes.

CHRIS HUDGINS: You know, my understanding is not all retailers are currently doing that.

REP. MILLER: I know.

CHRIS HUDGINS: What this would allow us to do is the way we would probably administrate this is set up our organization. This organization would contract with retailers. So, retailers would take the mattress back from the consumer and then we would get it from them.

REP. MILLER: Currently, I think, a lot of them take them right to a transfer station to be burnt. But I'm asking if a they bring it to a recycling center, would that be some kind of a negative for them as far as financial?

CHRIS HUDGINS: No, actually, it would be a positive

REP. MILLER: Okay.

CHRIS HUDGINS: -- because right now recycling or, excuse me, retailers have to pay a recycling cost or a disposal cost. That cost wouldn't be there anymore because we would get it from them, take it from -- take it to the recycler. We would also go to those waste transfer stations and collect it, the mattresses from them as well.

And a consumer, if they have one and just want to show up at a facility to recycle it, we

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would take that as well.

REP. GENTILE: Thank you. Chris, thank you for your testimony.

CHRIS HUDGINS: Thank you, Madam Chair. Appreciate your support and Chairman Meyers and as well as Representative Wildlitz.

REP. GENTILE: Thank you. Cheryl Reedy followed by Jeff Lichtman.

CHERYL REEDY: Representative Gentile, Representative Shaban, and Senator Chapin, my name is Cheryl Reedy, I'm testifying on behalf of the Housatonic Resources Recovery Authority that covers the municipalities of Bethel, Bridgewater, Brookfield, Danbury, Kent, New Fairfield, New Milford, New Town, Redding, Ridgefield, and Sherman. We are testifying in support of H.B. 6437, the composed consensus substitute bill.

Even in our neck of the woods, this bill will save our municipalities money. We're not spending as much as the City of Hartford is or other larger municipalities, but small municipalities are charging residents between 10 and 20 dollars per piece to dispose of mattresses and box springs. And it will be a benefit for our residents, as well as, a savings to municipalities, especially for those mattresses that they pick up along side the road.

Our region uses the Bridgeport Waste Energy Facility. And the mattresses there get stuck in the line and pose a problem at those facilities.

I, also, was a member of the Governor's Recycling Working Group and one of the co-

chairs of that group. And we recommended that the product stewardship which would foster economic development and job creation throughout the lifecycle of products should be one of the things supported in the future. We support mattress stewardship legislation as one of the five items on the working group's short-term actionable item list. We supported this legislation last year. And we appreciate the efforts of the industry that have gone into making this a consensus proposal this year.

My written testimony is submitted for the record. So, I'll just take any questions if you have any.

REP. GENTILE: Cheryl, thank you. And thank you for your time. We appreciate you being here. I know one of the things that is very helpful to myself and some of the other members here on the legislature is that, initially, this was thought to be, perhaps, a big city issue. So, by having small communities represented, it is an indication to us that this is systemic, it's statewide. So, we appreciate that.

Any comments? Rep - I'm sorry, Senator Chapin.

SENATOR CHAPIN: Thank you, Madam Chair and, Cheryl, thank you for serving on the Recycling Committee. We certainly appreciate your work.

CHERYL REEDY: Thank you.

SENATOR CHAPIN: You had referred to this as a consensus bill, but, apparently, after listening to Mr. Phalan's testimony, at least one of the stakeholders is not on board. Is that correct?

CHERYL REEDY: Evidently.

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SENATOR CHAPIN: And does that come as a surprise to you today or --

CHERYL REEDY: This morning was the first time I knew of that.

SENATOR CHAPIN: And I've also heard conflicting testimony about whether or not the retailer who delivers that can charge some sort of a disposal fee for the one that they carry out of the house. Can you address that?

CHERYL REEDY: It's my understanding that under the consensus proposed language that the retailer would be able to charge for that.

SENATOR CHAPIN: And I guess I would question why we would want to do that because one of the reasons we're considering taking up this bill at all is because of the waste issue or the improper disposal issue, more importantly. If you charge a consumer a fee, if the person delivering the new mattress decides to charge a fee, in essence, doesn't that kind of promote the consumer to then dispose of it improperly because he could do that free?

CHERYL REEDY: I'm not quite sure that I understand your question. But my understanding for the reason that the retailer was able to charge this fee is that they are providing a service. Even though the eco-fee is a part of the purchase of the mattress and any individual can take it to a transfer station or any other location and get rid of it at no charge, if they choose to use the retailer to pick it up and take it pack, then that's a service that the retailer is providing.

SENATOR CHAPIN: But in the --

CHERYL REEDY: Does that make sense?

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SENATOR CHAPIN: In the legislation before us, we're prohibiting them from charging that fee.

CHERYL REEDY: In the proposed consensus language, we are not prohibiting them.

SENATOR CHAPIN: So, the language before us is not what you're referencing then?

CHERYL REEDY: That's correct.

SENATOR CHAPIN: So, we don't have the latest version of what you're considering the consensus draft?

CHERYL REEDY: That would be my understanding.

SENATOR CHAPIN: Thank you. That does answer the question. And, again, thank you for your work, not only on this issue, but on all the other recycling issues.

CHERYL REEDY: Thank you.

REP. GENTILE: Thank you.

Representative Shaban.

CHERYL REEDY: Oh, I'm sorry.

REP. GENTILE: Cheryl, don't go away yet.

REP. SHABIN: Thank you, Madam Chair. I'm going to sort of pose the same question I posed before. I'm trying to figure out how successful or not successful the private efforts to date have been in this state and see if you have any thoughts on that.

CHERYL REEDY: It's my understanding from talking with Pascale Cohn at last week's Recycling

Means Business roundtable that the Governor hosted as well as with Adrienne Houel who is here today from the Bridgeport Company that does the mattress recycling that these two businesses located in Connecticut and/or started in Connecticut precisely because this mattress legislation was pending and they thought it was going to be passed. And that it was necessary for the success of their business for mattress stewardship legislation to pass. So, they're here in anticipation of this legislation and need for it to pass.

I'm sure that other people who are more familiar with the business can speak to this better than I can. But that's just my understanding.

REP. SHABIN: Fair enough. And, maybe, I'll hold the question. Yes, I think I have a different recollection from what I heard last year. But I'm trying to connect the dots, so, I appreciate the dots.

The Housatonic Recovery Resource folks you represent, some of the small towns you mentioned in there including the town that I lived in, has there been? I mean, to my knowledge, at least in my town or my towns, small towns, there hasn't been a mattress discarding problem, at least not one that's been brought to my attention. Am I wrong about that?

CHERYL REEDY: There are mattresses discarded -- littered in all of the municipalities that HRA represents. They pose a bigger and greater problem depending on what town you're talking about. But all of the towns have mattresses that are left alongside the road.

In some instances, it's because some people

balk at paying the \$10 to \$20 to take it to the transfer station. In other instances, it's just that the mattresses are there with old sofas and other sorts of things. And they get picked up by the Public Works. And the cost of that falls on the municipality for disposal at this point. It may be only two or three a year in some smaller towns. In larger towns, it may be a 100 or so a year.

REP. SHABIN: Yes, I guess, if it was a small -- a handful like that in smaller towns, it would escape my nose, I suppose.

CHERYL REEDY: Right.

REP. SHABIN: All right, thank you. Thank you, Madam Chair.

REP. GENTILE: Thank you.

Jeff Lichtman followed by Adrienne Houel.

JEFF LICHTMAN: Thank you very much, members of the Committee. My name is Jeff Lichtman from Madison, Connecticut. I'm a consultant to the Bridgeport Regional Business Council and I'm presenting testimony on behalf of Paul Timpanelli, the president of the Bridgeport Regional Business Council.

The Council is a non-profit advocacy organization representing more than 1,000 members in the Greater Bridgeport area. They are presenting testimony in support of House Bill 6437, AN ACT CONCERNING MATTRESS STEWARDSHIP.

The proposal will create a win/win for Connecticut. The disposal of mattresses in an environmentally appropriate manner while creating green jobs and business opportunities

for Connecticut workers and entrepreneurs.

Bridgeport Regional Business Council created a public/private partnership with the City of Bridgeport in 2008 to create a comprehensive sustainability green print for the city that supports Mayor Finch's desire to be one of the cleanest and greenest communities in America. That effort has led to many important achievements in energy conservation and renewable generation, significant improvements in our recycling rates, better approaches to storm water management and water conservation, the revitalization of park lands and our water front, greater emphasis on transit first policies, and the creation of several new green businesses in Bridgeport including Solar Change, Flexi-pave, Bridgeport Biodiesel, and Park City Green, the state's first mattress recycling facility.

As many of you know, mattresses are a nuisance -- a nuisance product in our waste stream. They cause problems and pollution in our resource recovery facilities and out of state land filling creates a needless carbon footprint and increasing costs at a time when we in Bridgeport have proven that recycling is not only viable, but economically feasible and environmentally sustainable.

Our mattress recycling facility is creating job for those reentering the workforce, reusing commodities that have value, improving air quality in a non-attainment corridor, and helping us attract other green businesses to our Eco-Industrial Park. Bridgeport's imagine has the sustainable communities' enhanced by Park City Green's mission and work.

Others who have testified to the real need for this stewardship effort from a solid waste

management perspective. And I agree with their reasoning. Mattresses, like, paint, tires, electronic equipment needs special attention and their appropriate disposal shouldn't needlessly burden municipalities or other waste management systems. They're a unique product that can be viewed as a resource for recycling and reused not for burning and land filling. There is a better way, and Connecticut is poised to be a natural model in demonstrating that way.

Last year, this bill had many supporters and some adversaries. But through the hard work of both the stewardship proponents and the international Sleep Products Association, the bill before you is an example of public/private cooperation with limited government involvement and a shift in the cost of disposal from taxpayers to manufacturers and consumers where it rightfully belongs. That cooperative process is also a model, one, that should be rewarded by passing the bill immediately, thereby, creating jobs and entrepreneurial opportunities for Connecticut workers and businesses improving the health and environmental quality in our state. It is a triple-bottom line win. Economic prosperity, environmental stewardship, and social progress, and we at the Bridgeport Business Council will applaud those efforts. Thank you so much.

REP. GENTILE: Thank you, Jeff. Adrienne. Adrienne will be followed by Doug Williams.

ADRIENNE HOUEL: Good afternoon, Committee members and co-chairs. I thank you very much for this opportunity to speak and to defend the purposes and objectives of H.B. 6437. My name is Adrienne Housel. I am President and CEO of the Greater Bridgeport Community Enterprises which is a founding partner of Park City Green which

is a unique, non-profit mattress deconstruction and recycling facility located in Bridgeport.

As Jeff mentioned before, we are at the point of working for more than seven months now in the deconstructing and recycling mattresses in our community. And we have created jobs and look forward to creating a total of 20 to 25 jobs over the next three years and recycling more than 100,000 mattresses. We have the capacity. We have the tools and the equipment on site. We have the trained workers. And we have the super structure and infrastructure to do that.

We do represent the existing infrastructure in the State of Connecticut today to handle the results of H.B. 6437 which we hope will be many, many mattresses coming into our community to deconstruct and recycle.

Our objective is to hire, to train, and employ folks who are low income, Bridgeport residents, people who have difficulty -- who have had difficulty in holding a job and who are some of the more disadvantaged residents of our community. Right now, out of the seven people that we have employed over the last eight months, we have, at least, 80 percent of them who have been ex-offenders. We will continue to work with one of our partners, Family Reentry to attract additional ex-offenders to work with us and get them back on track and keep them out from going back to prison.

One of the things that I'd like to say to you, you have my written testimony, so, I won't go through every single comma and dotted I. But I would like to say that we have been deconstructing mattresses for these eight months and have proved that we can recycle successfully between 2 and 3,000 a month. Our

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objective would be to get to 8 or 9,000 a month so we can meet our 100,000 mattress objective. To do that, the bill is necessary.

But we have proven that this system works. We have customers who are municipalities, universities, and institutions across the State of Connecticut. And we also have found recyclers who want to take in the products that we produce, the foam, the cotton, the wood, the toppers. And we want to continue that and expand it. So, the proof of the pudding is already there. You know that the infrastructure works and that it does product jobs that are much needed, especially, in our Bridgeport area.

I'd like to close in saying that when this bill is passed, and I certainly hope it will be, I certainly do thank all of you who have supported it, not only last year, but this year again. I think there are probably more co-sponsors now than there even were last year. And, Lord knows, there were a lot of them then. But what we would like to do is offer our services to help continue this proof that the system works because we are a non-profit organization, we hope to be able to help you -- help get this system started and get it working when we have the entire group that is going to be organized around effectuating the bill. And I know that the implementation period has been already designated as being between six or nine months. So, I think that during that time, we can be of use to help work out some of the details and help to get the system started even quicker. Thank you very much.

REP. GENTILE: Adrienne, thank you. Just a couple of questions for you.

ADRIENNE HOUEL: Sure.

REP. GENTILE: Approximately, when you deconstruct the mattress, approximately how much is being - what's the percentage that's being reconciled? It is over the 90 percent mark?

ADRIENNE HOUEL: It's just about at 90 percent, a little bit over, yes. We deconstruct it manually which means we recoup every single morsel that we can. The deconstructive materials should be clean and well separated so they can be negotiated with jobbers who are going to reuse them in manufacturing processes. And we have found people who are taking our foam, our wood, our -- our foam, wood, and steel are the most negotiated pieces. Also, the toppers. So, the entire system and chain operates very well.

REP. GENTILE: And you said this is all being done manually, so, that's very labor intensive.

ADRIENNE HOUEL: That's why we choose to do this.

REP. GENTILE: How many employees do you have currently?

ADRIENNE HOUEL: Right now we have five. We've had up to seven. The extra two were hired on because we have a large influx of mattresses.

REP. GENTILE: Thank you. And we certainly appreciate your efforts as far as the social aspect of hiring ex-offenders. Certainly, that will go a long way in decreasing our rate of recidivism, so, we thank you for that.

ADRIENNE HOUEL: Thank you for this opportunity.

REP. GENTILE: Representative Shaban.

REP. SHABIN: Thank you, Madam Chair. I'm kind of

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following up with a question I sort of asked a couple of folks ago.

ADRIENNE HOUEL: With Cheryl?

REP. SHABIN: Yes, I think that's right, yes. I'm just trying to remember what the concerns were last year when this bill was here. I mean, when we had it, we had a couple of folks from the industry saying, hey, we're already doing this. You know, we can make money doing it. We don't need folks, you know, we don't need a government program. And, now, it seems like maybe there's been some common ground reached and maybe this will work since it's -- the extended producer responsibility has been going on for a long time and this is just another example of it, I think.

Your outfit is a not-for-profit?

ADRIENNE HOUEL: Yes, it is.

REP. SHABIN: Are there for profit mattress recyclers in the State of Connecticut?

ADRIENNE HOUEL: There is one other that is a for-profit organization.

REP. SHABIN: And how long have they been operating as a for profit?

ADRIENNE HOUEL: You'll have to ask them. I think they started a bit after we did. At least they got their permit after we did. We were the first to get our permit in the state.

REP. SHABIN: Right. Because I remember last year there were two -- at least two or three folks doing this and maybe --

ADRIENNE HOUEL: No, only two.

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REP. SHABIN: Okay. So, it's the same two.

ADRIENNE HOUEL: Same two.

REP. SHABIN: Okay, okay. If this didn't pass and I think it will. Let me just put that right out there. And I'm just trying to wrap my head around the differences from last year. Could the model still work or could the business model -- could your business still work. I mean, it seems like it was working for eight months. This would just make collection a whole lot easier.

ADRIENNE HOUEL: No, it would make the volumes go quicker. The -- we have a model that was first tested in California and in Oregon. Out there they are recycling under the same umbrella, the same non-profit, more than 140,000 mattresses a year. It belongs to a group called St. Vincent's de Paul of Lane County Oregon. And they have been successful in the collection without a state-mandated program. However, it took them many, many years to work up to that level. I think what we're looking for is a great start. We did come in feeling that the State of Connecticut was well positioned to have legislation. So, it was a bit in anticipation of that.

I think we've gotten the proof out there that it does work. But, obviously, if we could have this legislation go through, our operations would be much more profitable earlier. And when I say profitable, for a non-profit, that means we can hire more people and we can grow our corporation so, that it really has a bigger economic impact in our neighborhoods.

REP. SHABIN: One more if I may. The not-for-profit model that you're using, did you say that the

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folks out West are doing the same not-for-profit?

ADRIENNE HOUEL: Yes.

REP. SHABIN: Why not for profit? I mean, I'm assuming this is a method to do other things.

ADRIENNE HOUEL: Well, if you call St. Vincent de Paul, you will be a not-for-profit.

REP. SHABIN: I'm sorry?

ADRIENNE HOUEL: If you called St. Vincent de Paul, you will be a not-for-profit. It's 400 years worth of non-profit work.

REP. SHABIN: It for -- yes, for broader community purposes that you mentioned, correct.

ADRIENNE HOUEL: And that, quite frankly, is our reason for doing that. I represent the umbrella organization under which Park City Green resides. And our reason for choosing this was because it was labor intensive as Lynn indicated. But, also, because it is a triple bottom line operation. So, the social good, the environmental good and, of course, the economical development part are all part of our triple line.

REP. SHABIN: Well, thank you. Thank you, ma'am.

REP. GENTILE: Thank you. Representative Miller.

REP. MILLER: Thank you, Madam Chair and good afternoon --

ADRIENNE HOUEL: Good afternoon.

REP. MILLER: -- on a snowy day. I'm a supporter of this particular legislation and have been. Do

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you encourage local communities such as the ones about Bridgeport, Trumbull, Stratford or Fairfield and Monroe to bring their mattresses down to your recycling center?

ADRIENNE HOUEL: Yes. We have been -- I think we know everyone from Stratford on down to Stamford and have visited the transfer stations and spoken with officials in the Public Works Departments.

I think one of the reasons this legislation is so interesting for us is that it helps communities to really identify what is the level of -- number of mattresses that they have for disposal. Until you really have to segregate your waste stream, you don't know what you've got in it. Most of them are telling us that they don't have many and that they don't represent a problem yet.

I think they're waiting, also, for the legislation to see how they're going to be organized for that. And we have, obviously, been taking some municipalities' mattresses. And that does range from Wethersfield to several that are closer to us. But not exactly our are immediate neighbors.

REP. MILLER: Would you accept a mattress from an individual who is coming into your facility?

ADRIENNE HOUEL: We have public days.

REP. MILLER: Okay.

ADRIENNE HOUEL: It's essentially a business-to-business model, but we do have public days and our neighbors can bring in their mattresses.

REP. MILLER: And that's no charge?

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ADRIENNE HOUEL: No, it is a charge.

REP. MILLER: Oh, there is a charge?

ADRIENNE HOUEL: Yes.

REP. MILLER: How much?

ADRIENNE HOUEL: \$15.

REP. MILLER: \$15?

ADRIENNE HOUEL: Mm-hmm.

REP. MILLER: Stratford abuts Bridgeport.

ADRIENNE HOUEL: Yes.

REP. MILLER: Where our transfer station is is right  
by I-95.

ADRIENNE HOUEL: Mm-hmm.

REP. MILLER: So, we have about half a dozen  
underpasses. And a lot of people and I don't  
need to talk about -- I'm not talking  
negligently about Bridgeport, but we have a lot  
of people that leave mattresses under the  
underpasses. And, now, our Public Works  
Department has to pick them up. You know,  
they're too lazy to take them down to your  
place and they'll just go under the underpass  
and drop it off. So, our Public Works has to  
pick these things up because, you know, they  
don't -- it's not everyday there's some  
mattresses there, but there are a lot in the  
course of a year. So, I think, this is  
something that I hope would encourage people to  
dispose of them properly.

ADRIENNE HOUEL: Well, we have a blight problem in  
Bridgeport as well. And mattresses do appear

on the street corners, although, our transfer station does take them for free. What we suggested with the mayor is to hold mattress days in different neighborhoods, so, we'll have a track there and people can bring and will be notified, of course, through the NRZ or other community organizations that we'll be there. And they can bring their mattresses directly to us. That's something that could work in your community as well.

REP. MILLER: As a youngster, 10 or 12-years old, we loved mattresses. Thank you very much.

ADRIENNE HOUEL: You're quite welcome. And I appreciate you're being from Stratford. That's where I grew up and went to school.

REP. GENTILE: Thank you. Adrienne, thank you.

ADRIENNE HOUEL: Thank you very much.

Doug Williams followed by Karl Reichle.

DOUG WILLIAMS: Okay. I'm working on the arborous bill, jumping around here a little bit.

My name is Doug Williams. Well, first of all, good afternoon, Senator Meyer, Representative Gentile, and members of the Environment Committee. My name is Doug Williams. I'm a licensed arborists and Vice President and past President of the Connecticut Tree Protective Association and a member of the Connecticut Environmental Council.

I'm here to support Bill 6538 concerning arborists and tree wardens. While not a perfect bill, this proposed legislation will enable DEEP to better regulate arborous businesses. By this, I mean, it will be more difficult for tree care businesses to operate

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT  
PART 6  
1666 - 2009**

**2013**



pg. 6  
line 4

Connecticut Retail Merchants Association  
60 Forest Street  
Hartford, Connecticut 06105  
Phone (860) 527-1044  
Fax (860) 493-7476  
Website [www.crmaonline.com](http://www.crmaonline.com)

Timothy G. Phelan  
President

Sen Myer, Representative Gentile, Sen Chapin, Representative Shaban and members of the Environment Committee,

I am Tim Phelan and I am the President of the Ct Retail Merchants Association and I am here today to testify in opposition to HB 6437, An Act Concerning a Mattress Stewardship Program. As you know CRMA is a statewide trade association representing some of the world's largest retailers as well as the state's main street merchants. Today our focus is on the many Ct retailers that sell mattress and other bedding direct to customers.

Before I begin with my specific reasons for opposition to this bill, I want it to be known to all parties involved in this issue, in particular the Sen. Co – Chair of this Committee Senator Meyer and Representative Pat Widlitz, of our profound respect for their work on this issue.

We simply disagree about many parts of this bill but we respect their views and we hope they respect ours as well.

With regards to the bill we have a number of issues that we will continue monitor and hope they are worked out, but I would like to highlight two major objections.

First, the funding mechanism by which this new program will be administered would fall directly on Ct consumers in the form a new fee or in our opinion a new tax.

Retailers would be required to add this new fee to the purchase price of a new mattress along with a brief description of why this new fee is added. This would obviously add additional cost to the Retailers to reprogram systems but more importantly it would raise the purchase price of the mattress, thereby putting us at a competitive disadvantage with surrounding states and online, web based retailers who will have no obligation to follow this scheme should it become law.

Any additional fees that are added to the cost of a purchase of ANY item in today's economy could and most likely would drive business away from Ct retailers. Proponents of this idea may be willing to take the risk that customers will understand, but for the hundreds of Ct retailers that sell mattress that is too risky a bet and in some cases could be a fatal one.

The second major objection we have is in Sec 3. The language appears to prohibit a retailer from charging a fee to collect from the customer the old mattress when they deliver their new mattress. This

language would radically change the way many retailers operate and in some ways dictate how they interact with their customers while also inadvertently add MORE discarded mattress onto the curbside.

For example, a retailer who currently sells a mattress to a customer with an additional fee added in for the take away of their old mattress would be prohibited from charging that fee for pick up of the old mattress. Many retailers include the cost of pick up INTO the purchase price and have current contracts with haulers to remove the old mattress. That feature of the sale is very popular with customers. Many retailers use that as selling point and in a competitive marketplace work the price into their business plan.

Other retailers, like CRMA Board member Tom Wholley from Ct Mattress who will also testify on this bill, charge a separate fee for the take away of an old mattress and use a portion of the disposal fee to give back to the community in form of charitable contributions.

Sec 3 of the bill would appear to eliminate both methods of take away of old mattress and that in turn would discourage ANY retailer from takeaway of old mattress ,leaving customers with no choice but to put that mattress on the curb.

Now maybe that is the intent of the bill, have ALL mattress place curbside so that "Council" can direct pickup, but for Retailer's it strikes at the heart of our business – customer service.

Good customer service – building that personal relationship with that customer - is the hallmark of successful retailers and sec 3 of the bill would severely hamper that effort.

Finally, as we mentioned there are other parts of this bill that we are simply not comfortable with. Anytime our customers have to pay mandated fee's it hurts our business. And in this case, despite what the proponents might suggest, NO OTHER state in the region is considering this type of legislation. Once again Ct retail businesses, the main street small business that drive a good economy, are placed on an Island all alone.

We believe until a national model can be found and enacted by Congress the existing system is sustainable. Emerging recycling markets have begun to take hold and we think this Committee and the General Assembly should focus on growing those markets rather than forcing a new program and another "fee" onto Ct residents and thereby hurting Ct. Retailers.

Thank you for your time. I would be happy to answer any questions you might have.



PEDRO E. SEGARRA  
MAYOR

CITY OF HARTFORD  
ADVISORY COMMISSION ON THE  
ENVIRONMENT  
WASTE & RECYCLING ACADEMY, 1<sup>ST</sup> FLOOR  
525 MAIN STREET  
HARTFORD, CONNECTICUT 06103  
[WWW.HARTFORD.GOV](http://WWW.HARTFORD.GOV)



March 5, 2013

*Commissioners*

*Written Testimony In support of*

**Raised Bill 6437, An Act Concerning a Mattress Stewardship Program**

*Acting Chair:*

*Mark Mitchell, MD,  
MPH*

Chairperson Meyer, Chairperson Gentile, and members of the committee, thank you for the opportunity to submit written testimony in support of Raised Bill 6437, An Act Concerning a Mattress Stewardship Program.

*Co-chair:*

*William Upholt*

The mission of the Advisory Commission on the Environment (ACOTE) for the City of Hartford is to explore ways Hartford City Government can act in the interests of residents regarding environmental health hazards and make specific recommendations for action. We thank and commend Mayor Pedro Segarra for his leadership on this issue. We strongly support Raised Bill 6437 and encourage a Joint Favorable recommendation. Establishing a statewide mattress stewardship program is a Win-Win.

*Secretary*

*June O'Neil*

**Mattress stewardship is a win for our economy.** Mattress stewardship will save our cities and towns money. Before the City of Hartford made alternative arrangements in 2011, the city faced mattress disposal costs of more than \$400,000 for the year. Mattress stewardship will also keep valuable commodities such as metals, wood, foam, and cotton circulating in our economy rather than wasting in landfills or incinerators. Finally, recycling means jobs – many more jobs than land filling or incineration. Park City Green in Bridgeport is providing living wage jobs to ex-offenders and hard-to-employ residents, adding social benefits to economic benefits.

*Members :*

*Marisol  
Monserrate*

*Charles  
Nobilski*

*Edgar Fabian  
Salazar*

**Mattress stewardship is a win for the environment.** Given the difficulty of disposal, too many mattresses end up littering our city streets and polluting our waterways statewide. Burning mattresses in incinerators releases pollution into the air we breathe and adds to the toxic incinerator ash we are running out of space to dispose of. As we represent the host community for the largest incinerator in the state, ACOTE supports all efforts to increase recycling and reduce the flow of material to incinerators. On the specific matter of mattress recycling, it happens that the incinerator operators agree because mattresses are bulky and difficult to manage. Mattress recycling also benefits the environment in that 95% of the materials in mattresses can be reused thus reducing our need to collect new raw materials.

*Staff:*

*Nicole Hawley*

*Mayor's Office  
Rep.*

*Vacant*

Considering the clear economic and environmental benefits as well as the inclusive stakeholder process which has produced unified support for this legislation from municipal leaders, the mattress industry, environmental advocates, and the state's incinerator operators, we strongly encourage the committee and full General Assembly to support Raised Bill 6437 without delay.

Sincerely,

Mark A. Mitchell M.D., MPH  
Acting Chair

William B. Upholt, PhD  
Co-chair

## Capitol Region Council of Governments

241 Main St., Hartford, CT 06106  
Phone: (860) 522-2217 FAX: (860) 724-1274  
Web Page: [www.crcog.org](http://www.crcog.org)

**DATE:** MARCH 8, 2013  
**TO:** CHAIRMEN AND MEMBERS OF THE ENVIRONMENT COMMITTEE  
**FROM:** MARY GLASSMAN, CHAIRMAN, CRCOG POLICY BOARD  
LYLE D. WRAY, PHD, EXECUTIVE DIRECTOR  
**SUBJECT:** RAISED BILL NO. 6437, AN ACT CONCERNING A MATTRESS  
STEWARDSHIP PROGRAM

For more than 40 years, the Capitol Region Council of Governments (CRCOG) has served Hartford and 30 surrounding municipalities. We support Raised Bill 6437, An Act Concerning a Mattress Stewardship Program, which would expand the current extended producer responsibility programs in Connecticut to include mattresses.

The disposal of mattresses is a significant cost to municipalities across Connecticut and often to consumers as well. Some communities pay for mattress disposal using taxpayer funds paying \$10 - \$45 in per unit tip fees. Other local municipal transfer stations in our region charge residents between \$10 and \$20 for dropping off a mattress, double if a box spring is included. Typically the \$10-\$20 fee just covers the municipality's cost of disposal, a cost that is borne by all taxpayers for those mattresses that are illegally dumped along a road or street side.

Our region's solid waste goes to waste-to-energy facilities in the state. Mattresses cause unnecessary breakdowns at these facilities and, therefore, are not wanted in these plants.

Extended producer responsibility (EPR) programs place the financial responsibility for end of life product management on manufacturers. The State's EPR legislation for e-waste has saved our municipalities and residents thousands of dollars annually and provide a recycling outlet for tons of unwanted electronics. We look forward to the same type of savings, recycling and convenience for residents when the EPR legislation for paint is implemented in the next year.

An EPR program for mattresses will save municipalities and residents money, provide greater convenience for residents, and reduce the growing illegal dumping associated with resident attempts to avoid disposal fees. Just as EPR legislation for electronics and paint have already created economic opportunity and private sector jobs in the state, so too will a mattress EPR program.

CRCOG supports this bill and encourages your favorable action.



CITY OF NEW HAVEN  
 OFFICE OF THE MAYOR  
 165 Church Street, New Haven, CT 06510  
 Phone (203)-946-8200, Fax (203)-946-7683



John DeStefano, Jr. **Testimony of the City of New Haven**  
*Mayor* **Before the Environment**

*Regarding*  
**HB 6437 AN ACT CONCERNING A MATTRESS STEWARDSHIP PROGRAM**

*Submitted by*  
**Rebecca Bombero, Deputy Chief of Staff**  
 March 8, 2013

Senator Meyer, Rep. Gentile, members of the committee thank you for the opportunity to testify in support of HB 6437 AN ACT CONCERNING a MATTRESS STEWARDSHIP PROGRAM.

The City of New Haven, through its Office of Sustainability has prioritized increased recycling and diversion from the waste stream and this proposal accomplishes both of those goals. The program would divert mattresses from the waste stream and would lead to an increased in recycling of these materials. The Mattress Stewardship Program, similar to the Paint Stewardship and E-Waste programs, also creates a system that removes the financial and administrative burden from municipalities like New Haven.

An April 2011 survey conducted by the Department of Energy and Environmental Protection found that the cost to towns for mattress disposal exceeds \$1.2M annually. For communities like New Haven mattress disposal also leads to significant blight. With over fifty percent of our housing units occupied by renters, we see a significant amount of transience in certain areas of the City. Rental cycles are most visible as piles of furniture – most often mattresses are disposed on tree belts. This proposal would create a system to help ameliorate these problems.

The City supports the Mattress Stewardship Program to reduce cost and promote the responsible disposal of mattresses.

Thank you for your consideration.



March 8, 2013

Environment Committee  
Room 3200, Legislative Office Building  
Hartford, CT 06106

Dear Chairman Meyer, Chairwoman Gentile and members of the Committee,

My name is Robert Naboicheck and I am the President of The Standard Mattress Co.. Our company had been making mattress for 111 years. We are located in Hartford CT where we employ 60 workers.

Since last year, I have been following the Committee's efforts to enact mattress recycling legislation as it will have a profound effect on my business. While I could not support the approach initially taken by the Committee last year, I am pleased to say that we believe a workable solution has been crafted that will promote mattress recycling without harming my business. To that end, I write to express my support of the consensus proposed substitute language for HB 6437 that has been developed by the International Sleep Products Association and the CT Mattress Stewardship Group.

The proposed agreement addresses the concerns I had with previous versions of the bill and, most importantly, requires a visible fee to be collected at retail in order to fund the program. This ensures that the program will have a dedicated funding source, lowers costs for businesses and consumers and provides the public with a clear understanding that their mattress will be recycled at the end of its life.

Thank you for your time and interest in this issue.

Sincerely,

*Robert Naboicheck*

SENATOR ANDRES AYALA, JR.

*Twenty-third District*

Legislative Office Building  
Room 3602  
Hartford, CT 06106-1591  
Tel. (860) 240-8864  
www.SenatorAyala.cga.ct.gov



State of Connecticut  
SENATE

ASSISTANT MAJORITY LEADER

*Chair*

Aging Committee  
Regulations Review Committee

*Vice Chair*

Public Safety & Security Committee

*Member*

Finance, Revenue & Bonding Committee

March 8, 2013

Good morning Chairmen Meyer and Gentile and the members of the Environment committee. I would like to give testimony on behalf of HB 6437 AN ACT ESTABLISHING A MATTRESS STEWARDSHIP PROGRAM. I support HB 6437 because it means jobs for Bridgeport. Currently Park City Green processes about 2000 mattresses a month and it supports 5-7 jobs. With passage of this bill Park City Green would be able to process 8000-10,000 more mattresses which will create approximately 15-20 jobs at the facility. The individuals who are hired are generally from the Bridgeport area and a great many of them are individuals who are being given a second chance at life. By supporting this bill you will be able to bring municipal disposal cost down by about 1.3 million dollars.

CT mattress stewardship bill requires all producers to join a single stewardship organization and submit a single stewardship plan to the CT DEEP for approval. It will also create greater efficiency in government oversight with a reduction in government resources. The single plan can provide flexibility for individual producers to establish their own collection program. HB 6437 is good for the environment, good for government and even better for business. I urge this committee to support this bill and move it to the floor for passage.

Respectfully Submitted,

Andres Ayala, Jr.

comfort solutions.  
never stop dreaming™



March 6, 2013

Environment Committee  
Room 3200, Legislative Office Building  
Hartford, CT 06106

Dear Chairman Meyer, Chairwoman Gentile and members of the Committee,

My name is Steve Byer and I am the Co-Owner of Blue Bell Mattress Co., Inc. (Comfort Solutions by King Koil.) Our company had been making mattresses in CT for over 80 years. We are located in East Windsor where we employ about 225 people.

Since last year, I have been following the Committee's efforts to enact mattress recycling legislation as it will have a profound effect on my business. While I could not support the approach initially taken by the Committee last year, I am pleased to say that we believe a workable solution has been crafted that will promote mattress recycling without harming my business, and without creating a biased, uneven market condition. To that end, I am writing to express my support of the consensus proposed substitute language for HB 6437 that has been developed by the International Sleep Products Association and the CT Mattress Stewardship Group.

The proposed agreement addresses the concerns I had with previous versions of the bill and, most importantly, requires a visible fee to be collected at retail in order to fund the program. This ensures that the program will have a dedicated funding source, lowers costs for businesses and consumers and provides the public with a clear understanding that their mattress will be recycled at the end of its life.

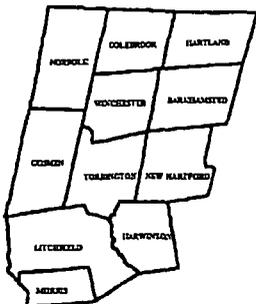
Thank you for your time and interest in this issue.

Sincerely,

A handwritten signature in cursive script that reads "Steve Byer".

Steve Byer

24 Thompson Road  
East Windsor, Connecticut 06088  
Phone: 860-292-6372 • Fax: 860-292-8735



## LITCHFIELD HILLS COUNCIL OF ELECTED OFFICIALS

42D North Street, Goshen, Connecticut 06756-1546 Tel. 860-491-9884 Fax 860-491-3729

Donald Stein, 860-379-8285  
Barkhamsted First Selectman

Thomas McKeon, 860-379-3359  
Colebrook First Selectman

Wilrose Duquette, 860-491-2308  
Goshen First Selectman

Wade Cole, 860-653-6800  
Hartland First Selectman

Michael Criss, 860-485-9051  
Harwinton First Selectman

Leo Paul, Jr., 860-567-7550  
Litchfield First Selectman

Barbara Bongiolatti, 860-567-7430  
Morris First Selectman

Daniel Jerram, 860-379-3389  
New Hartford First Selectman

Susan Dyer, 860-542-5829  
Norfolk First Selectman

Ryan Bingham, 860-489-2228  
Mayor of Torrington

Maryann Welcome, 860-379-2713  
Mayor of Winchester

PLANNING DIRECTOR  
Richard Lynn, 860-491-9884

February 27, 2013

Hon. Edward Meyer and Hon. Linda Gentile  
Co-Chairmen, Environment Committee  
Connecticut General Assembly  
Room 3200, Legislative Office Building  
Hartford, CT 06106

Dear Senator Meyer and Representative Gentile:

The Litchfield Hills Council of Elected Officials unanimously voted at a recent meeting to support Raised Bill No. 6437 entitled "An Act Concerning A Mattress Stewardship Program". The LHCEO urges your favorable review and support of this bill to facilitate the proper disposal of mattresses and reduce municipal solid waste disposal costs.

The disposal of mattresses represents a significant cost to the municipalities in the Litchfield Hills Region. The proposed bill places the responsibility for mattress disposal on mattress producers. The bill thus establishes a producer responsibility program for mattresses, similar to what has been recently created in Connecticut for electronics and paint. The State's Solid Waste Management Plan identifies product stewardship solutions as an effective tool to increase recycling, create jobs, and lower municipal expenses.

By placing the financial responsibility on manufacturers for the management of their product at the end of its useful life, our towns can save significant dollars, illegal dumping will be curtailed, and recycling will be encouraged.

A recent survey of towns with transfer stations in the regional area showed overwhelming local interest in participating in a mattress stewardship program. The LHCEO thus urges your support and advocacy for RB No. 6437.

Thank you for your consideration.

Sincerely,

Wade Cole  
Chairman

cc: LHCEO Members, Area Legislators, NWCCOG, Recycling Advisory Committee

## Central Connecticut Solid Waste Authority

**MEMBERS**  
*Avon*  
*Bloomfield*  
*Bolton*  
*Canton*  
*Cromwell*  
*East Granby*  
*Enfield*  
*Farmington*  
*Glastonbury*  
*Granby*  
*Hartford*  
*Manchester*  
*Simsbury*  
*South Windsor*  
*Suffield*  
*Wethersfield*  
*Windsor Locks*

DATE: March 8, 2013  
 TO: Chairmen and Members of the Connecticut General Assembly's Environment Committee  
 FROM: Jeffrey K. Bridges, Town Manager, Town of Wethersfield and Chair, Central Connecticut Solid Waste Authority; and Members of the Central Connecticut Solid Waste Authority  
 RE: Support for RB 6437 "An Act Concerning a Mattress Stewardship Program"

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The disposal of mattresses is a significant cost to municipalities across Connecticut and often to consumers as well. Some communities pay for mattress disposal using taxpayer funds paying \$10 - \$45 in per unit tip fees. Other local municipal transfer stations in our region charge residents between \$10 and \$20 for dropping off a mattress, double if a box spring is included. Typically the \$10-\$20 fee just covers the municipality's cost of disposal, a cost that is borne by all taxpayers for those mattresses that are illegally dumped along a road or street side.

Our region's solid waste goes to waste-to-energy facilities in the state. Mattresses cause unnecessary breakdowns at these facilities and, therefore, are not wanted in these plants.

Extended producer responsibility (EPR) programs place the financial responsibility for end of life product management on manufacturers. The State's EPR legislation for e-waste has saved our municipalities and residents thousands of dollars annually and provide a recycling outlet for tons of unwanted electronics. We look forward to the same type of savings, recycling and convenience for residents when the EPR legislation for paint is implemented in the next year.

An EPR program for mattresses will save municipalities and residents money, provide greater convenience for residents, and reduce the growing illegal dumping associated with resident attempts to avoid disposal fees. Just as EPR legislation for electronics and paint have already created economic opportunity and private sector jobs in the state, so too will a mattress EPR program.

The CCSWA represents the municipalities of Avon, Bloomfield, Bolton, Canton, Cromwell, East Granby, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Simsbury, South Windsor, Suffield, Wethersfield, and Windsor Locks and supports the passage of RB 6437 (AAC a Mattress Stewardship Program). We ask the Environment Committee to support this legislation as well.

As Chairman of Economic Development in Branford, I fully support your efforts to address responsible disposal and funding for recycling of the material. I also would like to be informed of the technology of the shredding and separation process to engage business start-ups in our area

Joe Gordon  
Differential Pressure Plus, Inc.  
[www.differentialpressure.com](http://www.differentialpressure.com)  
203 481 2545

6437

INCORPORATED 1645



THE TOWN OF FARMINGTON

E-mail: Edward.schaeffer@cga.ct.gov

February 28, 2013

Re: Testimony in support of  
HB 6437 An Act Establishing a Mattress Stewardship Program

TOWN HALL  
 1 MONTEITH DRIVE  
 FARMINGTON, CONNECTICUT 06032-1053

INFORMATION (860) 675-2300  
 FAX (860) 675-7140  
 'BULLETIN BOARD' (860) 675-2301

Thank you for the opportunity to submit testimony in support of HB 6437.

This Mattress Stewardship Program bill will continue to move the State forward in developing more producer responsibility programs which offer stable financing and sound environmental management of waste products. Under this bill, the mattress industry would take responsibility for managing their product by establishing a mattress stewardship organization which will administer a collection and recycling program. This program will allow manufacturers to play a role in developing and financing a sound waste disposal program for their products just as State's recent e-waste and paint stewardship laws are accomplishing.

Connecticut Municipalities currently spend over \$1.2 million/year on mattress disposal with the true cost of this disposal being hidden in taxes and fees. This bill is estimated to save Connecticut municipalities a minimum of \$750,000 and offer more opportunities to recycle these products. About 400,000 mattresses are disposed of in Connecticut each year. Illegal dumping of mattresses in Connecticut is a problem because consumers do not want to pay the disposal fee. Resources are wasted when mattresses are burned or buried.

This proposal will also help to increase municipal recycling rates in-line with the State's Solid Waste Management Plan, decrease illegal dumping issues with mattresses, encourage producer responsibility for manufacturers and create jobs in the State of Connecticut.

This proposal will move the State forward in achieving creative, innovation solutions to waste management. All stakeholders will play a role to reduce waste, control costs and increase recycling.

The Mattress Stewardship Program will save taxpayers money, increase recycling and do it more effectively and economically than it is now being done.

Thank you for the opportunity to address the Committee. We hope to have your support for this proposal.

Sincerely,

Kathleen A. Eagen  
 Town Manager  
 Town of Farmington

S:\LEE\LETTERS\Mattress Stewardship Bill HB6437.docx

A/EEQUAL OPPORTUNITY EMPLOYER



Internet Address [www.farmington-ct.org](http://www.farmington-ct.org)



Environment Committee  
Public Hearing  
March 8, 2013

Submitted by: Lynn Taborsak, Solid Waste Specialist  
in support of

HB 6437: An Act Concerning a Mattress Stewardship Program

The League of Women Voters of Connecticut is a non-partisan, statewide organization comprised of 1600 members in 27 local chapters that is committed to effective public policy and the active participation of citizens in their government. On behalf of the League, I would like to thank you for the opportunity to comment in support of this measure.

The League of Women Voters of Connecticut has consistently supported statewide recycling and environmentally sound waste disposal. We applaud the Environment Committee for providing strong leadership for efforts to reduce, reuse and recycle solid waste. Two years ago the General Assembly approved the establishment of a paint stewardship program to provide for the safe disposal of unused or unwanted paint – around 64 million gallons a year in the United States. Last year you established a program to collect and recycle mercury thermostats. Today you will hear testimony about the disposal of 350,000 to 450,000 mattresses each year in our state. Every town and city wrestles with this problem and with the disposal costs. During the winter months, especially we can see evidence of poor mattress disposal along our otherwise scenic local roads.

HB 6437 is an example of “Product Stewardship” or “Extended Product Responsibility” where we extend the producer’s responsibility to account for costs associated with a products’ safe disposal. This bill calls for a single council of manufacturers to design, finance and implement the program. Disposal costs will shift from taxpayers to consumers at the time of purchase and municipal participation in the program will be voluntary. Governmental action is limited to approval and monitoring of the manufacturers plan by the Commissioner of the DEEP.

Connecticut has two mattress recyclers located in Bloomfield and Bridgeport. This bill will create additional jobs and business opportunities within the state. When the program is fully implemented, mattresses sold in Connecticut will have a producer-financed statewide disposal program with fewer mattresses in our waste-to-energy facilities or along our scenic roadways.



**PEDRO E. SEGARRA**  
MAYOR

**Testimony by Mayor Pedro E. Segarra**  
**House Bill 6437**

***An Act Establishing A Mattress Stewardship Program***  
**March 8, 2013 10:30 AM in Hearing Room 1D**

Chairs Meyer and Gentile, Vice-Chairs Maynard and Albis, Ranking Members Chapin and Shaban and Esteemed Members of the Environment Committee:

Thank you for the opportunity to appear before you today to support the mattress stewardship program as conceptualized in HB 6437. Over the past 3 months, mattress manufacturers and mattress stewardship proponents have discussed this bill and collaborated in revising language that was submitted earlier this week as consensus proposed substitute language for HB 6437.

I believe the teamwork between mattress manufacturers and mattress stewardship proponents since the 2012 legislative session has resulted in a quality piece of proposed legislation. It has created understanding between the parties that will go a long way in developing a successful program to help municipalities, institutions, and retailers that collect or receive discarded mattresses. It will provide free and convenient proper disposal and recycling opportunities. It will also insure the program is designed and implemented by an independent, non-governmental Council funded through an eco-fee to be charged at the point of sale.

To committee leadership, I would like to thank you, and also Representative Patricia Widlitz, for playing a crucial role in mediating and facilitating the working relationship between manufacturers and mattress stewardship proponents.

Mattresses are a significant problem for local communities. In June 2012, I attended the annual meeting of the United States Conference of Mayors (USCM) where I learned that the problem of mattress disposal— the bulky size, the impact on landfills and waste-to-energy facilities, and the staggering costs of disposal are a nationwide problem for localities from California to Florida to Minnesota, and to our neighbors in Rhode Island, New York, and Massachusetts, to name a few. The USCM resolution supported a role for manufacturers in the end-of-life management and costs associated with discarded mattresses.

As the Chief Executive Officer of your Capital City, I'm in the middle of budget season. Like all my colleagues in towns across Connecticut, I'm struggling to balance shrinking local and state resources and increased demand for services. In a report released by my staff and the Department of Energy and Environmental Protection (DEEP), Connecticut municipal costs associated with mattress disposal is estimated to be \$1.3 million. These costs come from surcharge pricing at facilities like waste-to-energy plants and out-of-state landfills where mattresses present a problem for equipment and burial. The mattress stewardship program will achieve economies of scale, aggregating an estimated 350,000 discarded mattresses and turning component parts into environmental and economic opportunities. This bill will create savings for participating municipalities and \$1.3 million will pay for many public works, police and fire employees.

Mattresses are 96% recyclable. This bill will facilitate recycling and contribute to growing the newly established mattress recycling facilities and jobs in Bridgeport and Bloomfield, Connecticut. These two businesses have been operating for one year, creating new jobs, and expecting to expand hiring with passage of this bill. Promoting a green economy from waste materials was the message at last week's "Recycling Means Jobs" Legislative Day hosted by Governor Malloy, DEEP Commissioner Esty and DECD Commissioner Smith.

In April 2012, Governor Malloy formed the modernizing recycling work group to develop approaches that expand recycling and jobs in our state. The mattress stewardship bill was named the number one priority by the Governor's Working Group for this legislative session because the business infrastructure is in place to receive and recycle mattresses generated in Connecticut.

550 Main Street  
Hartford, Connecticut 06103  
Phone (860) 757-9500  
Fax (860) 722-6606



In closing, I hope the Environment Committee recognizes that this bill represents sound environmental and economic policy. I hope there is recognition that this bill was forged through cooperation between business, municipalities and environmental groups and, as such, the mattress stewardship bill merits adoption.

General Assembly  
January Session, 2013

***Raised Bill No. 6437***

LCO No.

\_\_\_\_\_  
ENV\*

Consensus Proposed Substitute Bill 03/04/2013

Referred to Committee on ENVIRONMENT

Introduced by:

(ENV)

***AN ACT CONCERNING A MATTRESS STEWARDSHIP PROGRAM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2013*) For the purposes of this section and sections 2 to 7, inclusive, of this act:

- (1) "Brand" means a name, symbol, word or mark that attributes a mattress to the producer of such mattress;
- (2) "Commissioner" means the Commissioner of Energy and Environmental Protection;
- (3) "Covered entity" means any political subdivision of the state, any mattress retailer, any permitted transfer station, any waste-to-energy facility, any health care facility, any educational facility, any correctional facility, any military base, or any commercial or nonprofit lodging establishment that possesses a discarded mattress that was discarded in this state. "Covered entity" does not include any renovator, refurbisher or any person who only transports a discarded mattress;
- (4) "Department" means the Department of Energy and Environmental Protection;
- (5) "Discarded mattress" means any mattress that a consumer discarded, intends to discard or abandoned;
- (6) "Energy recovery" means the process by which all or a portion of solid waste materials are processed or combusted in order to utilize the heat content or other forms of energy derived from such solid waste materials;
- (7) "Foundation" means any ticking-covered structure that is used to support a mattress and that is composed of one or more of the following: A constructed frame, foam or a box spring. "Foundation" does not include any bed frame or base made of wood, metal or other material that rests upon the floor and that serves as a brace for a mattress;

(8) "Mattress" means any resilient material or combination of materials that is enclosed by a ticking, used alone or in combination with other products, and that is intended for or promoted for sleeping upon. "Mattress" includes any foundation and any renovation. "Mattress" does not include any mattress pad, mattress topper, sleeping bag, pillow, car bed, carriage, basket, dressing table, stroller, playpen, infant carrier, lounge pad, crib bumper, liquid or gaseous filled ticking, including any water bed and any air mattress that does not contain upholstery material between the ticking and the mattress core, and any upholstered furniture that does not otherwise contain a detachable mattress;

(9) "Mattress core" means the principal support system that is present in a mattress, including, but not limited to, springs, foam, air bladder, water bladder or resilient filling;

(10) "Mattress recycling council" or "council" means the nonprofit organization created by producers or a trade association representing producers that account for a majority of mattress production in the United States to design, submit and implement the mattress stewardship program described in section 2 of this act;

(11) "Mattress stewardship fee" means the amount added to the purchase price of a mattress sold in this state that is necessary to cover the cost of collecting, transporting and processing discarded mattresses by the council pursuant to the mattress stewardship program;

(12) "Mattress stewardship program" or "program" means the state-wide program described in section 2 of this act and implemented pursuant to the mattress stewardship plan;

(13) "Mattress topper" means any item that contains resilient filling, with or without ticking, that is intended to be used with or on top of a mattress;

(14) "Performance goal" means a metric proposed by the council to measure, on an annual basis, the performance of the mattress stewardship program, taking into consideration technical and economic feasibilities, in achieving continuous, meaningful improvement in improving the rate of mattress recycling in the state and any other specified goal of the program;

(15) "Producer" means any person who manufactures or renovates a mattress that is sold, offered for sale or distributed in the state under the producer's own name or brand. "Producer" includes (A) the owner of a trademark or brand under which a mattress is sold, offered for sale or distributed in this state, whether or not such trademark or brand is registered in this state, and (B) any person who imports a mattress into the United States that is sold or offered for sale in this state and that is

manufactured or renovated by a person who does not have a presence in the United States;

(16) "Recycling" means any process in which discarded mattresses, components and by-products may lose their original identity or form as they are transformed into new, usable or marketable materials. "Recycling" does not include the use of incineration for energy recovery;

(17) "Renovate" or "renovation" means altering a mattress for the purpose of resale and includes any one, or a combination of, the following: Replacing the ticking or filling, adding additional filling, rebuilding a mattress, or replacing components with new or recycled materials. "Renovate" or "renovation" does not include (A) the stripping of a mattress of its ticking or filling without adding new material, (B) the sanitization or sterilization of a mattress without otherwise altering the mattress, or (C) the altering of a mattress by a renovator when a person retains the altered mattress for personal use, in accordance with regulations of the Department of Consumer Protection;

(18) "Renovator" means any person who renovates discarded mattresses for the purpose of reselling such mattresses to consumers;

(19) "Retailer" means any person who sells mattresses in this state or offers mattresses in this state to a consumer;

(20) "Sanitization" means the direct application of chemicals to a mattress to kill human disease-causing pathogens;

(21) "Sale" means the transfer of title of a mattress for consideration, including through the use of a sales outlet, catalog, Internet web site or similar electronic means;

(22) "Sterilization" means the mitigation of any deleterious substances or organisms, including human disease-causing pathogens, fungi and insects from a mattress or filling material using a process approved by the Commissioner of Consumer Protection;

(23) "Ticking" means the outermost layer of fabric or material of a mattress. "Ticking" does not include any layer of fabric or material quilted together with, or otherwise attached to, the outermost layer of fabric or material of a mattress; and

(24) "Upholstery material" means all material, loose or attached, between the ticking and the core of a mattress.

Sec. 2. (NEW) (*Effective October 1, 2013*) (a) On or before July 1, 2014, each producer shall join the mattress recycling council and such council shall submit a plan, for the Commissioner of Energy and Environmental Protection's approval, to establish a state-wide mattress stewardship program, as described in this subsection. Retailers may

participate in said council. Such mattress stewardship program shall, to the extent it is technologically feasible and economically practical: (1) Minimize public sector involvement in the management of discarded mattresses; (2) provide for free, convenient and accessible state-wide opportunities for the receipt of discarded mattresses from any person in the state with a discarded mattress that was discarded in the state, including from participating covered entities that accumulated and segregated a minimum of fifty discarded mattresses for collection at one time, or a minimum of thirty discarded mattresses for collection at one time in the case of participating municipal transfer stations; (3) provide for free collection of discarded mattresses from municipal transfer stations that accumulated and segregated fewer than thirty mattresses, provided the transfer stations require such collection due to space or permit requirements; (4) provide for council-financed end-of-life management for discarded mattresses collected pursuant to subdivisions (2) and (3) of this subsection; (5) provide suitable storage containers at, or make other mutually agreeable storage and transport arrangements for, permitted municipal transfer stations for segregated, discarded mattresses, at no cost to such municipality, provided such municipal transfer station makes space available for such purpose and imposes no fee for placement of such storage container on the municipal transfer station's premises; and (6) include a fee that is sufficient to cover the costs of operating and administering the program.

(b) The plan submitted pursuant to subsection (a) of this section shall: (1) Identify each producer participating in the program; (2) describe the fee structure for the program; (3) establish performance goals for the first two years of the program; (4) identify proposed facilities to be used by the program; (5) detail how the program will promote the recycling of discarded mattresses; and (6) include a description of the public education program.

(c) The council shall establish and implement a fee structure that covers, but does not exceed, the costs of developing the plan described in subsection (b) of this section, operating and administering the program described in subsection (a) of this section and maintaining a financial reserve sufficient to operate the program over a multi-year period of time in a fiscally prudent and responsible manner. The council shall maintain all records relating to the program for a period of not less than three years.

(d) Pursuant to the program, recycling shall be preferred over any other disposal method for mattresses, to the extent that recycling is technologically feasible and economically practical.

(e) The Commissioner of Energy and Environmental Protection shall approve the plan for the establishment of the mattress stewardship program, provided such plan meets the requirements of subsections (a) to (d), inclusive, of this section. Not later than ninety days after submission of the plan pursuant to this section, the commissioner shall make a determination whether to approve the plan. Prior to making such determination, the

commissioner shall post the plan on the department's Internet web site and solicit public comments on the plan. Such solicitation shall not be conducted pursuant to chapter 54 of the general statutes. In the event that the commissioner disapproves the plan because it does not meet the requirements of subsections (a) to (d), inclusive, of this section, the commissioner shall describe the reasons for the disapproval in a notice of determination that the commissioner shall provide to the council. The council shall revise and resubmit the plan to the commissioner not later than forty-five days after receipt of notice of the commissioner's disapproval notice. Not later than forty-five days after receipt of the revised plan, the commissioner shall review and approve or disapprove the revised plan, providing a notice of determination. The council may resubmit a revised plan to the commissioner for approval on not more than two occasions. If the council fails to submit a plan that is acceptable to the commissioner because it does not meet the requirements of subsections (a) to (d), inclusive, of this section, the commissioner shall modify a submitted plan to make it conform to the requirements of subsections (a) to (d), inclusive, of this section, and approve it. Not later than one hundred twenty days after the approval of a plan pursuant to this section, or one hundred eighty days, in the case of a plan modified by the commissioner, the council shall implement the mattress stewardship program.

(f) (1) The council shall submit any proposed substantial change to the program to the Commissioner of Energy and Environmental Protection for approval. For the purposes of this subdivision, "substantial change" means: (A) A change in the processing facilities to be used for discarded mattresses collected pursuant to the program, or (B) a material change to the system for collecting mattresses. If the department does not disapprove a proposed substantial change within ninety days after notification of the proposed change, the proposed change shall be deemed approved.

(2) Not later than October 1, 2016, the council shall submit updated performance goals to the commissioner that are based on the experience of the program during the first two years of the program.

(g) The council shall notify the Commissioner of Energy and Environmental Protection of other material changes to the program on an ongoing basis, without resubmission of the plan to the commissioner for approval. Such changes shall include, but not be limited to, a change in the composition, officers or contact information of the council.

(h) On or before July 1, 2014, and every two years thereafter, the council shall propose a mattress stewardship fee for all mattresses sold in this state except crib and bassinette mattresses. The council may propose a change to the mattress stewardship fee more frequently than once every two years if the council determines such change is needed to

avoid funding shortfalls or excesses. Any proposed mattress stewardship fee shall be reviewed by an auditor to assure that such assessment does not exceed the cost to fund the mattress stewardship program described in subsection (a) of this section and to maintain financial reserves sufficient to operate said program over a multi-year period in a fiscally prudent and responsible manner. Not later than sixty days after the council proposes a mattress stewardship fee, the auditor shall render an opinion to the Department of Energy and Environmental Protection as to whether the proposed mattress stewardship fee is reasonable to achieve the goals set forth in this act. If the auditor concludes that the mattress stewardship fee is reasonable, then the proposed fee shall go into effect. If the auditor concludes that the mattress stewardship fee is not reasonable, the auditor shall provide the council with written notice explaining the auditor's opinion. Not later than fourteen days after the council's receipt of the auditor's opinion, the council may either propose a new mattress stewardship fee or provide written comments on the auditor's opinion. If the auditor concludes that the fee is not reasonable, the Department of Energy and Environmental Protection shall decide, based on the auditor's opinion and any comments provided by the council, whether to approve the proposed mattress stewardship fee. Such auditor shall be selected by the council. The cost of any work performed by such auditor pursuant to the provisions of this subsection and subsection (k) of this section shall be funded by the mattress stewardship fee described in this subsection.

(i) On and after the implementation of the mattress stewardship program, the mattress stewardship fee, established pursuant to subsection (a) of this section and described in subsection (h) of this section, shall be added to the cost of all mattresses sold to retailers and distributors in this state by each producer. On and after such implementation date, each retailer or distributor, as applicable, shall add the amount of such fee to the purchase price of all mattresses sold in this state. In each transaction described above, the fee shall be on the invoice and shall be accompanied by a brief description of the fee. The council may, subject to the commissioner's approval, establish an alternative, practicable means of collecting or remitting such fee. No producer who fails to participate in such program shall sell mattresses in the state.

(j) Not later than October fifteenth of each year, the council shall submit an annual report to the Commissioner of Energy and Environmental Protection, on a form prescribed by the commissioner. The commissioner shall post such annual report on the department's Internet web site. Such report shall include: (1) The tonnage of mattresses collected pursuant to the program from: (A) Municipal transfer stations, (B) retailers, and (C) all other covered entities; (2) the tonnage of mattresses diverted for recycling; (3) the weight of mattress materials recycled, as indicated by the weight of each of the commodities sold to secondary markets; (4) the weight of mattress materials sent for disposal at each of the following: (A) Waste-to-energy facilities, (B) landfills, and (C) any other facilities; (5) a summary of the public education that supports the program; (6) an evaluation of the effectiveness of methods and processes used to achieve

performance goals of the program; and (7) recommendations for any changes to the program.

(k) Two years after the implementation of the program and every three years thereafter, or upon the request of the Commissioner of Energy and Environmental Protection but not more frequently than once a year, the council shall cause an audit of the program to be conducted by the auditor described in subsection (h) of this section. Such audit shall review the accuracy of the council's data concerning the program and provide any other information requested by the commissioner, consistent with the requirements of this section, provided such request does not require the disclosure of any proprietary information or trade or business secrets. Such audit shall be paid for by the council. The council shall maintain all records relating to the program for not less than three years.

Sec. 3. (NEW) (*Effective July 1, 2014*) Upon implementation of the mattress stewardship program described in section 2 of this act, no covered entity that participates in such program shall charge for the receipt of discarded mattresses that are discarded in this state provided covered entities may charge a fee for providing the service of collecting mattresses and may restrict the acceptance of mattresses by number, source or physical condition.

Sec. 4. (NEW) (*Effective October 1, 2013*) Not later than three years after the approval of the mattress stewardship plan pursuant to section 2 of this act, and every two years thereafter, the Commissioner of Energy and Environmental Protection shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the environment. Such report shall provide an evaluation of the mattress stewardship program, establish a goal for the amount of discarded mattresses managed under the program and a separate goal for the recycling of such mattresses, taking into consideration technical and economic feasibilities.

Sec. 5. (NEW) (*Effective October 1, 2013*) Each producer and the council shall be immune from liability for any claim of a violation of antitrust law or unfair trade practice, if such conduct is a violation of antitrust law, to the extent such producer or council is exercising authority pursuant to the provisions of sections 1 to 7, inclusive, of this act.

Sec. 6. (NEW) (*Effective October 1, 2013*) (a) The Commissioner of Energy and Environmental Protection may seek civil enforcement of the provisions of sections 2 and 3 of this act pursuant to chapter 439 of the general statutes.

(b) Whenever, in the judgment of the commissioner, any person has engaged in or is about to engage in any act, practice or omission that constitutes, or will constitute, a violation of any provision of section 2 or 3 of this act, the Attorney General may, at the request of the commissioner, bring an action in the superior court for the judicial district

of New Britain for an order enjoining such act, practice or omission. Such order may require remedial measures and direct compliance with the provisions of section 2 or 3 of this act. Upon a showing by the commissioner that such person has engaged in or is about to engage in any such act, practice or omission, the court may issue a permanent or temporary injunction, restraining order or other order, as appropriate.

(c) Any action brought by the Attorney General pursuant to this section shall have precedence in the order of trial, as provided in section 52-191 of the general statutes.

Sec. 7. (NEW) (*Effective October 1, 2013*) In the event that another state implements a mattress recycling program, the council may collaborate with such state to conserve efforts and resources used in carrying out the mattress stewardship program, provided such collaboration is consistent with the requirements of sections 1 to 6, inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section
Sec. 2	<i>October 1, 2013</i>	New section
Sec. 3	<i>July 1, 2014</i>	New section
Sec. 4	<i>October 1, 2013</i>	New section
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013</i>	New section
Sec. 7	<i>October 1, 2013</i>	New section

**Statement of Purpose:**

To establish a mattress stewardship program that will reduce the cost to municipalities of handling discarded mattresses.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

### **Mattress Recycling: Making A Contribution To Connecticut's Economic Growth**

In March, 2013 legislators will be considering mattress stewardship legislation that will offer an independent, non-governmental program for convenient management of mattresses, with the costs of recycling responsibly included in the purchase price of new mattresses.

To those who may think mattress recycling legislation is inconsequential; I ask, can we squander any opportunity to open doors for new businesses and create more jobs? While HB 6437, An Act Concerning A Mattress Stewardship Program, will not save Connecticut's economy by itself, it will be a meaningful contribution to that end

Connecticut legislators face enormous pressure from constituents who want them to focus on economic recovery and to find sweeping and speedy solutions to Connecticut's weakened economy. It is prudent that legislators make the economy a priority. Prosperous residents mean a prosperous state.

Rebuilding Connecticut's economy requires imagination and the knitting together of a diversified business sector that includes recycling businesses. Why not start expanding business opportunities with the products we discard? They are plentiful and within our reach.

Green business development should be part of the mix for economic recovery. Recycling discarded products creates ten (10) jobs for every one (1) job associated with incinerating waste.

In fact, on February 28, 2013, Governor Malloy, DEEP Commissioner Esty and DECD Commissioner Smith hosted a legislative day at the State Capitol called "Recycling Means Jobs." Various Connecticut recycling businesses described a circular economy where discarded materials are respected as the commodities they are, recaptured for recycling and used to make new commercial products, often right here in Connecticut

From Albert Brothers Scrap Metal recyclers of Waterbury, a company started in 1895, to Recyc-Mattress of Bloomfield, a company established in 2012, recycling industry leaders spoke about their business success and the relationship to legislative policies in Connecticut. These recycling businesses pay taxes to local communities and the State of Connecticut and create hundreds of sustainable jobs that pay living wages

Various legislators spoke in favor of promoting environmental policies that foster green business creation and expansion. Commissioner Esty expounded on the critical nexus that exists among the three "E"s ---environment, energy and economic growth and how it can alter Connecticut's future economy. Deputy Commissioner McCleary noted that we have an opportunity to stimulate economic development through reuse and recycling by unlocking the untapped value of materials still found in our waste stream. Finally, Governor Malloy announced the creation of a Recycling Markets Development Council to bring together industry leaders and entrepreneurs ready to collaborate on making recycling work.

HB 6437 is the outcome of a collaborative process of both mattress manufacturers and stewardship proponents. Legislators can be assured that a vote for the mattress bill continues movement toward re-energizing our economy.

-30-

Contact: Marilyn Cruz-Aponte  
Assistant to Director of Hartford Public Works  
Project Coordinator for the CT Mattress Stewardship Group (CT MSG) a coalition of municipalities, waste authorities and environmental groups promoting mattress stewardship  
Marilynn.Cruz-Aponte @hartford.gov  
860-761-5435



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 8, 2013  
Environment Committee

Testimony Submitted by Commissioner Daniel C. Esty  
Presented By Deputy Commissioner Macky McCleary

**Raised House Bill No. 6437 - An Act Concerning a Mattress Stewardship Program**

Thank you for the opportunity to present testimony regarding Raised House Bill 6437 - An Act Concerning a Mattress Stewardship Program. The Department of Energy and Environmental Protection (DEEP) offers the following testimony.

DEEP supports this bill as an effective way to increase the recovery of discarded mattresses and create jobs while lowering municipal expenses. This bill would create a producer responsibility program for the management of discarded mattresses in Connecticut. Under this bill, the mattress industry would take responsibility for managing their product by establishing a mattress stewardship organization which will administer a collection and recycling program. The program would be financed by the manufacturers.

DEEP recognizes producer responsibility programs as an important strategy for managing our state's solid waste going forward. The state's solid waste management plan, last amended in December 2006, identifies product stewardship solutions as an effective tool to help meet our recycling goals. Product stewardship programs acknowledge that consumers, government and manufacturers all play an important role in managing products at the end of their useful life. Placing extended responsibility on producers helps relieve the significant financial burden that currently falls upon municipal governments to manage solid waste.

Connecticut municipalities annually spend over \$1.3 million managing discarded mattresses. Mattresses are a problematic waste to collect and dispose at our existing waste facilities. Cities such as Hartford and Waterbury are especially burdened by managing mattresses, spending hundreds of thousands of dollars each year. A producer responsibility approach such as is being put forth by this proposal will save the municipalities money and create more opportunities for residents to recycle their mattresses. Such a program should also result in a reduction in illegally dumped mattresses on our roadways, parks, and woodlands.

DEEP has received a great deal of positive feedback for the beneficial impact of the electronics producer responsibility program which has saved municipalities money, recycled over 4800 tons of electronic

waste in the first year and created 33 jobs in Connecticut. Similarly, a mattress stewardship recovery program could increase local recycling jobs, support existing recycling industries, especially if local management of materials and minimized transportation are prioritized in the program implementation. The paint manufacturers' organization responsible for implementing paint stewardship in Connecticut submitted a stewardship plan on March 1 and they are well on the way to meeting the deadline to establish a paint recovery program this July 1 which will reduce costs for municipalities.

Governor Malloy's Modernizing Recycling Working Group ("Working Group") recently released a report supporting producer responsibility as a key component of Connecticut's transformation of how we sustainably manage discarded materials and reduce costs for municipalities. The Working Group specifically recommended the importance of product stewardship principles and practices in creating opportunities for development of infrastructure and jobs. The Working Group specifically supported product stewardship approaches for mattresses, which led the list of prioritized materials identified through a product stewardship stakeholder process in 2012.

DEEP recognizes and appreciates the work of the International Sleep Products Association in taking an active role in shaping a producer responsibility bill which multiple stakeholders can support. We also recognize the critical role Connecticut's municipalities, led by Hartford, have played in support of this effort.

In summary, DEEP supports Raised House Bill No. 6437 as an effective way to increase the recovery of discarded mattresses, create jobs, and reduce municipal expenses. DEEP has received numerous inquiries from other states that are eager to pass similar legislation, making Connecticut's bill the national model that others will emulate. DEEP is willing to work with municipalities and industry to develop a plan for the implementation of this program, and to help ensure that the program is run efficiently and with a limited government role.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact DEEP's legislative liaison, Robert LaFrance at 860-424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov).



Scott D. Jackson  
Mayor

**TOWN OF HAMDEN  
OFFICE OF THE MAYOR**

Hamden Government Center  
2750 Dixwell Avenue  
Hamden, CT 06518  
Tel: (203) 287-7100  
Fax: (203) 287-7101

**Environment Committee Public Hearing  
Friday, March 8, 2013**

Testimony in support of **HB 6437** An Act Concerning a Mattress Stewardship Program

Thank you for the opportunity to submit testimony in support of **HB 6437**. As a member of the CT Product Stewardship Council, the Town of Hamden is pleased to support this proposal.

This Mattress Stewardship Program bill will continue to move the State forward in developing more producer responsibility programs which offer stable financing and sound environmental management of waste products. Under this bill, the mattress industry would take responsibility for managing their product by establishing a mattress stewardship organization which will administer a collection and recycling program. This program will allow manufacturers to play a role in developing and financing a sound waste disposal program for their products just as State's recent e-waste and paint stewardship laws are accomplishing.

Connecticut Municipalities currently spend over \$1.2 million/year on mattress disposal with the true cost of this disposal being hidden in taxes and fees. This bill is estimated to save Connecticut municipalities a minimum of \$750,000 and offer more opportunities to recycle these products. About 450,000 mattresses are disposed of in Connecticut each year. Illegal dumping of mattresses in Connecticut is a problem because consumers do not want to pay the disposal fee. Resources are wasted when mattresses are burned or buried.

The Mattress Stewardship Program will save towns and taxpayers money if they choose to participate; the Town of Hamden spends over \$35,000/year on residential mattress disposal. None of these mattresses are recycled. With this proposal, we expect costs to drop and precious resources to be recovered. This proposal will also help to increase municipal recycling rates in-line with the State's Solid Waste Management Plan, decrease illegal dumping issues with mattresses, encourage producer responsibility for manufacturers and create jobs in the State of Connecticut.

This proposal will move the State forward in achieving creative, innovation solutions to waste management. All stakeholders will play a role to reduce waste, control costs and increase recycling. The Mattress Stewardship Program will save taxpayers money, increase recycling and do it more effectively and economically than it is now being done.

Thank you for the opportunity to address the Committee. We hope to have your support for this proposal

Mayor Scott D. Jackson

Kathleen Schomaker, Hamden Legislative Council Representative and Chair of Hamden Legislative Council's Environment and Conservation Committee

Pamela Roach, Solid Waste and Recycling Coordinator and member of the CT Product Stewardship Council



Michael J. Cicchetti  
Associate Director, Government Relations  
Covanta Energy Corporation  
www.covantaholding.com  
973 610 3547  
mcicchetti@covantaenergy.com

**Environment Committee  
Public Hearing  
March 8, 2013**

**Testimony In Support Of House Bill 6437  
AAC A MATTRESS STEWARDSHIP PROGRAM**

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Senator Meyer, Representative Gentile, Senator Chapin, and Representative Shaban, thank you for the opportunity to present testimony in support of House Bill 6437, AN ACT CONCERNING A MATTRESS STEWARDSHIP PROGRAM.

Covanta Energy, owner or operator of three of Connecticut's Energy From Waste (sometimes known as waste to energy) facilities, supports the proposal to establish a comprehensive program to address the statewide challenge relating to mattresses.

As a world leader in Energy From Waste, Covanta is a firm believer in the waste hierarchy: Reduce, Reuse, Recycle and Recover Energy. Connecticut has embraced this philosophy as well, joining the US EPA and European Union, and has all but eliminated the landfilling of municipal solid waste in the state. This has made Connecticut a leader in the nation in terms of sustainable waste management. Covanta's Energy From Waste plants play a key role in this success. Mattresses, however, present a special challenge. Our Energy From Waste plants are not designed to process large items such as mattresses and they can cause operational issues if they are put through our process. We separate the mattresses from the rest of the solid waste and separately dispose them.

More importantly, however, the disposal of mattresses has become a major expense for our cities and towns. The latest estimate of the costs to our cities and towns to dispose of mattresses is over \$1.2 million annually, resources that could be better spent on other municipal services. The passage of this bill will alleviate this pressure on our local budgets.

Covanta does request one small change to the bill as drafted in order to recognize the state's commitment to the solid waste hierarchy. Specifically, in lines 252 to 254, the bill lists both Energy From Waste and landfills as similar methods of disposal. In line with the waste hierarchy, Energy From Waste should be described as diversion or recovery, not disposal. The lines should read:

(4) the weight of mattress materials sent for recovery at Waste-to-energy facilities, or sent for disposal at each of the following: (A) ~~Waste-to-energy facilities,~~ (B) landfills, and ~~(C)~~ (B) any other facilities;

Thank you for time and consideration. Covanta urges passage of the bill as amended.



# Connecticut Coalition for Environmental Justice

10 Jefferson St., C-1 Hartford, CT 06106-2515 • Phone (860) 548-1133 Fax (860) 548-9197  
[ccej@environmental-justice.org](mailto:ccej@environmental-justice.org) [www.environmental-justice.org](http://www.environmental-justice.org)

March 8 , 2013

My name is Anthony Hall a member of the Connecticut Coalition for Environmental Justice or CCEJ. I am testifying in support of HB6437 An Act Establishing a Mattress Recycling Stewardship Program. Our region's solid waste goes to waste-to-energy facilities in the state. The fifth largest-capacity facility in the nation is here in Hartford, CRRA's Mid-Connecticut Project. At CCEJ, we have great concern about the amount of material (4,000,000 lbs. per day) that is processed through the facility's three combustors. This plant is a Waste-Derived-Fuel facility where waste is mechanically shredded before incineration. Mattresses cause unnecessary breakdowns at these facilities and, therefore, not wanted in these plants.

Extended producer responsibility (EPR) programs place the financial responsibility for end of life product management on manufacturers. The State's EPR legislation for e-waste has saved our municipalities and residents thousands of dollars annually and provides a recycling outlet for tons of unwanted electronics. We look forward to the same type of savings, recycling and convenience for residents when the EPR legislation for paint is implemented in the next year.

The disposal of mattresses is a significant cost to municipalities across Connecticut and often to consumers as well. Our communities pay for mattress disposal using taxpayer funds paying \$10 - \$45 in per unit tip fees.

My testimony proposes that mattress removal be done by a small business entrepreneur and/or independent contractor to do pickups or removal. That would promote more jobs and reduce cost and the amount of hassle it is currently giving our state and trash removal resources.

An EPR program for mattresses will save municipalities and residents money, provide greater convenience for residents, and reduce the growing illegal dumping associated with resident attempts to avoid disposal fees. Just as EPR legislation for electronics and paint have already created economic opportunity and private sector jobs in the state, so too will a mattress EPR program.

Thank you



# Connecticut Coalition for Environmental Justice

10 Jefferson St., C-1 Hartford, CT 06106-2515 • Phone (860) 548-1133 Fax (860) 548-9197  
[ccej@environmental-justice.org](mailto:ccej@environmental-justice.org) [www.environmental-justice.org](http://www.environmental-justice.org)

March 8 , 2013

I would like to thank the co-chairs and members of the Environment Committee for this opportunity to testify today. My name is Joseph Wasserman a community organizer with Connecticut Coalition for Environmental Justice or CCEJ am testifying in support of HB6437 An Act Establishing a Mattress Recycling Stewardship Program. Our region's solid waste goes to waste-to-energy facilities in the state. The fifth largest-capacity facility in the nation is here in Hartford, CRRA's Mid-Connecticut Project. At CCEJ, we have great concern about the amount of material (4,000,000 lbs. per day) that is processed through the facility's three combustors. This plant is a Waste-Derived-Fuel facility where waste is mechanically shredded before incineration. Mattresses cause unnecessary breakdowns at these facilities and, therefore, not wanted in these plants.

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Thank you

## Recyc-Mattresses Corp



Members of the Environment Committee of the Connecticut Legislature; my name is Aaron Terranova and I am here to speak in support of Senate Bill HB 6437, on the behalf of Pascal Cohen, President of Recyc-Mattresses.

Recyc-Mattresses is an international mattress recycling company with locations in Canada, US and Europe. We have been recycling mattresses for the past 7 years with a minimum recycling rate of 95%.

When Mr. Cohen came to Connecticut in November 2011, after learning from industry representatives that Connecticut municipalities were engaged in a dialogue about mattress disposal issues. He learned that the mattress disposal was fragmented, costly and not focused on the economic value associated with recycling.

Seeing the legislative climate of support for recycling businesses as well as the need for a mattress recycling facility; the company decided to invested over \$500 000 and opened a 17,000 square feet facility in Bloomfield Connecticut on April 1<sup>st</sup> 2012. This facility pays its taxes to the town, to the state and has hired 6 employees up-to-date.

According to the United States Census Bureau, Connecticut population was 3,5 million people which mean that approximately 350,000 mattresses were discarded in 2012 for which only 40,000 were recycled.

Bill HB 6437 would help recycle those 350,000 mattresses; eliminate 10,500 tons from the waste stream; cut \$10.5 million of disposal cost for the state (based on a \$30 per piece for disposal); create an additional 40 jobs. The same way it did at our other mattress recycling facilities in France and Canada when a similar Bill was introduced.

This Bill can create an opportunity for our business to grow, making this project a viable environmentally friendly solution for this waste stream while increasing the state's recycling rate.

I hope that this helps in giving a better understanding of the need for this Bill as well as ensure the viability of our company and its employees.

Please, if you have any questions, I will write them down, and Pascal Cohen the owner will gladly respond to them by email.

Thank you



International Sleep Products Association  
 501 Wythe Street  
 Alexandria, VA 22314  
 Main 703 683 8371  
 Fax 703 683 4503  
 www.sleepproducts.org

Testimony of Christopher Hudgins  
 Vice President, Government Relations & Policy  
 International Sleep Products Association  
 Connecticut General Assembly Environment Committee  
 March 8, 2013

Good morning Chairman Meyer, Chairwoman Gentile and members of the Committee. My name is Chris Hudgins and I serve as the Vice President of Government Relations and Policy for the International Sleep Products Association (ISPA). For nearly 100 years, ISPA has represented the interests of mattress manufacturers and suppliers of components and services to the industry. Today, we represent nearly 700 companies including Blue Bell Mattress Company (also known as Comfort Solutions by King Koil) which was founded in Hartford in 1921 and is now based in East Windsor and Gold Bond Mattress which has been in Hartford since 1899. We appreciate the opportunity to share our views today on House Bill 6437 (HB 6437).

The International Sleep Products Association supports the consensus proposed substitute language for HB 6437 that has been distributed to the committee and we respectfully request that you adopt this language. This language reflects agreement between the Connecticut Mattress Stewardship Group and ISPA. ISPA and the Connecticut Mattress Stewardship Group have negotiated this language over the past few months and have developed a consensus proposal that will allow the state to become the first in the nation to establish a dedicated mattress recycling program without harming the mattress industry.

Last year, ISPA opposed the Committee's initial bill to establish a mattress recycling program because it would have required the industry to develop a costly and inefficient system for collecting and processing used mattresses. Our concerns have now been addressed and we feel that the proposed language will allow the industry to create a viable and efficient program that will allow Connecticut residents to easily recycle their used mattresses.

Most importantly, the proposed language allows the industry to collect a small "eco-fee" on each mattress sold at retail. The eco-fee will be visible on the invoice when a consumer purchases the mattress ensuring that they clearly understand the service they are receiving and that they have an option for recycling their mattress when they are done with it. The visible fee will also allow the funding to be easily tracked creating a level playing field for all manufacturers. This approach has proven successful with other products such as tires, auto batteries, motor oil, and paint. Without this eco-fee mattress manufactures would not support this legislation.

Like the current version of HB 6437, the proposed language creates an independent, industry-administered nonprofit mattress recycling organization to facilitate the collection of the eco-fee and the development of appropriate infrastructure to recycle mattresses. As you are aware, there are already two mattress recyclers located in Connecticut and others have expressed interest in providing this service. The mattress recycling organization will collect discarded mattresses from appropriate collection points and utilize these businesses for proper recycling. The language also provides for

ISPA H B. 6437 Testimony  
March 8, 2013  
Page 2

appropriate oversight from the Department of Energy and Environmental Protection and this Committee.

The mattress industry has a long and proud history of being proactive on environmental, product safety and related issues. Since at least the 1990s, ISPA has promoted "green" practices, with used mattress disposal and recycling being among the first issues we addressed. We promote responsible recycling and disposal practices, and encourage companies to establish used mattress recycling facilities. As recently as seven years ago, there were only three or four mattress recyclers in this market. Today, over 30 used mattress recycling facilities are operating in North America. We view this effort as the next step in this process.

We are pleased that we have been able to develop an appropriate solution for mattress recycling in the state and thank the legislators and policymakers who were influential in getting to this point. Thank you and I'm happy to answer any questions you may have.



H·R·R·A  
www.hrrra.org

Old Town Hall  
162 Whisconer Road  
Brookfield, CT 06804

☎ 203.775.6256 x304  
☎ 203.740.9167  
✉ info@hrrra.org

**HRRRA Testimony in Favor of RB 6437  
AAC A Mattress Stewardship Program  
March 8, 2013**

Rep. Gentile, Sen. Meyer, Sen. Chapin, Rep. Shaban and Members of the Environment Committee:

The disposal of mattresses poses a significant cost to municipalities across Connecticut and often a cost and inconvenience to consumers as well. Local municipal transfer stations in our region charge residents between \$10 and \$20 for dropping off a mattress, double if a box spring is included. Typically the \$10-\$20 fee just covers the municipality's cost of disposal, a cost that is borne by all taxpayers for those mattresses that are illegally dumped along a road or street side.

Our region's solid waste goes to the Bridgeport waste-to-energy facility. Mattresses are cumbersome to handle and cause unnecessary breakdowns at these facilities.

Extended producer responsibility (EPR) programs place shared responsibility for end of life product management on manufacturers as well as municipalities. The State's EPR legislation for e-waste has saved our municipalities and residents thousands of dollars annually and provided a recycling outlet for more than 450 tons of unwanted electronics in our region alone in the past year. We look forward to the same type of savings, recycling and convenience for residents when the EPR legislation for paint is implemented later this year. An EPR program for mattresses not only would save municipalities and residents money, but also would provide greater convenience for residents, and hopefully would result in less littering.

And, just as EPR legislation for electronics and paint have already created economic opportunity and private sector jobs in the state, so too would a mattress EPR program. Two mattress recycling businesses have already located in the state in anticipation of passage of this law.

The Governor's Recycling Working Group recommended fostering economic development and job creation by promoting product stewardship principles to ensure shared responsibility for products throughout their lifecycle. Supporting mattress stewardship legislation was one of five items on the Working Group's short term actionable items list.

The HRRRA, representing the municipalities of Bethel, Bridgewater, Brookfield, Danbury, Kent, New Fairfield, New Milford, Newtown, Redding, Ridgefield and Sherman, supports the passage of EPR legislation for mattresses that requires manufacturers to share the costs of the disposal and recycling of mattresses. We ask the Environment Committee to consider and support the Consensus Proposed Substitute Bill that has the support of both mattress manufacturers, municipalities across Connecticut and environmental groups. Thank you.

Cheryl D. Reedy, HRRRA Director

**BRIDGEPORT REGIONAL  
BUSINESS COUNCIL**

BRIDGEPORT CHAMBER OF COMMERCE  
STRATFORD CHAMBER OF COMMERCE  
TRUMBULL CHAMBER OF COMMERCE  
BRIDGEPORT ECONOMIC DEVELOPMENT CORPORATION  
LEADERSHIP GREATER BRIDGEPORT  
WOMEN'S LEADERSHIP COUNCIL

March 7, 2013

Dear Members of the Environment Committee:

My name is Paul Timpanelli. I am the President and CEO of the Bridgeport Regional Business Council, a not for profit advocacy organization representing more than 1000 members in the Greater Bridgeport area. Thank you so much for allowing me the opportunity to present testimony in support of HB 6437, an act establishing a Mattress Stewardship program. I enthusiastically support this proposal to create a win-win for Connecticut --- the disposal of mattresses in an environmentally appropriate manner while creating green jobs and business opportunities for Connecticut workers and entrepreneurs.

The Bridgeport Regional Business Council created a public / private partnership with the City of Bridgeport in 2008 to create a comprehensive sustainability green print for the City that supports Mayor Finch's desire to be one of the cleanest and greenest communities in America. That effort has led to many important achievements in energy conservation and renewable generation; significant improvements in our recycling rates; better approaches to storm water management and water conservation; the revitalization of parklands and our waterfront; greater emphasis on transit first policies; and the creation of several new green businesses in Bridgeport including Solar Change, Flexi-Pave, Bridgeport Biodiesel, and Park City Green, the State's first mattress recycling facility.

As many of you know, mattresses are a nuisance product in our waste stream. They cause problems and pollution in our resource recovery facilities, and out of state landfilling creates a needless carbon footprint and increasing costs at a time when we in Bridgeport have proven that recycling is not only viable, but economically feasible and environmentally sustainable. Our mattress recycling facility is creating jobs for those re-entering the workforce, reusing commodities that have value, improving air quality in a non-attainment corridor, and helping us attract other green businesses to our Eco-Industrial Park. Bridgeport's image as a sustainable community is enhanced by Park City Green's mission and work.



**BRIDGEPORT REGIONAL  
BUSINESS COUNCIL**

BRIDGEPORT CHAMBER OF COMMERCE  
STRATFORD CHAMBER OF COMMERCE  
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BRIDGEPORT ECONOMIC DEVELOPMENT CORPORATION  
LEADERSHIP GREATER BRIDGEPORT  
WOMEN'S LEADERSHIP COUNCIL

Others have testified to the real need for this stewardship effort from a solid waste management perspective and I agree with their reasoning. Mattresses, like paints, tires, and electronic equipment, need special attention and their appropriate disposal shouldn't needlessly burden municipalities or other waste management systems. They are a unique product that can be viewed as a resource for recycling and reuse, not for burning or landfilling. There is a better way, and Connecticut is poised to be a national model in demonstrating that way!

Last year, this bill had many supporters and some adversaries. But through the hard work of both the stewardship proponents and the International Sleep Products Association, the Bill before you is an example of public / private cooperation, with limited government involvement, and a shift in the cost of disposal from taxpayers to manufacturers and consumers, where it rightfully belongs. That cooperative process is also a model, one that should be rewarded by passing this Bill immediately, thereby, creating jobs and entrepreneurial opportunity for Connecticut workers and businesses, and improving the health and environmental quality in our State. It is a triple bottom-line win . . . economic prosperity, environmental stewardship and social progress, and we at the Bridgeport Regional Business Council applaud those results.

Respectfully submitted,

Paul Timpanelli, President and CEO  
Bridgeport Regional Business Council



*Connecticut Chapter*  
 645 Farmington Ave.  
 Hartford, Connecticut 06105  
[www.connecticut.sierraclub.org](http://www.connecticut.sierraclub.org)  
 Martin Mador, Legislative Chair

Environment Committee  
 March 8, 2013  
 Testimony In Favor of  
HB 6437 AAC A Mattress Stewardship Program

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Connecticut Chapter of the Sierra Club. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies.

This bill establishes an effective, appropriate program for the capture and disposal of used mattresses. It is better structured than last year's SB 89, which passed the senate but was not called for a vote in the House. It has more acceptance from the manufacturers' association.

Why do we need this bill?

**Because there are no heirloom mattresses.**

Every mattress sold will need disposal someday. As you hear from experts in the field, they are bulky, difficult to handle, unsuitable for processing by trash to energy plants. They litter the roads and backways and river banks of Connecticut. And they cost the towns a significant sum to process. So this stewardship program turns bulky waste items into recycled materials, reduces litter, and saves the towns money. Any downside? Not to my knowledge.

But the larger significance of this bill is the creation of a new Extended Producer Responsibility (EPR) aka Product Stewardship (PS) program for mattresses. EPR says that holding the manufacturer responsible for post-consumer disposal of his product is the most effective way to reduce our solid waste stream. Our solid waste policy instructs us to move towards zero discardable waste. Don't burn or landfill a mattress which has reached its end of life. Capture it before it is discarded by the riverside, disassemble it, and send the component materials to be re-worked into fabrics, carpet padding, recycled metal. Tack on a small surcharge at retail so that users of the product become the ones to pay for its disposal. Don't have the state run the program, but limit state involvement to looking over the shoulder of those who do (a manufacturer's group) simply to make sure the program is run appropriately.

Remember to tell the store salesman to remind his customers that they can rest easy. They don't have to worry about the trade-in becoming part of the ubiquitous piles of rubbish in the movie Wall-E. They can go ahead and buy their new one: the old one will become useful parts of new products.

If reducing towns' costs aren't enough incentive: we now have 2 companies in the state with staff recycling the mattresses, so this program creates jobs.

We do EPR now for electronics and paint. Next year, perhaps carpets.



State of Connecticut  
 HOUSE OF REPRESENTATIVES  
 STATE CAPITOL  
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE PATRICIA M. WIDLITZ  
 NINETY-EIGHTH ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING, ROOM 3704  
 HARTFORD, CT 06106-1591  
 HOME: (203) 453-9924  
 CAPITOL: (860) 240-8500  
 FAX: (860) 240-0036  
 E-MAIL: Patricia.Widlitz@cga.ct.gov

CHAIRMAN  
 FINANCE, REVENUE AND BONDING COMMITTEE  
 MEMBER  
 BANKS COMMITTEE  
 PUBLIC HEALTH COMMITTEE

Senator Meyer, Representative Gentile, and members of the Environment Committee,

My name is Patricia Widlitz and I have the honor of representing the 98<sup>th</sup> District, which includes sections of Guilford and Branford. Thank you for the opportunity of testifying before you today **in support of a Mattress Stewardship Program, and in support of a substitute HB 6437.**

As many of you may recall, I have been a strong advocate of Extended Producer Responsibility (EPR) legislation which holds producers responsible for the cost of recycling or disposing of their products at their end-of-life use. CT has already passed producer responsibility legislation for electronics and most recently, architectural paint and coatings.

Proponents of the legislation have worked diligently with mattress producers over the last year to strengthen and improve the language from last year's bill, and I feel that a much better bill is the result.

The benefits if this legislation are significant:

- Municipalities will save money. DEEP surveyed municipalities and estimated annual costs of \$1.2 million for municipal mattress disposal.
- Decrease unsightly dumping of discarded mattresses.
- Improved recycling rates consistent with the state solid waste management plan.
- Job creation & retention. Two recycling plants are currently accepting a stock of material for recycling. A steady stream will further drive down costs to municipalities and help ensure employment.

Again, I ask the Committee to pass this important legislation with the suggested improvements from ISPA and the Stewardship organization. This legislation has been crafted with an eye toward being a national model for mattress stewardship, and many hours of hard work and cooperation have gone into it. The time has come for a Mattress Stewardship Program.

Sincerely,

Patricia Widlitz  
 State Representative, 98<sup>th</sup> District

NAUGATUCK PUBLIC WORKS DEPARTMENT

---

March 6, 2013

Environment Committee  
Connecticut General Assembly  
February Session 2013

Dear Environment Committee;

The purpose of this letter is to express my support for the Mattress Stewardship Bill - Raised Bill HB-6437 An Act Establishing A Mattress Stewardship Program Mattress disposal is a significant expense for Naugatuck and all Connecticut municipalities, and this initiative can significantly reduce this cost as well as help alleviate the problem of illegal dumping of mattresses. This year's bill has been revised in collaboration with the International Sleep Products Association (ISPA) to create a program acceptable to both industry and stewardship proponents.

Product stewardship holds producers responsible for the end of life costs of managing their products and this bill will encourage recycling as the first disposal option. Encouraging a waste management system that relies on producer responsibility can reduce public costs, increase recycling rates, and drive improvements in product design that promote environmental sustainability

The effort to establish a mattress stewardship program is an effective way to mitigate the financial and environmental impacts of disposal and is a number one priority from Governor Malloy's Modernizing Recycling Work Group. I respectfully ask you to add your support to HB-6437

Thank you for your consideration.

Sincerely,

*Sheila Baummer*  
Naugatuck Recycling and Solid Waste Coordinator  
246 Rubber Ave  
Naugatuck, CT 06770  
203-720-7071  
sbaummer@naugatuck-ct.gov



**Written Testimony of Susan Eastwood of Clean Water Action,  
Before the Connecticut General Assembly Environment Committee  
March 8, 2013**

**In Support of HB 6437, An Act Establishing a Mattress Stewardship Program**

Dear Senator Meyer, Representative Gentile, and honorable members of the Environment Committee,

Clean Water Action strongly supports HB 6437 An Act Establishing a Mattress Stewardship Program. This is an extended producer responsibility bill similar to what Connecticut has already established for paint and e-waste. We support the concept that manufacturers should take responsibility for the safe disposal or recycling of their products at end-of-use and that the cost should not fall on the consumer or the towns.

There are a number of problems associated with the disposal of mattresses and this legislation will address many of them.

- 350,000-450,000 mattresses are disposed of annually in CT at a cost of \$1.2 million to municipalities. This proposal would require the manufacturers provide for end-of-life management and financing.
- Mattresses can be as much as 50% of the weight of bulky waste and is a particular problem in urban areas. This proposal would require the manufacturers provide for end-of-life management and financing. This proposal would require the manufacturers provide for end-of-life management and financing.
- Illegal dumping of mattresses can be a problem. With no fee for disposal through this program, illegal dumping may be reduced.
- Currently mattresses are not recycled so the materials are wasted and taxpayers pay for their destruction. Under his bill mattresses would be recycled and most of the components recovered.
- This program will help Connecticut's economy by creating jobs! Two mattress recyclers plan to move to CT, creating 20-40 new jobs.
- Recycling and more efficient transport of the mattresses will save fuel, reduce greenhouse gases, incinerator emissions, and reclaim materials for reuse.

In conclusion, we feel that this bill is a good next step in the move toward extended producer responsibility for post-consumer solid waste. Thank you.

Susan Eastwood  
178 Waterfall Road  
Ashford, CT 06278



TOWN OF MANSFIELD  
DEPARTMENT OF PUBLIC WORKS

Lon R. Hultgren, P.E., Director

AUDREY P BECK BUILDING  
FOUR SOUTH EAGLEVILLE ROAD  
MANSFIELD, CONNECTICUT 06268-2599  
(860) 429-3331 TELEPHONE  
(860) 429-6863 FACSIMILE

Environment Committee  
March 8, 2013

Town of Mansfield  
Testimony In Support of  
Raised Bill 6437

**AN ACT ESTABLISHING A MATTRESS STEWARDSHIP PROGRAM**

Thank you for the opportunity to submit testimony in support of HB 6437. Bill 6437 offers a shared responsibility approach to the end of life management of mattresses, similar to the State's recent electronics and paint stewardship laws. Last year the Mansfield Town Council adopted a resolution in support of the passage of extended producer responsibility legislation for mattresses. The 2012 mattress bill (SB 89) passed the Senate 32 to 4 with 53 co-sponsors but did not get signed into law. This year's bill, HB 6437, has been revised in collaboration with the International Sleep Products Association (ISPA) to create a program acceptable to both industry and stewardship proponents. In addition, Governor Malloy's Modernizing Recycling Work Group has made mattress stewardship legislation a number one priority for the 2013 Session.

The United States Conference of Mayors adopted a mattress producer responsibility resolution in June 2012, recognizing the problem of mattress disposal and the opportunities for job creation from mattress recycling. Although Mansfield is not a large municipality, mattresses pose handling issues for transfer station operators regardless of community size. With two mattress recyclers now located in our state, the Town of Mansfield explored the viability of recycling its mattresses. However, the cost of recycling them was prohibitive in comparison to the current cost of out-of-state landfilling. The passage of HB 6437 will enable Mansfield to recycle its mattresses and support Connecticut's recycling industry, ensuring the reuse of materials that would otherwise be landfilled. The Mattress Stewardship Program will also eliminate the municipal financial burden of disposing mattresses, a significant cost to our urban communities.

We commend you for the language of HB 6437 and support its passage into law.

Virginia Walton  
Mansfield Recycling Coordinator

HB No. 6437 - An Act Concerning a Mattress Stewardship Program

(Please note: We ask you to enter our written testimony into the public record. Our schedule prohibits us from being in attendance at the hearing on March 8, 2013.)

HB 6437 will cause a logical treatment of disposed mattresses. As of now, hundreds of mattresses are just thrown out, often slung into our woodlands and tossed out on our roadsides and abandoned among our apartment buildings. In the urban centers, the mattresses are just flung into alleyways and vacant lots, or just out the back windows of apartments. These discarded mattresses are terrible hazards. Frequently they are infested with lice, bed bugs, molds and illness-causing bacteria. Broken mattresses are full of protruding, sharp wires and rotten and splintered boards. They are an attractive nuisance in that children often play on them (unofficial "trampolines" and fortresses). This threat must be removed. Heavens knows how many children have returned to their families, carrying newly-acquired infections, diseases and parasites.

At this time, our towns and cities must pick up all the expense of collection, treatment and disposal of these disgusting eyesores. Because the mattresses are both a blight and a health hazard, communities feel it to be an absolute imperative to remove them and process them for disposal. The enactment and enforcement of HB 6437 will cut significantly into this necessary expense. The bill comes at a time of hard times, it is true, when it is very difficult for towns and cities to pay for the disposal processes. All across the state, municipal officials will applaud the actions and reduced expenses that will be instituted after the bill is enacted.

We have recently conferred with our home town Rocky Hill officials to ascertain their perspectives and judgments concerning HB 6437. Both the Rocky Hill Town Manager and the Rocky Hill Director of Recycling are very enthusiastic about the bill, and they hope for its expedited passage. In addition, they expressed the thought that, at some future date, the innovative disposal procedure outlined in HB 6437 might be later expanded to include other "cushiony" items of furniture (such as couch cushions and overstuffed chairs) that will not fit into most towns' shredding machines. The officials were excited that this "first step" may actually come into being.

We urge the members of the House Environment Committee to put their stamp of approval on this very worthy legislation. We look forward to the day when the disposal of discarded mattresses becomes efficient, expedient and cost effective for cities and towns. Lets do everything we can to quickly remove from our environment these serious health threats to our children.

Thank you for your consideration.

Wendell and Susan Coogan  
69 Bayberry Lane  
Rocky Hill, CT 06067  
Tel. (860) 529-2857  
email: [wendsusz@att.net](mailto:wendsusz@att.net)



*City of Middletown Public Works Department  
Recycling Division  
245 Dekoven Drive  
Middletown, CT 06457  
860-344-3526 \* [www.middletownct.gov](http://www.middletownct.gov)*

Environment Committee Public Hearing  
Friday, March 8, 2013

Testimony in support of  
SB 6437 An Act Establishing A Mattress Stewardship Program.

Dear Senator Meyers, Representative Gentile and members of the Environment Committee:

Thank you for the opportunity to support HB 6437 An Act Establishing A Mattress Stewardship Program. As a member of the CT Product Stewardship Council, the City of Middletown is pleased to support this bill.

The Mattress Stewardship Program bill will continue to move the State forward in developing more producer responsibility programs which offer stable financing and sound environmental management of waste products. It is similar to the State's recent e-waste and paint stewardship laws, which are both successful Connecticut programs, and bring jobs to the State while increasing recycling rates and opportunities.

HB 6437 is a great example of all the different stakeholders coming together to create a workable program. Connecticut has been very successful in implementing model product stewardship laws that work for both industry and stewardship proponents. This Mattress Stewardship Program bill has included input and received support from the manufacturers of sleep products, municipalities and environmental advocates.

The City of Middletown is currently working as a Zero Waste Community, which means we are working to recycle and reduce as much as we can. The principles of Zero Waste are: managing resources instead of waste, conserving natural resources through waste prevention and recycling; turning discarded resources into jobs and new products instead of trash, promoting products and materials that are durable and recyclable and

discouraging products and materials that can only become trash after their use. Zero Waste initiatives view waste as opportunities and valuable resources. Product Stewardship is a large part of Zero Waste programs because it is a method to creating jobs and economically recycling more materials.

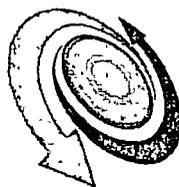
Currently the city's mattresses go to the Lisbon incinerator and are burned with other municipal solid waste. Between transportation and disposal it currently costs the City approximately \$15,000 annually to dispose these mattresses.

Passage of this mattress stewardship bill would help all municipalities to recycle mattresses at a lower cost. It would save municipalities money and increase the recycling rates. The State's recycling rate has been stagnant for many years. This would be an important step forward, at no cost to government, to move towards our State Recycling Goal of 58% by 2024.

It is important that we continue to look at our waste generation and disposal in different ways. Business as usual is not going to work. Product stewardship proposals supported by both industry and government are a positive step forward to improving our solid waste management systems.

Thank you for your time and consideration. Should you have any questions, please contact me at 860-344-3526 or [kim.orourke@middletownct.gov](mailto:kim.orourke@middletownct.gov).

Kim O'Rourke  
Middletown Recycling Coordinator



# PRODUCT STEWARDSHIP INSTITUTE

*Sustainable Solutions to Protect Our Environment*

March 8, 2013

Scott Cassel  
Chief Executive Officer/Founder

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*IL Environmental Protection Agency*

Scott Klag  
*Metro Regional Government, OR*

Cynthia Moore  
*WI Department of Natural Resources*

Peter Pettit  
*NYS Department of  
Environmental Conservation*

Senator Edward Meyer  
Representative Linda Gentile  
Connecticut General Assembly  
Environment Committee  
Legislative Office Building, Room 3200  
Hartford, CT 06106

Dear Chairman Meyer and Chairman Gentile:

Thank you for the opportunity to provide testimony to the Committee about how Connecticut can save money, create recycling jobs, and enhance its environment by passing House Bill 6437, An Act Establishing a Mattress Stewardship Program.

I am the founder and Chief Executive Officer of the Product Stewardship Institute, Inc. (PSI), a national nonprofit organization dedicated to reducing the health and environmental impacts of consumer products. Founded in 2000, PSI brings together key stakeholders with varying interests to develop product end-of-life solutions in a collaborative manner, with a focus on having manufacturers assume primary financial and managerial responsibility for those solutions. With a membership base of 47 state governments and over 200 local governments, as well as partnerships with more than 95 companies, organizations, universities, and non-U.S. governments, PSI advances both voluntary programs and legislation to promote industry-led product stewardship initiatives.

For the past three years, the Product Stewardship Institute (PSI) has worked with Connecticut state and local government officials, businesses, and others to raise awareness about the problems with mattress disposal and the significant financial, economic, and environmental benefits that will result from increased mattress recycling.

Connecticut municipalities spend an estimated \$1.3 million on mattress disposal, competing with other critical municipal services, such as firefighters, police, and teachers. Passing HB 6437 will provide local governments with desperately needed funding, since the cost of mattress disposal under the bill will be paid for by mattress consumers instead of by taxpayers.

Product Stewardship Institute, Inc. • 29 Stanhope Street • 3rd Floor • Boston, MA 02116  
Telephone: (617) 236-4855 • Fax: (617) 236-4766 • [www.productstewardship.us](http://www.productstewardship.us)

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*The Product Stewardship Institute is an equal opportunity provider and employer*

Recycling these mattresses will also create up to ten times the number of jobs as disposing of them. Two mattress recycling facilities, in Bloomfield and Bridgeport, have already been established in anticipation of an increase in mattresses available for their recycling operations. These businesses have initially hired about 30 employees. With the passage of HB 6437, their feedstock will increase, allowing them to expand operations.

Up to 95 percent of mattress components – steel, cotton, and foam – are recyclable, which diverts valuable materials from becoming waste. In addition, recycling keeps mattresses out of landfills and incinerators, where they pose significant operational challenges owing to their bulky mass and the metal box springs that get caught in equipment.

There is overwhelming support for this mattress stewardship bill in Connecticut. In fact, Connecticut Governor Dannel Malloy's Modernizing Recycling Work Group has made mattress stewardship legislation a number one priority for the 2013 session. The City of Hartford, the Connecticut Department of Energy and Environment, and other local governments deserve a great deal of credit for their perseverance in clarifying the benefits of this law for state residents and businesses. The International Sleep Products Association also deserves credit for working cooperatively with these agencies to develop a viable bill.

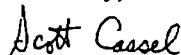
But the support for mattress stewardship extends well beyond Connecticut. In June 2012, the U.S. Conference of Mayors adopted a mattress producer responsibility resolution, which recognizes the problem of mattress disposal as a national issue and promotes opportunities for job creation from mattress recycling. In addition, multiple state and local governments across the U.S. are currently working with our organization to solve the same problem that Connecticut hopes to address by passing HB 6437. With passage of this bill, Connecticut will become a national leader, and HB 6437 will become a model for other states.

There is significant interest in this type of legislation because it reduces government's role by giving management control to manufacturers. Also, as the benefits of producer responsibility laws become more widely understood, more companies recognize how regulation can actually be good for business. By creating a level playing field and greater regulatory certainty, forward-thinking businesses have developed a competitive advantage.

HB 6437 is fully aligned with three similar producer responsibility laws already passed in Connecticut – on electronics, paint, and mercury thermostats. Nationally, over 70 such laws have passed in 32 states that require producers to take post-consumer financial and management responsibility for their products. PSI has played a role in the development and/or passage of many of these laws.

Let me again express PSI's appreciation to the Committee for the opportunity to support this important economic and environmental bill.

Sincerely,



Scott Cassel  
Chief Executive Officer/Founder

## Connecticut Product Stewardship Council

### Testimony on House Bill No.6437,

### An Act Establishing a Mattress Stewardship Program

My Name is Winston Averill, and I am writing in support of HB 6437 as Chair of the Connecticut Product Stewardship Council. The Ct Product Stewardship Council is a State Stewardship Council, partnered with the National Product Stewardship Institute based in Boston, Massachusetts. We work with cities and towns throughout our state to engage and address the environmental, health, and fiscal impacts associated with consumer wastes. Stewardship programs, like the one envisioned for mattresses seeks to internalize the total product life cycle costs. Cost internalization places disposal and recycling expenses with the product, its manufacturers and consumers, and minimizes costs for state and local governments. Currently, Connecticut's cities, towns, taxpayers and consumers, absorb all residential mattress disposal costs.

Connecticut's proposed Product Stewardship law for postconsumer mattresses is building on Connecticut's success with Electronics - Public Act 07-189, and Paint - Public Act 07-189. With our stewardship program for Electronic waste, recycling has been underway for several years and has been immensely successful in capturing televisions, computers, monitors and printers for recycling, while eliminating or reducing costs for our cities and towns.

Post-consumer mattresses present a significant, costly disposal problem in Connecticut. Our state relies heavily on Waste-to-Energy (WTE) to process the majority of residential MSW. Yet most Connecticut WTE facilities do not want mattresses because of the equipment damage caused by mattress springs. Indeed, the Hartford Mid-Conn RDF facility has banned them entirely. Mattresses are bulky and cumbersome to manage through established bulky waste disposal options as well. Reflecting this problematic profile, Governor Malloy's Recycling Work Group has made mattresses its priority for 2013.

More than 80 – 85% of a mattress can be recycled. Connecticut now has two (2) mattress recycling operations (Bloomfield, Bridgeport). The passage of 6437 will capture the synergies of underutilized mattress processing capacity, while creating jobs. By minimizing government involvement to an oversight role, we encourage private sector innovation to seek the most cost effective means to capture, transport, and recycle mattresses.

From the 1.2 million of disposal costs borne by the public sector, to recycling, better materials management, and jobs creation, The Connecticut Product Stewardship Council believes that HB 6437 will change a state disposal problem into an economic advantage..



BILL FINCH  
Mayor

OFFICE OF THE MAYOR  
CITY OF BRIDGEPORT, CONNECTICUT  
999 BROAD STREET  
BRIDGEPORT, CONNECTICUT 06604  
TELEPHONE (203) 576-7201  
FAX (203) 576-3913

**TESTIMONY OF THE CITY OF BRIDGEPORT  
TO THE  
COMMITTEE ON ENVIROMENT  
Friday, March 8, 2013**

**RE: H.B. 6437 AN ACT CONCERNING A MATTRESS STEWARDSHIP PROGRAM**

Senator Meyer, Representative Gentile and members of the Committee on Planning and Development: Thank you for allowing me the opportunity to present testimony in support of HB 6437, an act establishing a mattress stewardship program. I enthusiastically support this much needed initiative and we in Bridgeport are ready to play a major role in recycling mattresses in the State of Connecticut having opened the State's first mattresses recycling facility last spring.

In 2010, I released a comprehensive sustainability plan for Bridgeport – BGreen 2020. As part of that initiative, I have been working with two non-profit organizations in our community to start a regional mattress recycling business. This new enterprise, called Park City Green, will fulfill our goals of job creation, economic development, environmental stewardship, and social benefit.

In partnership with the St. Vincent de Paul Society of Lane County, Oregon, a national leader in mattress recycling, Greater Bridgeport Community Enterprises (GBCE/The Green Team) and Family Re-Entry, Park City Green is now recycling mattresses from municipal transfer stations, hotels, universities, nursing homes, and retailers. Park City Green presently employs five people and when this bill becomes law and is fully implemented they hope to employ another 15-20 people and become a profitable business soon thereafter. To help make this happen, the City of Bridgeport provided a \$100,000 Community Development Block Grant (CDBG) to support the facility renovation; the State of Connecticut Department of Economic & Community Development provided a \$50,000 grant for the purchase of much needed equipment; The Robert Wood Johnson Foundation has helped with seed funding to cover permitting, engineering and technical assistance; the Workplace, Inc. is providing Step-Up incentives to support new employees; and Community Capital is providing a working capital loan of \$100,000 for use during their early start-up phase.

The goal of this business is to take mattresses out of the waste stream and actually recycle the component materials. Right now, across the State of Connecticut and throughout the Northeast, municipalities, universities, hotels and mattress retailers are dealing with hundreds of thousands of discarded mattresses in a myriad of ways. Some pay third party, private companies to haul off their mattresses. Most of these haulers simply shred them up and then return them to the waste stream, where they are eventually burned for energy. Others simply send mattresses to a remote, out-of-state landfill. It is not only a waste of recyclable material to burn these mattresses for one time energy creation, or to ship them out-of-state, but, they are a nuisance in the

*"Together we are making Bridgeport the cleanest, greenest, safest, most affordable city, with schools and neighborhoods that improve each year"*

incinerator and add to the pollutants emitted into our air. When mattresses are being processed in an incinerator, the springs can wrap around the equipment, causing increased costs for down time in the plant and man-hours to complete repairs. And, if they are shipped out of state to remote landfills, the carbon footprint and expenses are enormous.

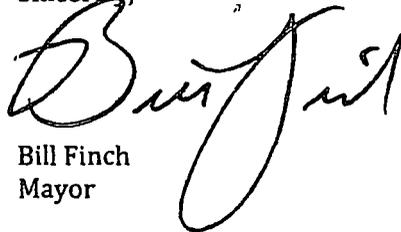
About 85% of a typical mattress is recyclable if it can be broken down to its component parts: steel, wood, cotton, and polyurethane foam. Mattress recycling creates jobs and conserves valuable resources. I understand some cities and commercial enterprises are paying \$20 or more per mattress or box spring to send them to incineration or remote landfilling. And I understand that CRRA facilities are now asking for \$35 per piece to discourage delivery to their facilities. Park City Green can offer a better service for far less. Our goal is to have every city, university and commercial enterprise in our part of the state and along our borders partner with Park City Green by providing mattresses and box springs from their waste stream. There will be an upfront cost associated with this effort, but at the end of the day, it will be far less than the health and environmental costs associated with the burning and landfilling of mattresses.

Municipalities across the state spend tens of thousands of dollars, and in some cases hundreds of thousands of dollars, to dispose of mattresses that should be the responsibility of manufacturers. Other difficult to dispose of products like paints, tires, oils and other consumer products in the solid waste stream have some type of stewardship program or disposal fee similar to the one being proposed today. This is not a new concept, but one that is absolutely necessary to apply to this product, at this time because we now have the infrastructure to make it work effectively. And in times of already strained municipal budgets, we need to place the burden of recycling and reuse on those making the profit on these difficult to dispose of products.

Finally, both partners in this new business, GBCE/The Green Team and Family Re-Entry, seek to provide jobs to the most vulnerable in our society – those seeking to re-enter society from incarceration, returning veterans, and the chronically unemployed. The State's support for a mattress stewardship program will therefore have enormous social benefits in my community, as well as the economic and environmental ones mentioned above.

Recycling mattresses creates jobs, saves valuable raw materials, helps hard strapped municipal budgets and enhances air quality. I urge the committee to support this measure and make Connecticut a national model for product reuse and stewardship. I commend all the Connecticut municipalities involved in this process, led by Hartford Mayor Pedro Segarra; the Department of Energy & Environmental Protection; the National Product Stewardship Institute; environmental and community-based organizations; and resource recovery facilities for promoting this effort, and I applaud the International Sleep Products Association for working cooperatively with our local stakeholders to create a workable model for others around the country to follow.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Finch". The signature is stylized and cursive, with a large loop at the end.

Bill Finch  
Mayor



*Park City Green a Mattress Recycling Facility*

459 Iranistan Ave  
Bridgeport, CT 06605

March 7, 2013

Senator Edward Meyer  
Representative Linda Gentile  
The Environment Committee  
Legislative Office Building, Room 3200  
Hartford, CT 06106

Dear Senator Meyer and Representative Gentile:

My name is Bradford Mitchell I am here today representing Park City Green, a mattress recycling facility in Bridgeport to express support for House Bill 6437, An Act Establishing a Mattress Stewardship Program.

Park City Green began operations in June 2012 as a not for profit enterprise in the City of Bridgeport with a mission to provide economic development for the Bridgeport region, create sustainable living wage jobs for some of the region's most vulnerable and hardest to employ citizen's and provide a sustainable and environmentally sound way to dispose of mattresses and divert them from landfills and mass burn facilities.

Approximately 85 percent of the millions of mattresses and box springs thrown into landfills and incinerators nationwide every year are recyclable. These mattresses are a dangerous nuisance in the waste stream: they take up large amounts of space at transfer stations and landfills, create flammable air pockets and do not burn well in our incinerators, do not compact well, and can create dangerous conditions for workers. The rapidly rising costs of disposal are supported by tax payers.

One alternative to burning or sending mattresses to remote out-of-state landfills is to deconstruct them and to recycle the components (such as polyurethane foam, wood, cotton, and metal). This process creates entry level jobs that are appropriate for people with barriers to employment. As the only not for profit mattress recycler in the entire North East, the Bridgeport facility aims to keep 100,000 mattresses per year out of the incinerators and to provide jobs with benefits for at least 15-20 workers.

The process is simple. Used mattresses and box-springs will be collected from municipal transfer stations, institutions such as hospitals, universities and mattress retailers, and brought to our facility in Bridgeport. Workers separate the mattresses into their component parts and prepare them for recycling. The resulting commodities are then sold on the market to manufacturers such as carpet pad makers (who buy the polyurethane foam), steel recyclers here in Connecticut (who purchase metal springs), and textile companies (for the cotton). Workers learn valuable warehouse skills such as forklift driving, baling, and materials handling.

The principal goal of this project is to reduce the unemployment rate of the City of Bridgeport that stands at 13.5% as of December 2010, and, according to our workforce investment board, reaches 25-30% in our



*Park City Green a Mattress Recycling Facility*

459 Iranistan Ave  
Bridgeport, CT 06605

most disadvantaged neighborhoods. This program can employ the City's most difficult to employ residents: those who have been chronically un or under-employed such as previously incarcerated youth, veterans who have not reintegrated well into society after recent tours of duty, those who have suffered foreclosures, and single parents. The target population includes those with minimal education and skills who may not have high school diplomas.

Park City Green has recycled over 5000 mattresses since our opening and has seen keen interest in mattress recycling from many municipalities, businesses and Connecticut residents who want to make sure that their old mattresses or box springs do not make it into a remote out of state landfills or burn facilities but instead are responsibly recycled. The passage of this bill will greatly increase the feedstock to our business and increase our staffing needs creating more jobs.

Let me express Park City Green's appreciation to the Committee for spending the time necessary to understand this complex environmental and economic issue and we strongly urge you to continue the states leadership in environmental issues and move HB 6437 out of committee.

Sincerely,

Bradford Mitchell  
Director of Operations

# ConnPIRG

Standing Up  
To Powerful Interests

Testimony of Abraham Scarr, Director  
Connecticut Public Interest Research Group (ConnPIRG)  
*in support of*

Raised Bill 6437, An Act Concerning a Mattress Stewardship Program

Chairperson Meyer, Chairperson Gentile, members of the committee: my name is Abe Scarr and I am the Director of the Connecticut Public Interest Research Group (ConnPIRG). Thank you for the opportunity to testify today in support of Raised Bill 6437, An Act Concerning a Mattress Stewardship Program.

The way Connecticut handles the material we waste is expensive, a threat to our environment and public health, and a waste of valuable resources. While we have a goal of diverting 58% of our waste from landfills and incinerators by 2024, we have been stuck around 30% for over a decade. The majority of our waste ends up being burned in incinerators, which release toxins into the air we breathe and do not eliminate the need for landfills – we produce half a million tons of toxic ash every year, all of which we landfill either here in Connecticut or increasingly out of state as we run out of in-state capacity for incinerator ash.

There is a better way – communities from San Francisco to Nantucket have greatly increased reuse, recycling and composting by adopting zero waste policies, achieving waste diversion rates of over 80% and 90% respectively. Zero waste is not some pie in the sky idea. It is simply a shift of perspective: from seeing yard and food scraps as waste to seeing compost and renewable energy; from seeing fuel for incinerators to seeing commodities with market value; from a seeing a disposal problem to seeing an economic opportunity.

Connecticut is beginning to shift its perspective. Last week Governor Malloy and Department of Energy and Environmental Protection Commissioner Esty announced the creation of the Recycling Market Development Council, one of the recommendations of the Governor's Modernizing Recycling Working Group. Reusing and recycling material recovers more value, recovers more energy, creates more jobs, and has less of a negative environmental and public health impact than burning material to generate energy. Modernizing our systems for collecting a recycling material goes hand and hand with developing the markets for those recycled materials in Connecticut and the region.

Raised Bill 6437 is an excellent example of turning what we currently see as a disposal problem into an economic opportunity. The way we currently dispose of mattresses is expensive, degrades our natural environment, and wastes valuable resources. Mattress stewardship will lift a financial burden from our

cities and towns (as well as many large institutions such as universities and hospitals), clean up our streets and streams, and have a positive economic ripple effect. It will directly create jobs in mattress recycling businesses as well as indirectly as materials recovered from mattresses are processed and purchased by other Connecticut businesses.

The bill follows the principles of Extended Producer Responsibility, wherein the producers of goods and materials are responsible for the post-consumer management of their product and its packaging. Currently, this management is primarily left to our cities and towns, and paid for with our tax dollars. Shifting responsibility back to producers has two positive effects. First, it relieves taxpayers from the significant burden of paying to manage the material. Second, it gives producers incentives to produce materials and products that are easier to reuse and recycle.

This bill was passed out of committee last year and passed by a large bi-partisan majority in the Senate. Since then the bill has been modified – without changing the principles behind it or its effect – to build even broader consensus within the stakeholder community, including the mattress industry. It should be passed and placed on the Governor's desk expediently.

Finally, mattress stewardship should be seen as one more step towards shifting our perspective on materials management in Connecticut. The more we see value and economic opportunity where we once saw waste, the closer we will get to zero waste in Connecticut.

Abe Scarr  
860-983-4473  
[abe@connpirg.org](mailto:abe@connpirg.org)



Licensed Contractor for Asbestos Removal and Lead Abatement

Weatherization & Other Energy Conservation & Environmental Services

March 8, 2013

Senator Edward Meyer  
 Representative Linda Gentile  
 The Environment Committee  
 Legislative Office Building, Room 3200  
 Hartford, CT 06106

RE: Environment Committee Hearing on HB 6437

Dear Senator Meyer, Representative Gentile and members of the Environment Committee:

My name is Adrienne Houël. I am President and CEO of the Greater Bridgeport Community Enterprises, Inc. founding partner of Park City Green, a unique, non-profit mattress deconstruction and recycling facility located in Bridgeport. I am here to support HB 6437, An Act Establishing a Mattress Stewardship Program. I begin my testimony by thanking the committee and its co-chairs for past and present support of legislation that creates a smart regulatory foundation to require mattress recycling in a way that significantly increases job opportunities for CT families while reducing municipal and taxpayers' costs for waste management.

The time is ripe for passage of this bill as it was elaborated by all stakeholders including the International Sleep Products Association, the Product Stewardship Institute, our state departments (DEEP and DECD) and municipalities across the state. Broad-based support of this bill was achieved with the hard work and input of CT Mattress Stewardship Group led by Marilyn Cruz-Aponte representing the Mayor and City of Hartford. Governor Malloy's Modernizing Recycling Working Group, whose membership consists of representatives of all recycling stakeholders, has made mattress stewardship legislation the number 1 priority for the 2013 legislative session. Further, our Bridgeport delegation, led by State Senator Andres Ayala, stands ready to co-sponsor this bill joining dozens of other legislative supporters.

Park City Green was created to provide the infrastructure necessary for mattress recycling. We are a non-profit, 501c3 entity, located in Bridgeport's newly designated Eco-Industrial Park. Our mission is to provide economic development for the Bridgeport region and to create living wage jobs for the region's most vulnerable and hardest to employ citizens by disposing of mattresses in an environmentally sound way. We operate a triple-bottom-line company based on environmental sustainability; social good by training and hiring disadvantaged low-income unemployed residents enabling them to

A Community Development Corporation

Offices & Classrooms: 570 Barnum Avenue ♦ Bridgeport, Connecticut 06608  
 Telephone: 203.212-3858 ♦ Fax: 203.612.3607 ♦ www.greenteambpt.com

become economically self-sufficient; and economic and community development for our distressed city and its struggling neighborhoods. In operation since July 2012, Park City Green has so far employed 7 Bridgeport residents 5 of whom are ex-offenders. And we are on track to fulfilling our objective of creating 25 jobs in three years.

Park City Green has already demonstrated "proof of concept": we have diverse clients including universities, hospitals and clinics, hotels and municipalities. We have found the markets for deconstructed materials such as cotton, metal, foam, toppers and wood. And we have the expertise, equipment and space to deconstruct more than 100,000 mattresses a year. To reach our full potential and to continue to create jobs, we need this product stewardship bill to pass. Furthermore, to facilitate implementation, we are ready to actively participate in pilot projects that would test the practical application of the legislation's provisions. Our operational experience and non-profit status would provide a test facility for municipalities and institutions looking for a better understanding of the process and costs of mattress deconstruction and recycling. To that end, we are open for visits and ready for demonstrations.

This bill, an excellent example of public/private collaboration, will give our state the opportunity to create a national model for product reuse and stewardship. Passage will create jobs and opportunity for Bridgeport's hard-pressed families and communities. Our city has been on the forefront of "green" initiatives and this mattress recycling facility is a key demonstration of how recycling creates jobs for our residents, saves money for our municipality and creates economic development opportunities at the same time. This is a triple-bottom-line enterprise that works. And the mattress bill will make it work better and create the jobs we need faster.

Thank you for your support of HB 6437 and for your support of our burgeoning mattress recycling industry that grows jobs.

Sincerely,



Adrienne Farrar Houël  
President/CEO



900 CHAPEL STREET, 9th FLOOR, NEW HAVEN, CT 06510-2807 PHONE (203) 498-3000 FAX (203) 562-6314

Your source for local government management information [www.ccm-ct.org](http://www.ccm-ct.org)

## ***ENVIRONMENT COMMITTEE***

March 8, 2013

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

CCM supports House Bill 6437, "*An Act Concerning a Mattress Stewardship Program*".

This bill would create a state-wide mattress stewardship program for end-of-life management of mattress disposal in which **mattress producers are responsible** for creating, financing, and managing an environmentally sound program to (1) *minimize public sector involvement* in the management of post-consumer mattresses by negotiating and executing agreements to collect, transport, reuse, renovate, recycle, burn for energy recovery and dispose of post-consumer mattresses, regardless of brand; (2) *provide for the free, convenient and accessible state-wide collection* of post-consumer mattresses that; (3) *provide for producer-financed end-of-life management* for discarded mattresses, including transportation from a number of locations including municipal transfer stations; (4) *provide suitable storage containers* at permitted municipal transfer stations for segregated, discarded mattresses, at no cost to such municipality; and (5) *cover the costs* for the program.

According to an April 2011 survey conducted by the Department of Energy & Environmental Protection, a very conservative estimate of the current costs to towns and cities for managing the **disposal of post-consumer mattresses in Connecticut exceeds \$1.2 million each year**. Similar to the Paint Stewardship and E-Waste programs preceding it, a properly designed Mattress Stewardship Program would take the financial and administrative burden of end-of-life disposal for these items off the back of local governments. This is a no-cost proposal for the state and could result in significant statewide savings for municipalities.

CCM urges the committee to favorably report this bill.

★ ★ ★ ★ ★

If you have any questions, please contact Kachina Walsh-Weaver, State Relations Manager for CCM via email [kwalsh-weaver@ccm-ct.org](mailto:kwalsh-weaver@ccm-ct.org) or via phone (203) 710-9525.



Testimony of  
Betsy Gara  
Executive Director  
Connecticut Council of Small Towns  
Before the  
Environment Committee  
March 8, 2013

RE: HB-6437, AN ACT CONCERNING A MATTRESS STEWARDSHIP PROGRAM.

The Connecticut Council of Small Towns (COST) *supports* HB-6437 AN ACT CONCERNING A MATTRESS STEWARDSHIP PROGRAM.

Towns incur significant costs in assisting residents in disposing of old mattresses responsibly. HB-6437 creates a mechanism for reducing municipal costs associated with the disposal of old mattresses by creating a state-wide mattress stewardship program. This program is based on the paint stewardship and e-waste programs that have proven successful in encouraging the responsible disposal of various items and assisting towns with the costs associated with collection and disposal.

HB-6437 will benefit towns, taxpayers and the environment by encouraging the responsible disposal of old mattresses.

COST therefore urges your support for this bill.



*Town of Mansfield*

*Resolution Supporting Extended Producer Responsibility for Mattresses*

HB 6437

WHEREAS, providing for the disposal of mattresses is a cost to our municipality; and

WHEREAS, long distance hauling to an Ohio bulky waste landfill by the Town's disposal contractor causes greenhouse gas emissions; and

WHEREAS, mattresses are high volume, cumbersome to handle, expensive to transport, difficult to compact and prone to "float" in landfills; and

WHEREAS, resources are wasted by burying mattresses when the materials could be reused; and

WHEREAS, extended producer responsibility (EPR) places the financial responsibility on manufacturers for the management of their product at the end of its useful life; and

WHEREAS, EPR legislation for electronic waste has saved our municipality thousands of dollars annually to recycle unwanted electronics; and

WHEREAS, beginning in 2013 EPR legislation for paint will save our municipality hazardous waste disposal costs and provide residents with a convenient, local location to drop off leftover paint; and

WHEREAS, EPR legislation has created economic opportunity and private sector jobs in Connecticut.

NOW, THEREFORE, BE IT RESOLVED, that the Mansfield Town Council, on behalf of the community, supports the passage of EPR legislation for mattresses that will require manufacturers to finance the disposal and recycling of mattresses.

*IN WITNESS WHEREOF, I have set my hand and caused the seal of the Town of Mansfield to be affixed on this 14th day of February in the year 2012.*

Elizabeth C. Paterson  
Mayor, Town of Mansfield

Written Testimony of JoAnne Bauer, Hartford resident and member of ACOTE

Advisory Commission on the Environment, City of Hartford

*in support of*

Raised Bill 6437, An Act Concerning a Mattress Stewardship Program

Having reviewed the testimony compiled by ACOTE (below), I strongly support Raised Bill 6437 and encourage a Joint Favorable recommendation.

**Mattress stewardship is a win for our economy.** Mattress stewardship will save our cities and towns money. Before the City of Hartford made alternative arrangements in 2011, the city faced mattress disposal costs of more than \$400,000 for the year.

Mattress stewardship will also keep valuable commodities such as metals, wood, foam, and cotton circulating in our economy rather than wasting in landfills or incinerators.

Finally, recycling means jobs – many more jobs than landfilling or incineration. For example, Park City Green in Bridgeport is providing living wage jobs to ex-offenders and hard-to-employ residents, adding social benefits to economic benefits.

**Mattress stewardship is a win for the environment.** Given the difficulty of disposal, too many mattresses end up littering our city streets and polluting our waterways statewide. Burning mattresses in incinerators releases pollution into the air we breathe and adds to the toxic incinerator ash we are running out of space to dispose of.

As a resident of Hartford, the host community for the largest incinerator in the state, I and ACOTE support efforts to increase recycling and reduce the flow of material to incinerators. On the specific matter of mattress recycling, it happens that the incinerator operators agree because mattresses are bulky and difficult to manage. Mattress recycling also benefits the environment in that most of the materials in mattresses can be reused or recycled, thus reducing our need to collect new raw materials.

Considering these clear economic and environmental benefits as well as the inclusive stakeholder process which has produced unified support for this legislation from municipal leaders, the mattress industry, environmental advocates, and the state's incinerator operators, I strongly encourage the committee and full General Assembly to support Raised Bill 6437 without delay.

House Bill 6437**An Act Establishing A Mattress Stewardship Program  
March 8, 2013 10:30 AM in Hearing Room TBD**

Co-chairs and Members of the Legislative Environment Committee; I write to support passage of mattress stewardship legislation, HB 6437.

Simply stated, I am a resident of the Town of Windsor Locks where I must pay \$20 to dispose of a mattress and box spring. My local community must charge these fees because of the high cost of disposal of this item. I believe this item can and should be recycled and I understand a recycling facility in Bloomfield, Connecticut can recover most of the material from a mattress through a recycling process for which their charge is \$11 per unit.

It seems to make more sense to deal with mattress disposal the same way we do electronic waste and the upcoming paint recycling program. Manufacturers should work with consumers to make certain items produced and used by consumers can be recycled in an affordable and environmentally acceptable manner.

I'm certainly willing to pay an eco-fee of \$20 when I buy a mattress if I can later dispose of my old mattresses for free and know they will be recycled.

I understand that the mattress stewardship will help towns, residents and increase recycling and jobs in the state. It's a win-win all around. I hope legislative officials will pass this bill during the 2013 session.

Name:

*Joseph Carr*

Political Affiliation:

*Republican*

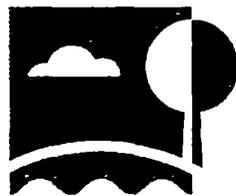
I am strongly in favor of the passage of Bill 6437 that requires the manufacturers of mattresses to take responsibility for the appropriate and environmentally sensible 'afterlife' of their products

Currently, I have a box spring in my back yard waiting for disposal. It was covered with snow for about 3 weeks and now that it is moveable, I will do so... when I figure out where and how to do so in the right way. I own a very, very small apartment building and have two units that are rented by graduate students. They come and go every year or so . and so do their mattresses and boxsprings.

I really think that the time has come to address the disposal of a very common and unwieldy household item where both the consumer and industry accept responsibility.

Thank you,

Kathleen T. Faight  
374 Whalley Avenue  
New Haven, CT 06511



**Connecticut Fund  
for the Environment**



**Save the Sound<sup>®</sup>**  
A program of  
Connecticut Fund for the Environment

**Testimony of Connecticut Fund for the Environment  
Before the Committee on Environment**

*In support of HB 6437, AN ACT CONCERNING A MATTRESS STEWARDSHIP  
PROGRAM.*

Submitted by Lauren Savidge  
Legal Fellow  
March 8, 2013

*Connecticut Fund for the Environment works to protect and improve the land, air and water of Connecticut. We use legal and scientific expertise and bring people together to achieve results that benefit our environment for current and future generations.*

Dear Senator Meyer, Representative Gentile, and members of the Committee on Environment,

Connecticut Fund for the Environment submits this testimony in support of Proposed HB 6437, An Act Concerning a Mattress Stewardship Program. If passed, this legislation would establish a program for increased post-consumer collection and recycling of mattresses throughout the state.

Currently, hundreds of thousands of mattresses are disposed of in Connecticut each year. These mattresses can account for a significant portion of collected waste by weight and can cost municipalities and taxpayers millions of dollars.

This bill establishes a mattress stewardship program to provide free and convenient mattress recycling opportunities. Mattresses take up a lot of landfill space and are difficult to manage. Not only will a mattress recycling program reduce waste build-up and illegal mattress dumping, but it will also save municipalities money spent on mattress disposal.

Thank you for your time and consideration on this matter.

Sincerely,

Lauren Savidge, Legal Fellow  
142 Temple St. 3rd Floor  
New Haven, CT 06510  
t: 203.787.0646 f: 203.787.0246  
lsavidge@ctenvironment.org

**H - 1156**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
PART 7  
2024 - 2369**

Will the House please come back to order?

Continue our business for the day, and in that vein,  
Mr. Clerk, will you please call Calendar 247.

THE CLERK:

Yes, Mr. Speaker.

On page 41 of today's calendar, Bill 247,  
favorable report of the joint standing committee on  
Judiciary, Substitute House Bill 6437, AN ACT  
CONCERNING A MATRESS STEWARDSHIP PROGRAM.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker. Good afternoon.

SPEAKER SHARKEY:

Good afternoon, madam.

REP. GENTILE (104th):

Mr. Speaker, I move for acceptance of the joint  
committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

The question before the chamber is the acceptance  
of the joint committee's favorable report and passage  
of the bill.

You have the floor, madam.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk has an amendment, LCO Number 6144. I would ask that the Clerk please call the amendment and that I be granted leave of the chamber to summarize.

SPEAKER SHARKEY:

Will the clerk please call LCO Number 6144 which will be designated House Amendment "A."

THE CLERK:

House A, LCO Number 6144, introduced by Representative Gentile, et al. -- Gentile, et al,  
excuse me, madam.

SPEAKER SHARKEY:

Representative seeks leave of the chamber to summarize.

Is there objection? Is there objection?

Madam, please proceed with summarization.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, this is a very short amendment. All it is just adjusting and clarifying some language of the bill, and I urge passage of the amendment.

SPEAKER SHARKEY:

Thank you, madam.

cjd/lgg/cd  
HOUSE OF REPRESENTATIVES

39  
May 2, 2013

Do you move adoption?

REP. GENTILE (104th):

I'm sorry. I would like to move adoption of the amendment.

SPEAKER SHARKEY:

Thank you, madam.

The question before the chamber is adoption of House Amendment "A."

Will you remark? Will you remark?

If not, let me try your minds. All those in favor of House Amendment "A," please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

The aye's have it. The amendment is adopted.

Would you care to remark further on the bill as amended?

Representative Gentile.

REP. GENTILE (104th):

Yes, Mr. Speaker, thank you.

Mr. Speaker, Connecticut currently disposes on a conservative estimate over 350,000 mattresses per year

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at a municipal cost in excess of \$1.3 million annually. Mattresses can damage trash-to-energy plants, we've found out, while providing minimal BTU value. They're expensive because they have to be shipped to landfills and yet they are highly recyclable. We know that recyclability creates jobs. In this case, the materials that are recycled from the mattress are foam, metal, cotton and wood.

This bill establishes a mattress stewardship program much the same as we have a paint stewardship program and electronics program for recycling.

This stewardship program would manage discarded mattresses. It requires the mattress producers to join a nonprofit mattress recycling council that they or a trade association representing them establish. The council will develop a plan and among other things the plan will minimize public sector involvement in managing these discarded mattresses.

The program would be funded through a fee on all mattresses sold in the state. The fee is a nominal fee and the fee and any proposed change to it is reviewed by an auditor, an independent auditor.

Mr. Speaker, I urge passage of the bill.

SPEAKER SHARKEY:

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Thank you, madam.

Will you remark further? Will you remark further on the bill as amended?

Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I think the previous amendment that has gone through is a good change, but I think we have to flush out a little bit on the bill just in general.

First, I guess a comment or two and then, perhaps, a couple of questions. This bill came before the Environment Committee, I forget if it was last year or before, and it met with a fair amount of resistance because it really was a government imposed reclamation program that a lot of the manufacturers and the retailers and whatnot didn't really have a whole lot of input in.

I think in contrast to what we saw a year or two ago, what we have now is, in large part, more of a collaborative effort. Now, I'm not sure the effort is perfect. I think there's some parts that many in this room may still disagree with and may still push the red button for but the good news is that unlike a lot of government programs like this that people pass out

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from on high and impose upon manufacturers and the private sector, this one has at least had the opportunity, through leadership of a number of folks. A couple are Senator Meyer and others and Representative Gentile.

Well, there has been input. There's still, however, one group of stakeholders that has some concerns and that's the retailers because when you pierce right down all the way to the bill in lines, I think it's 234 through 238, 239, at the end of the day what we're asking the folks -- the way this program is going to get funded is for a fee, essentially, to get added onto the cost of every mattress. And part of the compromise, if you will, was to make sure that that fee was apparent so that it has to be passed on from retailer to customer. And that's what really kind of where the rub is. A lot of folks just say, Well why are we doing this?

There are hundreds of thousands of mattresses that get into the waste stream every years. We heard that in public comment and it just makes sense. I think just the City of New Haven alone has 18, 19, 20,000 mattresses getting pushed into the waste stream. So managing that waste stream is something

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that we, as a state, have decided to do years ago and it's a laudable goal. But again, in order to pay for this, we're going to pass a cost onto the consumer.

Now, where this bill is slightly different than let's say some of the other bills we have or some of the other recycling programs we have is there's not necessarily a way to get that fee back. So one of the things that was discussed in public hearings and then, obviously, in the hallways is kind of a mechanism to do that. So I have an amendment on the system. I'll call it in a second but before we do that, if I could, through you, Mr. Speaker, a question or two to the proponent of the bill.

SPEAKER SHARKEY:

Please proceed, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And through you, I guess the real question is why, if you know, why is the fee seemingly being targeted to the consumer? When I say why, we're mandating that it shall be put on and that it's got to be obvious on the tag or the price tag so to speak.

Through you, Mr. Speaker, why is that?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Through you, currently the consumer is paying a fee on the mattress when they dispose of it. Many municipalities will charge when they pick up that mattress and put it in the landfills. This is being set up much along the same line as our paint stewardship program and our electronics program. It's a nominal fee which the extended producer absorbs.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker, and I thank the Chairwoman for her response.

And I think that, frankly, the reason I ask it is because that is sort of the important item to note here. Of course not all mattresses end up at the transfer station. Some unfortunately get dumped, which is a problem that probably triggered this thing. Some people just trade them in when they buy a new mattress and where they go from there nobody knows. But at the end of the day, this program will add price to the cost of the product.

Now through you, Mr. Speaker, if I may, do we have an idea, a rough estimate of what the increased cost to the consumer might be?

Through you.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker. Yes, and it's estimated that it could be anywhere from between 8 to 12 dollars currently.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you. Thank you, Mr. Speaker.

And through you, is there any method by which the consumer can recover that 8 to 12 dollars?

Through you.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, no, but the consumer would be made aware that additional 8 to 12 dollar fee is for recycling purposes. That is transparent.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Well, and I think, again, this is what improves this bill over what we saw last year but at the same time what many of us who've chatted about this over the last couple of years would like to see is at least a possibility or an exploration of a way that maybe consumers could get some of that money back, all of that money back. Who knows? I mean when you buy a can or a bottle, you get your nickel back if you choose to do so. Whether or not you can get your 10, 12, 15 bucks, whatever this may cost back, that'll be up to the consumer but, perhaps, there's a way that that can happen.

Now through you, Mr. Speaker, is the commission that's being set up, does it -- in the proponent's view, does the commission have the ability to set up a mechanism to possibly get the consumer's nickel back, so to speak?

Through you.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

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Through you, Mr. Speaker, that would be absolutely correct. The commission can -- the council can do that if they so choose.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And I thank the Chairwoman for her response because, frankly, that's important. I think for some of us who still have our doubts on this bill is that if it is going to be a recycling bill, if it is going to be a similar mechanism to what we've done in the past, not precisely the same -- I think paint cans I don't think you get your money back but bottles and cans you obviously can if you so choose. I'd like to actually see if we can make that a little bit stronger.

Now I know as part of the bill this new commission is being charged. It basically has a laundry list of things that they must consider. So with that, the Clerk has on his desk an amendment, LCO 6374, or at least he should. If he does have it, I ask that it be called and my be allowed to summarize, if I may?

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SPEAKER SHARKEY:

Will the Clerk please call LCO 6374, which will be designated House Amendment "B."

THE CLERK:

House Amendment "B," LCO 6374, introduced by Representative Shaban.

SPEAKER SHARKEY:

Gentleman seeks leave of the chamber to summarize the amendment.

Is there objection? Is there objection, you may proceed, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

The amendment is really pretty simple. I mean, if you look at it, at the end of the laundry list of things that the commission is supposed to look at, we add a seventh thing. It's to establish a mattress redemption credit program that provides for the payment of a monetary sum, established by the council, to any consumer who recycles a mattress in accordance with the requirements of the mattress stewardship program.

It's fairly plain, fairly straight out. It's, I think, a simple concept. Basically, what we're saying

is we're trying to codify what we've just heard. While the council clearly has the authority to consider something like this, let's just make sure it's on the laundry list. Let's make sure they actually do it. They may look at it and say, You know what, we can't do it. But at least let's make them take a look at it. So that's what the amendment says.

I move for its adoption and I urge support.

SPEAKER SHARKEY:

Thank you, sir.

The question before the chamber is adoption of House Amendment "B."

Will you remark?

Representative Gentile.

REP. GENTILE (104th):

Mr. Speaker, yes. Thank you.

Mr. Speaker, I would respectfully say that the amendment is not needed because the current bill in its present form is voluntary -- establishes it voluntarily where the council can indeed provide that to the consumers.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark further on the

amendment?

I'm sorry.

Representative Gentile, do you have a question for Representative Shaban? Are you finished with your

--

REP. GENTILE (104th):

Yes, Mr. Speaker. I was finished I would just urge my colleagues to vote against the amendment.

SPEAKER SHARKEY:

Thank you very much.

REP. SHABAN (135th):

Mr. Speaker, if I may. I believe I neglected that we do it by roll call, if I may.

SPEAKER SHARKEY:

The question before the chamber is roll call vote. All those in favor of roll call vote please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

In the opinion of the Chair, the necessary 20 percent has been met. When we vote on this amendment, it will be done by roll.

Will you remark further on the amendment that is

before us?

We have several folks on the board if you can make sure that you can stand to indicate that you're interested in the amendment.

Representative Carpino of the 32nd.

REP. CARPINO (32nd):

Thank you, Mr. Speaker.

I'd like to encourage all of my colleagues to vote for this. Time and time again we hear from a variety of constituents who do the right thing. Who repeatedly pay their bills, recycle their recyclables and try to live their life to the cleanest letter of the law and without this provision we're going to be, unfortunately, penalizing some that already do what they're supposed to do by this fee.

I thank the good gentleman for this amendment because it would, in fact, be giving back to those who are doing the proper thing so I encourage all of my colleagues to vote for this.

SPEAKER SHARKEY:

Thank you, madam.

Will you care to remark further on House Amendment "B"?

Representative Alberts.

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REP. ALBERTS (50th):

Thank you, Mr. Speaker. If I may, a question to the proponent of the amendment.

SPEAKER SHARKEY:

Please proceed, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

As I understand the amendment that's before us if this were passed, this would ensure that this redemption credit program would be established; is that not correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Actually, I think what the amendment would do is just make sure that the council considers a redemption program. I don't think that the way I'm reading it -- putting it in this section is it doesn't ensure that it would be established it just tees it up so that it might be established. It's pretty innocuous. What it does do is codify something they have to look at and is a concern to a lot of people so it doesn't just get

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lost in the mist. This is something you have to do.

Through you.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So the proponent's argument is that the present language in the bill is not as explicit as this; is that not correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

That's correct. This actually would make it more specific and make sure that this consideration and this credit redemption program actually happens.

Through you.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Would you care to remark further on the amendment, House Amendment "B"?

Representative Betts of the 78th.

REP. BETTS (78th):

Thank you, Mr. Speaker.

A question, through you, if I could, to the proponent of the amendment.

SPEAKER SHARKEY:

Representative Shaban, please prepare yourself.

You may proceed, sir.

REP. BETTS (78th):

Yes. I would like to know if either you or the Chairperson has any experience in terms of the outcome of having redemption programs, i.e., there will be a much higher rate of compliance because there is a redemption program as opposed to there not being a redemption program. Is that the motivation for this amendment?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I don't have the stats specifically. I have some anecdotal stats only from what I've done and I know what my friends and neighbors do. It's not trying to

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inspire compliance. What it's trying to do is say, All right, listen, if we're going to do another extended manufacturing/recycling program that says we're going to pay the cost to make this thing work -- to make this thing work, we're going to pass the cost onto the consumer, like bottles, like cans, like some other things. This gives an opportunity for people to say, you know what, I don't want to pay that darn fee to get some or all of it back.

So it's really just -- it's more a fairness function. It's more of a mechanism that you do with bottles and cans as opposed to compliance. I don't think having a credit is going to make people change the way they discard their mattresses necessarily. But again, in terms of hard figures, I don't know.

SPEAKER SHARKEY:

Representative Betts.

REP. BETTS (78th):

I thank you very much, Mr. Speaker.

And I just want to express my support for this amendment because I think it will lead to greater compliance so I will be supporting this amendment. Thank you.

SPEAKER SHARKEY:

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Thank you, sir.

Would you care to remark further on the amendment before us, House Amendment "B."

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

Mr. Speaker, I guess I'll start with a question to the proponent on the amendment but my question and, basically, comes from a result from the first response from the proponent of the underlining bill. It was my understanding that Representative Gentile is objecting to the amendment indicating that there's nothing in the bill that would preclude the council from taking into consideration this particular bill.

So through, Mr. Speaker to Representative Shaban, I would ask this question and that would be, based on the response by Chairwoman Gentile, with regard to the amendment before us, do you read that all the other numbers in section 2, in other words, the other recommended numbers for consideration 1, 2, 3, 4, 5 and 6, are also optional for consideration with regards to this council.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Well, I think by adding them to the list what's not optional is the fact that the council has to look at it. Just looking at the language of the bill itself, you could use the term "optional" because it says "such mattress steward" -- this is in line 112, 113 -- "such mattress stewardship program shall, to the extent that it is technically feasible and economically practical" -- 1, 2, 3, 4, 5, 6.

So by adding it to that list, we are specifically saying look at this also. And then still subject to the same caveat as the other six that if the council says that this is technologically feasible and economically practical, this is something we ought to do. It basically raises the stakes a little bit but to the Minority Leader's point and to the Chairwoman's point if it's already within their authority, let's make sure they exercise the authority in a way that we think is proper.

Through you.

SPEAKER SHARKEY:

Representative Cafero.

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REP. CAFERO (142nd):

Thank you.

Through you, Mr. Speaker -- well, actually not through you. I've concluded my questions I thank the gentleman for his answers.

Ladies and gentleman, what basically we have just learned is that in trying to put forth this program, this mattress stewardship council can consider a whole bunch of things, in fact, the sky is the limit. However, we have enumerated in the underlying bill six things that they must consider. They must consider. They don't have to implement them if it's not technologically feasible or economically practical but they must consider them.

So, basically, it comes down to the fact as we do this new program -- which my understanding is it would be the first in the country -- would we like this newly formed council with regard to mattress stewardship to be able to consider if technologically feasible and economically practical a rebate like we do for many other things that we recycle?

Do we want them to consider a rebate? For me, the answer is yes. Of course, I would like them to consider a rebate. This is a very simple amendment.

It doesn't obligate anybody to implement the program if it's not economically feasible or technologically feasible. But I would like this new first-in-the-nation council to be able to consider a rebate. That's all. It's very simple. It's very practical. It's very commonsensical. It fits in perfectly with regards to the whole import and purpose of this bill and I would suggest that we support this amendment.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you very much, sir.

Would you care to remark further on the amendment before us, House Amendment "B."

Representative Widlitz.

REP. WIDLITZ (98th):

Thank you, Mr. Speaker.

Mr. Speaker, I'll speak on the underlying bill a little bit later, but addressing the amendment that's before us, I think we have to understand that the point of the fee is to cover the cost of operating the program. Now, certainly, the industry will determine that fee which will be audited simply to cover the cost of operating the program. Now, if one builds in a rebate that's going to elevate the cost because

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there will be a certain cost in operating the program if you're going to add a rebate on top of that, that's going to add more onto that fee which people may or may not use. So while it sounds very appealing, I think it has the impact of working against keeping that fee as low as possible.

And as I read this, it says that they "shall," the committee -- the organization shall consider all of those issues as listed. Those are simply to make it an efficient program to run at the least cost possible. This inflates that cost and I think works against the impact of the -- rather intent of the bill so I would urge my colleagues to reject it.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Will you care to remark further on House Amendment "B"?

If you are, please stand.

Representative Shaban for the second time.

REP. SHABAN (135th):

Thank you, Mr. Speaker, for the second time.

To get to Representative Widlitz' point, you know, it's funny I thought the same thing but actually

to Representative Albert's point this is the kind of thing where the commission or the council can do the math. How many folks are going to actually trigger the rebate? 1 percent? 3 percent? 5 percent? It's really a consumer fairness issue. It's really something -- and, you know, what it also does? It helps out our retailers because the retailers are the only folks -- a lot of folks came in and worked on this and the retailers came out the back end saying, You know what guys, you're going to drive up our cost, you're going to make us stick on an extra fee and we're going to have to bear the brunt of this.

This now, at least, enables your retailers, retailers in all of your districts to say, Don't worry, if you want to you can get some or all of your money back depending on what the council figures out.

It makes sense. I think it's easy. Whatever the math is, the math is, and it makes the bill consumer friendly and it makes it friendly to the retailers.

SPEAKER SHARKEY:

Thank you, sir.

Will you care to remark further on the amendment? Representative Bolinsky.

REP. BOLINSKY (106th):

Thank you, Mr. Speaker.

There were some questions on the floor before about this bill and, first, I will speak about the amendment. I do plan to speak about the underlying bill later, but first, I'd like to point out that I believe that I probably am the only person in these chambers to have actually ever conceived and implemented a deposit and return program in the State of California, in the year 2009, on used containers of automotive refrigerants. So, as far as the logistics of these systems and how they work and how a deposit does incentivize a consumer to participate in the program, I can tell you that when I studied this program three or four years ago, the difference in redemptions of bottles and cans between the State of Michigan with a 10 cent bottle deposit and the State of California with a 5 cent bottle deposit was 96 percent to a number of under 50 percent. So, yes, this deposit moves compliance also making it a requirement that all retailers are participating in this program is a necessary component.

The concept for deposit for a high tech, high space occupying item such as a mattress, I believe, is completely' totally 100 percent necessary in this case.

Will it drive up the cost of the program? Well, not necessarily. What it's going to do is it's going to incentivize not just the consumers to bring back these items but it will create a cottage industry of recyclers that will then take these returned mattresses back from the retailers and it creates a value stream.

If anybody does not believe that that works, I would ask you to remember the last time you changed the battery in your car or the battery in your lawn tractor because my lawn tractor, when I replaced the battery, \$5. When I go to Sears, I hand them my old battery, I get a \$5 credit which goes to the next battery. If I don't return the battery, I pay another \$5 core fee. It's called a core fee. It's what keeps the industry moving. It's what keeps consumers bringing it back, and it's what keeps bulky items or environmentally dangerous items from ending up in culverts and in the woods, period.

The refund aspect is terribly, terribly important. There are other problems with this bill, but I'll save that for later. Thank you.

SPEAKER SHARKEY:

Thank you, sir.

Will you remark further on House Amendment "B"?

If so please stand. There are still others on the board.

Seeing -- oh, I'm sorry, Representative Ziobron.

REP. ZIOBRON (34th):

Thank you, Mr. Speaker.

After listening to some of the debate with my colleagues, I came to remember an incident actually just a few months ago. I was helping cleaning up Pocotopaug Creek in East Hampton and we were removing railroad ties, cans, typical stuff that you would see recycling and, out from the middle of the creek, they pulled a mattress and the mattress had obviously been there a long time, very rusty, and I think that this amendment does provide an incentive to help keep our environment clean. Stop people from dumping them in the woods and other places where it could really effect wildlife, and I rise to support the amendment and urge my colleagues to do also.

Thank you.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark further on House Amendment "B"? House Amendment "B"?

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If not, staff and guests to the well of the House. Members and guests take your seats, the machine will be open.

THE CLERK:

House of Representatives is voting by roll. The House of Representatives is voting by roll. Will members please return to the chamber immediately.

SPEAKER SHARKEY:

Have all of the members voted? Will members please check the board to make sure your vote is properly cast. If all of the members have voted, the machine will be locked and the Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

On Bill Number 6437, House "B"	
Total Number Voting	138
Necessary for Passage	70
Those voting Yea	49
Those voting Nay	89
Those absent and not voting	12

SPEAKER SHARKEY:

The amendment fails. Would you care to remark further on the bill as amended? We're back on the

underlying bill.

Representative Sawyer of the 55th.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

Question, through you, to the proponent of the bill?

SPEAKER SHARKEY:

Representative Gentile, please prepare yourself.

Please proceed with questioning, Representative Sawyer.

REP. SAWYER (55th):

Thank you.

I was interested in the concept of a recycling council, and in looking at lines 64 to 72, it talks about producers, and I was bouncing between the language that talks about who should be on the council and who a producer is. If you could please clarify, in particular, line 69 where it says, B, any person who imports a mattress?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

I'm sorry. I was just trying to find the language. It's on what line is it?

SPEAKER SHARKEY:

Representative Sawyer, could you just rephrase and specify?

REP. SAWYER (55th):

Absolutely. I was looking at line 69, the letter B. Could you please describe what type of producer that is?

SPEAKER SHARKEY:

Thank you, madam.

Representative Gentile?

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Yes. I'm sorry. Yes, as I read it, it does mention an importer, but it goes on to say it is under the producer section and it goes on to as that who imports into the United States that is sold or offered for sale in the states and is manufactured or renovated by a person who does not have a presence in the United States so that would be an out-of-state individual.

SPEAKER SHARKEY:

Representative Sawyer.

REP. SAWYER (55th):

I thank the Chairwoman for that comment and that description so would you, then, talk about the council and would you describe which producers would be required to participate in this council?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Yes. It would be up to the council, through you, Mr. Speaker, but a "producer" means any person who is manufacturing a mattress for sale.

SPEAKER SHARKEY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

Through you, so would a manufacturer from Pennsylvania be expected to participate on this particular recycling council?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, only if they sell in

the State of Connecticut.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

And through you, would someone of an international presence, so if we have mattresses coming from China, would the Chinese be expected to have a representative there at the council?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, yes. Once again, only if they're selling in the State of Connecticut, and they choose to take part as a producer on the council.

SPEAKER SHARKEY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

So the expectation is a mattress producer could choose to participate or not participate?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, it is voluntary. One

individual would have to be represented, but it is voluntary who that person would be.

SPEAKER SHARKEY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

May I just ask for a clarification from the Chairwoman that it is -- mattress producers, it is voluntary for them for any mattress producer to participate as a member of the council?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, for clarification, any mattress producer must participate in the mattress stewardship program; however, their participation on the council would be voluntary. They must have a representative but who that representative would be would be voluntary.

SPEAKER SHARKEY:

Representative Sawyer.

REP. SAWYER (55th):

Through you, Mr. Speaker, could the gentlelady

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point out in the language where the language is  
permissive?

Through you, Mr. Speaker.

REP. GENTILE (104th):

Through you, Mr. Speaker, I'm looking for that  
language now.

REP. SAWYER (55th):

If I might be of help, Mr. Speaker? My guess is  
that it's, perhaps, around line 107?

SPEAKER SHARKEY:

Thank you, Representative Sawyer.

REP. GENTILE (104th):

Through you, Mr. Speaker?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

On section 2, I believe it is, on the first line,  
lines 107 -- beginning at 107. Line 107 that would be  
the language.

SPEAKER SHARKEY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

Perhaps, I might direct you to 108 where the word

is "shall." And perhaps, I'm misreading this but when I looked at it, it said that each producer shall join the mattress recycling council. And my understanding was that the word "shall" is mandatory, versus the word "may." And I went back and looked at what a producer was and it doesn't specifically say producer of a mattress produced in the State of Connecticut so then my thought was, perhaps, that's capturing mattresses that are produced around the United States, mattresses that are produced internationally and even in the case where we are looking at a futon mattress that comes as a set that it sold, perhaps, at Walmart or at Target that is produced in China. They are -- come through a distributor here in the United States but they are not produced here.

So if I might have a clarification if the gentlelady has a different point in the bill to send me to so that I could understand that it is permissive and not mandatory that each producer be a participant of the council.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, yes, in section 2, yes,

the participation on the council is mandatory and that is the "shall." But if you go back to the producer language the producer who produces a mattress to be sold for sale or distributed for sale in the United States then they may participate on the council. They have to be a member of the stewardship program, but their participation on the council is voluntary.

SPEAKER SHARKEY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker.

And thank you, Madam Chairwoman.

In screening the bill, I guess I have a different interpretation of what is said from the language. I understand the intent from what the Chairwoman has directed us, but my understanding when looking at this that it is a mandatory requirement that they be participating in this council and I have a different understanding so I believe we have, perhaps, a crafting error here, and I am hoping that someone can fill me in.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark on the bill as it is amended?

Representative Shaban, for the second time on the bill as amended.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I think I got cleared off the board after the amendment vote. Just kind of following up a little bit on what -- where we started before. We talked about how, under the bill that this council's going to have a certain amount of authority to do certain things, and the Chairwoman was kind enough to acknowledge -- and I think she's right -- that even though we didn't pass the amendment that I proposed that the council has the ability -- and I would submit they should consider a rebate program because of all of the reasons we talked about. One of the things that may actually be able to do is help, you know, some of those mattresses that the cities are talking about seen in alleys and streets and whatnot or maybe a little cottage industry saying, let's go pick these things up and go get our 5 or 10 bucks. It actually, to some of the earlier points, could actually help drive compliance.

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Two points -- and I don't know the answer to this so I'm actually asking for some clarification because in the previous couple of questions and answers the question was, does a manufacturer have to participate on the mattress recycling council and my recollection of the bill was that actually they don't. But I am looking -- and now this was pointed out to me by some of my colleagues -- to lines 107, 108, 109, and it seems to suggest -- unless I'm missing something that maybe that's not exactly the way the bill reads. It says, "On about July 1, 2014, each producer shall join the mattress recycling council and by said date such council shall submit the plan."

And this is -- then we talked about the plan. So the "shall join the council" kind of runs contrary to my recollection to the way this bill was supposed to drive and, thus, the source of my next question, through you, Mr. Speaker, to the proponent. Are we -- maybe you can help us out? Are we misreading this? Because my recollection was the same as the Chairwoman's is that you don't have to join the council, but if you're a producer you have to participate in the program so where are we going awry here?

Through you.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, my good ranking member is correct. You don't have to join the council, but you have to participate in this stewardship program. However, just as a point of clarification, you may also be represented by your professional organization. It does not necessarily have to be the individual producer that can be represented by a professional organization as well.

SPEAKER SHARKEY:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Perhaps, we're getting lost in the definition of what producer is as opposed to manufacturer. I'll leave it to others to see if there's got to be some clarification here because that word says "shall." If we've got to tweak it if the bill comes out as presently written and if that's not the intent of the bill, which I think we've established -- because I know that's not the intent of the bill and so, as a

proponent, we may need to clean that up.

But another question if I may, through you. Furthermore, on the concept of what the council can and cannot do. Some of the opposition that we heard in the public hearings this year and last year or maybe it was the year before, was the seeming requirement that the fee gets tacked onto the end price at the point of sale, the consumer. So when I go into buy a mattress, I shall pay 8 bucks, 10 bucks, whatever it's going to be.

Through you, Mr. Speaker, if the council wants to or if the council takes a look at this and says, you know what, we have a better idea and there's as a different idea to capture this fee, through you, Mr. Speaker, does the council have the authority to do that?

Through you.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, absolutely.

REP. SHABAN (135th):

Well, thank you, Mr. Speaker. And I think that's important for a number of levels. Again, I would have

preferred that the amendment I pitched pass, not only because it was mine, but because I thought it was a decent idea and, perhaps, we'll capture that in future iterations of this process.

But if there is a better way to capture this fee and the council has the authority to do it, I think it behooves the folks, the few remaining groups that are still opposed to this bill because this was a fairly large collaboration with a lot of people participating, a lot of groups that they stay in the process because, perhaps, there is a better way to do it. Perhaps there is.

I still think there's some technical problems with the bill. I think the rebate portion would have made it better. Again, maybe we can fix that later on. And I'll leave it to the bill drafters to see whether or not we need to change "shall" to a "may" in 108, but we'll drill down on that, but I thank the Chairwoman for her leadership on this issue and for her responses to my question.

SPEAKER SHARKEY:

Thank you, sir.

Do you care to remark further on the bill as amended?

Representative Alberts of the 50th.

REP. ALBERTS (50th):

Thank you, Mr. Speaker. If I may, a few questions to the proponent of the bill now amended.

SPEAKER SHARKEY:

Please proceed, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

In lines 8 -- actually lines 9 through 10 seem to include under "Covered Entity" military bases, and I wanted to make sure I understood that we're proposing to task U.S. military bases, potentially, with inclusion as covered entities?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Question -- Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker. That is correct.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So we are, if this were to pass, we would require that the U.S. government have at the sub base, any

discarded mattresses will be part of this program, as well, and they would have to participate in this program?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, one moment please. Let me just find the language.

Through you, Mr. Speaker, it is my understanding that they can make the choice to participate in the program and have the mattresses that they are disposing of disposed of and recycled through the program or they can pay individually and have those mattresses disposed of.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So for the purpose of legislative intent, if this were a state military base, and the state does have military bases with lodging, then those would be mandated to be included in this program if the council moves forward and establishing the rules of the road

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for it, but if it were a federal military installation, it would be permissive for them?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, no, that is not -- that is not correct. It doesn't matter whether it's a state or a federal. If they choose not to, then they would have to pay the disposal fee, the tipping fees, the surcharge, and everything else to dispose of them properly to be trucked to a landfill.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And in lines 64 through 72, there's reference to what a producer is, and I just want to make sure that the producer would, again, have to be someone that offers to sell the product, the mattresses, within the state; and that an entity, for example, many of our districts are on border -- borders of the state so that if I were to travel to Webster, Mass., or Auburn Mass., or Providence, purchase a mattress, they would

not be necessarily considered a producer, of that manufacturer; is that not correct?.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through, Mr. Speaker, that is absolutely correct.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

In going forward and looking at line 118, there's mention of participating covered entities, and I was drawn to the word "participating," because it seemed to indicate that there was the potential for nonparticipating covered entities. Is that what the intent is of this measure to allow folks that are covered entities to decide not to participate?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, yes, that is correct.

It is -- they can choose whether or not they wish to

participate.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And then that would go to what the proponent was alluding to earlier, then they would then, by not participating, go forward and participate in paying a tipping fee and the proper clean-up fee to dispose of those mattresses; is that not correct?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

That is correct, Mr. Speaker. Those tipping fees could be anywhere up to \$80 per ton, as well as surcharges on top of that.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

In line 120, and I know there's other references here, there's a mention of mattresses for collection at one time. Is -- was there a certain time frame that the proponents -- the proponent was contemplating

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at one time. I'm thinking, in particular, of some of our smaller communities. The Town of Union, for example, with under 900 citizens may discard of all of five mattresses per year. And I'm wondering, you know, at one time is that one time collection period on a monthly basis, is it on a yearly basis, a quarterly basis?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, with regard to the disposal, the 50 -- the 50 mattresses is limited to commercial, I believe. And it is lower -- it would be lower for anything residential or municipal.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So then if a community, like the Town the union, had five mattresses a year, they could accumulate six years' worth of mattresses, meet that threshold of 30 mattresses and then that would meet that requirement?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, yes, they could meet that threshold, you know, eventually, but I believe that they would be picked up at least once a year.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Is there reference in this language to once a year? I could not find it and I was looking specifically for that.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I'm looking for the language now. If we look at lines 124, 125, they would require collection every year due to space and amount and permit requirements. So there is that exception there for some of the smaller communities.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

Actually, line 124 through 125 says provided the transfer stations require such collection due to space or permit requirements. There isn't any mention here of an annual reference. And -- unless -- again, unless the proponent's working off a different draft than I am, but this draft that we have before us doesn't have an annual requirements so it would suggest to me that that would still be something that's open ended.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I believe it would be stated on the permit.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And going a little further in lines 143 to 150, there's contemplated how the council will move forward and implement a fee structure, and it looks like one

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of the goals of doing this is that the council is going to be empowered to establish a financial reserve sufficient to operate the program, in lines 147 through 148, over a multiyear period of time. Could the proponent clarify what that multiyear period of time might be?.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile -- where are we?

Representative Gentile -- sorry.

REP. GENTILE (104th):

Through you, Mr. Speaker, that would be determined by the council.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

So even though there's reference in line 150 to maintaining records the program from not less than three years, if the council decides that, Look, we need to have 20 years of financial reserves so we need to charge fees in accordance with that, that would be permissive?.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that would be correct.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

That would be very unfortunate, I think, for us to maintain that level of reserves. So I hope -- I hope the proponent's wrong. I hope it's something less than that.

Section 7, which is lines 317 through 322, makes reference to the situation that I was alluding to earlier about the potential for folks from Connecticut to go out of state to potentially purchase a mattress. And it looks like we're contemplating allowing the council to participate in collaboration with other state's programs, and I understand the requirement, in line 321, that the collaboration has to be consistent to what we're attempting to put in place here, in sections 1 to 6. But then in line 318, we use the word "may," and I wasn't sure if really the intent of what we wanted to do here was to make this a "shall"?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, it's my understanding that it is the intention for us to collaborate with other states. For instance, Rhode Island is currently looking at legislation that is patterned after the Connecticut legislation. And the reason for this is that -- so that the industry doesn't have to comply in 50 different ways or 40 different ways. So we're trying to be as collaborative as possible and as consistent as possible.

SPEAKER SHARKEY:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And I appreciate that answer and I agree with the intent and that's why I am really puzzled at the word "may" in 318 because it would seem that we would really want to have the word "shall" there. So that the council shall collaborate with such state to conserve efforts and resources. I don't see why we would want to make it optional. It seems that the

better choice of word there would be "shall," but I do thank the proponent for her answers.

Thank you, Mr. Speaker.

REP. GENTILE (104th):

Mr. Speaker.

SPEAKER SHARKEY:

Is there a question from Representative Alberts because Representative Alberts has the floor, madam.

REP. ALBERTS (50th):

No, Mr. Speaker. I'm all set.

SPEAKER SHARKEY:

Okay.

Would you care to remark further on the bill?

REP. GENTILE (104th):

Yes, Mr. Speaker. I just wanted to respond that the "may" is there to allow them the flexibility to be able to be.

SPEAKER SHARKEY:

Okay. Thank you, Representative Gentile.

Representative Rebimbas of the 70th District.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

A few questions to the proponent of the bill, if I may?

SPEAKER SHARKEY:

Please proceed, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, to the proponent of the bill, I'm trying to do a cost analysis regarding the program that we have before us and the problems that apparently brings this bill before us here today.

Does the gentlelady have some information regarding the amount of mattresses that may be illegally discarded that has led to this bill that's before us?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

The only information that we have was done through a survey of DEEP and some of the municipalities, and we have an estimate of over 350,000 mattresses but there is no distinction as to how many are disposed of legally or illegally.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

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Thank you, Mr. Speaker.

Well, that's unfortunate because it appears that in the bill that's before us might be seeking a resolution to a problem that we don't know the extent of the problem, and I think based on a lot of the information that's been exchanged here on the House floor, it's creating many more problems.

One of the concerns I have is it's my understanding that there may be some mattresses that are discarded in the inner cities. I know that many of the inner cities in the state of Connecticut are struggling, actually, currently, regarding bed bugs. I know many residents in the inner cities that, unfortunately, have subjected themselves and their children to continue to reside with mattresses with bed bugs because they can't afford to replace those mattresses. And what this essential program is doing is increasing the cost of mattresses making it even less affordable for people who come from low-income housing.

Through you, Mr. Speaker, hospitals and convalescent homes, mattresses that are purchased by them, would they also be subject to the increase in the mattress fee?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I believe if the gentelady would look on line number 9, it refers to a healthcare facility so a hospital would be considered a healthcare facility.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, does the gentelady have any estimated costs associated with the increased fees that the healthcare facilities throughout the state of Connecticut would have to endure as a result of this program?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, no.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, does the gentlelady have information regarding the number of retailers, manufacturers, or producers in the state of Connecticut that may already voluntarily have some type of program of taking back mattresses, whether at the point of a sale of a new mattress or just potential having a facility where people can just drop off their mattresses?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

I'm sorry. Could the good lady please repeat that again?

SPEAKER SHARKEY:

Representative Rebimbas, could you rephrase your question?

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

To the best of my recollection, does the gentlelady have any information regarding what manufacturers, producers or retailers throughout the

state of Connecticut already voluntarily take back mattresses at no cost either at a purchase of a new mattress or at any time?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I do not have that information in front of me.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And I would like to thank the gentlelady for her responses.

My concern is I actually have direct knowledge. It wasn't too long ago that I did purchase a mattress and, actually, I believe under these definitions it might have been directly from a manufacturer and, in fact, they were kind enough to take my old mattress so I actually didn't have to go to the recycling facility and pay a fee there, but they took the old mattress for the exchange of the new mattress and I'm quite happy that I didn't have to pay an additional cost

because mattresses are not inexpensive nowadays.

Through you, Mr. Speaker, this additional fee that's going to be placed on the mattresses would that be before taxes or will that fee be factored into the cost of the mattress which then would be before taxes or after taxes?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, at this point in time, it would not be considered a tax because the money does not go to any government entity. It would go to the industry, the council.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Maybe I'll rephrase the question. I'm sure I was not clear. My question regarding the fee, is the fee going to be included as the cost of the mattress or will this be a separate fee that is also paid? And the purpose of my question is also to determine if it's going to be included in the cost of the mattress

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then the entire cost, including the fee, is going to be taxes. If it's a separate fee from the cost of the mattress, then my assumption would be that it would not be included in the tax cost.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, this would be the same as the paint stewardship program and that fee is subject to tax.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And thank you for the response. That's unfortunate. Because if the true intent here is to establish some type of program funding, then once again I don't think that the person at the time of purchase should be additionally penalized for paying a tax on it as well.

I also see that this bill before us, although well intended, does penalize everyone who purchases a mattress opposed to the few who may be irresponsible

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enough to illegally dispose of the mattresses. And without knowing exactly how many illegal mattresses, we are considering here we don't know whether or not we are actually addressing the need. Moreover, we don't even know what the problem truly is. And what we're doing, essentially, is then punishing everyone who purchases a mattress in the state of Connecticut.

Now, I'm actually going to repeat that. We're penalizing everyone that purchases a mattress in the State of Connecticut.

The reason I say that is because in order to avoid this additional cost, we have to go outside the state of Connecticut to purchase it. What healthcare facility, what hospital, what convalescent home, what person would not want to then travel right across the border and purchase a mattress at a lesser cost.

You know, I've been very fortunate to be serving on the MORE Commission and one of the topics on the MORE Commission is regionalization. How could we all together work together to keep costs down in cities and municipalities and things of that nature. I think that this is an issue that's ripe for those types of problem-solving thoughts and processes and not again punishing retailers and then the people who are

purchasers of these mattresses.

I know also, for example, if I wasn't fortunate enough when I bought my last mattress to have the manufacturer take the old one, I actually in my town do have, I guess, what some people refer as a recycling center or transfer station, and at a cost. And as I'm reading the testimony regarding this bill, it's my understanding that these recycling centers or transition stations throughout the State of Connecticut is anywhere between 14 to 45 dollars. So, now, if I want to purchase a mattress, it's estimated I'm going to be paying \$30. So I'm now being further punished because of how many mattresses that might be illegally dumped? We don't know.

So, unfortunately, I think this bill is creating more problems than the good intent that it had. And through you, Mr. Speaker, just some further questions for the proponent of the bill and, specifically, regarding the discussion that was had earlier between the terminology of "shall" and "may." So, specifically, looking at lines 107 and 108, the questions I had been previously asked but -- I mean I'm not, as an attorney, I'm still not clear that the response is reflective of the bill that's before us.

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As I read lines 107 through 108, it says, "On or before July 1, 2014, each producer shall join the mattress recycling council." "Shall" is mandatory.

So it's my understanding, based on this language, that the producer must join the recycling council; is that correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

So again for further clarification, if there is any type of producer from outside the state of Connecticut, in another country, I think the example that was provided was Thailand, China -- somewhere else -- would they have to have, pursuant to this bill actually, I guess just a confirmation, they would have to have a member be a part of the mattress recycling council. Correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, they can be represented by their professional organization, industry organization.

SPEAKER SHARKEY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

I guess that response would be assuming that all producers or manufacturers outside of the United States are part of an association. Let's then assume that they are not part of an association. Would a manufacturer or producer of a mattress outside of the United States, they would be required to have a member be on the recycling council; is that correct?

Through You, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Rebimbas.

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REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Fortunately, this is one more issue, one more topic that we show that the state of Connecticut is not a business-friendly state. We're encouraging our residence to go across the borders to buy cheaper mattresses. I've actually jut been provided with some information that approximately thousands of beds are located in just group homes throughout the state of Connecticut. So now we're asking the facilities that care for our very own residents to have to go outside of the state of Connecticut in order to purchase in bulk to be able to have some type of savings. As if we already don't challenge our hospitals in the state of Connecticut enough, now this is an additional thing that they have to do.

What are we saying about our producers and manufacturers and retailers who sell mattresses in the State of Connecticut? I think this is a very unfortunate message that we're passing along. Again, the intent of the bill is a good one. We need to encourage recycling. We are doing nothing, nothing to stop the people who are illegally dumping. We're all paying more for the mattresses and those people who

are illegally dumping the mattresses will continue to dump the mattresses. We are doing nothing to penalize them. We're penalizing the responsible residents of the state of Connecticut that are purchasing now mattresses at a higher cost.

We're also penalizing the business community in the state of Connecticut. We're also asking that manufacturers and producers from outside the United States not to sell mattresses in the State of Connecticut. So again, doing the cost-effective analysis on this, we don't know what the problem is, we're creating a solution that, quite frankly, penalizes all of the residents who are responsible in this regard. And I think this is an unfortunate message that we're once again sending, and I hope that this is a bill that will fail on the floor of the House.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Will you care to remark further on the bill as amended?

Representative Aman of the 14th.

REP. AMAN (14th):

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Thank you very much, Mr. Speaker.

I, too, rise to discuss the bill, and I will have some questions for the proponent. And the first covers the entity section of the bill, and I just want to make sure that I understand completely that basically anyone who purchases mattresses would be covered as a covered entity. This would include our prison system. It would include our dormitories at our colleges. It would include any other facilities of group homes, et cetera, that the State owns. Through you, Mr. Speaker, is that correct that they're all part of the covered entity part?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes, and it's also my understanding that the covered entities when they purchase a mattress would be paying a mattress stewardship fee that is added to the purchase price of any mattress that those entities of the State purchases?

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Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

I find that answer a little bit -- I do not quite understand because I just looked at the fiscal note and I did not see anything in the fiscal note that talked about cost to the State. Through you, Mr. Speaker, I'm wondering how that is true that if the State units are purchasing mattresses all purchased mattresses require a fee how that is not shown in the fiscal note?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, it's offset by the money they would be saving on the tipping fees and the surcharges.

SPEAKER SHARKEY:

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Representative Aman.

REP. AMAN (14th):

Could the proponent of the bill let me know what the tipping fees, et cetera, that the prison system, for instance, is currently paying because, while I'm not an expert on the budget, I don't remember that line item being discussed.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that would depend on where they're going. It could be 70 to 75 dollars a ton, it could be less in some places, it could be more.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

I'm still a little confused as to why Fiscal Analysis didn't either put savings and cost like they very often do. They just seem to ignore the subject.

Going on to the mattress recycling council, earlier on in the discussion it seemed like it was optional to join, but the OLR Report and the Chairman

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since then has said that, yes, it is absolutely required. The "shall" word is as it is put in there, you must join the mattress recycling council.

And through you, Mr. Speaker, I'm wondering what other trade association do we require anybody to join?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, we do require that with the paint stewardship program.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Looking at it, I'm looking at so many of the others. I'm looking at our attorneys, while we encourage others to join the Bar Association, they are not required to. Doctors are not required to join the American Medical Association, and yet we're turning around and saying to mattress people, you must join this association.

Through you, Mr. Speaker, is this current mattress recycling council in existence?

Through you, Mr. Speaker.

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SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, no, it is not yet been formed.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes. What would happen in many trade associations there are -- or trade groups, there are competing associations. I think almost all of us who are builders, remodelers -- or in almost any industry, there's maybe two or three different trade associations that represent us. How is the State going to decide which of these trade associations is going to be the official mattress recycling council?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, the council will be formed by industry associates, people that represent the industry. So that could be something like the ISPA, International Sleep Products Association. It

could be a mattress producer, but it would be by the representatives of the industry. That's what would compose the council.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes, through you, Mr. Speaker, and if I'm a producer and the Speaker is a producer and we decide to put back two different trade associations, what at that point will the State do when there's two, three, five trade associations available or wanting to represent this industry?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I'm very sorry. Could the good gentleman please repeat that?

SPEAKER SHARKEY:

Representative Aman, could you elaborate on the association that you and I will be creating?

REP. AMAN (14th):

Yes, I would. The Speaker and myself are both mattress producers, we're in competition with each

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other and we decide that we want to join two different trade associations, something that is very common.

How is the State going to determine which of the two trade associations or three, four, five trade associations are going to be the official Mattress Recycling Council of the State of Connecticut?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I would assume it would be the one with the largest membership.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

I think I have a major problem with that in that, again, there are very few trade associations, as such, that anybody would be forced to join, but since I'm now going to be forced to join in this trade association that I did not have the membership that my competitor has, how are the membership dues and things going to be set since it not only covers the cost of this program but, as I remember the bill, it also covers administrative costs which is a catchall for almost anything?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that would be established by the council.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

And what would be my recourse when the State says to be producer in the State of Connecticut, I must join this association. I look at the association and say they're spending money like crazy because they have unlimited money coming from me because the State says if I want to have a business in selling mattresses or producing mattresses, I must joining your association and, therefore, I must pay whatever dues you come up with?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, it is a nonprofit and so there is an incentive to keep the dues as low as

possible -- the fees as low as possible.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

I find that a little scary since we're now hearing about nonprofits that are paying their CEOs a million dollars a year so the idea that something is a nonprofit and is going to keep the fees down is something that I have trouble following.

In lines 136 through 139, it talks about the plan, as submitted, must identify each producer of mattresses of the State of Connecticut, and I think that's fairly easy. Is there anything in the bill that says how producers who have not joined the association are going to be identified?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, no, there is nothing but they would have to join.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

So if I decide that I don't want to join this

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association that you're telling me, as a producer, I'm forced to join and I don't, how does my name get turned into any authority that can do anything about it?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, you can choose not to join, but you would not be able to sell your product in the State of Connecticut.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Again, I go back if there's no identification for the producers who are not members, how is that information going to be transmitted to the State so that they can come into my retail establishment and close me down?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I would assume that the

council would be self-policing.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

The good representative has a much more idea of a trade association and what their capable of doing than I obviously have.

And again, it talks about in lines 143, 150 that an administrative cost can be included, a financial reserve sufficient to operate the program over a multiyear period of time. I'm wondering, when you say "sufficient multiyear period of time," what does that mean if I'm, again, someone who's asked to join this association? It seems like that is a very far reaching nebulous statement.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that would be up to the council.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

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Again, talking about what the council shall submit, in lines 183, they talk about the program and they should submit any proposed substantial change to the commissioner of DEEP. And yet, again, "substantial" is not defined. And for legislative intent, could I know what would be considered "a substantial change," it was talked in the committee meetings so I would have an idea of what would be considered a substantial change in the program?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, if the good gentleman would refer to lines 186 through 192, I believe, "substantial changes" are defined.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Is there any other substantial changes other than those two of a processing facility or a system for collecting mattresses included?

SPEAKER SHARKEY:

Representative Gentile.

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REP. GENTILE (104th):

Through you, Mr. Speaker, no.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

And so it would be my understanding that it would not be considered a substantial change if the council decided to spend a substantial amount of money on a marketing program or an advertising program or any other type of item? This would not be considered substantial change. Only these items that are listed.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that would have to go through the audit that is performed -- that is administered -- I'm sorry -- by the Department of Energy and Environmental Protection.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes. I wanted to say I thank the representative because that was my next series of questions, on the audit, as to who is actually doing the audit and how

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is it going to be paid for?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, it would be an independent auditor and the fee of the audit would be paid for through the fees of the council.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

And again, those fees are going to be passed along and, as an individual producer, I don't have a choice on it.

Now the audit report, is this going to have to be equivalent to an accountant's CPA report, or is this something that they would do in house and one of their clerical staff would produce a report or what is the parameters of what the audit includes?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, it's an independent

audit.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

And therefore, being an independent audit, there is no standard for the auditing requirements?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, one moment.

Through you, Mr. Speaker, if I understand the good gentleman's question, the audit would be performed the same way any other audit is performed and they would be auditing the same things that they normally would.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

I believe that the way this program was designed, and, again, unfortunately, I don't have any line numbers but the report or the audit would not only be the typical financial audit but also included things like the tonnage of mattresses, how many were turned

in, how many mattresses were sold, et cetera. So through you, Mr. Speaker, would the audit not only be a financial audit but include substantial number of other things?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

I had recognized you, Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Through you, it's a projection of the costs so that would be a part of the audit, done through the costs.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (104th):

Through you, Mr. Speaker, I'm just a little bit unclear. So it's cost plus how the program is working, or just a financial-cost audit?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, financial costs of the program.

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SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

Yes. If the audit only includes the financial costs, will DEEP -- how will DEEP determine how successful the program is or how many people are participating, et cetera? Where would this information come from?

Through you, Mr. Speaker

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, the audit report would be submitted to DEEP, and DEEP will review it.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

So the someone within DEEP would have to have an understanding of the mattress industry, the mattress recycling industry, to be able to read the audit and read the report and to be able to interpret it and accurately judge the report; is that correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

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Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I apologize. I was having a conversation. Could he repeat that please.

SPEAKER SHARKEY:

Representative Aman, could you repeat your question please.

REP. AMAN (14th):

The audit report and other reports on this particular subject would be turned into DEEP and, therefore, I would presume and I would like to verify that DEEP would need to have someone who had a very good knowledge of the mattress and mattress recycling industry to be able to read the audit report, read the report and determine its accuracy and what goal it should have or if it's reaching its goal.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that would be correct.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

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Yes. And does DEEP, at this point, have anybody on its staff with that type of qualifications?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, yes. They already have the experience through the paint stewardship program.

SPEAKER SHARKEY:

Representative Aman.

REP. AMAN (14th):

I'm very glad to hear that someone who is an expert on paint also can be an expert on mattresses. It shows the flexibility of our DEEP staff, and it in might explain why the fiscal note called for very, very little cost to DEEP to administer this program.

I sincerely doubt that it can be administered for a very small fee if they're going to try and do a good review of an audit and a good review of the stores and the producers that are handling mattresses but I think what bothers me most is the fact that you're required to join a trade association. If there's three or four trade associations trying to represent you, it's not really clear other than by total membership vote and

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I'm not sure how that's going to be determined if you have a hundred little producers and ten big producers which association represents.

There's no clear indication of how the costs are going to be run other than you're going to be forced to join and you're going to pay. So I do see a tremendous number of technical problems with a bill.

At the same time, like many of my colleagues, I'm looking at it and going I want these mattresses off the streets. I don't like them being thrown out. I'd like to get them recycled or somehow handled rather than thrown along the streets of the woods of my neighborhood. So I will be listening to the rest of the debate, but I do have problems with the technical parts of the bill, and I thank the Chairman of the Environment Committee for being able to answer my questions quite intelligently. Thank you.

SPEAKER SHARKEY:

Thank you, Representative, and I look forward to our continued association.

Representative Larry Miller of the 122nd.

REP. MILLER (122nd):

Thank you, Mr. Speaker.

I have some questions for the proponent.

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SPEAKER SHARKEY:

Please proceed, sir.

REP. MILLER (122nd):

Through you, Mr. Speaker, to the proponent, state purchasing agents purchase a lot of goods for the state of Connecticut and they try to save us money so they buy in quantity. They supply mattresses to the prisons, our group homes, our universities, our colleges, and I know that when I say "group homes," we have maybe over a 100 facilities. Some group homes are maybe three or four people in them and there's others that have 25 and 30 -- type of people in these institutional-type buildings. Would they have a waiver from this fee when they purchase these mattresses?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, no, they would not.

SPEAKER SHARKEY:

Representative Miller.

REP. MILLER (122nd):

Through you,<sup>9</sup> Mr. Speaker, I was looking for a

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fiscal note and there was none associated with the bill and yet the State of Connecticut is going to have to pay a lot of money to be part of this program so there is a cost and it would be borne by the taxpayers of the State of Connecticut. It's like a mandate on the citizens.

Hospitals, through you, Mr. Speaker, they also have to replace mattresses and some of those mattresses are special type mattresses that cost a lot more money than a normal mattress that we normally sleep on. Do they have a waiver on those?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, I believe you were talking about the healthcare facilities?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Miller.

REP. MILLER (122nd):

Through you, Mr. Speaker, hospitals, convalescent homes, things of that type.

SPEAKER SHARKEY:

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Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, they would have to pay the fee but, once again, they're going to be saving significant money on the cost that they are currently incurring by paying all of the tipping fees, the trucking fees, the surcharges, and so forth. That's why there is no fiscal note.

SPEAKER SHARKEY:

Representative Miller.

REP. MILLER (122nd):

Through you, Mr. Speaker, I've been to the transfer station in Stratford for two or three times this past month and I noticed there's no mattresses in the large pit where we throw all of our garbage but they do have a trailer set up so that you can put the mattress in the trailer and when the trailer gets filled up, the people that run the transfer station, they take the trailer full of mattresses to the recycling center in Bridgeport.

Now, in that case, there's no cost to the people that bring those mattresses down there; is that correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, there could be a transportation charge as well as a recycling charge.

SPEAKER SHARKEY:

Representative Miler.

REP. MILLER (122nd):

Thank you.

And through you, Mr. Speaker, the military operations in the State of Connecticut, we have the Coast Guard Academy in New London, we have the Marine -- not the Marine -- but the Naval Base in New London, Groton. Now, they buy through the federal government and possibly buy from out of state. Do they have a waiver? Does the federal government get a waiver on this particular bill?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, no.

SPEAKER SHARKEY:

Representative Miller.

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REP. MILLER (122nd):

And through you, Mr. Speaker, even though they buy them out of state?

Though you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, if they're buying them out of state, they would not be paying the fee.

SPEAKER SHARKEY:

Representative Miller.

REP. MILLER (122nd):

And through you, Mr. Speaker, but when they do recycle them, there would be a fee.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, the mattress stewardship program would pay for that recycling fee.

SPEAKER SHARKEY:

Representative Miller.

REP. MILLER (122nd):

Yea. Through you, Mr. Speaker, I have a mattress company in my district called Latex Foam, and also

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there's one in Norwalk, the Norwalk Mattress Company. And I believe the Norwalk Mattress Company sells direct to people. Latex, they export a lot of their products and they also make large pillows out of foam. It's quite an operation. I don't know if you've ever seen it but it's these big heating -- it's like a toaster and they come out with this very nice mattress that they export, as well as sell locally to vendors throughout the country. They would be exempt from any fees if they shipped these to other states; is that correct?

Through you, Mr. Speaker?

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Miller.

REP. MILLER (122nd):

And through you, Mr. Speaker, the large pillows that they make -- these are very big pillows -- would they be considered, like, a sleeping pillow or a half a mattress, let's say?

Through you, Mr. Speaker.

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SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, pillows are excluded.

SPEAKER SHARKEY:

Representative Miller.

REP. MILLER (122nd):

What happens when we see a tag sale and there's mattresses offered for sale? How do you control those things?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, they would not be considered a producer, but I would recommend that Representative Miller not buy a mattress through a tag sale.

SPEAKER SHARKEY:

Representative Miller.

REP. MILLER (122nd):

Through you, Mr. Speaker, I agree with you because Representative Rebimbas talked about bed bugs. I've watched them take apart a mattress and you can't

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believe what's in them. Sorry about that.

I have another couple of questions. Now the audit that's going to be done. Now there's no fiscal note to this particular bill, but I can't believe an auditor is going to come in here and do all of the -- they have to do all of the weight of the mattress, the weight of the recycling, all of these things, and I'll bet that things going to cost a quarter of a million dollars, especially when you have someone come in here in the State of Connecticut and it's a government job. They're going to charge like crazy, and it's a lot of bookkeeping that's going to be involved. So, when you see there's no fiscal note, there's got to be some kind of charge here?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, the fees would cover the cost of the audit.

SPEAKER SHARKEY:

Representative Miller.

REP. MILLER (122nd):

Thank you.

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And through you, Mr. Speaker, I'll try and bring it to an end here. The Attorney General now is able to get involved in this for those people who violate any portion of this bill. Those costs are going to be assumed by the State of Connecticut; is that true?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, could the good gentleman elaborate on that a little bit?

SPEAKER SHARKEY:

Representative Miller, could you elaborate on your question?

REP. MILLER (122nd):

Sure, I will. Thank you, Mr. Speaker.

Through you, if the Attorney General has to take somebody to court, this can mean some legal expenses involved in this and then are going to be assumed by the State of Connecticut; is that correct?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

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Through you, Mr. Speaker, if the Attorney General was going to take somebody to court, yes, those costs would be paid by the State of Connecticut.

SPEAKER SHARKEY:

Representative Miller.

REP. MILLER (122nd):

And I know that our former Attorney General would jump at the chance to bring somebody to court if they violated any section of this bill.

Lastly, Mr. Speaker, I just would like to say that growing up as a child on the east side of Bridgeport, there were four or five of us that got together and we were all first-generation Americans. So when we found a mattress, we'd bring it down to the railroad yard and we'd jump on it. It was a trampoline to us, you know, a poor man's trampoline. If we found two mattresses, we could go 6 feet and jump into and not get hurt. If we found three, if we were lucky, we'd go up to 9 feet so, mattresses -- we did sleep on them and enjoy them, but we did have a lot of fun on them as a child. I thank you for your answers.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

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Thank you, sir.

Would you care to remark further on the bill as amended?

Representative Srinivasan of the 31st.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker. Good afternoon, Mr. Speaker.

SPEAKER SHARKEY:

Good afternoon, sir.

REP. SRINIVASAN (31st):

And through you, Mr. Speaker, to the proponent of the bill.

SPEAKER SHARKEY:

Please proceed, sir.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

Lines 46 talks about mattress stewardship fee, meaning the amount that is going to be added over and above the cost of the mattress itself. Will this fee be dependent on the mattress size?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, no.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

So, through you, Mr. Speaker, regardless whether it's a full size, king or queen or any other size, this fee will remain the same?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, will this fee, which if I heard correctly in the earlier part of the discussion of the bill, is in the range of about 8 to 12 dollars; is that right?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct.

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SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, will this fee of 8 to 12 dollars be regardless now not of the size of the mattress but on the cost of the mattress, and as we know, there's a wide range of mattresses. I have seen ads in about \$99 range and, of course, you have the Rolls Royce version of the mattress, as well. So will this fee be the same regardless of what the cost has been?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, as we heard earlier this is applicable only to our state for people who sell their mattresses here, and we heard this over and over again earlier in the debate that individuals, hospitals and other organizations may choose to go and

get their mattresses from our neighboring states where such stewardship program' is not there.

Through you, Mr. Speaker, when those mattresses are purchased out of state, brought into our state and what would be the recycling fee or would there be any change because of this program?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, this program would have no impact on that.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, line 46 talks about collection of the mattress. So where will this collection occur? Through you, Mr. Speaker, in private homes, will somebody come to pick up those mattresses, or will the people have to go to a specified locations?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

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REP. GENTILE (104th):

Through you, Mr. Speaker, it is my understanding that the existing infrastructure would be used for collection.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, I'm sorry, there was so much noise in the chamber I could not hear that answer. If the kind lady would be kind to repeat the answer, I would appreciate that.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, yes. What I stated was that it would be done through the existing infrastructure that is already in place.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, it is my understanding that this cost that is going to be added onto a mattress will be for the process of collection and

recycling and, through you, Mr. Speaker, lines 147 talk about a financial reserve that needs to be maintained for a three-year period. Where does that financial reserve come from? Through you, Mr. Speaker, or is that built in to this 8 to 12 dollars per mattress.

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, it is built into the fee structure.

REP. SRINIVASAN (31st):

So, through you, Mr. Speaker. For my clarification, the 8 to 12 dollars that will be the cost per mattress will give us the financial security that this program will last for three years or more?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, that is correct.

REP. SRINIVASAN (31st):

Through you, Mr. Speaker, we know the cost of

everything goes up, unfortunately, on a constant and consistent basis. So looking down three years from now, through you, Mr. Speaker, so that we are financially solvent, would it be feasible that this fee may no longer be 8 to 12 but the fee structure may have to be changed?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker, the council would determine that.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

And one final question through you, Mr. Speaker, line 200 talks about exemption of cribs and bassinet mattresses. It has been a little while since I had a crib or a bassinet in my home but will these mattresses be exempted and on what basis?

Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative Gentile.

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REP. GENTILE (104th):

Through you, Mr. Speaker, yes. Cribs and bassinets mattresses are exempt.

SPEAKER SHARKEY:

Representative Srinivasan.

REP. SRINIVASAN (31st):

Thank you, Mr. Speaker.

And I want to thank the kind lady for her answers.

Thank you.

SPEAKER SHARKEY:

Thank you, sir.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move that we pass this bill temporarily.

SPEAKER SHARKEY:

Motion is to pass this bill temporarily. Is there objection? So ordered.

Will the Clerk please call the Calendar number 405?

THE CLERK:

Yes, Mr. Speaker. On page 26, Calendar 405, favorable report of the joint standing committee on

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Hi, I'd like to cast my vote in the affirmative,  
please.

DEPUTY SPEAKER MILLER:

Mr. Clerk please record her -- Representative  
Grogins' vote in the affirmative.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 6453 as amended by House "A."

Total Number Voting 137

Necessary for Passage 69

Those voting Yea 137

Those voting Nay 0

Those absent and not voting 13

DEPUTY SPEAKER MILLER:

The bill -- the bill as amended is passed.

(Speaker Sharkey in the Chair.)

SPEAKER SHARKEY:

Will the House please call Calendar 247.

THE CLERK:

Calendar 247, favorable report of the joint  
standing committee on Judiciary, Substitute of House  
Bill 6437, AN ACT CONCERNING A MATTRESS STEWARDSHIP

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PROGRAM as amended.

SPEAKER SHARKEY:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

The question continues to be the acceptance of the joint committee's favorable report and passage of the bill.

Please proceed, madam.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, the Clerk has an amendment LCO Number 6444. I would ask that the Clerk please call the amendment and that I be granted leave of the chamber to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 6444, which will be designated House Amendment "C."

THE CLERK:

House Amendment "C," LCO 6444, introduce by  
Representative Gentile, et al.

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SPEAKER SHARKEY:

The gentlewoman seeks leave of the chamber to summarize. Is there objection to summarization?

Seeing none, you may proceed with your summarization, madam.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, once again this is a short amendment, but based on our previous debate and discussion and some of the concerns and the ideas that my good friends and colleagues on the other side of the aisle offered previously, I'd like to thank them for the opportunity to make a good bill better, and with that I would like to introduce this amendment which basically changes -- in line 108, after "producer" would insert "producer's designee" so it allows a little more flexibility for our producers.

In line 133, strike the word "and." And in line 135, add the "establish a financial incentive that provides for the payment of a monetary sum which would be established by the council to any consumer who recycles a mattress in accordance with the requirements of the program."

Once again, allowing the council the possibility

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of being able to offer a financial incentive to our consumers.

Mr. Speaker, I would move for passage of the amendment.

SPEAKER SHARKEY:

Adoption, I think.

REP. GENTILE (104th):

Adoption of the amendment - sorry.

SPEAKER SHARKEY:

There you go, thank you, Representative Gentile.

Would you remark on House Amendment "C"?

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I stand in support of the amendment. And I want to thank Representative Aresimowicz and Widlitz and Gentile and some of the other folks here, who worked outside in the well to kind of work our way back through some of the issues you just talked about.

I think this amendment makes the bill a better bill. You know, there's -- like any bill, is -- there's some issues and hiccups in it that some folks may have a problem with, and I think there still may be some questions on it, but overall I think what

we've done is to promote a industry response as oppose to impose a government responses, so with that I'm going to support the bill today as amended, and I urge my colleagues to do the same.

SPEAKER SHARKEY:

Thank you very much, sir.

Would you care to remark further on the amendment before us, House Amendment "C"?

If not, I'll try your minds. All those in favor of House Amendment "C," please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

The ayes have it. The amendment is adopted.

My predecessor was left handed.

Will you remark on House Amendment -- I'm sorry -  
- will you remark on the bill as amended?

Representative Widlitz of the 98th.

REP. WIDLITZ (98th):

Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this bill and especially would like to thank the Chairlady of the Environment Committee for making this a priority in

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her first term as chair of the Environment Committee. This is a bill that many of us have been working on for two years. It follows along the history of our leadership on producer responsibility. We were one of the first states to do electronics recycling which has been very well received by our municipalities, saved them a lot of money and done really good environmental things. Also with the paint bill, we worked with the industry to be one of the first states in the country to do recycling of paint products. This just adds to our -- our leadership, actually, in the country, because we have worked with the industry, the International Sleep Products Association, not so much that they really wanted to do this bill, but they knew that we were interested and bills all over the country are starting to pop up. So rather than have an assortment of bills with different requirements that they would have to deal with, they chose Connecticut, since we had already done a lot of work on this, they chose to Connecticut -- Connecticut to negotiate with us on a bill that will be a model for the entire country. So we should be very proud of the bill that's before us today. Not only it is a good recycling bill, it will save our municipalities

significant amounts of money. It will also -- many of our mattresses now are not sent to our resource recovery plants because they jam the equipment with all of the springs, and so forth, in the mattresses. So most of them get put on a truck and trucked to Ohio and buried in a landfill when actually about more than 90 percent of the products used in the mattresses are recyclable.

We have two businesses in the state of Connecticut that are now recycling mattresses. This is a -- a great feed stock for them to be successful to hire more people and to promote recycling in our state. So I eagerly encourage everyone in this chamber to support this bill, and again, with many, many thanks to the Chairlady of the Environment Committee.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark further on the bill as amended?

Representative Betts of the 78th District.

REP. BETTS (78th):

Thank you very much, Mr. Speaker.

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Really briefly, I applaud the proponents for doing this bill, and I think there's a great need to address it; however, given what we've been doing or will be doing to the hospitals in this state, I can't in good conscience add this kind of cost to their situation and add to their burden. I wish we had a little bit more time to try and take into account some of the problems that they're going to incur financially as well as the group homes. And even though I think this is an important need, I just cannot in all good conscience continue to pile on to the financial burdens of the hospitals, and I'll be opposing it. Thank you very much.

SPEAKER SHARKEY:

Thank you very much, sir.

Representative Case of the 63rd District.

REP. CASE (63rd):

Thank you, Mr. Speaker.

Just to echo my good representative, Mr. Betts here, I do agree with this bill. I think it's a great thing to put forward, to recycle. My concern is our \$550 million cut to our hospitals. This is going to be a cost to the hospitals. It's going to a cost to the group homes, to nursing homes. I think we've hurt

the people enough. And I will be opposed to this for that reason because we don't know what the reimbursement is that the people will be getting back and the costs to these institutions is just -- it's unknown also, but it's another unseen burden. So for that, I will be voting no on this. Thank you.

SPEAKER SHARKEY:

Thank you very much, sir.

Representative Phil Miller of the 36th, you have the floor, sir.

REP. MILLER (36th):

Good evening, Mr. Speaker.

SPEAKER SHARKEY:

Good evening, sir.

REP. MILLER (36th):

I rise in strong support of this bill. This bill is a culmination of a many year effort. I think it goes along with the prevailing wisdom that we have that's a generation in the making of product stewardship which is entirely appropriate. I think to categorize this as an expense to institutions is really a little bit, I feel, misleading, because again, it's incumbent upon product stewardship where the manufacturer bears these costs.

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And this is something that will help all 169 towns and cities in Connecticut we've been hearing from. Obviously, it appears to be a larger problem in the cities because there's more people, more new mattresses and more old trashed out mattresses as well, but we see this in every small town, too, that mattresses are disposed of in a way that is costly to people. So I will support this bill and I -- I think it's a very good bill, and again, several years in the making, and I would ask any of us to speak with the cities and towns you represent and asked the chief-elected citizens their thoughts on this because this is a talking point among the council of small towns and the Connecticut Conference of Municipalities among others. And so I rise in support of this.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, Representative.

Representative Mushinsky, Dean of the House, you have the floor, madam.

REP. MUSHINSKY (85th):

Thank you -- thank you, Mr. Speaker.

I'd like to thank Representative Gentile and Representative Widlitz for their persistence on this

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bill. This is another extended producer responsibility bill, the third or fourth of several, and it will prevent 1.2 million cost to the municipalities every year and the municipal taxpayers.

It has been mentioned, and I have a waste energy plant in my district, I'm aware of this, the mattresses and carpets are a major challenge to the plants. They have difficulty chewing them up and processing them and they really can't be handled. When we passed this bill, however, we will create recycling opportunities for the materials in old mattresses and that will be a first. So I'm glad that my two colleagues have been persistent, and I hope everyone will join us today in supporting this bill.

SPEAKER SHARKEY:

Thank you, madam.

Representative Ziobron of the 34th.

REP. ZIOBRON (34th):

Thank you, Mr. Speaker.

I rise to support this bill. I would like to thank the leadership of the Chairwoman of the Environment Committee, which I'm a member of, for the debate and discussion that we had early on.

I voted for this bill out of committee, but I had

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some concerns regarding the financial incentives or -- or this lack of strength of the financial incentives in the underlying bill. So I want to thank my colleague and ranking member, Representative Shaban, for bringing forward an amendment which I think does make the bill better.

Even though I come from a small town, I can tell you the effects of recycling has been long term in a town like mine. I live near a dead end road and for years would find old TVs and other electronics always dumped there. Then when we passed those bills, way before I was a member here, you'd see those things removed out of our environment. I have seen mattresses left in a rural district, like mine, on the side of the road, and I really hope that with the incentives that were provided in the amendment that those will also disappear. So I see it as not only an -- a mandate that were relieving from the towns which I think are so important, I think this is good for the environment, and more importantly it's also good for our consumers, and I think we have to think about that as well.

So I thank my colleagues for showing me what it would be like to see two sides of the aisle fix a

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problem right on the floor of the House, make a bill better, and I'll be glad to support it.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Will you remark further on the bill as amended?

Will you remark further on the bill as amended?

Representative Rovero of the 51st.

REP. ROVERO (51st):

Good evening, Mr. Speaker.

SPEAKER SHARKEY:

Good evening, sir.

REP. ROVERO (51st):

I believe in recycling, in fact, my wife and I probably recycle every item possible. I guess the small town of Putnam was way ahead of time, because 10 to 15 years ago when I was mayor, we instituted a recycling system for mattresses and it's still going on today. But representing my district I represent is bordering Massachusetts and Connecticut, and this is just another reason we are telling people to go out of state and make your purchases.

The concept of it is terrific, I think we should recycle everything possible, but when are we going to

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stop telling businesses we want your customers to go out of state, and this is just another example.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Do you care to remark further on the bill as amended? Do you care to remark further on the bill as amended?

If not, staff and guests to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber please. The House of Representatives is voting by roll call. Members to the chamber please.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to make sure your vote is properly cast?

If all the members have voted, the machine will be locked and the Clerk will take a tally.

And will the Clerk please announce the tally.

THE CLERK:

On House Bill 6437 as amended by House Amendment  
Schedules "A" and "C."

Total Number voting	130
Necessary for passage	70
Those voting Yea	117
Those voting Nay	21
Those absent and not voting	12

SPEAKER SHARKEY:

The bill, as amended, passes.

(Deputy Speaker Sayer in the Chair.)

DEPUTY SPEAKER SAYER:

Will the Clerk please call Calendar Number 200.

THE CLERK:

On page 9, Calendar 200, Substitute House Bill  
Number 6380, AN ACT CONCENING PROPERTY AND CASUALTY  
INSURANCE POLICIES, favorable report of the Committee  
on Insurance and Real Estate.

DEPUTY SPEAKER SAYER:

Representative Megna.

REP. MEGNA (97th):

Thank you, Madam Speaker.

Madam Speaker, I move acceptance of the joint

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was there and I was almost harassed by nurses and doctors and so on saying use common sense on that bill. It really needs to be passed. And so I pass on their concerns from their daily experiences and hope that we do it. Thank you.

THE CHAIR:

Thank you, Senator Casano. Further comment or question? Senator Gerratana.

SENATOR GERRATANA:

Mr. President, hopefully three times the charm. If there are no objections I move this item to our Consent Calendar.

THE CHAIR:

Without objection, this matter will be placed on the Consent Calendar.

Mr. Clerk.

THE CLERK:

On page 22, Calendar 520, that is substitute for House Bill number 6437, AN ACT CONCERNING A MATTRESS STEWARDSHIP PROGRAM, favorable report of the Committee on Environment.

THE CHAIR:

Good afternoon, Senator Meyer.

SENATOR MEYER:

Good afternoon, Mr. President. Really nice to see you there. I move acceptance of the committee's joint and favorable report and move passage of this bill.

THE CHAIR:

Thank you, Senator Meyer. You may proceed.

SENATOR MEYER:

Colleagues, this bill will be familiar to many of you or most of you because we passed it last year overwhelmingly and it got held up you remember in the House on the last night. This mattress recycling bill is in the tradition of what we are doing in Connecticut and some other parts of the country and that is the concept of extended producer responsibility.

You recall during the last few years using the concept of -- of producer responsibility we have passed recycling of electronic waste and we've passed recycling of -- of used paint cans. And this -- this bill today applies the same concept to mattresses. The concept here as in the other responsibility -- producer responsibility bills is that it creates a council of the industry and that council will consist of producers who are selling mattresses in Connecticut or their designees and it will include retailers can be members of the council as well. And that council will have various responsibilities of creating a recycling plan.

And if you want to get into the specifics of what the council will do in a recycling plan, it's set out clearly in lines 114 to 138. There's accountability written into this too. The plan is going to be audited and it's going to be reviewed by the Commissioner of DEEP. And that's done on a regular basis. As in the other bills for paint and electronic waste there's going to be a fee to pay for the cost of this plan and recycling. That fee will be set by the council of producers and retailers. They've estimated in the public hearing that the fee will be somewhere between eight and \$12 and that as -- as we go forward recycling the fee is likely to come down. It could well could down.

They're figuring down into the area of seven or eight dollars for each mattress. There will be an opportunity to -- to revise that fee as well as it comes down and that fee will be audited. The bill provides for its audit. This is a bill that had an extensive public hearing and I think we should be gratified at the enormous support for this bill around the State from all -- from many, many of our districts, our senatorial districts. For example,

support came at the public hearing from Hartford, Bridgeport, Hamden, Mansfield, Wethersfield, Branford, Windsor Locks, Farmington, New Haven, Waterbury, Middletown, Naugatuck, Rocky Hill and Litchfield Hills as well as the coalition of small towns.

And they all said that this could be a substantial cost saving to the towns. Indeed I think it was CCM that estimated that the cost right now to our towns for disposing of mattresses is about \$1.3 million a year. CCM has also estimated that on any given day in Connecticut there are about 10,000 abandoned mattresses in school yards, parks and other ugly places. So that is what this bill does. It's in tradition of what we're trying to do to have producer responsibility.

It was effectively negotiated with the industry and I want to compliment Representative Pat Widlitz in that regard. She was a major negotiator. I participated in negotiations as well. And I also want to express my thanks to Senator Chapin for his participation in all this. And so I hope you'll be able to support it and I'd be happy to answer any questions you might have.

THE CHAIR:

Thank you, Senator Meyer. Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. Mr. President, some questions to the proponent through you please.

THE CHAIR:

Thank you. You may proceed.

SENATOR CHAPIN:

Thank you, Mr. President. As I understood your explanation and as I understand the bill a lot of how this program will unfold depends on this plan that is yet to be developed. Is that correct? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President. That's -- that's correct. The council of -- of producers and retailers will be responsible for creating a plan in accordance with the guidelines that we've set out in the bill.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. And again, through you. In some of the discussions that I've participated in both during the committee process as well as with some of the stakeholders it's been unclear to me as to at what point does a retailer have to pay the producer? In one case that was explained to me that if somebody is selling mattresses ordered the mattresses that they would have to pay whatever this fee yet to be -- yet to be determined, they would have to actually I guess front that money to the producer. Can the Gentleman tell me if that's correct or hasn't that been determined yet? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yeah. Through you, Mr. President, to Senator Chapin. What the bill expressly provides is that when the producer sends a mattress to a retailer here in Connecticut that the -- that the fee should be paid by the retailer at that time. The bill then goes on to provide two other things. First that the retailer will charge the customer in a -- in an invoice. It will actually be very visible and transparent which was important to the International Mattress Association.

And secondly it provides that the council has the power to change that. So in other words the council might decide after some experience under this that the retailer should not have to pay the fee until the retailer has been reimbursed by the customer himself or herself. But right now without regard to the council changing that the fee initially has to be paid by the retailer to the producer and then the retailer charges the customer.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. And again, through you. So is the fee that the retailer would charge the customer is it the exact same dollar amount that the retailer would have to front to the producer when he ordered the mattress? Through you, Mr. President.

SENATOR MEYER:

Yes.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President. That -- that is correct, Senator Chapin. The bill expressly provides that it would be the same fee.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. And again through you. So if I were to go buy a mattress today I -- I believe the last time I did it the retailer who delivered it took my old mattress away. Is it fair to say that whatever cost associated with doing that through

disposal or whatever means, perhaps they chose to recycle it, is it fair to say that that's built into that retailer's business model under today's law? Through you, Mr. President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. President. That's correct, Senator Chapin. That -- that -- it is built -- the cost of disposing of the mattress, recycling it hopefully is -- is included in the fee and actually the -- the bill provides that -- that the customer cannot be charged by the town with an additional fee because this bill incorporates all those disposal and recycling costs.

(PRESIDENT IN THE CHAIR.)

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. And again, through you. So if the town can't charge their resident for dropping off this mattress at their transfer station how does the town benefit from this program if it were to be enacted? Somebody's got to pay for that dumpster that the mattress ends up in and -- and I'm assuming under this program that that dumpster full of mattresses would then be recycled. Would it be recycled at no cost to the town? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Through you, Madam President. What the bill provides, Senator Chapin, is that the town can charge if it -- it the town picks up the mattress from the resident's home. That's the only item that the town could charge. Secondly what we were told in the public hearing was that the current charges by towns to dispose of mattresses from those towns which do charge, many do not charge is between \$15 and \$45 per mattress.

So if you -- if you deposited a mattress at your transfer station and it charges you say \$25 actually the cost in the fee set forth in this bill will be less than what the towns are currently charging customers to dispose of their mattresses. In addition as the testimony at the public hearing showed there are many towns and cities that assume the cost of taking and disposing of mattresses.

Hartford for example assumes the cost. And other towns and cities do as well. We had about 25 towns and cities come out in support of this bill because they have assumed the cost and would love to be relieved of it. The cost statewide right now is estimated at about \$1.3 million a year. So this bill will end that charge to our towns and cities and that's one of the benefits of it.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. And again, through you. So if it's \$1.3 million a year, the cost to municipalities is it fair to say those charges do -- do -- those towns that do charge their residents then are recovering some of that cost by perhaps a \$25 disposal fee that they won't be allowed to recover if this bill were to pass? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

That is correct. The bill expressly provides -- through you, Madam President. The bill expressly provides that the towns cannot charge for disposing and recycling. The towns are as I mentioned before allowed to charge if they have to pick up the mattress at a resident's home otherwise they -- they're not allowed to charge so that the -- the customer is protected and not billed twice.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. And again, through you. So the town's not allowed to charge so perhaps some towns who are charging today are going to be losing revenue if this program were to go into place. How does the town benefit in that case? Do they no longer have to pay some sort of a -- a disposal fee when that dumpster actually gets taken away from the transfer station? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. The testimony Senator Chapin, was that the -- the towns which were charging -- and many towns do not charge. But those towns which were charging were not trying to make money off of it. So they made gross revenue of between \$15 and \$45 per mattress. So they're not going to be suffering any loss because they were -- they were charging they told us in accordance with their actual cost of disposing of the mattresses. So some towns it was costing them \$15 per mattress others as high as \$45 per mattress.

So the towns -- there was no testimony that there's going to be any net revenue lost to the towns. There will be a gross revenue cost but again that -- that charge by the towns to residents to dispose of

mattresses was -- was intended to be meeting just the cost of the town to do that.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. And again through you. So towns may have been covering their own costs through a nominal charge of \$25. If this bill were to pass would there be an expense to the town to get rid of those mattresses that they can no longer charge the residents to do? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

No. That -- that's again the concept of the bill is there will be no cost to the towns. That's -- that's actually stated expressly in the bill. And they'll be no cost to the towns because the council of producers and responsibilities under the concept of producer responsibility legislation will be responsible for picking up, disposing or recycling the mattress.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. I thank the Gentleman for his answers. I -- I have been supportive of stewardship programs in the past. I do draw several distinctions between the bill before us today and some of those prior programs which encompassed e-waste, electronic waste as well as paint as the Gentleman has already mentioned. In that those two different programs involve hazardous waste whereas mattresses are -- are recyclable but not hazardous.

However I also recognize on the other side of that coin that mattresses are more difficult to get rid of because they are bulky waste whereas I suppose theoretically you can throw your paint or your -- illegally I might add, but throw your paint or monitor or computer keyboard into -- into a dumpster or into your garbage bin.

So I do see that they are slightly different stewardship programs each coming with costs and benefits. I'm going to continue to listen to the debate and I certainly appreciate the Chamber's time. Thank you, Madam President.

THE CHAIR:

Will you remark? Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. If I may a few questions to the proponent of the bill.

THE CHAIR:

Please proceed, Sir.

SENATOR WITKOS:

Thank you. Through you, Madam President. Could the Senator please explain the difference between this year's version and last year's version that was before the Chamber?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, to Senator Witkos. There's very little difference in the -- in the language. There's a great deal of difference in the process. The -- the process very much this year involved the industry more than it had last year. And by the industry, Senator Witkos, I'm referring to the International Association with its representative from

Washington, D.C., Chris Hudgens, came up here, participated heavily in it. We have a Connecticut mattress group, they participated in it. And so there was a high sense of -- of participation by the industry here which was not -- not as prevalent last year.

THE CHAIR:

Senator --

SENATOR MEYER:

More process than substance.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And through you. The folks that -- that were involved were those folks that included manufacturing, retail, wholesale, towns, all the players that I guess have a piece in this bill. Through you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. That is true. There was -- it was a coalition of people and -- and we had lots of meetings around the table and towns were represented there, industry associations represented there, retailers represented there through Tim Fallen. There were lots of people at the table on any given negotiation or meeting.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. So if I'm going to -- just to understand how the whole process works. The reason why the bill came to us in the first place and to understand is these cost of disposing of these discarded mattresses generally in large urban populations and there is a fee charged on each mattress sold in the State of Connecticut.

Right now the way that the process is proposed is that a retailer pays the producer a fee and then it's up to the -- when the mattress is actually sold to the resident or establishment because maybe it's a hotel that buys them from the retailer as well, they pay the retailer back and then that goes back to the producer.

And the council from my understanding of the bill allows them to change the procedure so that maybe the retailer won't be paying it if they adopt that. It's going to be -- the fee will be charged at the retail end. Is that not correct? Through you, Madam President. Or is that correct? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. That is -- that is correct, Senator Witkos.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

And -- thank you. And through you, Madam President. How do we determine what the fee is for the correct disposal of a mattress? Through you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

What the bill provides is that the council will be responsible for setting the fee but we put a check in there. We required an audit to be sure that the fee that the council set is solely to meet the actual cost of disposal and recycling of the mattresses.

So you'll see a -- an audit provision in there with an independent auditor required to do an audit with respect to the fee or any change in the fee. And indeed the council has the ability to -- to change the fee and in discussions and at the public hearing it was anticipated that as this program catches on it's going to be -- there's going to be a higher volume and the fee is going to come down say from ten dollars to seven or eight dollars per mattress.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. So it -- do you believe that the initial fee is going to -- how did we pick ten dollars as the initial fee that we thought it would be? Through you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

In the negotiations and at the public hearing the -- the producers and retailers estimated that the fee would be between -- their -- their figures were between eight dollars and \$12 per mattress.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. So if somebody were to own a California king bed that would generally be one large mattress and then two individual box springs. Is that charge -

- would that be assessed at a \$30 upon wherever that transaction is collected or is that -- because it's one assembly it's the one ten dollar fee? Through you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Good question. Through you, Madam President. It would be one fee for the -- what the bill calls the mattress core which would -- which could include not only the mattress but the box spring as well.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

So if somebody has in their home they just buy the mattress and the put the mattress on the floor, there's no box spring. They're paying the same amount of money as somebody else who has a three piece unit if you will because it's sold in a package? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

You know the council is going to the discretion to set that fee. And you know there's a rule of reason like you're suggesting, through you, Madam President, suggests that -- that there -- they might well set a different fee for just a mattress alone as against what the bill calls a mattress core which would include the mattress as well as the box spring. I would think that would be a reasonable thing that could be done. The bill doesn't speak to that.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam Speaker. So at -- there will be other things that the -- I guess this begs the question. What would the scope of the -- of the board have to determine other than whether or not they could shift who pays the fee -- at what point of sale it's paid and how much the fee -- is there -- what authority do they have given to them by this bill if they now can determine potentially the different pieces whether they're paid separately or a part together? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Subject to the order the bill gives discretion in setting the fee to the council. For example, meeting from -- starting at line 146 the bill says the council shall establish and implement a fee structure that covers but does not exceed the cost of developing a plan and then operating and administering the program and maintaining a financial reserve. So -- so the bill gives the discretion to the council subject to an independent order.

THE CHAIR

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. Is there anything in the bill that determines the size of the reserve that's allowed and what it would be built up to? Sometimes there's discussions especially when we're in -- in budget season here and in our -- back home in our -- all of our municipalities people often talk about a reserve fund and whether it should be eight percent, ten percent, 12 percent, 15 percent.

Is there anything in the bill here that offers guidance as to how big the reserve fund should be? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. There is a standard and it's start -- shown in -- starting in line 149 which says that the council's got to maintain and I'm quoting a financial reserve sufficient to operate the program over a multiyear period of time in a fiscally prudent and responsible manner, close quotes. So that's the standard the bill sets.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And through you, Madam President. Do we have through your conversations with all of the folks at the table an idea of how much money a plan would need during a simple year operation? I know this is something new but do we anticipate knowing how many mattresses are transferred or sold in the State of Connecticut and will get the ten dollars a mattress value or package value, what that amount would be? Through you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Madam President, could you just have -- hold a minute?

THE CHAIR:

The Senate will stand at ease a moment.

(Chamber at ease.)

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I'm told by one of the stakeholders here that the manufacturers have done such a projection and we don't have it here in the Chamber today.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. And what happens if people -- a mattress is something that generally has a -- in my own personal experience has a long lifespan. And so the bill becomes effective -- I thought I saw October 1 or July 1, 2014, section three. I don't know particularly what that section is.

But what happens to the folks now that once the bill it's October 15 and I want to purchase a -- I have a mattress and I want to dispose of the one that I currently have in my house. I never paid the fee and the normal thing that I would do is I would go to my local transfer station, I'd buy bulky waste coupons whatever the town charges and I would throw it in the dumpster and they would haul it away.

Under the bill as proposed if my town charges a \$20 mattress fee for disposal they would only be allowed to charge whatever the council sets I'm assuming so it could be a cost savings to me. But who makes up the difference to the towns? Can they dip into that reserve fund for those -- that span of time where they're costs are not covered now for the disposal of the mattresses until the cycle starts anew? Through you, Madam President. If you can follow that -- line of questioning.

SENATOR MEYER:

Yeah. I think I do.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I think I follow that and the bill applies only to customers who -- who after the effective date go in and buy a mattress and then pay the fee and the fee is in an actual written invoice. And so the customer is able to take that invoice to his or her town if -- if it's being disposed of at a -- at a transfer station for example and the bill provides for other places it could be disposed of other than transfer stations. And -- and then the -- the town under the bill is not allowed to charge the customer again.

So in terms -- I think part of your question, through you, Madam President, is what about the person who has an existing mattress and did not pay the fee because the fee program is just going to go in now. That -- the implication of the bill is that that person would be able to dispose of the mattress by going to either a mattress retailer and -- and leaving it or going to the transfer station and then the town would take it. That's -- that's really left up to the council to decide. That's -- that's not spelled out in this bill.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. I just do have a concern that -- that if the bill sets a limit on when a charge -- a town could charge for disposal they the town may be left holding the bag with the bulky waste because they're no longer able to charge the fee that they normally would be to cover their cost of removal under the bill. And through you, Madam President. How does it work if --

is -- would the council be allowed to provide to a retailer the ability to not charge that amount?

Sometimes folks will offer a special and say hey if you buy a mattress from us we'll deliver it to your house and we'll take your old one away so you don't have to worry about -- about it. And if the ultimate goal here is to keep mattresses off sidewalks and towns have clean up that goal is accomplished. Does the council have the authority to waive the fee if it's a deliver and pick up? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Through you, Madam President. The bill expressly gives the council discretion with respect to -- to how it administers the fee. And subject to the audit and also subject to the Commissioner of DEEP being able to review that as well.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you. So for legislative intent, the council has the ability to waive the fee if they so choose under the scenario that I just presented. Is that correct? Through you, Madam President?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. That -- that is correct. And just to be very specific starting in line 244 the bill says and I'm quoting, the council may subject to the Commissioner's approval establish an alternative practicable means of collecting or --

or remitting the fee. So there is -- there is a lot of flexibility with this bill.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. I thank Senator Meyer for his answers. I do have some concerns. And my main concerns lies with this is a bulky item and are we starting down the path of every time we're -- we're going to buy or sell at retail to add an additional fee of bulky items on?

Now is the time during the spring -- on my way here to the Capital actually I think I passed two recliners and a couple of couches on the side of the road and the sign says free. Well after a rainstorm nobody's -- most people aren't going to want them. And you know I wonder if the city or the town that they were in doesn't have curbside pickup how long they'll stay there for. And that becomes a burden and folks start calling and complaining.

So if we adopt something like this are we going to start moving down the road of charging a fee on every bulky item whether it's a rug or a couch or a large piece of furniture. I'd almost be honestly happier with -- with the program that offers the exchange than -- than going down this road. But I appreciate the time and I thank the Chamber for that. Thank you.

THE CHAIR:

Thank you. Will you remark? Will you remark?  
Senator LeBeau.

SENATOR LeBEAU:

Thank you, Madam President. A few questions for the proponent of the bill.

THE CHAIR:

Please proceed, Sir.

SENATOR LeBEAU:

First of all I'd like to thank the proponent for bringing this bill out, for working on this, working with the committee to make this become a reality. I represent -- among the people I represent, it's a lot of people but also one of the major manufacturers of mattresses in the State who were concerned about last year's bill and thought that it would have been -- impose an imposition on their operations and it would have effectively worked for out of state producers and that they would have been kind of slipping around.

And I'm -- in listening to the debate so far and reading over the -- the bill, the OLR analysis in the -- the file -- in the file copy a couple of questions have arisen and I think actually Senator Witkos may have helped to answer them in that I -- it seems that the program is again in a sense a general program at this point. It doesn't have a lot of specifics associated with it in terms of -- let me get this. The retailer will collect the dollars. Is that correct?

THE CHAIR:

Senator Meyer.

SENATOR LeBEAU:

The retailer will collect the fee?

SENATOR MEYER:

Through you, Madam President. The retailer will pay the fee and then would be reimbursed by customers purchasing mattresses.

SENATOR LeBEAU:

Okay.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

So the reimbursement would come back from this -- this body that's going to be established and they would look at the dollars and ensure that they -- the retailer is reimbursed for the -- the dollars that they paid initially?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Yes and that -- that will be protected by an audit.

SENATOR LeBEAU:

Okay.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Madam President. And through you. I'm sorry. I apologize. One of the things I'm concerned with is -- so how are you going to take -- how are you going to ensure that the out of state producers -- I read in the bill analysis that out of state producers are prohibited from sales. How -- how do you think -- how do you anticipate that will be ensured? How do you ensure that if somebody's producing mattresses in New York City which is a major -- believe it or not a major producer of mattresses. How do we ensure that those won't be sold in the State without them paying the fees?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Well through you, Madam President. What the bill provides is that any mattress producer or manufacturer which is selling mattresses in the State of Connecticut will participate either personally or through a designee in -- in the -- in the council, be a member of the council. So -- and if the person -- if the company does not have a representative and I'm sure you could have shared representatives but if the company does not have a representative on the council then -- then that manufacturer is not going to be allowed under this bill to sell in Connecticut. So --

SENATOR LeBEAU:

But how do we ensure? Through you, Madam President. How do we ensure that to ensure that they won't be able to sell them?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Well you know this is a producer responsibility concept so we're -- we're trusting to some extent in the industry. What we've done to -- to ensure the public interest -- the protection of the public interest is that we -- we put an auditor into the system and we've put reports from the council to the Commissioner of DEEP and the -- and the Commissioner's overall oversight of -- of the plan into -- into this.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Through you, Madam President. I'm going to thank Senator Meyer --

SENATOR MEYER:

Excuse me for just a second.

THE CHAIR:

Do you want the Senate to stand at ease? Senator Meyer, did you want to --

SENATOR MEYER:

Yes. Through you, Madam President. Yeah. I've been told that -- that under the bill that the manufacturers have to provide a list to the council and to DEEP, the Commissioner of all sellers in Connecticut. And so we will have a way to -- to be sure that there's no escape.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Through you, Madam President. Thank you to Senator Meyer for -- for that answer. It gives me some comfort to know that. I'd like to go back to a more general question. Do we have any idea how many mattresses are sold in the State of Connecticut?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I think at the public hearing it came out that there are about 350,000 -- 350,000 mattresses sold every year in Connecticut.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Thank you and through you, Madam President. And I would assume that the -- that at the -- by the same token there are probably about 350,000 mattresses or core -- what you're calling core mattresses that are disposed of every year in Connecticut. Is that true?

THE CHAIR:

Senator -- Senator Meyer.

SENATOR LeBEAU:

Through you, Madam President.

SENATOR MEYER:

I'm -- I'm informed approximately.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Okay. And this is a crucial question, through you, Madam President. What -- do we have -- would assume the answer to this is no and I would assume that over a period of time this will develop. Do we have adequate facilities for recycling these mattresses at the current time?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. The concept of the bill is that the -- that the producers and retailers council will create that system. Very significant in the -- in the concept of producer responsibility legislation is -- is the responsibility of the producer to create the system. So do we have all the equipment do we have now? I -- I don't know but we have firmly placed that responsibility on the producers.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Madam President. And through you. I -- I just want to point out that that's going to be a -- as the Chairman of the Commerce Committee I'm pleased with this -- this portion of the bill because I think this is going to create a lot of jobs in the State of Connecticut.

Yes there's -- there's some costs but those costs are already being paid and we're also paying for -- through you municipalities we're paying for -- for dump fees in most of these towns one way or the other. And there's -- landfills are being filled up. We -- we cannot afford to continue to go in this direction. This is both -- and I'm very pleased with this bill.

I think it's a logically sound and it is economically sound and it's certainly going to help. And I think we're -- I believe and I think I've heard this earlier that this is the -- we are the first -- or are we one of -- let me pose this as a question to the proponent of the bill. Is this -- through you, Madam President, is this one of the -- are we one of the first states to do this?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I - yeah I'm -- I'm happy to tell you that we are the first state to do this. The -- this very bill that we're debating this morning is -- is a bill that's in front of the Rhode Island Legislature now. It's being discussed throughout the country. The national and international association of mattresses is -- is using this bill as a national model. They are watching what we do today. And so we are the first.

THE CHAIR:

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Madam President. Thank you, Senator Meyer, and let me again congratulate you on bringing this bill out today. I think it's -- it's groundbreaking. We'll all sleep better tonight knowing we've passed this legislation. Thank you.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President. Good afternoon. Great to see you.

THE CHAIR:

Good afternoon, Sir.

SENATOR KISSEL:

I don't have any questions for the proponent of the bill. I do recognize that Senator Meyer and others in this circle as well as from the House have worked hard on this and I know that we passed similar legislation out of this Chamber last year. And indeed I did support that legislation last year but in the intervening year or so I have been contacted by numerous folks that work in the retail industry in north central Connecticut.

And while it was just put on the record that we are the first state to move forward with this program, folks that are involved in retail and the sale of mattresses in north central Connecticut they are competing each and every day with retailers just across the border in Massachusetts. It's a short drive to get from Enfield to the Holyoke Mall. It is a short drive to go up to retailers throughout western Massachusetts.

And so when I spoke to the folks from my district they said we understand the value in such a program but unless it's done regionally or unless it's done in such a way that we're on an even playing field you are effectively putting us at a competitive disadvantage. And that's going to hurt us.

Whether it hurts them one percent, five percent, ten percent we don't know until this plan rolls forward but I've expressed this time and time again to members of the circle this year. Our neck of the woods is struggling. People are watching every penny. It is difficult to keep your head above water in Connecticut. I recognize that in other parts of the State perhaps people's incomes are much better but in north central Connecticut -- and again maybe it's our old fashioned Yankee parsimoniousness or just you know trying to make that nickel go as far as possible, people are frugal. They look for bargains. They look for sales. They cost compare.

And if all things being equal I can drive 15 minutes within Connecticut or 15 minutes up 91 into Massachusetts and save myself ten or \$20 then I'm going to do that. And so I appreciate the fact that we as a Legislature seem to want to be first in the nation in so many areas. There's nothing inherently wrong about that. But when you do it in instances such as this there's going to be negative repercussions. And those negative repercussions are going to be the deleterious impact this is going to have on retail in my neck of the woods and I see it all the time.

Price of gasoline in Connecticut versus Massachusetts. I drive three minutes north up Route 5 in Enfield from my house and there is a line of people trying to get to the gas station just over the border in Massachusetts because the price difference is 20, 25 cents, 30 cents, 40 cents a gallon.

We've heard what we've debated alcohol fees and you know we had the debate. Connecticut has high alcohol taxes. Massachusetts was going to impose them but the Massachusetts voters using their referenda authority turned it down so that implicit in the inherent price structure of alcohol before you have any retail markup Massachusetts is already less than us.

So it should not surprise anyone that so many people from Connecticut if they happen to be in north central Connecticut go to Massachusetts to buy their alcohol. We could go down the line of things. When we

incrementally raise costs on things like clothing or shoes, electronics it's just as easy to take that trip north on 91 from Enfield as it is go south on 91. And so we are extraordinarily sensitive about the retail climate in our neck of the woods.

And because when you have ease of transportation, when you have various shopping centers that one can choose from that are large and afford many different choices and when you have an economy where it is extremely difficult to send your kids to college, where it is extremely difficult to pay your household bills, where it is extremely difficult just to pay the cost of living then you are going to look where you're going to get the best bargain, where you're going to get the best value for your dollar. And when you have both parents working two jobs, maybe three jobs it all adds up. So I've heard from my municipal leaders. There's a bit of a cost shift here.

And my mayors and first selectmen say hey, hey, hey vote for this bill. It will be fabulous. Talk to our Public Works personnel. They're tired of picking up these mattresses and -- and we have to pay for it through Public Works and it gets reflected in your property taxes. I understand that but essentially what this would do is be a cost shift. And if I'm a municipality and I'm looking at the proposed budget and cuts coming down the road which is what they're looking at, then hey maybe the Legislature can make it up to us in some other way by getting this problem off our back.

And we can save a few dollars here and there for the town. And I'm very mindful of my first selectmen and my town managers and my mayors and my boards of finance. I understand it. But on balance at this time I have to vote with the consumer. I have to vote with the 100,000 folks that I represent in my district that are going to be looking to save as much money as they can. And I have to look at the retail climate in north central Connecticut and make sure that we don't paint ourselves into a corner by consistently and continually being first in the nation in this, that and the other thing. Because if we continue to do that we're going to be undermining our ability to move forward.

four largest cities in the State of Connecticut?  
Through you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. It's a great question. I think the Environment Committee was -- was surprised, Senator Kane, at the number of towns and cities that came out and said this will help us a great deal. But they definitely have a problem. I should tell you thought that -- that when we did this bill last year some of the towns in my Senate district in letters to the editor, people said why is Senator Meyer spending all of his time on this? We don't have any abandoned mattresses in Madison. Okay.

So -- so clearly this does not apply to all 169 towns but it certainly applies to a lot of them from the reaction that we had at the public hearing and I mentioned some of the towns. You know it's a lot of them. It's like about a quarter of the towns in Connecticut came out and testified.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President. And -- which I guess leads me to my next point in trying to understand if -- and I'll get there in a second, but trying to understand that how the consumers okay of 169 towns the next time they purchase a mattress are going to pay a fee because as you said 25 percent of the towns may have this problem.

So I guess I'm trying to understand the equity of it and maybe it's the greater good. I don't know. But in my mind I still don't understand why someone in my district has to pay a fee when they're doing the right thing let's say versus someone's who's not in another

community that this is an issue. Did I -- did I form that question properly? Through you, Madam President.

SENATOR MEYER:

All right through you, Madam President. You know that's a -- that's a good question. There are 58 of our 169 towns that charge a fee if you take a mattress to the town -- to a transfer station or somewhere else in the town. If you do that in those towns they charge you as I mentioned before between \$15 and \$45 per mattress.

They're not going to be allowed to do that anymore because the customer -- this is a customer bill I think more than Senator Kissel realizes because instead of having -- of a 15 to \$45 charge from the town they're going to -- they're going to pay a fee when they buy the mattress and as I said before the documented estimates we were given show that that fee will be far less than what the town has been charging. It will be between eight dollars and \$12. So actually I think -- I think this -- this is a consumer bill. I think it's going to help the consumer.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President. And right now if you were to purchase a mattress through a store and not -- maybe this came up in the testimony. This is what I'm hoping for. Maybe it didn't. You call XYZ Company, you order a queen size mattress. Don't they then take away your old mattress so you know is there truly the fee that you mentioned at the transfer station or is it being taken care of by the company that you bought the -- the new mattress from? Through you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

You know I -- I'm not sure I -- I know the answer to that question, through you, Madam President, but I do know that there are a lot of people who have bought mattresses and finished the use of the mattress and abandoned them in school yards, in the woods, on streets and so forth in Connecticut where they have not had the resource that you're talking about of a mattress company that will take it back.

So there clearly are mattress companies that -- I know that when we bought it -- a new mattress a year ago the mattress company took our mattress back. But there are a lot of people they're not -- it's not going that way. And those mattresses -- CCM estimates there are about 10,000 abandoned mattresses on any given day in the State of Connecticut.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam -- Madam President. And one last question if I might. You mentioned that if you went to your local transfer station there would be a fee and I've -- I forget if it was between -- I think you said may even upwards of \$50 possibly.

SENATOR MEYER:

Fifteen to 45.

SENATOR KANE:

Fifteen to \$45. Did testimony come out that people approached the transfer station, heard there was a fee and then turned around and did something else? Through you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I don't recall any such testimony either way on that.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Madam President. I thank Senator Meyer for answering my questions. And you know I will certainly continue to listen to the remainder of the debate and I hear what you're saying when you say that it is a consumer friendly bill. I don't know if I necessarily agree because I don't see it as a problem in my district and I haven't heard from anybody that it was a problem and the way it still seems to me is that every single person who buys a mattress is going to have to pay a fee for a few bad apples let's say.

The person you mentioned who throws it in the school yard or out in the woods or dumps it on the street or what have you. So I don't -- and maybe -- maybe I'm wrong on the -- on that because maybe people are paying a greater fee at their transfer station but I haven't heard of that as well nor admittedly have you seen that in testimony in front of the committee. So I would argue that this is not consumer friendly in fact is the opposite because we're making everyone pay a fee at the time of purchase because there seems to be a disposal problem in -- in a few of the areas.

Maybe -- maybe it's 25 percent to Senator Meyer's point. I don't know. I don't know if it's that high because I would imagine it's -- it's only happening in certain locations, the major cities that this is an issue. So I just feel like we're paying again as probably we do on a lot of things, but paying for the bills of -- of the cities because they're not able to control this problem on their own. Thank you, Madam President.

THE CHAIR:

Thank you. Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President. I appreciate that. As is the case with every environmental bill that typically you have been the introducer of the intentions are all good. We all know that. All 36 of us are onboard. We'll do anything we can to preserve and make our environment better over the course of time. And we have created some problems. We have sinned over the decades for sure if not centuries without any cognizance of what we're actually doing to the environment. So my hat is off to you for the perpetual effort that you are putting into improving the environment as well as your efforts in conservation. However what -- what gives me pause for concern is the actual points of a different bill that are trying to change behavior and they come it seems like always with a cost.

If you take for example some of the energy bills that we've seen in the last four and five years here, yes noble intent for sure to try to get to cleaner energy but what is the true, genuine cost to the citizens, the ratepayers and the taxpayers in the State of Connecticut. It's always the question that puts a little bit of a taint on all of the different efforts. So it's something I think in this case we have to pay attention to as well. And Senator Kissel gave a good explanation I think and you answered that concern that he had.

But one thing we're kind of not paying attention to is the fact that there is the whole concept of the time value of money. If someone is paying -- let's take the upper end of the range of \$12 today for a mattress which typically -- I mean I'll be honest with you, I don't think I've changed my mattress in 30 years. If you're talking about the time value of money over the course of 20 years or 25 years that \$12 turns into something much greater. You're paying that money now and you're avoiding the cost down the road. Most people try to avoid paying now and -- and pay down the road as what's his name said I'll pay you -- gladly pay you on Tuesday for the hamburger today. Wimpy. Wimpy was the guy's name.

So that concept is not taken into account. And then secondly we have to -- we have to say to ourselves

that bills like this we're trying to change the behavior of people. And my question is -- and I'm not -- it is a rhetorical question is are we in fact asking people to change in an effective way their behavior when it comes to dumping mattresses in -- in some of the 28 municipalities that you were -- that you were talking about Senator Meyer. And the answer is you know I don't know.

If there's this big stewardship program out there that pays for the disposal of all of these mattresses both legitimately disposed of but also the ones that are found on the streets. I think people may say well it's taken care of. I can just -- I mean what's the shortest distance between A and B. You know a straight line, dump the mattress halfway to wherever and I'm not sure it accomplishes exactly what we would all want it to do. And I'm just wondering also as a third point if we're doing this for -- you had mentioned paints -- that we do this for paints.

That I -- I get because we're talking about chemicals that once they leach into the soil and into other areas that could be inhabited by children or adults you may end up with a very dangerous situation from a chemical point of view and that's something that absolutely should continue to be in a stewardship program. Mattresses probably -- in most cases anyway probably won't have that kind of deleterious effect on people's health but it certainly is an eye sore and you know perhaps it is something that if it's on the side of a road could be a hazard to -- to drivers. But where -- but where does it all stop?

If -- if we do this today are we doing it for -- are we doing it for cars for 12 volt batteries that operate cars -- that start -- help you start your car? You know dirt bikes, bicycles. You know there's a list of hundreds if not thousands of items out there that you could probably say are a potential harm to the environment or certainly to the eye and that this stewardship program should apply to those items as well.

And it could get very expensive and I'm not sure that's the best thing for the State economy if we go down that road all in the interest of making things

affordable to people and trying to -- trying to cause the right kind of behavior of everybody in the State of Connecticut to do the right thing with their used mattresses or whatever the case might be.

So I'm just wondering wouldn't it be better to increase the fines on someone who is caught dumping a mattress and doing public service announcements, PSAs to make the citizenry more aware of this problem and to consider reporting someone who they see dumping a mattress. Typically you have to have a card to go dump a mattress a long ways away from your place of residence. So it's fairly easily identified as to who it might be by simply getting a license plate.

So again, Senator Meyer, I applaud you for what you do for the environment. I'm with you 100 percent. We're going to differ on a few of these different bills and how we get to the place where we are in fact doing the right thing for the environment without harming the economy, without harming the consumer. Thank you very much. And thank you, Madam President.

THE CHAIR:

Senator Ayala.

SENATOR AYALA:

Thank you, Madam President. I want to commend the good Senator for bringing this bill up. I've heard a lot of conversation from my colleagues around the circle. And this bill is a good bill. I know that my Mayor in the City of Bridgeport supports it. He has spoken to me about it and why it's important for the City of Bridgeport.

Up here at the Capital we often talk about regionalism. And in many instances regionalism doesn't work for the City of Bridgeport but it seems with mattresses the regionalism works because it seems to be that we seem to be the dumping ground for a lot of the mattresses in Bridgeport.

We have a Public Works Department that is overtaxed as far as going out there and picking up these mattresses. So a tremendous amount of resources are

used from the city side of it to deal with this issue. And it is a serious issue in our city. I'd like to make mention of the fact that because of this bill -- this bill will actually be able to help an industry in the City of Bridgeport, Park City Green is a mattress facility that actually takes all of these -- these discarded mattresses and they take them apart and they recycle all of the -- the different pieces that make up the components of a mattress.

And in speaking to the folks from Park City Green they're really excited about this bill because this bill will be able to not only double their business but quite possibly quadruple the work that they're doing which in turn means more employees. And one of the things that I really appreciate about the fact of Park City Green and the work that they're doing is that they actually are offering employment to folks who are coming in from reentry.

Most of the individuals that they have working at their plant are individuals that are coming to us from the world of reentry. And these individuals are being given a second chance to be able to get their lives together.

So I strongly support this bill not only because it's a good thing for our urban centers but I think that it helps to deal with the issues of the mattresses that are coming from all over the place. So it actually helps out my friends in the suburbs that don't have a place to turn in those mattresses and it creates an opportunity to not only be green about the way that we're doing it but also to provide employment. So Senator Meyer, thank you for your leadership on this bill.

THE CHAIR:

Thank you. Will you remark? Will you remark?  
Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, if I can through you to Senator Meyer a few questions with respect to the bill.

THE CHAIR:

Please proceed, Sir.

SENATOR FASANO:

Thank you. Senator Meyer, in a sort of top level approach looking at it from a 10,000 foot level is it the understanding of this bill that when a retailer buys a mattress from a producer that at the time of the purchase the fee for the disposal would be paid at the time that the retailer purchased it from the producer? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Yes. That's correct, Senator Fasano, subject to the fact that the council can change that. The bill provides the council to have an alternative form of fee in position. But that is -- that is the -- would be the current situation under the current bill.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. And is the good Senator aware of any understanding in the industry either by virtue of the producer side that there may be a proposal in which that fee would not be collected at that time but collected in the future? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. You know I'm just --  
we've got a wonderful helper here --

SENATOR FASANO:

I understand.

SENATOR FASANO:

-- and -- and from the industry. And he tells me that  
what is likely to happen and the bill gives discretion  
to do that is that the manufacturers of mattresses  
will be making arrangements with retailers in  
Connecticut to deal with these -- with these issues.  
And part I think of the charm of this bill is it gives  
the council that flexibility.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. So am I understanding  
correctly that although the bill that's in front of  
this Chamber here today suggests as written that the  
producer, manufacturer when they sell it to the  
retailer will be paying the fee that is the language  
that is in front of us today, however the industry has  
indicated through you that there may be other  
arrangements later on regarding the timing of when  
that fee is due? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

And through you, Madam President. That is correct,  
Senator Fasano.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Just like the sand, if you're standing by the edge of a seashore and the waves come in it just rolls out from underneath your feet. And you go how did that happen? Well if you're not mindful of it, it does. So laudable goal, commend Senator Meyer for trying to fashion a good compromise but for the reasons I just stated I cannot support the bill at this time. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Senator Kane.

SENATOR KANE:

Thank you, Madam President. I was going to ask a question, through you, to Senator Kissel about parsimoniousness but I'll wait for that one. And I will ask a question or two to the proponent of the bill if I may.

THE CHAIR:  
Please proceed, Sir.

SENATOR KANE:

Thank you, Madam President. Senator Meyer, I know in your original conversation when you brought out the bill you mentioned all the towns and or municipalities that came and testified at the public hearing. And similar to Senator Kissel my concern is for the consumer and only because I haven't heard from my towns in regard to this issue. Truly haven't. And maybe I will. Maybe my computer will light up momentarily. I don't know.

But I really haven't heard that this is an issue that begs this type of legislation as far as where I represent. And I remember a couple of years ago -- or if it was a year ago or two years when we debated this bill and the Mayor of Hartford happened to be sitting in the room and he was watching it because I know it was such a big issue to him and to the city and probably to the major cities. So I guess my question to you is is this really a problem of all 169 towns or is it something that truly happens within the three or

And -- thank you. And who would make those changes and that arrangement? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yeah. Through you. The changes pursuant to the bill would be made by the council of producers and retailers.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you. And this council -- can you help me out here, Senator, and tell me where the members of this council are defined?

SENATOR MEYER:

Yes, they're --

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. They're defined in section two in lines 106 through 111.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So the council on or before July 1, 2014 each producers or producers designee shall joint the mattress recycling council and by said date such council shall submit a plan to DEEP to establish a

statewide mattress stewardship program as described in said section.

SENATOR MEYER:

And then the next -- the next sentence.

SENATOR FASANO:

Retailers may participate in said council. That is -- that is the makeup of the council. Is that correct?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. That is correct, Senator Fasano.

SENATOR FASANO:

And --

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you. I'm so sorry. I keep stepping on you. I apologize.

THE CHAIR:

That's okay.

SENATOR FASANO:

In line 111 the word may is it may the language in which the retailer in their sole discretion all of them if they wanted to do -- wanted to be could sit on that council or what is the -- the may being permissive who holds that permissive language? If I may, through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Well I -- you know I think it's -- through you, Madam President, I -- the plain language rule that you and I follow in our profession. Any -- any Connecticut retailer or mattresses as I read it may join the council, may become a member of the council. That's the way I read it.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Do you know how many producers of mattresses -- if you don't -- you may not know and I don't know if it's important to the bill but how many producers sell mattresses in the State of Connecticut if you know?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I'm advised that it's somewhat more than 100.

SENATOR FASANO:

More than 100.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And through you, Madam President. Does the Senator know how many retailers there are in the State of Connecticut if you know?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

We don't -- I don't know the answer to that question.  
Through you, Madam President.

The CHAIR:

Senator Fasano.

SENATOR FASANO:

So through you, Madam President, if every producer  
wanted to be on this council, every producer or their  
designee could be a member of this council. Is that  
correct? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I -- I believe that's  
correct although you know reason suggests that -- that  
producers would use one representative. In other  
words I don't think you're necessarily going to find  
100 people on this council. There would be  
representatives or designees which would be combined  
so that you wouldn't get that many -- that large a  
council.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And through you, Madam President. However within the  
confines of the language of the statute is there any  
language that limits the number of producers that  
could be on this council? Through you, Madam  
President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. There -- there's no such language.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And through you, Madam President. Is there any language in this bill which limits the number of retailers that could be on this council? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. There is no such language.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Through you, Madam President. Out of curiosity, why is the producer shall language to be on the council and the retailers a permissive language to be on the council? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Well that was the way that this bill was negotiated. That it's a requirement that producers who were selling their product, their mattresses in Connecticut will be on the -- shall be actually on the council and the retailers may. And I think that the retailers' representative in the -- in the negotiations wanted a provision that allowed retailers to be on the council if they'd like to. It's not mandating them as producers are mandated.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. So for the purposes -- just for legislative intent every realtor who wanted to -- retailer who wanted to be on this council can be on this council. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through -- through you, Madam President. That is the intent of this bill.

SENATOR FASANO:

And --

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. This council would come up with rules and ideas as stated in this bill including but not limited to establishing fees, procedures, that sort of thing. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. That is correct,  
Senator Fasano.

SENATOR FASANO:

And through you, Madam President.

THE CHAIR:

Senator --

SENATOR FASANO:

And through you, Madam President. Would it be true  
under this bill as in front of you relative to  
Robert's Rules of Order that the council in their  
voting on these various procedures would be by  
majority vote? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. That -- that is not --  
not set forth expressly in this -- in this bill.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Absent that language in the bill, how does this bill  
talk about how the voting will proceed in this council  
to determine what rules and regulations would go  
forward?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Again it's the concept and I think the tromp of this bill that we're not trying to prescribe and dictate everything to -- to the private sector mattress industry but allowing them to work within a rule of reason to do -- to do something that is practical and that's result oriented. And that's indeed why we haven't gotten as prescriptive as you might like us to do.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Well I think if I may the bill requires this council to promulgate some fee, promulgate some rules, promulgate a program and there's at least 100 producers. I would suggest retailers are double that but I have no knowledge of that. I'm just trying to think it would maybe double that. We know in this building 152 legislators agreeing to one item is extraordinarily difficult.

If you have three or four hundred individuals trying to agree to a -- a particular matter I would suggest there is going to be some folks who can't agree and I'm trying to understand whether that would be majority vote would rule or how does the Senator anticipate those disagreements would be fettered out?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Yeah. I think that if we look to some of our prior producer responsibility legislation and I've just been advised that in paint when we did the paint legislation a council or board was formed there as it is under this bill that they -- you know it wasn't every paint distributor in

Connecticut. They -- they relied on representatives and designees. So I don't think we're looking Senator Fasano, in a practical sense at having hundreds of people in this council. I think it's more likely to be the size of -- of this circle or less.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And let's hope they're as cooperative as this circle is to each other.

SENATOR MEYER:

Those are your words.

SENATOR FASANO:

With respect to it is not anticipated that it -- I should -- let me put it in the positive. A producer on the member of this council or retailer as a member of this council would have equal vote should there be a vote? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

The bill does not prescribe in that regard.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Well as the drafter and the proponent of the bill is it your position for legislative intent that a producer would carry more weight on this council than a retailer? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I -- I think that's -- that's up to the council. I don't like to -- I'm not sure it's really in the best interest of this program for us to have -- establish a legislative intent upon weighted voting. You know whether our larger producers should have a bigger vote than a smaller producer or a producer should have one vote and a retailer a quarter of a vote. I -- I'd let the private sector do this. And we found in electronic waste and in paint that we've not had administrative problems of the -- the kind that you're suggesting.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. But even to get to the point of determining whether or not they would want to carry more weight than others if there were a disagreement among the folks who appear in that room since this bill doesn't specify how disagreements are worked out one would gather as a normal procedure of any meeting Robert's Rules of Order would apply and there'd be a procedure in which some voting mechanism would take place at least to determine whether or not a big producer would carry as much weight as a little producer and a little retailer carry as much -- and

I'm just trying to figure out just to start they have to have some mechanism or they're all going to stare at each other in the room and not know how to proceed should everyone but one person agree. Since the bill is silent I'm just trying to figure out so they get started if it -- if the legislative intent is that they would get together and either come to a consensus or take a vote how that would happen just to avoid a problem in the future. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yeah. Through you, Madam President. I -- I imagine, Senator Fasano in your scenario that if that kind of dispute and problem arises and I -- again I don't think it will. I imagine that the -- the council will be coming to the Connecticut General Assembly and asking us to be prescriptive as you're -- as you're suggesting.

The council might also go initially of course to the Commissioner of the Department of Energy and Environmental Protection because he has an oversight power under this bill as well. But -- but either coming to the Commissioner or coming to the General Assembly or coming to the Environment Committee initially I think that we will have the ability to deal with that. I remind you again that with respect to electronic waste and paint we have not had that problem yet.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. And then through you. Senator Meyer, just so I am clear on what I heard -- I want to be clear for the record. Is it the impression that because DEEP has oversight over this committee and I don't mean the day to day but some reporting to DEEP that if there is a disagreement among the council members that DEEP would be the arbiter of those disagreements and the final judge, my words, of that disagreement. Is that the intent of this bill? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. The bill is not specific in that regard but I -- it seems to me that you're -- you're correct and that the DEEP should be the -- initially the Commissioner of DEEP should initially be a person who would try to resolve administrative problems of the kind you've described.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. And while I -- I understand perhaps having an interest in the bill DEEP would I don't want to say poke your nose into it because that's probably bad. DEEP would step into that role to try to arbitrate the group. If the group could not be put together in a Solomon fashion is it your impression that DEEP could say since you can't agree and I helped you out, here's what you're going to do? Blank. Is that the intent of this or is the intent just that they could step in? I'm just trying to figure out, a disagreement how is it going to be resolved if it can be?

SENATOR MEYER:

Through you, Madam President. Under this bill DEEP does not have the power to impose its will in the manner you're describing. But clearly as you're also suggesting the Commissioner could be a very positive force in resolving the kind of questions that you're described.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, if I also may continue with Senator Meyer. In line 113, Senator, it says the -- the -- it says minimize public sector involvement in the management or discard of mattresses. And it's prefaced by that by language to say that such mattress steward -- stewardship program

to the extent technologically feasible and economically practical one minimize public sector involvement.

When you say minimize is it the understanding that irrespective of this bill the public sector and municipalities, cities and so forth would still have some sort of role or that this committee council could impose some sort of obligation upon the municipalities if they say it's uneconomical for us to come every day to your site. You need town, to pick up those mattresses and bring them to site A up two miles away because we just can't hit your site. Is that something that they would have the authority and power to do? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

It's good -- through you, Madam President. That's a good question. When Mayor Segarra followed by Mayor Bill Finch followed by first selectmen and mayors of other towns came to us they said in effect get our towns out of this business. And so the words you just read there about minimizing public sector involvement is in effect our effort to reflect their -- their request to us.

But in further answer to your question the bill also says that a depository -- one among other depositories of -- of mattresses -- used mattresses could be a town transfer station. So -- so the towns still will retain a role of some kind. We imagine as we negotiated the bill -- and again I want to refer particularly to the great work done by Representative Pat Widlitz who regrets that she's not here today. But as we -- as we negotiated the bill we -- we tried to look for ways to have the -- this council we're forming really take over responsibility. And that's what producer responsibility means.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. And -- and I understand the good intentions for what that is.

I guess I'm trying to infer from that language if this council would have the -- my words, mandatability to say to a smaller town look it's not economically feasible for us to grab your mattress out of your small town because it just doesn't make sense. We can't get there from here without a large cost and you don't have that many mattresses. Therefore as guardians of the mattress stewardship program you need to bring those mattress to us two or three miles away, four miles, five miles away and absent that we can't pick up your mattresses. Could this council make such a decision? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Clearly you and I talk as legislators and lawyers. The council could not impose a legal public responsibility on the town. Could not do it. Just a matter of law. Could they request -- could the council request? Of course they could request the town. And -- but it's a hypothetical situation you're describing that I'd rather -- I'd rather not try to answer how it might be practically resolved.

SENATOR FASANO:

So I guess -- sorry.

THE CHAIR:

That's okay. Go ahead.

SENATOR FASANO:

So I guess the -- the question I have, through you, Madam President, is phrased -- maybe phrased a little

bit differently because I appreciate the answer that this council cannot require a municipality to do something and I agree with that answer. Then it leads me to the next question is if they're in charge of the stewardship program and if they do find that something is not feasible -- technologically feasible I guess is the -- is the key word and economically practical -- so let's stick with economically practical. If they find it is not economically practical to go pick up mattresses in a small town off the beaten path are they absolved from having to do that?

So let me -- I didn't -- it's not abundantly clear my question so let me try to rephrase it in a different manner. If this council said look it's going to cost too much money to go pick up those four mattresses because that's all they have every week. It just doesn't make any sense for them to pick up those mattresses. I am not going to pick up those mattresses because it's not economically feasible for me to do that. Does the council have discretion to say that they're not going to do that to that town? Through you, Madam President.

THE CHAIR:

Senator --

SENATOR FASANO:

Does it have that power? Sorry.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I think that the -- the answer or at least the guideline is really set forth in the bill in lines 115 to 121. And Senator Fasano, I'd refer you to that -- to that guideline which says that the council should provide for free, convenient and -- and accessible statewide opportunities for the receipt of discarded mattresses from any person in the State with a discarded mattress that was discarded in the State including but not limited to participating

covered entities that accumulate and segregate a minimum of 50 discarded mattresses for collection at one time and municipal transfer stations that discard a minimum of 30 mattresses at one time. That -- that language was negotiated to try to deal with the very issue that you're -- that you're raising.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam, I apologize because I just found the paragraph here. You told me the lines, I just was distracted for a moment so if I may just take a moment.

SENATOR MEYER:

If I -- through you, Madam President. It again starts at line 114 with subsection two and that -- that subsection two I think speaks to the issue that you raised.

SENATOR FASANO:

So those -- through you, Madam President. So those places that have fewer than 30 at a transfer station would not be included in this mattress program?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Actually, Senator Fasano, if you looked at the next subsection three it -- it relates to -- to fewer -- fewer than 30 mattresses if you want to see that.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

I apologize. Can you just repeat that one more time, Senator?

SENATOR MEYER:

Subparagraph three says that the council may provide for free collection of discarded mattresses from municipal transfer stations that accumulate and segregate fewer than 30 mattresses. So the guidelines we've set out in this bill provide both for more than 30 mattresses and also for less than 30 mattresses.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. I appreciate the answer. In line 127 I'm curious to the number five that says provides suitable storage containers. That seemed to be different than the refuse containers. I'm trying to understand what is a suitable storage container and who has that obligation.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. The -- the word suitable is inserted there to reflect what size would be needed. And the -- the concept there is that the suitable storage containers could be located independent of transfer stations or at municipal transfer stations.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

So -- so through you, Madam President. Thank you. So the storage container is -- is that synonymous to a

refuse container or is a storage container for preservation? I just -- trying to figure out what that is.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Yeah. You know mattresses are pretty large -- their volume. So they're -- we're talking about large -- large containers.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, if I go down to line 133 to 134 include a mattress steward fee -- stewardship fee that is sufficient to cover the cost of operating and administering the program. It is the term administering the program for which I'd like to focus some questions to Senator Meyer. In administering the program I guess what I'm trying to understand is could you give me some examples of what administering the program would be? Through you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Mr. -- Madam President. The -- the particular components of administration of the program are set forth in lines 47 to 50 which say that this fee would cover, I'm quoting, the cost of collecting, transporting and processing discarded mattresses by the council pursuant to the mattress stewardship program.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Is it anticipated under this language that -- is it anticipated under this language that that would potentially include employees if this council decided that employees were required to do this program?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. The answer is yes.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Would this include if this council so felt it was in the best interest, consultants to help administer this program?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. The concept again behind this bill is to have as small a fee as possible so that the consumer is not put at an additional. It's as small additional cost as possible. And that is really also to the -- in the best interest of the producer and the retailer to have a small as possible. So do we imagine in this bill that there are going to be consultants? I think not.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, would the good Senator answer whether or not this would include things like attorney's fees? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR FASANO:

Not that that's a bad thing but would include attorney fees?

SENATOR MEYER:

Through you, Madam President. You know it could -- it could include consultants. It could include attorney's fees. It will include the cost of the auditor. It will include that cost. The others are not spelled out in this bill but as I said the -- the -- the real driving force in this bill with respect to the fee is to keep the fee small and reflective of only actual costs incurred in the recycling and disposal of mattresses.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, in line staying in the same section you were in, Senator of 147 if I were to move down to 149 through 151 it talks about maintaining a financial reserve sufficient to operate the program over a multiyear period of time in a fiscally prudent, responsible manner. Is it my understanding for that to mean that as they collect these fees and the fee income exceeds the expenses there would be a reserve and if that reserve got to a point such that if they were to receive no fees whatsoever for the next few years it was enough money to run this program. Is that the intent of that language as I read it? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I think that's a reasonable intent and interpretation.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And -- thank you, Madam President. And if that were to be reached the multiple years is it in -- and I'm not wordsmithing. I'm trying to understand. Would that be two years for multiple, three years for multiple, five years for multiple of whatever the council deems appropriate for multiple?

SENATOR MEYER:

Through you -- through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

That is -- that is really left to the council. The bill just says a reserve for multiple years and we're not again -- the scenario that we did not prescribe. We just said council responsibility for reserve for multiple years.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And if that is -- if that were to happen that is to say your fee income exceeds your expenses to a tune that you're able to build this reserve. Do you ever

envision a time that there will never be a mattress collected in the State of Connecticut over a period of a year? That is to say -- strike that. Let me ask it this way. Do you ever envision a time in which no mattresses would be sold such that the fee would be collected for a period of a year. In other words for one full year no income would come into this program. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I would think that would be unlikely.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And I agree. And is there anything in this bill that would require should they get that reserve for multiple year that they then review to determine whether or not the fees that they've assessed essentially the consumer -- we could argue retailer or a consumer but essentially the consumer would be adjusted such that after they get their reserve knowing there's more money coming in that they would adjust their fee accordingly so that the consumer would pay less for that disposal fee. Is that in here some place? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. It -- it certainly is, Senator Fasano. The -- the bill expressly provides for adjustment of the fee and it also provides for public protection through an independent audit.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And through you, Madam President. Is there a trigger mechanism tied to this reserve that requires them to make an adjustment? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. There is no such mandate.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And although you used the word mandate, I used the word trigger and we could perhaps argue about that another time. In line 135 it says establish a financial incentive that provides for the payment of a monetary sum to any consumer who recycles a mattress in accordance with the requirement of this program. Is that to refer to a rewards program, if you turn your mattress in we'll give you a dollar. What -- what is that trying -- what is the incentive for which you envisioned when the bill was written? Through you, Madam President.

THE CHAIR:

Senator -- Senator Meyer.

SENATOR MEYER:

Through you, Madam President. That was an amendment. Subsection seven was amendment made at the House at the suggestion of the Ranking Member of the Environment Committee, Representative John Shaban. He

drafted that language and I have not had a chance to speak to Representative Shaban to find out exactly what he means by it but his amendment was adopted by the House and set forth in those very words in lines 134 to 138.

THE CHAIR:

Senator Fasano.

SENATOR FASANO"

Thank you, Madam President. Madam President, if I may continue and -- and ask the Senator that I know that the -- we talk about in line 157 that the approval of the plan by DEEP is required. At the time that DEEP reviews the plan is it incumbent upon the council to provide to DEEP the necessary information to determine that the fee that they're charging matches the expenses that they anticipate it's going to cost? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

That's correct. And again it has the protection of an independent audit.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

The audit takes place after the programs instilled. Prior to program being instilled the initial year, DEEP's going to look at this plan and I guess I want to be clear -- I mean there's two ways someone could at the plan. They could look at it and councils says this is how much we're going to charge and we're going to recycle them and here's our bins yadda yadda yadda and we're done. And DEEP may say that's a fine looking plan.

But is DEEP going to be required to look at or is the council going to be required to produce the economics of this. In other words we have determined through whatever reports X number of mattresses are turned in in the year. These number of mattresses are sold. Our revenue is Y. Kind of like a line item budget approach to the financial end of this or is that not something DEEP is in charge by this bill to approve?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Again the bill is not - - not that prescriptive. It's -- it's applying a rule of reason, the council will submit a plan. The Commissioner will review the plan. The section that you just referred to provides for a mechanism if -- if the Commissioner does not approve the plan for ultimate approval of the plan. But the bill also sets out the general guidelines of what should be in the plan. But it doesn't get as prescriptive as you're suggesting.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And the only thing I'm getting to is this, is we're having a council create a fee. And it seems to me I would have loved to have that plan be brought to you committee for review because when the Legislature is giving power to some group, my words not your words, tax to get income to pay for a recycle program with -- which in the abstract I appreciate.

But unless there's some elected group who's responsible to the consumers to ensure that that fee is as minimum as possible the horses could run wild down the street before this Legislature understands the problem. So in light of the fact it not coming to Environment and it is going to the DEEP I want to see whether or not part of the information given to DEEP

is a financial analysis so that DEEP can say hey you're plans good but why are you charging so much based upon the numbers you gave me. And I guess although I'd like it to go back to you, Senator, it doesn't.

Since it goes to DEEP I just want to be clear for legislative intent that that's one of the things we would like DEEP to look at is the -- to ensure that our folks are protected and this council with all due respect because I don't know who's on it, doesn't run away which we have seen in this building with many different agencies who get significant power and by year eight they're budgets just keep going up and up and we're not funding it so we don't look at it. It's offline. It's being collected in the economy and we don't get the attention. That's the concern I have with this bill on that level. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I -- I think that's a fair concern. I think that as we drafted this bill and negotiated it we relied pretty heavily upon the audit. Refer you to -- starting in line 269 that provides that the audit shall review the accuracy of the council's data concerning the program and provide any other information requested by the Commissioner consistent with requirement to this section. So there's a -- there's a good sense of checks and balances in this bill.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Well I can agree with you in part that the audit does give some protection and I thank you for having that in there. The -- the audit is going to make sure that the money went where the

money went not reference that hey this budget's out of whack number one. Number two the initial part of the plan I guess is what I'm trying to drive at before the audit that the Commissioner has in front of the Commissioner the ability to say to the best that he's produced the numbers, this fee makes sense given the number of mattresses, the cost of the program, but we'll tweak it as we go along and these are estimates.

But what I see in front of me, my words and I apologize for using these words, weren't not gouging the consumer unnecessarily to achieve some inflated cost. And I guess that's where I don't see the oversight. That makes me a little bit fearful. I understand what you did with this bill, Senator. And I appreciate your hard work and those other members of the committee. I do. And I know it's difficult to get a new idea through this building and it's difficult to get people to come around.

But what my concern is is making sure that the fees are reviewed initially by someone like DEEP since it's not you, who has the power to look at them and say you know what you don't need a line item for \$400,000 for salary for the administrator of the program. You don't need a line item for 150,000 for a lawyer to talk to the municipalities. Someone is looking at and questioning that and saying this fee is going to be too much for this program. Why don't you start off and we'll look at it later.

And I guess I just want somebody at the birth of this project before contracts are entered, before things are done that you can't reverse and as a lawyer you know you can't reverse because you've signed on the dotted line. Before all those things take place someone's looking at this. I'd much rather have it come in front of your committee. But someone's looking at it and saying look things could go wrong but this is the best guess to say this makes sense. And that just gives me some trouble. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through -- through you, Madam President, to Senator Fasano. And I want to say this to my colleagues in the circle as well, it is really the intent of this bill and I believe the intent is carried out in actual language of this bill that the integrity of the fee charged to the consumer be preserved and protected and that that is done by a combination of the oversight of the Commissioner of the Department of Energy and Environmental Protection and by the independent auditor.

And -- and Senator Fasano, I'm going to urge you through the President, Madam President to -- to continue to review those -- what I view as protective measures in here that keep a strong checks and balance. And if in -- in the future we -- we want to make that even stronger, I'll work with you to do that.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And I appreciate that from the Senator. And I agree with you. But let me just throw a little twist in that. It would be difficult for you or I to make those tweaks to the program unless we're part of the information that is given. And as Chairman of Environment, I mean my position as Ranking of other committees we've got a slew of things we're doing and not only in the district.

So it seems to me we could keep track of this, you better than I if the information were not -- even if not to be approved by your committee -- given to your committee such that if -- once the plan goes to DEEP for approval -- let's assume I don't touch that for a second, a plan, a copy of which goes to your committee so you and your committee could look at it.

You don't have to have a hearing on it. You don't have to do anything. You may want to make a phone call and say hey this isn't what I envisioned or hey

you know what this is -- this is terrific. So the idea here is, Senator, that you would have at least some touchy feely every time something happened to this program to ensure it is doing what you suggest it to do and I would -- I have full faith and credit that if it does go to you and your committee that you guys will keep track of it and do the right thing.

But if it's done outside of your check points you're not going to know until you get that constituent call or until press says why is this guy getting X and why are we doing Y and this thing is costing way too much money. And then we are the reactionary Legislature saying this isn't what we envisioned and we all do press conferences and press releases talking about how this thing is nothing like we want.

And I'm saying why can't we be a little more proactive? Why can't we require that information to come to your committee and then if you want to intercede you can? If you don't that's fine but at least you're on the -- on the know. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I think we've got it right in this bill. And let me explain, Senator Fasano, why we've got I think we've got it right. We're a part time Legislature. We're up here five -- Environment Committee is up here five or six months during the course of the year. Most legislators have other jobs and they can't be here.

What this bill does it empowers the Commissioner of the Department of Energy and Environmental Protection, and I'm referring to lines 217 to 220 which says as follows; the auditors shall render an opinion to the Commissioner as to whether the proposed mattress stewardship fee is reasonable to achieve the goals set forth in this section. Before we started the debate this morning now this afternoon I spoke to Commissioner Dan Esty. He indicated not only support

for this bill, I wanted you to know that but he also indicated that he'll be taking his -- his responsibility set forth in this bill very seriously. And recognizes that this bill is extremely important to the good environment of Connecticut.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

I appreciate that. Thank you, Senator Meyer. I also had the opportunity as you know to talk to Senator -- well the Congressman Esty but Commissioner Esty regarding this bill as well. And he did have a tweak here and a tweak there since those conversations were offline. I'm not going to talk about his view because I think that's offline. But I will say this that I -- I understand it does give that power to them.

And I'm suggesting the aberration of that power to them is in the bill again but that doesn't mean a courtesy copy if you would of that should not go to your committee because as legislators what we are doing is simply this and let's be clear, in this bill we are saying to a council of unknown people in unchartered and untested waters you have the ability to do a big program that includes revenue being generated by virtue of us requiring that revenue to be assessed on consumers -- retailers, consumers whatever. Assessed on consumers.

We're giving you that stream of income. We're going to allow you to take that income and spend it without us even looking at it. We're going to allow you to contract. We're going to allow you to negotiate. We're going to allow you to hire. We're going to allow you apparently to fire if you hire. We're going to allow you to purchase. All these things outside of any review of any of us. No line item approval. No contract approval. Nothing. You are a separate agency.

I would suggest to you, Senator, above and beyond any agency in this building. Because every agency in this building that we give taxpayers' money to have to live

by a budget that we set and they live within those guidelines and if they can't they answer to the Governor or to us. That's not what we're saying here. We're saying we're going to let some other agency decide what your budget is.

We're not going to review it. We're not going to look at it and unless we hear a complaint we're not going to care. And you do what you want to do. And in fact make sure you get your reserve for multiple years. Collect as much money as you can for multiple years and that's okay with us. And I'm saying I'm almost to willing to go that far except I want to pull it back a half step and say the Environment Committee is kind enough and perceptive enough to see that this council is important.

Give them the courtesy of knowing what you're doing so that if you go beyond what Senator Meyer and his committee believe was the import of this statute we can take a time out and reevaluate that that's really where we want to be. I'm not asking that your committee do a line item, just be on the know. I don't think that's asking for that much. I have an amendment that we'll call later.

I don't think it's asking for that much to ask for that. That'd certainly go a long way to me to say I've got some legislative oversight by someone who understands what it is to get those phone calls in the afternoon or all day about you know how come I'm paying this because at the end of the day anybody buying a mattress is going to know that we as legislators stuck a fee on that mattress because that sales prices under this bill says it's going to stick out there.

It's a good thing and bad thing we'll talk about in a few minutes. But it's going to stick out there. And then they're going to come you charged me seven dollars and they're spending a half a million dollars on whatever it is. And it won't take much for this train to get away from us. So that's why I'm suggesting -- I appreciate what you're saying and I understand it and DEEP is probably the right people to look at it to make sure the recycling takes place in accordance with federal and State rules.

And I'm with you. But to say to environment you need to keep your finger in the water makes sense to me and I don't think it's a hardship. And that's the only reason why I bring this out. So somewhere I got to ask a question so let me back into a question then. It seems to me that that's not an undue burden on the bill and I understand unfortunately this bill I think came out of the House if I'm correct. Right? It's not a Senate Bill, it's a House Bill is my understanding.

So unfortunately it will have to go back to the House and I get that. But I will certainly do my best to see if my colleagues on their get it out because I think it's that important of a mechanism. So that's the reason why I bring it to your attention, giving you the opportunity to say what would you like to say to that Senator Meyer?

SENATOR MEYER:

Okay.

THE CHAIR:

Senator Meyer. Would you like to say to that?

SENATOR MEYER:

Thank you. Thank you. Through -- through you, Madam Chair. I -- I want you to know that I -- I hear you that the fee doesn't -- does not go into effect until July of next year. We're going to be in session next year from February to May. Right? I will -- I -- I want to represent to the circle and to you, Senator Fasano that I will talk with the Co-Chair, Representative Linda Gentile.

I'll talk to Senator Chapin as Ranking Senate, Speaker Representative John Shaban as Ranking House Member and we will -- we will decide whether or not some oversight by the Environment Committee would be relevant here before this fee takes place. We'll have a chance to put in a small bill next year if we decide that we need to do it by legislation.

There's been a very cooperative atmosphere with respect to negotiating this bill and I'm not sure we would actually need a legislative mandate in order to -- to take part in the negotiation. But I want to just say in full answer to you that there are good protections and one of the protections written in here is self-interest. Self-interest can be a very strong protection and that is the self-interest of the producers and retailers of mattresses to set as low a fee as possible in order to sell mattresses.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Senator Meyer, I -- let me go back and talk about the -- I'm not asking the committee if I may by my amendment to be an oversight committee because I think that -- that you've given to DEEP and I'm somewhat comfortable with that. I'm just asking that -- and I understand you want to do it next session and I may be even with you on that.

But I'm asking that just the reports, the audit, the plan gets CC'd to you -- you as a committee member when I say you and that's all I was asking. Not that you are hawking this thing from some level but at least you know and I think you would be interested to know because this is what you guys want to do, what the program is going to look like and how it's going to proceed. And if you -- because you don't want to go back to the House and it's a reasonable position to take if -- I will take you at your word and say next year I hope you do look at it. And as I say not as an oversight but just for CC.

The second part of what you said which is there is a interest in keeping the fee as low as possible. May I suggest this, people have to buy mattresses. They have to. So someone's going to purchase a mattress sometime, some place, somewhere and a lot of them and they may be upset about a fee but they're not going to say you know what if it's the same fee everyplace it is what it is. And no one can sell a mattress unless they collect that fee so I'm not sure that's a factor

because the competitiveness -- if that's a constant in every single store if it's ten dollars that constant is at every single mattress store so you're forgetting that and you're looking at the mattress. So no matter what that fee is it's not going to have -- people need mattresses. It's not going to have a deterrent effect because it's a constant.

There's not competitive edge there. So I would suggest to you when you say you know that would keep the fee low. I would take the counter proposal and say we have seen situations with municipal water authorities, municipal sewer authorities where someone can challenge -- either republican or democrat could challenge salaries paid and fees paid and consultants paid by saying that's exorbitant. And they're still selling a commodity; water or power.

So to suggest that's going to be a deterrent I would - I'm not sure I'd share that same viewpoint and I would press upon that on one's reviewing these contracts. Not the AG's Office. Nobody. We're out of it. But we've given them the money to do it. We've given them permission to hire, pay salaries and pay consultants with no oversight once it takes off. There's an audit but that audit doesn't say tell me if the administrative costs are higher than what you would do for a business. It doesn't say that. So just give me an audit.

Make sure no one is putting money in their pocket without accounting for it. It's a good thing to do. Don't get me wrong. But there's nothing to suggest it's lean and mean and effective just that we want to make sure every penny is going where it's going. The ability for abuse is great. If it is a private business the abuse is there but the private business is going to pay for it and suffer for it. But when we allow this group to tax whatever cost they need to receive the abuse has got to be wide scale.

I should say the potential abuse has to be wide scale. That's the concern -- one of my many concerns that I have on this bill. Senator Meyer, I -- I apologize for asking these questions but I understand what you want to do and I appreciate the good nature. I just

have concerns and if I could just bother you one more moment if I may, Sir.

In line 294 through 299 there's a provision that immunizes from liability -- immunizes from liability a violation of antitrust law and I kind of understand that because you're setting a fee amongst everybody so you've got to be exempt from that because someone could challenge on it. Unfair and trade practices is the para -- is the phrase I'd like to discuss. Why is it necessary to immunize unfair trade practices in this bill for this council which is not a legislative council? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. You know this -- this was drafted by our very competent LCO Brad Towson and -- and therefore he felt it was important to put unfair trade practice. But Senator Fasano, I do note again that the real focus here is on antitrust because it says unfair trade practice if such conduct is a violation of antitrust law. So I think the focus really is on antitrust law. And I think that we understand that this could be -- the council itself could be a violation of the Sherman Act and -- and therefore it makes some sense.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Senator Meyer, as you phrase that I -- I agree with you that unfair trade practice is just limited to the extent that it's an antitrust violation. And I gather you're right, LCO wanted to do it so you couldn't circumvent the antitrust by making an antitrust claim through an unfair practice claim and a fair trade practice claim. So I agree with you and I thank you for that -- that answer. Madam President, one more -- I'm sorry.

Senator Meyer, why is it necessary that when a mattress is sold -- let me back up if I may. We have provision in which the producer sells their product to the retailer and under the existing bill if this were to become law the retailer buys the mattress and pays we'll just say ten dollars for the recycle fee.

Why is it necessary to have a sales slip that shows the sale of the mattress and adds the ten dollars -- and let me preface this question by saying I appreciate and agree to the sales slip saying that you know you've -- you've paid the ten dollar refund -- ten dollar recycling fee therefore please recycle your mattress for free. I appreciate that notice I think that makes sense. It could equally say included is the recycle fee but why is it necessary to break out that fee so the consumer says I paid for the mattress and now -- and here's a broken out fee for the recycle fee?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I was not at the particular negotiating meeting when -- when this was discussed but Representative Widlitz told me yesterday as we were discussing the debate today on this bill. She told me that the mattress industry actually made it a condition of their support that there not only be a fee but that the fee be transparent. And that's why you'll see in lines 240 and following that -- that it's got to be a visible, transparent fee actually set forth in the invoice paid by the customer of the mattress.

So that apparently was a part of the negotiation. And gosh I think as -- as people acting in the public interest we believe in transparency. I can -- I can see that from a self-interest standpoint some retailers might want to disguise the fee. But in this particular interest this industry looking at a national -- a national bill, this bill will be a model

for the country, they wanted to have transparency and who are we to reject that?

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Well first of all let's be clear. We're not rejecting anything. This bill is not a national bill. This is a very local bill in that it's only in Connecticut and not shared with other states. So to suggest we're taking some national promulgation of some policy in changing it here may not be a fair characterization. That being said, your assumption on that is that the consumer is paying the fee when in fact that fee could be very well absorbed by the realtor --- retailer.

The retailer could be saying I'm not going to pass that fee because I've got to make this sale. So that's -- that's -- that's number one. Number two let me suggest to you something else. Earlier in the first part of our discussion I asked you is it your understanding that when the producer sells it to the retailer the fee is paid at that time. And you said correctly so, under the bill yes. And then rightly so you came back and said the council may change the game on that. It is my understanding of the following and I'd like the Senator to tell me if he's heard the following. Let me tell you what I've heard.

I have heard that the industry, manufacturers are saying that we've got to change when the fee is paid because if it's paid when the retailers buy it from the manufacturers they're going to stick us with that recycle fee. So we don't want to collect it then. We want to collect it when they sell it to the consumer. And by having it on -- I jump to the conclusion therefore the reason for having it on the receipt is if it is -- if it is collected when the manufacturer does it with the retailer it is an easy audit. Right?

I'm buying 100 mattresses. I pay ten dollars a mattress. I pay the \$1,000 and deal is done, goes to the council. It's clean. I bought. I paid a fee. But if I pay the fee later and the council said Len

you bought 100 mattresses and you're a mattress company. That's all you sell. But you told the council you sold two all year and you're doors are still open. Where's our money. And I say that's all I sold.

The only way you're going to be able to determine it is by getting into my records to look how many times my register rang up that seven dollars or my tax return, how many times that rang seven dollars. And I'd like to know whether or not the real reason for this is not so much on transparency because that may not be true if the retailer sucks up the money.

The real question is is the reason for this because it is going to be collected later which may be fine for all I know, but the audit trail will disappear unless you have the seven at the end such that we can look for that number to determine if I'm getting eye council and getting my fair share. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I -- you know frankly Senator Fasano, I don't -- I don't know what the motivations were of the stakeholders in the negotiation of this but this -- this was a request and it was negotiated. And -- and we felt as we negotiated and I'm referring to Pat Widlitz and me and Linda Gentile in particular that -- and Senator Chapin was involved a bit in this as well. We felt it was an acceptable formula, acceptable process. And I hear you. You can debate motivations and so forth but we -- we did not get into it in that manner.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And through you, Madam President. With respect to my suggestion of why it's there did the good Senator hear any -- that during the discussions about this bill that part of this reason for the seven dollars at the end was related to the ability to have an audit trail? Through you, Madam President. Did the good Senator hear any of that conversation?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. I don't recall hearing anything to that affect.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And to the good Senator, when you say it is negotiated was this bill negotiated -- was this bill negotiated by virtue of the retailers agreeing to that seven dollars being put at the end of the sales slip? Is it your understanding that the retailers are fine with -- I say seven dollars I meant to say ten -- ten dollars being added to the purchase price on a sales slip? If it was negotiated is it the understanding of the -- the Senator that the ten dollars was agreed to by the retailers?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. There was -- there was no agreement among anybody or in this bill as to the actual amount of the fee that would be added as you know. The -- there was a bit of a split as we negotiated this. The mattress industry wanted a fee and wanted it to be visible. There were -- there was a representative of retailers in Connecticut outside

of the mattress industry that -- that questioned first whether or not there should be a fee and -- and secondly seriously questioned whether or not it should be a transparent visible fee. An argument was made to us that it was anti-consumer to -- to put a visible fee in. THE fee could be built into the cost so the manufacturer did not have to be set forth as visibly as this bill does. And -- and we rejected that in part at the request of the mattress industry.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Senator. Thank you, Madam President. So when you say negotiated, through you, Madam President, it was negotiated between the manufacturers and perhaps those folks representing the Environment Committee and DEEP and not negotiated through the retailers. And I assume that that's when you are doing -- when you say it was negotiated. Is that accurate? Through you, Madam President.

SENATOR MEYER:

Yeah. Through --

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

-- through you, Madam President. A representative of some retailers, Tim Failand, whom we all know in the circle was present at some of the meetings. And his views were certainly reflected at -- at the meetings and he had some concern about how the bill treats the fee.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, it's my understanding we're still on the amendment. Is that correct? So I have some amendments.

THE CHAIR:

Please proceed, Sir.

SENATOR FASANO:

So -- but we got to get the amendment moved on so I'll stop my questioning.

THE CHAIR:

Sorry, Sir. The bill has been --

SENATOR FASANO:

Oh, okay. I apologize. I do apologize.

THE CHAIR:

I'm sorry. The bill is up on the board we just --

SENATOR FASANO:

Right. So Madam President, I would ask the Clerk to call LCO 7126. I move the amendment and request permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO number 7126, Senate Amendment A offered by Senator Fasano.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, what this --

THE CHAIR:

Sir, would you like to move the adoption of the amendment?

SENATOR FASANO:

Okay. Yes. I'd like to move the adoption of the amendment.

THE CHAIR:

The motion is on adoption. Will you remark. Sir?

SENATOR FASANO:

Thank you very much. I would like to -- what this amendment basically does is it says that the fee indicated at the time that it is sold would not be placed on the slip. The reasoning for this isn't the issue of transparency. There is no knowledge of who is paying that fee because it could be absorbed by the retailers and not by the consumer. Number two, it is my understanding that the retailers are highly objectionable to this provision because that may not be true that they may be absorbing that fee.

Madam President, I understand in the bill that's in front of us and that's the only thing we could look at, what the council does in the future, the council does in the future. So if the council were to say that the fee is going to be collected upon the sale to the consumer and the only way you could do an audit trail is by adding the ten dollars well then they'll say you have to show it on the receipt. However if in fact it is paid that the bill suggests at the time the retailer pays it then it is wrong to say that the consumer paid it.

The consumer didn't pay it. The retailer paid it. Why? Because the bill says so. The bill says the retailer will pay the fee. When the mattress is sold maybe he reimburses himself, maybe he doesn't but you know what the retailer reimburses himself for a lot of

things. He reimburses himself for the salary he pays. He reimburses himself for the gas he pays to his employers -- employees. He reimburses himself for insurance, for taxes. That's kind of like how you run a business. But clearly this bill says that the fee is paid by the retailers unequivocally.

So if you want transparency let's tell the truth. The retailers are footing the bill. Not only that but the way the bill is written the retailers are funding the whole project at the beginning and until the council changes it for -- or for years to come they're paying for the project. But for them paying the fee when they buy the mattress this doesn't exist. So if we're talking about the truth and shedding light can we at least give them credit that we're saying to them they're paying the fee upfront to make this happen? Here's the thing, and I know unless you're doing business on a daily basis escapes people. It's the time value of money.

If I pay ten dollars for something today and ten years from now I get that ten dollars back some people will say it's even. You gave ten, you got ten. It's not even. Because there's a time value of that money, the present value of that money over time that I lost. Well whatever the fee is that this council comes up with, whatever it is, when the retailers pay it when they buy the mattress even if they get dollar for dollar back -- let's assume it's added to the purchase price which is the assumption under this bill, it's added to the purchase price he still doesn't get here -- she -- the business still doesn't get back every dollar because of time value money mathematically which is a position well accepted in the financial world, you're not getting that dollar back if you get it back years from now.

So you got to say what the real purpose of this? And why would the manufacturers care? Why would they care that it's added to the sales receipt at the end? You know why? Because the rules are going to change. And if it's in the statute they don't have to worry about it. They're going to ask, mark my words May 16, 2013, they're going to ask for permission to have an audit trail of the retailers of every mattress sold and all the business records to make sure they paid the fee

after they don't collect it. And the reason why they're not going to collect is because the manufacturers are going to say if I sold to that store a mattress for \$199 and now you put a ten dollar charge -- the big guys not the small guys -- the big guys are saying I'm still paying \$199 for those mattresses, you absorb that ten dollars per mattress. You absorb it and I'll pay you that much less but I'll pay the fee into the council. And the manufacturers know that's going to happen. So they're going to say let's leave it like this now to get the bill passed by the Chamber. But when it comes out of the Chamber then we'll say you buy it from us, don't pay the fee now but you're going to pay the fee when you sell the mattress.

And by the way we now have an audit trail to make sure you do that. That's what the game is here. Otherwise there is no other substantive reason to collect this fee at the end. It is clear as day. It is as clear as day. So the retailers are going to get hurt by subsidizing the program upfront and frankly they're okay with that. But they're not okay with you allowing this council in the future without our legislative approval I might add, DEEP is the one who's going to give them that authority because remember the plan goes to them. They're plan goes to them.

If this council says I want to audit every mattress company -- if you sell one mattress under our plan and make sure we get our dough, I'm going to audit every single one of them to make sure they pay that money because we're not collecting it when they sold. DEEP says go ahead. We're good. Nice plan. We never get a chance at it. So council could send a letter to a retailer and say hand over your books. This is a fee. Here's our plan. DEEP approved it. No legislative approval required. Court's going to say that's how I read it. That's how I read it.

Do you understand the power you're giving people? Do you understand the power you're abrogating to some council that nobody in this room even knows who the members are going to be? Nobody in this room knows how they're going to operate and we're going to say go ahead do all this. So what this amendment does is say

listen cut the fee off at the end because if they want to change the game let them change all of the game and maybe that will raise some eyebrows in this Chamber. Madam President, I move the amendment.

THE CHAIR:

Will you remark? Senator Meyer.

SENATOR MEYER:

Colleagues, I -- I'm going to urge you to vote no on this amendment for the following reasons. What this amendment does is it strikes a provision in the bill as follows, I'm quoting, the fee shall appear on the invoice. This is good policy. This is pro-consumer policy to indicate to consumers what they're paying for and it was requested in the negotiation of this bill by the mattress industry.

And secondly I'm asking you to vote against this amendment because if the council finds that -- that the fee system set up here is not working for one reason the council under this bill has the -- has the ability to change the fee system. So for those reasons I urge a no vote. Thanks.

THE CHAIR:

Will you remark? Senator Kane.

SENATOR KANE:

Thank you, Madam President. Yes. I will. First I don't know if Senator Fasano asked for a roll call vote.

THE CHAIR:

No but if you'd like to you can.

SENATOR KANE:

I would if I may.

THE CHAIR:

You'll get one.

SENATOR KANE:

Thank you. The discrepancy I think appears between the manufacturers, the retailers and the end users. And I think Senator Fasano is trying to help in that effort by making it clear to everyone that there should be some truth in advertising, that consumers should know about this fee that is being instituted and where it comes from and secondly how the retailer is involved and how he is certainly in the minds of many as fronting that money because they are paying that fee initially and then of course sitting on that inventory until the end user actually buys the product. So I do think this is a good amendment.

I do believe that Senator Fasano's intentions are for the consumer in the long run. And I would urge everyone in this circle to vote in favor of this amendment because I do believe that Senator Fasano's intentions are -- are well intended for the end user and the retailer for that matter because it's very important that they are part of this process as well. So I would encourage all members of the circle to vote in favor of the amendment. Thank you.

THE CHAIR:

Thank you. Will you remark? Will you remark?  
Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I also will be supporting the amendment. I must admit at first it seemed a little bit counterintuitive to me. In full disclosure I supported this bill last year and I intend to support it again this year. But one of the things that I think is important for us to do is to be transparent with what we're doing. And as I first read the bill my understanding was the ultimate in transparency would be putting this amount on the receipt.

But after listening to Senator Fasano for a while about where the money's coming from, who's paying it

upfront, my understanding of that began to shift a bit. And so with that I've come full circle to understand that this amendment is a good amendment. It truly places -- it truly discloses the burden and who the burden is truly with. And so I will be supporting the amendment. Thank you, Madam President.

THE CHAIR:

Thank you, Sir. Will you remark? Will you remark? If not, Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Fasano. Senator Fasano.

If all members have voted -- all members have voted the machine will be closed. Mr. Clerk, will you call a tally?

THE CLERK:

Senate Amendment Schedule A for House Bill 6437.

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	14
Those voting Nay	22
Those absent and not voting	0

THE CHAIR:

Amendment fails. Will you remark further? Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, through you to Senator Meyer. Senator Meyer, it's my understanding that when we talked earlier we talked

about the fact that there could be -- that there will be jobs associated with this because the council has the ability to hire and presumably fire. Senator LeBeau stood up and supported the bill based upon the fact that it creates jobs is what I believe the import of his support was for. So it is true that this council would have that ability to hire and create jobs. Is that true? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Yes, Senator Fasano. That's indeed a major part of this bill is in effect creating a new industry of mattress recycling. We're very excited about that.

THE CHAIR:

Senator Fasano.

Thank you, Madam President. And through you, Madam President, to Senator Meyer. It is part of what I believe that this group would be doing and I'd like to know if you agree with this statement, would be finding locations other than transfer stations in which mattresses could be deposited. Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Through you, Madam President. Indeed the bill as I mentioned before speaks to that and says that there be suitable containers for these mattresses and it -- it provides that they can be at either at a municipal transportation or somewhere else in the discretion of the council.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And to that extent therefore -- thank you, Madam President. To that extent some of these containers could be on private property should the agreement be achieved between the council and the owner of the private property. Is that correct? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Through you, Madam President. Among other locations it could be on private property.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

And therefore there would be contracts, negotiations, contracts, easements and perhaps maybe yes, maybe no some monetary consideration supporting those contracts and easements? Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President. Yes, I think that a lot of commerce could be created by this.

THE CHAIR:

Senator Fasano.

SENATOR MEYER:

As Senator LeBeau said.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Madam President, I would ask the Clerk to call LCO 7201.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO number 7201, Senate B offered by Senator Fasano.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, I move the amendment and request permission to summarize.

THE CHAIR:

The motion is on adoption of the amendment. Will you remark, Sir?

SENATOR FASANO:

Thank you, Madam President. Madam President, in light of the back and forth between Senator Meyer and myself in creating jobs and commerce and in light of Senator LeBeau's endorsement which is that this is good because it creates jobs. To the extent that it does in order to ensure that we are fulfilling what seems to be an important part of this bill which is commerce and the creation of jobs what this seeks to do, Madam President, is require the council to report to the Commerce Committee essentially how the jobs that were created by the mattress program, the number of jobs and give a report to the Commerce Committee to see how many jobs have been created by this program to see if

it's achieving that particular requirement. Madam President, I would seek support from the circle.

THE CHAIR:

Will you remark? Will you remark? Senator Meyer.

SENATOR MEYER:

Briefly in opposition, Madam Chair. This is a very well intentioned amendment by Senator Fasano and indeed the Environment Committee of the General Assembly should be involved and will be involved in one respect or another with respect to the implementation of this legislation.

But I do -- I do remind you that we do have a report system in this bill in that the council has to give an annual report to the Commissioner of the Department of Energy and Environmental Protection. So there is some accountability and there is reporting requirement already written into this bill.

THE CHAIR:

Will you remark? Will you remark? Senator Fasano.

SENATOR FASANO:

And for the second time thank you, Madam President.

THE CHAIR:

Please proceed.

SENATOR FASANO:

What -- I agree with Senator Meyer except we're talking commerce which is the job part, DEEP is the DEEP part. Two different functions. Through you -- than you, Madam President.

THE CHAIR:

Will you remark? Will you remark? If -- oh, Senator Meyer.

SENATOR MEYER:

May we have a roll call on this please?

THE CHAIR:

No problem.

SENATOR MEYER:

Thank you.

THE CHAIR:

Mr. Clerk, since the -- will you remark? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call ordered on Senate B in the Senate.

THE CHAIR:

If all members have voted, all members have voted the machine will be closed. Mr. Clerk, will you please call a tally.

THE CLERK:

Senate Amendment Schedule B for House Bill 6437.

Total Number Voting	33
Necessary for Adoption	17
Those voting Yea	11
Those voting Nay	22
Those absent and not voting	3

THE CHAIR:

Amendment fails. Will you remark further? Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. Madam President, as I mentioned one of the biggest problems I have is the fact that there is going to be no oversight to this committee and although I know Senator Meyer may say that DEEP is going to be there and they're going to be overseeing we all know that DEEP is so stretched in the obligations that they have and perhaps one could argue not as well funded as they had been in the past that their crew is quite scattered. And I am sure that the Commissioner will review this plan with the intensity that he approaches every project in this building.

But once the plan is up and running he's got many other things to deal with in Connecticut in particular, the energy issues that our State faces. He's embarked on his energy plan with the Governor which is certainly going to take time and effort to keep after and keep on track. Shoreline issues with the storms that we've been having certainly has stretched his office and staff and expertise. Therefore although well intentioned and as scholarly as the Commissioner is the ability to keep track of this program would be extraordinarily difficult.

And once again because I have to say it, I don't know if there's another committee in this building that we have given this much power to that is not either quasi legislative committee or a legislative committee. I can't think of one. We have the paint steward program but we don't have a council that is allowed with tax dollars that we have given to spend without review.

I don't know of a council quasi or otherwise that we have allowed with tax dollars to pay for contracts, to pay for consultants. We've created quasi legislative councils which this isn't. The part being other than an audit and a review of a plan we don't control anything.

We've given this group the keys to our ability to raise funds and let them determine how much to raise, where to spend it and then come back and say we're doing it prudently. There's nothing in here that even makes anybody on that council subject to ethic rules. Nothing in here that says if I'm a retailer and I say to the council I'll go along with the fee increase, by

the way I got one of the biggest parking lots in the State of Connecticut, put some bins in my yard and pay me X. There is no review of that and on an audit sheet that's not going to show up. This is what we're talking about.

And maybe some people don't care that that could happen without our oversight. And maybe people are going to say we'll put out the fire when it happens. But nothing in here stops people from paying themselves, from the council paying their expenditures, nothing. Is that what we're doing? I thought we were recycling mattresses. Where did that go? How did we go from recycling mattresses the best we can?

I'd rather give Bridgeport and Hartford that like this bill money. It's going to be a heck of a lot cheaper than what we're doing now. It'd be a heck of a lot. I'd rather do a line item in the budget and say how many mattresses you got a year? Times ten, here you go than to say to every consumer in the State you're paying ten bucks.

It's going to a council who's going to create bureaucracy, going to create rules, have a budget, spend money, make contracts, hire professionals, do a plan, enter into easements, pay salaries, hire employees maybe trucks, nothing prohibits that because we can do it cheaper with a truck than we can a hire ABC company. We can do all these things.

By the way we really want to just recycle mattresses. Don't forget that's the other thing we want to do. Forget about the carbon footprint issue. We want to recycle mattresses so we need to create this whole other thing to recycle mattresses. Give the money to the towns who need it, who have the biggest complaint. It's going to be a lot easier. It's going to be a lot quicker. So Madam President, at least -- at least as a minor bump in the road I would ask LCO -- sorry I would ask the Clerk to call LCO 7188.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO number 7188, Senate C offered by Senator Fasano.

THE CHAIR:

Senator Fasano, would you like to remark?

SENATOR FASANO:

Move the amendment.

THE CHAIR:

Please move the amendment. The question is on adoption. Will you remark, Sir?

THE CHAIR:

Thank you, Madam President. Madam President, what this seeks to do is what I have mentioned throughout this whole day so far. It says that anything that's sent to DEEP must be sent to the Environment Committee. That's all it says. Anything sent to DEEP put CC and send it to the environment Committee so that other people could look and if they have questions ask questions. People in the circle know our power. And our power comes from when we see a wrong and we bring in commission, we bring in a council, we bring in the commissioner of a -- particular committees and say hey what are you doing.

And go look at it again because they know if we don't like what's happening and they think we have some substance behind our concerns that we're going to be in front of a body with a microphone talking about the problems. So they're more than happy to say how can I alleviate those problems to the extent I can? Sometimes they can't but at least they're willing to have that conversation. Well if we don't know of the problem we can't have that conversation. Once again I know Senator Meyer's going to say it's got to go back to the House, it puts it in jeopardy and I get that. And I get that. And I appreciate, I accept wholeheartedly the Senator's comments that next session we can do that. I accept that and I take him for his word because his word is his word.

That being said I would be remiss if I didn't place in front of us the ability to have this settled now because to me and maybe it's just me, but to me it is that important deal that when we do it we do it right before the horse is out of the barn because when it's off and running that puppy's going to gallop. And now is the time to catch it. So Madam President, I hope I get some support on this one. Thank you, Madam President.

THE CHAIR:

Will you remark? Senator Meyer.

SENATOR MEYER:

Thank you, Madam President. In brief opposition I think Senator Fasano makes a good point that the -- the Environment Committee should be part of this process and I -- I can't imagine the DEEP Commissioner, Dan Esty turning down a request from the Environment Committee for a copy of the annual report submitted by the council. I'm not sure we need to go through a legislative process for us to get a copy of the report. His bill would -- would make a mandate -- mandate under legislation. I don't think that's necessary.

I think his point is good though that -- that we should be involved in the process. And in that connection I -- as Senator Fasano and I have talked over these I guess a couple of hours now we did not -- we did not look at section four of the bill because section four of the bill does give the Environment Committee a role about which we did not speak. And it -- and it provides that the Commissioner of DEEP must submit a report to the Environment Committee concerning an evaluation of this mattress program. So I think we'll -- we already have a legislative part. We don't -- we don't need the bill. And I'd ask for a roll call.

THE CHAIR:

Roll call vote will be taken. Will you remark? Will you remark? If not, Mr. -- Senator Welch.

SENATOR WELCH:

Thank you, Madam President. I rise in support of this amendment. I have over the last two plus years now been very concerned with what I see to be a bad trend and that is a trend of giving up our legislative powers, giving up legislative oversight of what either agencies or quasi-public agencies or other entities that we create do. And I actually agree with Senator Meyer.

I would imagine that should the Environment Committee ask of Commissioner Esty to -- to -- for information or to see a report he would produce it. But we all know that he might not be there in the future and it might be somebody else that we're dealing with and it might be somebody who doesn't have the same kind of interests. So I'd rather be safe than sorry as it were and I think this amendment is appropriate and I would encourage the circle to support it. Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Will you remark? If not, Mr. Clerk, will you please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call on Senate C ordered in the Senate.

THE CHAIR:

Have all members voted? Have all members voted? The machine will be closed. Mr. Clerk, will you please call the tally.

THE CLERK:

Senate Amendment Schedule C for House Bill 6437.

Total Number Voting 34  
Necessary for Adoption 18

Those voting Yea 13  
Those voting Nay 21  
Those absent and not voting 2

THE CLERK:

Senate C fails. Will you remark? Will you remark?  
Senator McKinney.

SENATOR MCKINNEY:

Thank you, Madam President.

THE CLERK:

Good afternoon, Sir.

SENATOR MCKINNEY:

I apologize for giving you that brief ray of hope.  
Madam President, I believe the Clerk is in possession  
of an amendment, that amendment is LCO number 7198. I  
ask that he please call the amendment and seek leave  
to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO number 7198, Senate Amendment Schedule D offered  
by Senator McKinney.

THE CHAIR:

Senator McKinney.

SENATOR MCKINNEY:

Thank you. Madam President, I move adoption of the  
amendment.

THE CHAIR:

The motion is on adoption. Will you remark, Sir?

SENATOR MCKINNEY:

Thank you. Madam President, this is a very simple amendment. I hope it's considered a friendly one. First let me preface by remarks to the amendment by saying that the mattress stewardship program is a measure I voted for I believe last year. It's a measure I intend to vote for again. I've heard a lot of the debate this year and last year and in the Environment Committee. I think what we've done with respect to electronics recycling, the paint program have been good. I think this is similarly -- will have a similar effect.

I guess what concerned me a little bit though, Madam President, is I -- I did hear Senator Meyer in response to questions talking about the fee that could be imposed by the council. And the good Senator I believe said that he understands it might be between eight to \$12. But as I read the bill there is no protection for us in the Legislature if they decided to impose a fee that could be significantly greater than that. So with that, Madam President, the amendment simply says inserting in line 234 in no event shall the amount of the mattress stewardship fee described in the subsection exceed ten dollars.

I think it will be probably ten dollars or less but since there is no protection against the council putting in a 15 or \$20 fee I think this provides that measure of protection. I don't believe it undermines a program which I think is good and intend to support, Madam President. And with that I -- I move adoption.

THE CHAIR:

Thank you. Will you remark? Will you remark?  
Senator Meyer.

SENATOR MEYER:

Thank you, Madam President. And thank you, Senator McKinney. You know this -- this would be an important amendment but for the fact that we've built in an independent audit system.

We've defined what the fee has to be for and then we've -- we -- you have an independent audit system to ensure that it's only used for that. So if we find abuses to this after this starts we're going to have a chance to put in more standards and controls. This plan does not get implemented until July of 2014 so we have time. I'm very reluctant, as the Senator mentioned to send this back to the House this late in the session. And I do believe that the controls are here that we don't need it at this time. Thank you.

THE CHAIR:

Thank you. Will you remark? Senator Fasano.

SENATOR FASANO:

Thank you, Madam President. And very quickly, Madam President. I support Senator McKinney's amendment because it does give that backstop to say okay at least we know if it gets beyond this point perhaps it's beyond the scope of what we thought. So I agree with basically what Senator McKinney said, the reasons why he said it. Thank you, Madam President.

THE CHAIR:

Will you remark? Will you remark? Will you remark?  
Senator Meyer.

SENATOR MEYER:

May we have a roll call please, Madam Chairman?

THE CHAIR:

A roll call was asked for. Thank you very much.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll call on Senate D ordered in the Senate.

THE CHAIR:

Senator Boucher.

If all members have voted, all members have voted the machine will be closed. Mr. Clerk, will you call a tally please.

THE CLERK:

Senate Amendment Schedule D for House Bill 6437.

Total Number Voting	36
Necessary for Adoption	19
Those voting Yea	14
Those voting Nay	22
Those absent and not voting	0

THE CHAIR:

The Senate -- Senate, yeah Senate F -- D just failed.

Will you remark? Senator Fasano.

SENATOR FASANO:

Madam President, in closing --

THE CHAIR:

Yes.

SENATOR FASANO:

Thank you. I'd just like to say that -- actually I do know of a small town that accepts these for free but I will not mention the town in the -- in this room. But at any rate, Madam President. Madam President, I don't support this bill for obvious reasons that I've stated earlier.

I understand the good nature for which it was intended but I think that we need to keep track of this council, need to keep track of the powers we have now given this council and I know that perhaps maybe next session Senator Meyer and myself could sit down with Senator Chapin and come up with something that at

least would be able to keep tabs on them. Thank you,  
Madam President.

THE CHAIR:

Thank you. Will you remark? Will you remark?  
Senator Meyer.

SENATOR MEYER:

Just quickly, Madam Chair, I -- I appreciate this  
debate. There -- now that Edith Prague has left I am  
the senior -- senior Senator in this circle and there  
were times this afternoon I felt I was being oppressed  
as a senior -- senior Senator. But it was -- it was  
in good faith. I think we spoke a lot -- very well  
accountability of this council -- this mattress  
council. And I think we've improved Connecticut a  
great deal. And I appreciate the support from both  
sides of the aisle.

THE CHAIR:

Thank you. Will you remark? Will you remark? If  
not, Mr. Clerk, will you please call for a vote.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators please return to the Chamber. Immediate roll  
call has been ordered in the Senate.

THE CHAIR:

Senator Ayala, would you like to vote please. Thank  
you.

If all members have voted. All members have voted.  
The machine will be closed. Mr. Clerk, will you call  
the tally.

THE CLERK:

House Bill 6437.

Total Number Voting	36
Necessary for Adoption	19

Those voting Yea 28  
Those voting Nay 8  
Those absent and not voting 0

THE CHAIR:

The bill passes. Are there any points of personal privilege? Senator Musto.

SENATOR MUSTO:

Thank you, Madam President. Good afternoon.

THE CHAIR:

Still? Good afternoon.

SENATOR MUSTO:

Good evening maybe. Madam President, I would just like to introduce some folks from my district. The Csizmadias are here, the family. And Colin Csizmadia won one of the awards from the CHET Program for thinking big, dreaming big. He has decided that he's going to go to college and when he gets out he's going to be an architect and he wants to build buildings here in the State of Connecticut.

THE CHAIR:

That's great.

SENATOR MUSTO:

And Colin Csizmadia is right here. I would just ask the Chamber to give him a warm welcome and a congratulations.

THE CHAIR:

Thank you all for coming today. Now Colin we want you to go to school here in Connecticut though and stay here in Connecticut. Thank you all for coming up today to visit. What a handsome family that is.

Senator Looney.