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4/10/2003

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



OFFICE OF  
PREVENTION, PESTICIDES  
AND TOXIC SUBSTANCES

April 10, 2003

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S-633386

Universal Defense Alternative Products (UDAP)  
13160 Yonder Road  
Bozeman, MT 59718

Attention: Mr. Mark Matheny

**Subject** UDAP Pepper Power Bear Deterrent  
EPA Distributor Registration No. 71920-1-72007  
February 24, 2003 Inspection (#5715) of Registered Establishment  
Review of Product Labeling and Packaging  
Our letter of April 7, 2003  
Your submission of April 9, 2003

**Purpose of submission** The purpose of your submission is to supply us with revised labeling to correct problems associated with 1) an unapproved insert containing unacceptable claims and 2) the inability to see all required labeling for this distributor product.

**Regulatory history** On March 18, 1999, the Agency registered BearGuard to Guardian Personal Security Products, Inc. of Phoenix, Arizona under EPA Registration No. 71290-1. Subsequently, the Agency received an application for an EPA Distributor Registration No. 71920-1-72007 for UDAP. On February 24, 2003, the Montana Department of Agriculture (MDA) conducted an inspection of an UDAP's facility. On March 6, 2003, the Agency transferred the basic registration (EPA Reg. No. 71290-1) from Guardian Personal Security Products, Inc. (EPA Reg. No. 72007-1) to UDAP.

**MDA inspection** On the day of the inspection, MDA sent you a request for:

copies of all records of receipt and shipping and current inventory of UDAP Pepper Power Bear Deterrent Pepper Spray (EPA Reg. No. 71920-1-72007) ("product") from February 24, 2001 to February 24, 2003.

**UDAP's response to MDA and RD** On March 21, 2003, we received a copy of a letter to the MDA, outlining your response to the inspection, including:

1. a voluntary stop sale of all product, effective March 21, 2003,
2. removal of the Center Insert but retained the Bottom Insert,
3. a label over the post-attack image,
4. a submission to RD of empty samples of packaging,
5. a request for RD to confirm that the packaging is acceptable, and
6. a promise not to "... make any additional claims as a part of our product's distribution or sale until EPA has approved, in writing, amendments to the registration.

**RD's initial response** RD reviewed your March 21, 2003, submission and responded in writing on April 7, 2003. To allow the continued sale of the distributor product, RD required certain labeling changes, which UDAP has now submitted for review.

**Review of revised labeling** We have reviewed the distributor product labeling, which consists of:

1. a can label
2. an upper insert, and
3. a lower insert.

**Purpose of approval** **The purpose of approving this distributor labeling is to identify acceptable labeling to be used for existing stocks of this distributor product, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).**


**Review of labeling** We have reviewed the revised labeling (can label, upper inert, and lower insert). A copy of all stamped label is enclosed for your records. Note that labeling for the basic product, approved March 18, 1999, remains acceptable. Any future changes to labeling must be made for the basic product label.

**Existing stocks** Stocks of existing, unapproved labeling for the distributor product may not used.

**Consequence for non-compliance** If this condition is not complied with, the registrations will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of this condition.

**Questions** If you have questions about this letter or further issues about bear deterrents, you can reach me by phone (703-305-5407), fax (703-305-6596), or E-Mail (Peacock.Dan@EPA/gov).

Sincerely,

  
Daniel B. Peacock, Biologist  
Insecticide-Rodenticide Branch  
Registration Division (7504C)

**Letter location** Disk 100,A:\Capsaicin\72007-1, 4-10-2003, revised label.wpdApril 10, 2003

ACCEPTED  
with COMMENTS  
in EPA Letter Dated:

### PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS & DOMESTIC ANIMALS

**DANGER:** May cause irreversible physical eye damage if sprayed in the eye. Contact through touching or rubbing eyes may result in substantial but temporary eye injury. Avoid contact with skin or clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

#### FIRST AID

**IF IN EYES:** Hold eyelids open and flush with steady, gentle stream of water for 15 minutes. Get medical attention.

**IF ON SKIN:** Wash with plenty of soap and water. Get medical attention, if irritation persists.

#### PHYSICAL OR CHEMICAL HAZARDS

Contents under pressure. Do not use or store near heat or open flame. Do not puncture or incinerate container. Exposure to temperatures above 130° F may cause bursting.

#### ENVIRONMENTAL HAZARDS

Do not apply directly to water. Do not contaminate water by disposing of unused material.

#### STORAGE & DISPOSAL

**STORAGE:** STORE IN A COOL, DRY PLACE INACCESSIBLE TO CHILDREN AND PETS. Do not store in places where the temperature is above 120° F or below 32° F.

**DISPOSAL:** When container is empty, press valve to release all pressure. Securely wrap original container in several layers of newspaper and discard in trash.

#### DO NOT INCINERATE OR PUNCTURE

**Disclaimer:** To the extent allowed by law, UDAP Industries, Inc. shall not be liable for damage, injury, loss, direct or consequential including death arising out of the use of, or inability to use this product. Contact local law enforcement officials about regulations concerning this product. **Note:** As part of an ongoing research project, UDAP Industries needs your true account of UDAP Pepper Power™ use against bear attacks. Please call 1-800-232-7941 for details.

UDAP **power** **bear** **deterrent** pepper spray

71920-1  
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APR 10 2003

General Insecticide, Fungicide, and Rodenticide as amended, registered with EPA Reg. No. 71920-1

### DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with labeling.

**RESTRICTIONS:** This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them. This product may not be effective in all situations or prevent all injuries. Do not spray this product on tents, other objects, or on clothing. Such use has no deterrent effect on bears. Keep safety clip in place except when practicing with or using the product. Do not eat or allow to be eaten any food or feed materials which may have become contaminated with this product. Use with caution. Contents will cause pain and temporary impairment to eyes, nose, mouth and lungs. Individuals who suffer from asthma or emphysema may have a more severe reaction.

This product has a range of up to 30 feet (9 meters). This canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

**APPLICATION DIRECTIONS:** Special procedures must be followed to arm the container, apply the product, and restore the safety clip to disarm the container. Before taking this product into bear country, read the directions and familiarize yourself with these procedures. If you test-fire this container, do so with your back to the wind in an area away from people and bears. Do not test-fire Pepper Power™ in an area where you plan to camp, hunt, hike, or fish. Do not test-fire for more than a half a second. After test-firing, clean nozzle and can with soap and water to remove residue. If you have not used this product before, you should obtain a UDAP training can and practice with it until you can perform, quickly and accurately, the activities described in the column below.

**TO ARM AND APPLY:** Place forefinger through loop in handle with thumb on curl of safety clip (Fig. 1). With thumb, pull safety clip up and straight back. This will expose the trigger lever. Depress trigger lever with thumb, releasing a 1 second burst of spray (Fig. 2). This should be done as the attacking bear is charging toward you and is about 40 feet away (2-3 seconds from reaching you). Be aware that wind or rain can greatly affect the accuracy of the initial burst of spray. In some cases, you may have to wait until the bear is quite close before spraying. If the bear makes it through the initial burst of spray, continue spraying, aiming for the face. Shield your eyes and face if you must face the wind.

TO DISARM

Replace safety clip as illustrated (Fig. 3).



Fig. 1



Fig. 2



Fig. 3

DO NOT SEEK OUT ENCOUNTERS WITH BEARS. THIS PRODUCT IS A BEAR ATTACK DETERRENT WHICH MAY PROTECT USERS IN SOME UNEXPECTED CONFRONTATIONS WITH BEARS BUT MAY NOT BE EFFECTIVE IN ALL SITUATIONS OR PREVENT ALL INJURIES. READ THIS ENTIRE LABEL BEFORE TAKING THIS PRODUCT INTO AREAS WHERE BEARS MIGHT BE ENCOUNTERED.

### KEEP OUT OF REACH OF CHILDREN DANGER

Strong irritant to eyes, nose and skin. Wash thoroughly with soap and water after handling. See Side Panel for additional precautions.

Active Ingredients:	
Capsaicin and related capsaicinoids*	2.0%
Inert ingredients	98.0%
TOTAL	100.0%

\*Made from Oleoresin of Capsicum

Produce for: UDAP Industries

13160 Yonder Road Bozeman, MT 59718

1-800-232-7941 (406)763-4242

CHEMICAL EMERGENCY: 1-800-535-5053

EPA Reg. No.: 71920-1-72007 EPA Est. No.: 071920-AZ-001

NET CONTENTS: 7.9 ounces (225g)

Can Label

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## DIRECTIONS FOR USE

Upper Insect

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It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

**USE RESTRICTIONS:** This product may be used only to deter bears which are attacking or appear likely to attack humans.

Do not seek out encounters with bears or intentionally provoke them.

This product may not be effective in all situations or prevent all injuries.

Do not spray this product on tents, other objects, or on clothing. Such

use has no deterrent effect on bears. Keep safety clip in place except

when practicing with or using the product. Do not eat or allow to be

eaten any food or feed materials which may have become

contaminated with this product. Use with caution. Contents will cause

pain and temporary impairment to eyes, nose, mouth and lungs.

Individuals who suffer from asthma or emphysema may have a more severe reaction.

ACCEPTED  
with COMMENTS  
in EPA Letter Dated:

APR 10 2003

Under the Federal Insecticide,  
Fungicide, and Rodenticide Act  
registered for the pesticide  
registered under EPA Reg. No.

71920-1-72007

This product has a range of up to 30 feet (9 meters). The canister empties completely in approximately 4 seconds [225g container] 5.4 seconds [260g container].

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**TO DISARM:**

Replace safety clip as illustrated {Fig. 3}.



Fig. 1



Fig. 2



Fig. 3

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RECEIVED  
 with COMMENTS  
 in EPA better Dated: