Oregon Registration Guidance:
“Readily Distinguishable” Products

Introduction
In Oregon, every pesticide product that is readily distinguishable from any other pesticide product requires a separate registration. Oregon Administrative Rule (OAR) 603-057-0001 defines “readily distinguishable” as follows:

(6) For the purpose of pesticide registration as specified in ORS 634.016, “pesticide product” means a pesticide readily distinguishable from any other pesticide by its content, registration number assigned by the United States Environmental Protection Agency, brand name, trade name, manufacturer, registrant, use as specified in labeling, or other distinction, but not including size or quantity of package.

Products composed of discrete units (e.g. wipes, granules, tablets) are considered “distinguishably different” if the dimensions of those units differ (see examples below). They are not considered “distinguishably different” if the variation in size is reflected solely in the amount/quantity of product (e.g. 500 large wipes versus 100 large wipes).

Clarifications
1) Products with the following characteristics are considered “readily distinguishable”:
   • The directions for use are different (e.g., different application rates, use sites), even when the product names are identical.
   • The market labeling includes images that advertise or imply a different use pattern than another product that is otherwise identical.
   • The name of the product, a marketing claim, or description of the product on the label is different.
   Examples:
   o Product Name: “Flea-B-Gon for Dogs 12 to 25 Pounds” versus “Flea-B-Gon for Dogs 12 Pounds and Under”.
   o Product Name: “GermX-Cloth Extra Large Wipe” versus “GermX-Cloth Large Wipe”
   o Same product name, different product description: “1 inch chlorinating tablets” versus “3 inch chlorinating tablets”
   o Same product name, different description: “Large Granules” versus “Small Granules”
   o The market labeling reflects a different scent (e.g. “Fresh Scent” versus “Unscented”) of otherwise identical products.
   o Versions of a pesticide (e.g., antifouling paints, bathroom paints) come in different colors, and the color is reflected on the label.
• Individually registered products are packaged together and wrapped with a partial or complete label that contains unique information.
  Examples:
  o Bait station packaged and sold with gel bait
  o Lice shampoo packaged and sold with a space spray
• Products packaged with dispensing or application equipment (e.g., hand trigger sprayer vs. battery-powered wand) versus stand-alone refills of the same product.
• The company name/logo listed on the label is different, even when the company is owned by a parent company that currently has the same product registered.

2) Products with the following characteristics are NOT considered “readily distinguishable”:
• When the differences in the Storage and Disposal sections on market labels are **solely** related to the size and/or quantity of packaging.
  Example:
  o The storage and disposal section of a 1-gallon package instructs the user to “Fill the container ¼ full with water and recap. Shake for 10 seconds”. In contrast, a 50-gallon version of the same product instructs the user to “Fill the container ¼ full with water. Recap and tighten closures. Tip container on its side and roll it back and forth [etc.]”.
• The Environmental Hazard statements differ **solely** due to the size of the container.
• Two or more individually registered products are shrink- or plastic-wrapped together so that you can view and read the labels on the individual products.

**Where can I get more Information?**
For additional information please contact the Pesticides Program, Oregon Department of Agriculture at (503) 986-4635, or contact one of the registration specialists listed below.

David Priebe  
(503) 986-4656  
dpriebe@oda.state.or.us

Grant Jackson  
(503) 986-4553  
gjackson@oda.state.or.us

Gilbert Uribe  
(503) 986-4752  
guribevaldez@oda.state.or.us

Colton Bond  
(503) 986-6485  
cbond@oda.state.or.us