

**North Carolina Department of Labor
Occupational Safety and Health Division**

Raleigh, NC

Field Information System

Standards Notice 64A

Subject: Oleoresin Capsicum (OC) or “pepper” spray.

A. Discussion.

In cooperation with the North Carolina Department of Health and Human Services (DHHS), OSHNC mailed the attached advisory letter to state and local law enforcement officials, armored car services and detective agencies on April 30, 1998. The purpose of the letter was to inform employers that neither OSHNC nor DHHS condone employer training activities involving direct spraying of employees with OC spray. Additionally, the letter provides guidance to employers who continue to use OC spray for training activities.

B. Action.

CSHO’s will use the attached letter for guidance when conducting inspections where OC spray is used in employee training activities. CSHO’s will evaluate the training programs on a case-by-case basis and provide appropriate documentation to support a “General Duty Clause” citation when necessary. Citations will be reviewed by the District Supervisor and the OSHNC Assistant Director and the Legal Affairs Division.

C. Effective Date.

SN 64 is canceled. This SN is effective on the date of signature. It will remain in effect until revised or canceled by the Director.

Signed on Original
Susan Haritos
Health Standards Officer

Signed on Original
Allen McNeely
Director

8/09/05
Date of Signature

SN 64A cont'd.

April 27, 1998

Re: Written Notice of Risks and Health Consequences

Dear Law Enforcement Professional:

In cooperation with the North Carolina Department of Health and Human Services (DHHS), the North Carolina Department of Labor, Division of Occupational Safety and Health (OSHNC) is issuing this advisory letter regarding the use of Oleoresin Capsicum (OC) or "pepper" spray during employee training activities. As you are probably aware, the use of OC spray has become increasingly widespread over the last few years. This trend can be attributed in part to its effectiveness and the level of safety afforded to officers utilizing the spray. Many departments have integrated an OC spray training course into their overall officer training curriculum. These courses typically involve some lecture and/or discussion followed by a direct exposure to OC spray.

Over the past two years, DHHS and OSHNC have been actively investigating the training practice that involves direct exposure. This activity has included a compliance inspection, observation of a training session, legal discussions and a detailed review of various departmental training programs, medical literature and OSHA compliance activities (outside North Carolina). The investigation found that exposure to airborne OC spray during training activities poses a health risk to employees. For this reason, DHHS and OSHNC cannot condone this practice and recommend that training programs involving the actual exposure be discontinued. Please accept this letter as written notice of actual risk and known health consequences; however, for departments deciding to continue the exposure training, the following protective measures should be implemented:

1. The use of direct exposure should be changed to an indirect one such as spraying a wall (faced by the trainee) or above the trainee's head. If a direct exposure is to be used, the trainees should wear face shields or chemical goggles.
2. An emergency shower and eyewash station should be provided. The water temperature and time/location of training should be as such to minimize the risk of hypothermia during decontamination.
3. A medical screening program should be established to identify those employees with health conditions that may be exacerbated by any exposure to the OC spray. These conditions include, but are not limited to, allergies to a component of the spray or a history of asthma, bronchitis or other respiratory disease. The "at-risk" employees should then be exempted from the exposure training.
4. Trained medical personnel should be on-site during the training to render first aid and additional medical treatment if necessary.
5. Training in compliance with OSHA's Hazard Communication (29 CFR 1910.1200) and Personal Protective Equipment (29 CFR 1910.132 - if necessary) standards should be conducted during each OC spray training course.

Although the health risk will not be eliminated, the implementation of these steps should reduce the chance of a serious injury.

SN 64A cont'd.

At this time, OSHNC does not plan on conducting general schedule (random) inspections to evaluate compliance with this advisory letter. However, complaints alleging an OC spray hazard will be addressed per current OSHNC policy and may result in a compliance inspection. Training programs inspected will be evaluated on a case-by-case basis for violations of the "General Duty Clause" of the Occupational Safety and Health Act of North Carolina (NCGS 95-129(1)).

If you have any questions, please feel free to contact Susan Haritos with OSHNC, Bureau of Education, Training and Technical Assistance at (919) 807-2879. Thank you for your attention to this matter. Your interest in workplace safety and health is greatly appreciated.

Sincerely,

Harry E. Payne, Jr.
Commissioner
North Carolina Department of Labor

Ronald H. Levine, MD, MPH
State Health Director
North Carolina Department of Health and Human Services