

DIRECTIVE

APHIS 4790.1

8/22/01

NON-LETHAL PERSONAL PROTECTIVE DEVICES

1. PURPOSE

This Directive states the policy for the use, acquisition, and the proper handling of Non-Lethal Personal Protective Devices (NLPPDs) for the Animal and Plant Health Inspection Service (APHIS) employees who are subjected to hazardous field conditions involving animals.

2. AUTHORITIES AND REFERENCES

- a. Agriculture and Food Act (Public Law 97-98, Section 1801).
- b. 7 U.S.C., Section 2274.
- c. Title 41, Federal Property Management Regulations.
- d. Office of the General Counsel Opinion, December 1, 1994.
- e. State and local laws that **permit** the use of NLPPDs for defensive purposes.

3. DEFINITIONS

- a. NLPPDs. Any device that produces a spray, gas or electrical discharge with the intent to impair or disable people and animals.
- b. Mace. An NLPPD containing Chloroacetophenone (CN) or Ortho/Chlorobenzalmalonitrile (CS).
- c. Pepper Spray. An NLPPD containing Oleoresin Capsicum (OC).
- d. Taser. An NLPPD that creates an electrical discharge.

- e. Sensitive Property. Any item of accountable property valued less than \$5,000 which is highly susceptible to loss or theft as defined by the Agency Property Management Officer. As part of this Directive, NLPPDs are classed as sensitive property to be accountable, locally, by an appointed individual.
- f. Personal Protective Equipment. Any authorized Government equipment that provides for the safety and well-being of employees designed to create a barrier against workplace hazards.

4. POLICY

It is the policy of APHIS to ensure and provide for the safety and security of all APHIS employees. The mission of APHIS is conducted in a wide array of environments which include working in laboratories, airports, marine ports, and for the most part, in the field performing animal and plant health inspection and compliance activities. In the performance of these duties, APHIS personnel are subject to certain hazards related to domestic animals and wildlife. This policy establishes the guidelines to obtain approval for carrying NLPPDs as safety and health **Personal Protective Equipment (PPE)** in defense against animal attacks.

No part of this policy permits the use of NLPPDs against human beings. This includes, but is not limited to, malicious, unauthorized, and accidental discharge of a NLPPD toward the general public and coworkers. Discharge of a NLPPD toward human beings will be considered workplace violence.

It is the duty of each APHIS employee to remove himself/herself from harm's way when a hazardous environment involving animals is encountered. The discharge of a NLPPD is a means of last resort, and its use is not intended for the purpose of continuing the employee's normal duties.

Approval and issuance of NLPPDs will be evaluated on a case-by-case basis. Evaluation will be based on whether the devices are permitted in the State or local area where the APHIS mission is being conducted.

5. RESPONSIBILITIES

- a. Deputy Administrators for Program Units will:
 - (1) Approve the purchase and use of NLPPDs based on written justification by the requesting program field office or regional office.
 - (2) Authorize the use of program funds to purchase NLPPDs.

- b. Directors, managers, and heads of field units will:
- (1) Prepare written justifications for approval.
 - (2) Ensure that procedures are in place for recordkeeping, inventory, and monitoring the use of NLPPDs.
 - (3) Ensure that employees receive training in the proper use of NLPPDs, prior to issuance, through certified training programs, such as local law enforcement training programs. Training certificates will be included in the employee's local personnel file. Refresher courses will be instituted every two (2) years.
 - (4) Advise local law enforcement, in writing, that employees are carrying NLPPDs in the performance of their duties.
 - (5) Identify a local Accountable Property Officer (APO) for NLPPDs. NLPPDs are considered **sensitive property**, and local inventory controls are required.
 - (6) Ensure that each employee who is authorized to carry a NLPPD has a copy of this Directive.
- c. Each APHIS employee who is authorized to carry NLPPDs will:
- (1) Comply with this Directive and other State and local laws governing the carrying and use of NLPPDs.
 - (2) Understand that NLPPDs are not 100 percent effective on animals.
 - (3) Complete APHIS Form 301-R, Incident Record Discharge of a Non-Lethal Personal Protective Device (NLPPD), (Attachment #1) in the event that an employee discharges a NLPPD.
 - (4) Be subject to agency disciplinary action for the misuse of NLPPDs, in addition to any governing State/local civil laws, and ordinances for inappropriate use.

6. ACCEPTABLE NLPPD PRODUCTS

- a. Products containing no more than 0.35 percent capsaicin, derived from Oleoresin Capsaicin (OC) for domestic animals. Container will not exceed 10 one-second bursts, with a range not less than 10 feet. Product will be EPA approved.
- b. Products containing no more than 20 percent capsaicin, derived from Oleoresin Capsaicin (OC) for wildlife (bears). Minimum range 15 feet. Product will be EPA approved.
- c. Tasers, or taser-type products, for the use on animals will be approved based on State and local laws.
- d. Mace, or mace-type products, are not authorized.

7. RECORDKEEPING AND INVENTORY CONTROLS

NLPPDs are considered defensive weapons, therefore, recordkeeping and inventory controls will be in place for those locations having approval to use them. The following records will be maintained on site:

- a. Deputy Administrator's approval letter authorizing the use of NLPPDs.
- b. Attachment #1: APHIS FORM 301-R, Incident Record Discharge of a Non-Lethal Personal Protective Device (NLPPD).
- c. Attachment #2: APHIS FORM 302-R, Inventory Control Record for Non-Lethal Personal Protective Devices (NLPPD).
- d. Material Safety Data Sheet (MSDS) for the product.

NLPPDs are the property of the Federal Government, and all applicable provisions of the Federal Property Management Regulations apply in the safeguarding of such property. For inventory control purposes, each employee assigned a NLPPD will turn in the device to the APO, or designee, at the end of his/her tour of duty, and have it reissued at the beginning of the employee's next tour.

8. INQUIRIES

Direct inquiries regarding NLPPDs to the Safety, Health, Environmental and Security Team, Employee Services Division at 301-734-6116.

/s/ W. J. Hudnall
Deputy Administrator
MRP Business Services

Attachments