



SB 1066 | Marine Flare Producer Responsibility Act

to accept flares, leaving boaters with few options.

PURPOSE

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 and don't pollute the water or environment.

BACKGROUND

Federal law requires boats operating in coastal waters or bodies of water directly connected to coastal waters to be equipped with distress signals. Boaters most often meet this provision of the law by carrying three in-service flares approved for daytime *and* nighttime use. [According](#) to the U.S. Coast Guard (USCG) regulations, the average shelf life for flares is between 36 and 42 months from the manufacture date, requiring boaters to replace them approximately every three years.

The California Department of Toxic Substances Control (DTSC) and the Environmental Protection Agency (EPA), classify flares that will no longer be used for their intended purpose as hazardous waste, due to their being toxic, reactive and ignitable. Flares must be transported as explosives then disposed of at a facility permitted to manage explosives, making their end-of-life (EOL) management extremely costly. Due to excessive cost, many household hazardous waste (HWW) facilities refuse

PROBLEM

Pyrotechnic marine flares have historically been what boaters use to meet the federal requirement to carry U.S. Coast Guard (USCG) approved visual distress signals in case of emergencies. However, these flares contain toxic metals and pollutants that render them hazardous, reactive and explosive waste at EOL.

[According](#) to the California State Parks Division of Boating and Waterways, an estimated 174,000 outdated flares are generated each year by recreational vessels in the state. However, a lack of convenient disposal options has created a significant EOL management problem, with many HWW facilities unable to accept them due to their not having the permits or proper equipment to safely handle explosives and the exorbitant costs to properly manage them.

Currently, there are no permitted facilities in California that can accept, treat, and/or dispose of non-military explosives waste streams. Collected flares must be packaged properly, transported by a licensed hazardous waste authorized driver and stored in a Class 4 magazine prior to shipment, according to the Bureau of Alcohol, Tobacco, Firearms and Explosives. It then must be shipped out-of-state to Missouri,

where the only facility still accepting high-hazard flares in the U.S. is located.

[According](#) to Zero Waste Sonoma, in 2023 it cost an estimated \$185 to properly dispose of one unwanted marine flare, when partnering with nearby jurisdictions to help share the cost of transportation. Without partnership, that cost is an estimated \$493 per flare. The same flares can be purchased new for approximately \$13 each.

Boaters in coastal communities across California are frustrated due to the lack of disposal options for flares, with some stockpiling them or illegally disposing of them in trash or waterways. Flares contain toxic chemicals such as perchlorate, which is recognized as a water and health pollutant that can impact our waterways and impair thyroid function.

SOLUTION

SB 1066 will require producers to create an Extended Producer Responsibility (EPR) program to establish a free and convenient statewide collection program for the proper disposal of marine flares.

SUPPORT

National Stewardship Action Council (cosponsor)
Zero Waste Sonoma (cosponsor)

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