



Senate Bill 1066: Marine Flare Producer Responsibility Act

SUMMARY

SB 1066 will require producers of marine flares to fund and operate a convenient collection system to manage expired or unwanted flares, which are toxic and explosive, to ensure they are properly disposed of to not pollute the water or environment.

BACKGROUND

The U.S. Coast Guard [requires](#) boats operating in and around coastal waters to be equipped with approved visual distress signals for day and night use. Boaters most often meet this provision of the law by carrying three marine flares—a pyrotechnic device that produces bright light or colorful smoke to attract attention in an emergency. Alternative visual distress signals are available, but some boaters feel safer with traditional flares due to increased visibility during the day.

The California Department of Toxic Substances Control (DTSC) and the Environmental Protection Agency (EPA) classify unwanted and/or expired flares as [hazardous waste](#) that cannot be disposed of in waterways or the trash. They contain toxic metals and other pollutants that can contaminate water and impair thyroid function.

Flares are also reactive and ignitable, meaning they must be transported as explosive devices and disposed of at a facility permitted by the EPA to manage

explosives; currently there are only three of those facilities in the entire U.S.

The Bureau of Alcohol, Firearms, Tobacco, and Explosives requires expired flares to be transported in a Type 4 [magazine](#), a container that is fire-resistant, weather-, and theft-resistant. If unattended, vehicular magazines must be rendered immobile.

PROBLEM

Marine flares need to be replaced about every three years, amounting to over [147,000](#) flares expiring each year in California. However, there are no facilities in California that have the necessary permit to treat and/or dispose of these flares. As a result, nearly all household hazardous waste (HHW) facilities refuse to accept flares due to the potential danger.

This leaves boaters with few options. Some will stockpile their expired flares, which could cause a fire, or dispose of them in the ocean, which creates pollution. Others set them off as fireworks, risking a [felony](#) under federal law.

Local governments report finding flares left in front of fire and police stations or improperly disposed of in the trash. These options put workers at great risk: a marine flare can accidentally [explode](#) while being unknowingly handled. Further, this puts the responsibility of proper disposal on local governments, often at great expense.

For example, Zero Waste Sonoma (like most HHW facilities), does not have the equipment necessary to safely accept marine flares. However, people trying to get rid of expired flares lack options, and ultimately many flares make their way to facilities not permitted to accept them.

Zero Waste Sonoma had to find a way to properly dispose of the flares and used a contractor to transport the flares across the country to a permitted facility. Ultimately, this cost more than \$185 per flare, a cost that was ultimately passed on to taxpayers.

SOLUTION

SB 1066 shifts responsibility for disposing of marine flares from local government to those who produce them.

SB 1066 will require producers to create a producer responsibility plan for the collection, transportation, and safe and proper management of expired flares. The plan requires a free and convenient statewide collection program with permanent collection sites, as well as a statewide education and outreach program, including prominently displayed and easily visible signs at point of sale and in marinas.

SUPPORT

National Stewardship Action Council (cosponsor)
Zero Waste Sonoma (cosponsor)
Ban SUP (Single Use Plastic)
BoatSafe NW
Californians Against Waste
California Association of Counties
California Association of Environmental Health Administrators
California Retailers Association
California Teamsters Public Affairs Council

Center for Biological Diversity
City of Santa Barbara
Clean Water Action
Delta Diablo
Heal the Bay
League of California Cities (Cal Cities)
Marin Sanitary Service
Napa Recycling and Waste Services
North American Hazardous Materials Management Association
Plastic Pollution Coalition
Recycling and Waste Reduction Commission of Santa Clara County
ReGen Monterey (Monterey Regional Waste Management District)
Republic Services
Resource Recovery Coalition of California
ReThink Waste
Rural County Representatives of California
San Francisco Baykeeper
San Rafael Fire Department
Save Our Shores
Sirius Signal LLC
Somaliland Community Action Network (SCAN)
Sonoma County Fire District
Sonoma County Regional Parks Department
South Lake Tahoe Fire Rescue
The Last Plastic Straw
Town of Truckee
Western Placer Waste Management Authority
Waste Management
Zero Waste Marin Joint Powers Authority

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