

TRINIDAD AND TOBAGO STANDARD

COMPULSORY

PEPPER SPRAY – COMPULSORY REQUIREMENTS

PCTTCS 33:20XX

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Public Comment

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In accordance with the Standards Act, the Bureau shall promote and encourage the development and maintenance of standards and further shall establish standards for the following: to improve goods produced or used in Trinidad and Tobago; to ensure industrial efficiency and development; to promote public and industrial welfare, health and safety; and to protect the environment.

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NOTE In order to keep abreast of progress in the industries concerned, Trinidad and Tobago Standards are subjected to periodic review. Suggestions for improvements are welcome.

Contents

Foreword.....	1
1 Scope.....	2
2 Normative references.....	2
3 Terms and definitions.....	2
4 Compulsory requirements.....	3
4.1 General requirements.....	3
4.2 Chemical and physical requirements.....	3
4.3 Labelling requirements.....	4
5 Conflict with other national standards and the laws of Trinidad and Tobago.....	6
6 Mechanisms to demonstrate compliance.....	6
7 Measures related to non-compliance.....	7

Public Comment

Foreword

These requirements were declared a Trinidad and Tobago Standard on, after the draft had been approved by the Trinidad and Tobago Bureau of Standards (TTBS).

TTCS 33:20XX, *Pepper spray- Compulsory requirements* was established in alignment with the principles of Good Regulatory Practices to outline minimum requirements for pepper spray.

This standard was developed to support Act No.7 of 2021, an Act to amend the Firearms Act Chapter 16:01, the Firearms (Use of pepper spray) Order 2021 and the latest version of any of the aforementioned primary and secondary legislations under the Ministry of National Security.

TTBS has recommended that this standard be accorded compulsory status. This standard will become effective as a compulsory standard on a date to be notified by the Minister responsible for trade and industry in a Notice to be published in the Trinidad and Tobago Gazette, as required by the latest version of the Standards Act (Chapter 82:03) to:

- 1) protect the consumer or user against danger to health or safety; and
- 2) require adequate information to be given to the consumer or user.

This standard is intended for use by:

- i. manufacturers, agents, distributors, sellers, importers, wholesalers and retailers of pepper spray to assist in manufacturing or procuring products which satisfy minimum requirements and demonstrate compliance to this compulsory standard; and
- ii. regulatory agencies and Ministries as a basis for assessing imported or locally manufactured pepper spray within an established regulatory framework.

In developing this standard, considerable assistance was derived from the following documents:

- Act No.7 of 2021, an Act to amend the Firearms Act Chapter 16:01
- Firearms (Use of pepper spray) Order 2021
- ASTM E3187/E3187M, *Standard Specification for Less Lethal Aerosol Devices Used by Law Enforcement, Corrections, and Other Public Safety Officers*

1 Scope

This standard establishes chemical, physical and labelling requirements for pepper spray intended for use on human beings.

This standard applies to pepper spray, contained within a canister and delivered only as a fog or stream containing:

- Oleoresin Capsicum (OC); or
- Major Capsaicinoids (MC).

It does not apply to pepper spray canisters containing Chloroacetaphenone (CN) or Orthochloro-benzalmalononitrile (CS).

2 Normative reference

The following document is referred to in the text in such a way that some or all of its content constitutes requirements of this document. For undated references, the latest edition of the referenced document (including any amendments) applies.

AOAC International

AOAC 995.03, *Capsaicinoids in Capsicums and Their Extractives Liquid Chromatographic Method*

3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.

3.1

country of origin

a) country where the goods were wholly manufactured; or

b) in cases where the composition and or quality of the goods was changed to a significant extent elsewhere (other than by packaging), the last country where such significant change occurred

Note 1 to entry: A significant change in the product refers to where there is a change in the product that has resulted in a change of the Harmonized Commodity Description and Coding System (HS Code) in alignment to the World Trade Organization's Agreement on Rules of Origin.

3.2

date of minimum durability

date after which the manufacturer, importer or supplier does not guarantee any property of the pepper spray by reason of any foreseeable deterioration due to age or normal handling and storage

3.3

label

any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed, impressed on, accompanying or attached to a canister of pepper spray

3.4

pepper spray

inflammatory agent which, when applied on the body or any orifice of an individual, may cause the mucous membranes in the eyes, nose, throat and lungs of the individual to become inflamed resulting in the immediate closing of the eyes, difficulty breathing, runny nose, and coughing

4 Compulsory requirements

4.1 General requirements

4.1.1 Upon visual inspection, the canister of pepper spray shall discharge when the actuator is activated and stop discharging when the actuator is de-activated.

NOTE The word “activate” refers to the pressing of the button on the pepper spray and “de-activate” refers to the releasing of the button.

4.1.2 There shall be no evidence of leakage of the contents of the canister of pepper spray upon visual inspection.

4.1.3 Methanol shall not be used as a propellant or solvent in the pepper spray canister when tested in accordance with a test method that is acceptable to TTBS.

NOTE The Gas Chromatograph is typically used to detect the presence of methanol in pepper spray.

4.1.4 Pepper spray canisters shall not be imported, manufactured or distributed in any format other than a fog or stream when visually inspected.

4.2 Chemical and physical requirements

4.2.1 Canisters of pepper spray shall not contain Chloroacetophenone (CN) or Orthochloro-benzalmalononitrile (CS). Safety data sheets and other documentation acceptable to TTBS, shall be submitted to TTBS upon request.

NOTE Other documentation includes test reports, test certificates from accredited laboratories and certificates of conformity.

4.2.2 Each canister of pepper spray shall not exceed the limits outlined in the most recent version of the Firearms (Use of Pepper Spray) Order, as it pertains to the type of pepper spray, strength of pepper spray and the volumetric content of pepper spray canisters. The type of pepper spray and strength of pepper spray shall be tested in accordance with AOAC 995.03 or any other test methods that are acceptable to TTBS. The volumetric content of pepper spray shall be tested in accordance with any test methods that are acceptable to TTBS.

NOTE 1 NIST Handbook 133 provides guidance for the testing of aerosols as it pertains to tare weight to determine the net quantity of pepper spray.

NOTE 2 The limits for pepper spray, as outlined in the Firearms (Use of Pepper Spray) Order 2021, are provided in Table 1 for ease of reference of the information that was current at the time of the development of this compulsory standard.

Table 1 — Limits for each canister of pepper spray as outlined in the Firearms (Use of Pepper Spray) Order, 2021

Type of pepper spray	Strength of pepper spray	Volumetric content per canister of pepper spray
Oleoresin Capsicum (fogger or stream)	5 - 10 % by weight or not exceeding 5,000,000 Scoville Heat Units (SHUs)	2 ounces (60 ml) to 5 ounces (150 ml)
Major Capsaicinoids (fogger or stream)	0.8 – 1.4 % by weight or not exceeding 5,000,000 Scoville Heat Units (SHUs)	2 ounces (60 ml) to 5 ounces (150 ml)
NOTE The internationally acceptable conversion factor for ounces to grams is as follows: 1 ounce (oz) = 28.34952 grams (g)		

4.3 Labelling requirements

4.3.1 Canisters of pepper spray, or the packaging or both shall be labelled in a legible, discernible and durable manner up to the point of sale, at a minimum in the English Language and the English alphabet.

4.3.2 Where the brand name of the goods, or the name and address of the manufacturer of the goods or of such other person as required by this standard are not in the English Language, it shall not be necessary to translate the meaning of such name(s) and address into the English Language, but such information shall be stated in a form using the English alphabet, with or without accent signs.

The label on the canister of pepper spray, or the packaging or both shall contain the following information:

- a) brand name or trade name
- b) a statement of:
 - 1) name of the manufacturer, agent, distributor, seller, importer, wholesaler or retailer; and
 - 2) address, or the principal place of business or registered office of the manufacturer, agent, distributor, seller, importer, wholesaler or retailer of pepper spray.

The above information shall be preceded by the words “manufactured by (name of entity)”, “distributed by (name of entity)”, or “imported by (name of entity)” as appropriate or any format that is acceptable to TTBS.

NOTE The list of acceptable formats for name and address is available at TTBS’ website and is updated as necessary.

- c) Warning statement(s)

EXAMPLE “The contents are dangerous – use with care” and “keep out of reach of children” are examples of warning statements.

- d) country of origin which is stated with the following words as appropriate or any format that is acceptable to TTBS:
- 1) “made in (name of country)”;
 - 2) “product of (name of country)”;
 - 3) “manufactured in (name of country)”;
 - 4) “produced in name of country”; and
 - 5) “packaged in (name of country)”.

NOTE It is useful that the contact information of the manufacturer, agent, distributor, seller, importer, wholesaler, or retailer responsible for the pepper spray be placed on the label.

EXAMPLE Telephone number, email address, website, QR code, social media handle etc.

- e) the net quantity of the pepper spray in grams or ounces (millilitres are permissible in addition to grams or ounces), subject to such tolerance in accordance with the latest version of the Metrology Act (Chapter 82:06).
- f) percentage of active ingredients;
- g) batch number or lot number; if coded, the interpretation of the code shall be communicated to TTBS upon request;
- h) serial number;
- i) date of minimum durability expressed using the words “best before”, “expiry”, “use by”, “BB” or “EXP” in a format which is unambiguous and acceptable to the TTBS. These words shall be accompanied by: either the date itself; or a reference to the location of the date. Two-digit year date markings may be acceptable only when the abbreviations are included as DD/MM/YY or YY/MM/DD as appropriate, with the accompanying date marking, or when the format and date are acceptable to the TTBS.

EXAMPLE 1 Acceptable date marking formats are as follows:

- i. JAN 22
- ii. JAN 2022
- iii. 13 JAN 2022
- iv. 01 2022
- v. 01 22 MM/YY

EXAMPLE 2 Unacceptable date marking formats are as follows:

PCTTCS 33:20XX

- i) 01 08
- ii) 23 05 24
- iii) 24 JAN 25

j) statement or words of similar intent as follows:

- “A person authorized to purchase, acquire or have in his possession a canister of pepper spray, shall only use the pepper spray in self-defence”.

4.3.3 Additional documentation accompanying the canister shall contain the following information:

- a) storage conditions;
- b) first aid instructions; and
- c) instructions for use.

NOTE The additional information can be included on inserts on the product, package, or within the packaging of the canister of pepper spray.

5 Conflict with other national standards and the laws of Trinidad and Tobago

5.1 Whenever there is a conflict between the requirements of this standard and any other compulsory national standard(s) covering the same product(s) or categories of products, the standard(s) containing the more specific requirements shall take precedence.

5.2 Whenever there is a conflict between the requirements of this standard and any other primary or secondary legislation of Trinidad and Tobago covering the same product(s) or categories of products, the primary or secondary legislation shall take precedence.

6 Mechanisms to demonstrate compliance

6.1 Locally manufactured and imported pepper spray canisters and their packaging shall comply with the requirements outlined in Clause 4 of this standard. TTBS shall verify compliance to this standard and goods under the scope of this standard shall be subject to a mandatory conformity assessment programme administered by TTBS.

EXAMPLE Conformity assessment activities include inspection, testing, certification, verification and validation.

6.2 TTBS may consider and accept information from other sources, such as third party testing, product certification and/or quality management system certification from an accredited body. If an accredited body is not available, the information can be provided by a body approved by TTBS, subject to the terms and conditions of TTBS in accordance with the latest version of the Standards Act (Chapter 82:03), to provide objective evidence of compliance to the standard. The information may include test reports and other relevant information. Provision of this information does not exempt TTBS from conducting any further conformity assessment activities deemed necessary to demonstrate compliance with the standard.

NOTE Pre-shipment approval can be sought from the Trinidad and Tobago Bureau of Standards.

6.3 In the event that the pepper spray canister has a product certification mark, the certification mark shall be genuine. Both the mark and the associated standard shall be submitted for approval by TTBS.

6.4 Notwithstanding Clause 6.2 and 6.3, TTBS reserves the right to sample and test for compliance to this standard in accordance with the latest version of the Standards Act (Chapter 82:03). Sampling and testing shall be done at the expense of the manufacturer, agent, distributor, seller, importer or wholesaler of the pepper spray where deemed necessary by TTBS.

NOTE The sampling plan is at the discretion of TTBS and can be in alignment with ISO 2859-1, *Sampling procedures for inspection by attributes- Part 1: Sampling schemes indexed by Acceptance Quality Limit (AQL) for lot-by-lot inspection*.

6.5 All documentation pertaining to Clauses 4 and 6 shall be in the English Language.

7 Measures related to non-compliance

7.1 Goods under the scope of this standard that are found to be in non-compliance of any of the requirements, TTBS shall initiate any of the following actions:

- a) direct the manufacturer, agent, distributor, seller, importer, wholesaler, or retailer responsible for the good to remove non-conforming pepper spray from use throughout Trinidad and Tobago within a specified timeframe;
- b) seize and detain non-conforming pepper spray within the legal framework in accordance with the latest version of the Standards Act (Chapter 82:03);
- c) prohibit the sale and distribution of non-compliant pepper spray in Trinidad and Tobago;
- d) permit modifications necessary for compliance, where possible; or
- e) any action permitted by the latest version of the Standards Act (Chapter 82:03).

7.2 Any breaches to this standard are subject to fines and penalties in accordance with the latest version of the Standards Act (Chapter 82:03).