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12-4-2003

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



OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

December 4, 2003

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

305
17 S-744033

Attention: Mr. Mark Matheny

Subject **UDAP Pepper Power Bear Deterrent**
 EPA Reg. No. 72007-1
 Review of Labeling and Advertising Claims
 Our letter of November 5, 2003
 Your letter of November 13, 2003

Purpose In your submission, you requested us to review revised labeling (Appendix A, B, and E) and advertising claims(Appendix C and G).

Review strategy After discussing your need to have accepted labeling to submit to the states very quickly, we adopted the strategy of reviewing the following documents now [can label (Appendix A), clamshell labeling (Appendix B), acceptable advertising claims (Appendix C)] and reviewing the more complex documents later [brochure (Appendix E), and reconsideration of unacceptable advertising claims (Appendix G)]. You indicated that this strategy was acceptable.

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Labeling review The labeling (Appendix A and B) submitted with the above letter, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is acceptable, provided you submit one (1) copy of final printed labeling to us, with the following changes, before you ship your product.

1. Left justify "Active Ingredients" to the same left margin as "Inert Ingredients".
2. Delete "magnum" wherever it occurs, as indicated in our November 5, 2003, letter.
3. Refer to the enclosure on "Minimum Type Sizes for Final Printed Labels."

Advertising claims review Advertising claims #1 through #18 are acceptable. Claim #19 (Can be your life saver) was unacceptable and will be reconsidered with material under Appendix G.

Existing stocks Stocks of existing labels may be used for eighteen (18) months.

Consequence for non-compliance If these conditions are not complied with, the registration will be subject to cancellation in accordance with FIFRA section 6(e). Your release for shipment of the product constitutes acceptance of these conditions.

Questions If you have questions about this letter, please contact me at 703-305-5407 (by phone), 703-305-6596 (by fax), or peacock.dan@epa.gov (by E-Mail).

Sincerely yours,



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

Copy to EPA Region 8
Mail Code 8 ENF-UFO
999 18th St.
Suite 300
Denver, CO 80202-2466

Attention: Tim Osag

Letter Dan Peacock, Disk132,A:\Capsaicin\72007-1, revised label and ad claims, 12-3-2003.wpd

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ACCEPTED
with **COMMENTS**
in EPA Letter Dated:

DEC - 4 2003

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS & DOMESTIC ANIMALS
DANGER: May cause irreversible physical eye damage if sprayed in the eye. Contact through breathing 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 ON SKIN OR CLOTHING: Take off contaminated clothing. Wash skin immediately with plenty of water for 15-20 minutes. Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice.

IF IN EYES: Hold eye open and flush slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue flushing eyes. Call a poison control center, doctor, or 1-800-858-7378 immediately for treatment advice.

ENVIRONMENTAL HAZARDS

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

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.

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. Do not store in hot vehicle or in direct sunlight.

Spills: Call 1-800-535-5053 for CHEMICAL EMERGENCY.

DISPOSAL: DO NOT INCINERATE OR PUNCTURE

If empty: Do not reuse empty container. Place in trash or offer for recycling if available. If partially filled: Call your local solid waste agency for disposal instructions.

Disclaimers: 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. **Notice:** 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.

Under the Federal Insecticide, Fungicide, and Rodenticide Act, this product is classified as a Pesticide and is registered under EPA Reg. No. 72007-1



BE PREPARED!

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 CAREFULLY THE ENTIRE LABEL UPON PURCHASE & BEFORE BRINGING 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



Produced by a grizzly attack survivor!

CHEMICAL EMERGENCY: 1-800-535-5053

EPA Reg. No. 72007-1 EPA Est. No. 72007-MT-001

Net Contents: 7.9 ounces (225g)

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with the 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 food 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 container empties completely in approximately 4 seconds (225g container) 5.4 seconds (280g 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 end 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