

September 18, 2018

California State Auditor  
ATTN: Margarita Fernandez  
621 Capitol Mall, Suite 1200  
Sacramento, CA 95814

Sent via email to: [MargaritaF@auditor.ca.gov](mailto:MargaritaF@auditor.ca.gov)

**Re: California State Auditor's Report on Mattress Stewardship Program**

Dear California State Auditor:

I am writing on behalf of the California Product Stewardship Council (CPSC), an organization of 100+ California local governments and hundreds of business partners, interested non-profits and individuals working towards a single mission: To shift California's product waste management system to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design. In short, we are the state policy experts on Extended Producer Responsibility (EPR).

We appreciate the State Auditor's efforts to evaluate the effectiveness of the state's Mattress Recycling Program. We read the audit findings and the California Department of Resources Recycling and Recovery's (CalRecycle) response to the report. We agree with the Auditor's report and CalRecycle's concurrence on statutory changes needed to ensure CalRecycle has the authority to collect data, set goals, and enforce an effective mattress recycling program in California. CalRecycle relies on reporting from the Mattress Recycling Council (MRC) as required by the enabling legislation to create enforceable goals for source reduction, consumer awareness, and reducing illegal dumping. As the Legislature considers potential improvements to the program, a key legislative change that would provide better information would be to establish the ability for CalRecycle to obtain information on re-sales of mattresses from hotels and motels to renovators and other third parties. Such a requirement would greatly improve the state's ability to quantify the impact of the Mattress Recycling Program.

Additionally, another beneficial legislative fix could be to give more authority to the Advisory Committee to advise both CalRecycle and MRC by containing provisions that require MRC to respond in writing to both CalRecycle and the Committee if they do not incorporate the recommendations of the Advisory Committee.

CPSC also agrees with the recommendation that CalRecycle be given the authority to mandate how money is spent in the program when it exceeds six months of reserves, as of the submittal date of the 2017 Annual Report. We wish CalRecycle had this power now, when seven counties still have no permanent collection sites and \$42 million of California feepayers' money is sitting in the MRC bank account.

CPSC agrees with the report's call for legislative reform and supports CalRecycle's statement that additional oversight authority would enhance the program's effectiveness in recycling mattresses and reducing illegal dumping. We have always said the "devil is in the details" of these EPR bills, and this is a great example that when the law is not clear or does not give enough authority to the oversight agency, the program will not work as well as Californians will expect.

Sincerely,



Heidi Sanborn, Senior Advisor

cc: Senator Bob Wieckowski, Chair of Senate Environmental Quality Committee  
Assemblymember Bill Quirk, Chair of the Assembly Environmental Safety and Toxics Materials Committee  
Assemblymember Al Muratsuchi, Chair of Assembly Natural Resources Committee  
Director Scott Smithline, CalRecycle