



SB 1066 | Marine Flare Producer Responsibility Act

PURPOSE

SB 1066 will require producers of marine flares, as defined, to fund and operate a convenient collection system to manage expired or unwanted flares, shifting the costs of managing this product from our cities and counties – and ultimately local ratepayers – to the producers and users.

BACKGROUND

Subject to the federal law are recreational boats operating in U.S. Coastal Waters or the Great Lakes, or bodies of water directly connected to U.S. Coastal Waters or the Great Lakes, up to a point where those waters are less than 2 miles wide, with exceptions. Failure to comply with these requirements could result in a \$1,100 fine (33 CFR 175.125).

If utilizing flares to comply with the law, the boat must be equipped with 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.

[According](#) to the CA Department of Toxic Substances Control (DTSC) and the Environmental Protection Agency (EPA), flares that will no longer be used for their intended purpose are classified 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. The excessive cost of disposal has resulted in many household hazardous waste (HWW) facilities refusing to accept flares, leaving boaters with no options for disposal.

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[According](#) to the California State Parks Division of Boating and Waterways, an estimated 174,000 outdated flares are generated each year by recreational vessels in the state.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 will increase to 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 utilize an Extended Producer Responsibility (EPR) program, which will establish a free and convenient statewide collection program for the proper disposal of marine flares.

Since 2015, boaters have had the option to switch to electronic visual distress signaling devices (eVDSs), which are approved by the USCG as an alternative and do not release toxic chemicals when used, do not expire, and save boaters and taxpayers money.

SUPPORT

National Stewardship Action Council (Co-Sponsor)

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