



Homeland
Security

U.S. Coast Guard Auxiliary
District 11 Northern Region

Serving Northern California, Nevada, Utah



31 May 2010

All D11NR Vessel Examiners,

Below is a recent message from CDR. Chareonsuphiphat DIRAUX and a previous message from CDR. Wheeler concerning flares on how they pertain to the Coast Guard Auxiliary and the Coast Guard in general. This is **NOT** a new policy and it has recently been reinforced not only by DIRAUX CDR's but the Coast Guard Office of Boating Safety, the Coast Guard Legal Office, and the Ordinance Office.

Mike Lauro DSO-VE

FLARE REMINDER from the Director's Office dated 26 May 2010:

"The decision was made years ago, from Legal and the Ordinance Office, that no CG or AUX unit is to train the public in the use of pyro (flares) with actual demonstrations. This is for stations, sectors, cutters, and by extension reserves and auxiliary. There are a number of legal liability issues with civilian participants. At the same time we do NOT accept expired flares."

Text of the original message from CDR Wheeler DIRAUX dated 26 August 2005:

"The practice of Auxiliarists expending commercial pyro (flares) for **public** demonstration purposes must cease immediately. The **KEY** here is public demonstration. Auxiliarist cannot expend (fire) pyro- any type, current or expired, commercially purchased or government issue, for demonstration and/or educational purposes for the general public.

G-LCL (legal) has made a decision based on input from the ordinance staff that such a practice is **NOT** within the "scope of employment" for Auxiliarists. The lawyers won't even comment on the liability of expending flares for demonstration purposes because clearly a Coast Guardsman should never find himself in such a position. This really means that the Active Duty folks have **NO** mission that includes educating the boating public on how to use flares. So the decision has been made that the Auxiliary shouldn't either. I have no guidance, but see no problem with respect to firing civilian current flares for purposes **WITHIN** the Auxiliary-for training and qualification purposes. Experience dictates that the Active Duty side does this all the time, with government issue stuff, usually recently expired. **BUT:** military pyro is subject to periodic lot testing and has a method of reporting any defects with it. These problems are then reported to the field via Notice of Ammunition Reclassification Reports (NAR). The pyro is handled and stored to an incredibly high standard not known to civilians.

The problem with in-house training use of expired commercial flares is obvious, there are to many unknowns that could endanger our personnel, especially if it is past the date the manufacture guarantees as safe to use, which basically what the expiration date is. The other issue with civilian flares is that we do not know all the hazards/storage compatibility/past storage issues without investigating each and every flare and each manufacturer. Again there is **NO** restriction with using **CURRENT** government-issue flares or civilian purchased flares for training purposes **WITHIN** the Auxiliary. Also our official Coast Guard wide policy-Gold and Silver alike: **we do NOT accept expired civilian flares from the public, for any reason**".

Commander Steve Wheeler
Director Eleventh Coast Guard District.