



SB 561: Emergency Distress Flare Safe Disposal Act

impair thyroid function, and harm reproductive health.

SUMMARY

SB 561 would require manufacturers of pyrotechnic emergency distress flares to fund and operate a convenient collection system to manage expired flares, which are toxic and explosive, to ensure proper disposal.

BACKGROUND

The U.S. Coast Guard [requires](#)¹ recreational boats 16 feet or longer operating in and around coastal waters to be equipped with approved visual distress signals for day and night use. Boaters often meet this provision by carrying marine flares — pyrotechnic devices that produce bright light or colorful smoke to attract attention in an emergency. Alternative visual distress signals are available, but some boaters may feel safer with traditional flares due to their increased visibility during the day.

The California Department of Toxic Substances Control (DTSC) and the U.S. Environmental Protection Agency (EPA) classify expired flares as [hazardous waste](#)² that can only be disposed of at authorized facilities equipped to manage and store explosives. They contain toxic ingredients and other pollutants that can contaminate water,

Flares are also reactive and ignitable, and once expired must be stored and transported as explosive devices. A Type 4 [magazine](#)³, a container that is fire-, weather-, and theft-resistant, is often required by local fire departments.

PROBLEM

Marine flares expire 42 months after manufacture, and the California Division of Boating and Waterways estimates approximately [174,000](#)⁴ flares expire in the state each year. The only hazardous waste facility in California accepting marine flares is in Alameda County, but even it lacks the permits necessary to actually dispose of flares. Further, there are only three facilities in the country that have the necessary permit to safely dispose of these flares. None are in California and the closest — in Utah — does not accept all types of marine flares.

This leaves boaters with few options. Some stockpile their expired flares, which could cause a fire, or illegally dump them in the ocean, which creates toxic pollution. Others set them off as fireworks, but setting off a flare in a nonemergency

¹ <https://www.dco.uscg.mil/CG-ENG-4/VDS/>

² https://dbw.parks.ca.gov/?page_id=31166

³ <https://www.boatus.com/expert-advice/expert-advice-archive/2021/september/is-a-flare-disposal-solution-on-the-horizon>

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[https://dbw.parks.ca.gov/?page_id=31166#:~:text=F or%20disposal%20of%20expired%20marine,%2Fdirectory%2F\)%20for%20assistance.](https://dbw.parks.ca.gov/?page_id=31166#:~:text=F%20disposal%20of%20expired%20marine,%2Fdirectory%2F)%20for%20assistance.)

situation is a [felony](#)⁵ under federal law. Flares are also sometimes thrown in the trash and can accidentally [explode](#)⁶ and injure workers who do not know a flare is present.

In addition, expired flares have been abandoned in front of fire and police stations, placing the responsibility for disposal on local governments that are not permitted to accept them. In these cases, proper disposal often comes with great expense.

For example, Zero Waste Sonoma (like most HHW facilities in California), does not have the equipment necessary to safely and legally accept pyrotechnic flares. However, flares have been found hidden at the bottom of a box with acceptable HHW and illegally dumped at the fire station.

In less than one year, Zero Waste Sonoma had about 60 flares to dispose of. They partnered with neighboring jurisdictions to hire a contractor to transport the flares across the country to a permitted facility. Because a relatively small number of flares were taken for disposal, the high fixed transportation costs were \$185 per flare, a cost that was ultimately passed on to taxpayers, many of whom do not have a boat.

SOLUTION

SB 561 would shift responsibility for disposing of these flares from local governments to those who manufacture and use them.

SB 561 would require manufacturers to create a plan for the collection,

transportation, and safe and proper disposal of expired flares. The plan requires a free and convenient collection program with temporary collection sites in coastal counties. A strategic collection program would significantly reduce the disposal costs per flare. In fact, a 2019 collection event saw costs of less than \$13 per flare, roughly the price of a new flare.

Manufacturers would also be required to implement a statewide education and outreach program, including prominently displayed and easily visible signs at the point of sale and in marinas to ensure flares are properly managed once expired.

SUPPORT

National Stewardship Action Council
(cosponsor)
Zero Waste Sonoma (cosponsor)
7th Generation Advisors
Atrium 916
Ban SUP (Single Use Plastics)
California Association of
Environmental Health Administrators
(CAEHA)
Californians Against Waste
California Product Stewardship
Council
California Professional Firefighters
California Resource Recovery
Association (CRRRA)
California State Association of
Counties (CSAC)
California Teamsters
California Public Interest Group
(CALPIRG)
Center for Environmental Health (CEH)
City and County of San Francisco
City of Buena Park
City of Sunnyvale

⁵ <https://www.govinfo.gov/content/pkg/USCODE-2017-title14/html/USCODE-2017-title14-partI-chap5-sec88.htm>

⁶ <https://www.bbc.com/news/av/uk-england-cambridgeshire-42331451>

CleanEarth4kids.org
Climate Reality Project, San Fernando
Valley Chapter
Coastal Environmental Rights
Foundation (CERF)
County of Alameda
County of Humboldt
County of Mendocino
County of Orange
County of San Joaquin
County of San Mateo
County of Santa Barbara
Del Norte Solid Waste Management
Authority
Friends Committee on Legislation of
California
Green Policy Initiative
Heal the Bay
Lakeport Tire & Auto Service
League of California Cities (Cal Cities)
Los Angeles County Sanitation Districts
Marin Sanitary Service
Mendocino County Dept. of
Transportation – Solid Waste Division
Merced County Regional Waste
Management Authority
Northern California Recycling
Association
Plastic Pollution Coalition
Port of Los Angeles (POLA)
Republic Services
Resource Recovery Coalition of CA
ReThink Waste
Rural County Representatives of
California (RCRC)
Sacramento Splash
San Francisco Bay Keeper
Sierra Club of California
Sirius Signal
Solana Center for Environmental
Innovation
Sonoma County Fire District
Stop Waste
Surfrider Foundation
SWANA California Chapters Legislative
Task Force
The Last Plastic Straw
Waste Management

Zero Waste Marin
Zero Waste Strategies

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