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LD 514, An Act to Establish and Promote A System of Safe Disposal of Expired Marine Flares

Criminal Justice and Public Safety Committee
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Senator Deschambault, Representative Warren, distinguished members of the Criminal Justice and Public Safety Committee, I'm Jay McCreight, representing House District 51, Harpswell, West Bath, Northeast Brunswick.

I come before you today to present **LD 514, An Act to Establish and Promote A System of Safe Disposal of Expired Marine Flares**. As some of you know, this bill has come to the committee before and has received strong support. Like so many other bills, this one died at the end of the 129th Legislative Session.

I bring it forward again because of its importance for our commercial fishermen and women, our recreational boaters, for fire safety, and for prevention of pollution of our land and water. This is something that no state has solved, but Maine can, through passage of this bill.

The origin of this bill was a seemingly simple question from a constituent, a local lobsterman who asked, "What am I supposed to do with all these expired marine flares....I have a basement full of them and so does everybody I know." I was shocked to realize the risk to first responders who could enter a building unaware that these highly flammable devices are there. Flares are designed to burn hot and long and even after expiration can still be active. My second thought was that I would find a quick answer and get right back to him. Instead, I learned that all the advice out there was incorrect, contradictory and dangerous. Even though there has been some updating of advice recently, dangerous practices persist.

These "pyrotechnic visual distress signals" are required by state and federal law on commercial boats over 16 feet and recreational boats in tidal waters. Active flares are required onboard as essential safety equipment. They expire in 42 months and must be replaced. Therefore the question, "what do I do with the expired ones?"

The common incorrect pieces of advice include, "...shoot them off for practice," possibly causing a false distress call, a Class D felony subject to a civil penalty of as much as \$10,000 "...[and liability]...for all the costs incurred by the Coast Guard." Or, "...just soak them in a bucket of water and then throw them in the trash and dump out the water," resulting in polluted water and soil. Marine flares contain perchlorate, known to be a toxic, hazardous chemical. Another misconception is that hazardous waste companies will take them - they don't. Some marinas still assume it's okay to "...just shoot them off on the 4th of July." The Coast Guard stopped giving permission for this because too many have caused fires on boats and docks and because they pollute. Another common suggestion, "...just toss them overboard." Again,

pollution. “Keep some on the boat, they just might work in an emergency.” This is actually sound advice. However, for safety, for space and by regulation, you can’t keep them all on board. The expired flares that are kept must be limited in number and separately labeled.

Probably the most common suggestion for getting rid of expired marine flares is “take them to the Coast Guard...to a fire department....to a transfer station.” The Coast Guard and the Coast Guard Auxiliary no longer accept flares. Transfer stations are not permitted to accept them, though managers have found them left at the gates after dark, because people don’t know what else to do. Most fire departments are not willing to accept them and even those few that do, have no way to dispose of these flares themselves. Bottom line, we need a solution available to the Fire Marshal’s Office.

The number of expired flares sitting in basements, sheds, garages is unknown but I can tell you that after this bill was first introduced, the Fire Marshal received over 2 tons of them and they keep coming.

Since that first seemingly simple question, I’ve worked to find a low-barrier, low-cost, responsible and efficient solution. Stakeholders in this effort include fire safety experts, environmental experts, recreational boaters, commercial fishermen, the Coast Guard and Coast Guard Auxiliary, municipal officers and the State Fire Marshal, who has the responsibility to address the issue. We’ve looked at many possibilities and found them too costly and too difficult. The proposal before you, in addressing providing a new and needed solution, is the outcome of that cooperative effort.

Within this proposal are provisions for up-to-date guidance for flare users, for holding collection events, for a small fee on the purchase of flares, and for the use of the best-practice disposal method: incinerating them at high temperatures in an approved incinerator. Because Maine already had a small incinerator that was purchased for disposal of fireworks and ammunition, it was bridging the gap while we worked to pass this legislation which includes funding to purchase of a new, larger incinerator. The need has become even more urgent. Fire Marshal Thomas has informed me that because of the intense heat emitted by flares as they are incinerated, damage was being done to the smaller incinerator and he had to stop using the existing one. Meanwhile, flares the storage bunkers are getting full.

These are life-saving safety devices, they are required, they need proper disposal. The bill is written to allow outside funding and while that effort continues, I ask your support so that we can finally put forward the much needed solution for this problem. Thanks for your attention and I’m happy to answer any questions.