

Selling garden products in Oregon:

A QUICK GUIDE TO YOUR RESPONSIBILITIES

Oregon, like most other states, requires each fertilizer, pesticide, soil amendment, mineral or lime product be registered before they are sold, offered for sale, or distributed in the state.

Whether for use indoors or outdoors, to grow crops, lawns, flowers, or vegetable gardens, products must be registered with the Oregon Department of Agriculture (ODA) before they are distributed. If a distributor or retailer sells an unregistered product, the product can be placed under a "stop sale" (a legal order prohibiting sale or movement of the product), and the distributor and retailer may receive a civil penalty (fine) of up to \$10,000 per sale. The following questions and answers are designed to help you verify the products you are selling are registered, and provide a means for you to double check on products you order, have in stock, or may be approached to sell.

What Fertilizer and other soil-amending products must be registered?

In Oregon, **any** product that claims to be a source of plant food, to increase crop yields or plant growth, or to produce a physical, chemical, or biological change in the soil must be registered. This includes claims the product contains nutrients, vitamins, hormones, enzymes, beneficial micro-organisms, or improves soil drainage or aeration.

Why are Fertilizer and other soil amending products registered?

Oregon's fertilizer law is basic consumer protection. Before a product is registered, its ingredients are compared to the label and advertising to ensure any claims are reasonable, the label is checked to make sure that basic information for the consumer (including product weight or volume and any necessary cautionary statements) is present, and the product is tested to make sure it doesn't

have excessive levels of the heavy metals arsenic, cadmium, mercury, lead, and nickel.

How is the registration requirement enforced?

Fertilizer Program and Pesticide Program staff regularly inspect retail and wholesale locations to determine compliance with state law. These inspections are called "marketplace inspections." Inspectors check to see products are registered and labeled correctly. Official samples of products may be taken for laboratory analysis to ensure the product fulfills the label guarantees. Photographs may be taken of product labels and inspectors may request documentation of where a product came from.

What is a pesticide?

A pesticide is any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest or intended for use as a plant regulator, defoliant or desiccant. A pesticide may be a chemical substance or a biological agent (such as a virus or bacterium). Different pesticides are made to control specific pests; insecticides, for instance, control insects, herbicides control weeds, rodenticides control rodents, antibacterials control germs, and so on. In addition, some products combine pesticides with fertilizers, such as weed-and-feed products.

How can I tell if a product is a pesticide?

The U.S. Environmental Protection Agency (EPA) must register pesticide products before they are registered by any state. The products will have an EPA Registration No. on the product label. **When a product has an EPA Registration Number on the label, it does NOT automatically mean that it is registered in Oregon. You need to double check!**



What about pesticides that claim to be “safe”?

Exemption from EPA registration is allowed for “minimum risk products”. These are called 25(b) pesticides (the section of federal law they fall under) and are limited to specific ingredients (active and inert). These products will not have an EPA Registration Number on their labels, but if claims are made to kill or repel any pest (weeds, insects, etc.), they must be registered in Oregon. Examples of permitted active ingredients are: cedar oil, corn gluten meal, and mint oil.

How do I know if a product is registered?

The Department maintains online databases to make it easy to check every product you may want to sell.

FERTILIZER PRODUCTS:

<https://oda.direct/SearchFertProducts>

PESTICIDE PRODUCTS:

<https://oda.direct/SearchPesticideProducts>

Only products listed as “registered,” or “conditionally registered” are legal for sale or

distribution in Oregon. For a period shortly after January 1 each year, products may be listed as “pending renewal.” These may, or may not be legal for sale. Please contact us before buying or selling these products.

Where can I get more information? Who do I contact?

Additional information on the Fertilizer Program and the Pesticide Program, including regulations, search pages for registrations and licensing, and registration applications, is available from the home page for the ODA Pesticides and Fertilizer Program, <https://oda.direct/AboutPesticides>. On the left sidebar, you may select to go to Fertilizers or Pesticide Products.

If you have questions, or want to speak with someone about Oregon fertilizer or pesticide regulations, please feel free call our main office at 503-986-4635 and ask to speak to one of our specialists, or email the Fertilizer Program at fertilizer-inquiry@oda.state.or.us or the Pesticide Program at pestx@oda.state.or.us.

CONTACT ODA

Fertilizer Program

P: (503) 986-4637 | **E:** fertilizer-inquiry@oda.state.or.us | **W:** <https://oda.direct/Fertilizer>

Pesticide Program

P: (503) 986-4635 | **E:** pestx@oda.state.or.us | **W:** <https://oda.direct/AboutPesticides>