



Frequently Asked Questions: California's Retailer Take Back Program

Q: *Are retailers required by law to pick up used mattresses from consumers for recycling?*

A: In California, yes. A retailer that delivers a new mattress to a consumer must offer to pick up the consumer's used mattress at no additional charge. Retailers are not required to "recycle" collected used mattresses but may voluntarily participate in the recycling program at no cost by delivering, whether in house or through a third party, used mattresses to recyclers under contract with MRC. Retailers are not prohibited from charging delivery or set up fees.

In Connecticut and Rhode Island, there is no pick-up requirement, however retailers cannot charge consumers for the recycling of a used mattress through MRC's program. Connecticut and Rhode Island retailers are not prohibited from charging delivery or set up fees.

Q: *Does California's pick-up obligation apply to retailers delivering via common carrier?*

A: Yes. Effective Jan. 1, 2021, all retailers in California are required by law to offer no-charge pick up of a customer's used mattress when the sold mattress is delivered. Previously, retailers using a common carrier for delivery were exempt. Those retailers delivering mattresses through common carriers have 30 days to arrange for pick-up of the consumer's used mattress.

Q: *Are there any exceptions to the retailer pick up obligation in California?*

A: Yes. Under the law, "A retailer or third-party contractor delivering a new mattress may refuse to pick up a used mattress from a consumer if the retailer or contractor determines the used mattress is contaminated and poses a risk to personnel, new products or equipment."

Q: *Does California's retailer pick up obligation apply to both mattresses and foundations?*

A: Yes. Just as the recycling fee is applicable to both, the retailer pick-up obligation applies to all items defined as a "mattress" under the law in California, which as of Jan. 1, 2020 also includes futon mattresses. "Mattress" is defined as any sleep surface covered with ticking or fabric that contains resilient material, such as steel innersprings, foam, fiber, or other filling or upholstery materials, used alone or in combination, regardless of size or shape, except for those products listed on the [excluded products list](#). This includes new, used and renovated products. Additional information including definitions can be found in the resources area of MRCReporting.org.

Q: *Does the retailer pick up obligation exist if the consumer picks the mattress up at the retail store?*

A: No. If a consumer picks up a mattress from a retail store, the retailer is not required to offer to pick up a consumer's used mattress or box spring.

Q: *What is a “consumer” under the law? Do retailers that sell to healthcare facilities, correctional facilities, university systems and other institutional consumers have to offer to pick up used mattresses?*

A: Under the law, ““consumer” means an owner of a mattress, including a person, business, corporation, limited partnership, nonprofit organization or governmental entity and including the ultimate purchaser, owner or lessee of a mattress.” After January 1, 2021 all retailers that deliver a new mattress to a California consumer, including an institutional consumer, must offer to take away a used mattress.

Q: *Is there a limit to the number of mattresses I am required to pick up at the time of delivery?*

A: Retailers can generally follow a 1:1 rule for mattresses delivered to those picked up from the consumer. However, if a mattress is being delivered that does not require a box spring, retailers should be prepared to pick up both a used mattress and a box spring.

Q: *Can I charge for pick-up of used mattresses if I have to hire a third-party hauler to satisfy the pick-up obligation?*

A: Under the law, retailers cannot charge the consumer for pick-up of used mattresses. However, retailers are not prohibited from charging for delivery services, including “white glove” delivery services.

Q: *What happens if a consumer declines pick up of their used mattress? Do retailers need to maintain a record of this data, and if so, for how long?*

A: Once the retailer offers pick up and the consumer declines, the retailer has no ongoing obligation to arrange, offer to arrange, or to later pick up a used mattress. Retailers are not required to maintain auditable records showing whether each individual consumer accepted or declined to have a used mattress picked up.

Q: *What is a retailer’s obligation if a consumer, after initially declining the offer to take back a mattress, changes their mind?*

A: If a brick and mortar retailer delivers a new mattress, the retailer must offer the consumer the option to have the used mattress picked up at the time of delivery. There is no obligation for such a retailer to arrange, or offer to arrange, or pick up a used mattress after delivery of the new mattress.

If a retailer uses a common carrier to deliver a new mattress, the retailer must offer to arrange to pick up a used mattress, with such pickup occurring within 30 days of delivery of the new mattress. If the retailer made such an offer and the consumer declined, the retailer no longer has an ongoing obligation to arrange, or offer to arrange, pick up of a used mattress.

If you still have questions about your obligations in the state of California under the Used Mattress Recovery and Recycling Act, visit MattressRecyclingCouncil.org, email MRC at info@mattressrecyclingcouncil.org or call (1-855-229-1691) to reach our customer service department.