

Selling garden products in Oregon:

RETAIL SALE OF FEED, FERTILIZER, OR SEED IN BINS

Some consumers would like to purchase retail feed, seed, or fertilizer products from bulk bins, rather than in pre-weighed packages. Oregon law has requirements for selling in open containers, such as bins or garbage cans, which vary with the kind of product sold. When selling feed, seed, or fertilizer in open bins, retailers must supply labels to provide basic product information to the consumer. This is to make sure consumers know exactly what they purchased, and have the information to use the product correctly when they get home. Often the customer at the counter may not be the same person who uses the product.

The retailer is responsible for ensuring feed, fertilizer and other soil-amending products are properly registered, and may be responsible for registering each product themselves. If you are a retailer wishing to distribute feed, seed, or fertilizer in open bins please be aware of the following:

Scales

Bulk sales require a scale, certified by the Oregon Department of Agriculture Weights and Measures program, and a scale license. Information on licensing a scale, contacting the program, and other Weights and Measures program information, is available at: <https://oda.direct/LicenseScaleMeter>

Animal feeds

What is considered to be "feed"?

Almost any material sold as food for animals, or as an additive or ingredient for animal food is considered feed. Oregon statute exempts unmixed whole seeds; hay, silage, straw and similar materials, as long as they are not mixed with other materials; household dog, cat, fish and bird food; and individual chemicals, except for phosphate, urea or ammonium compounds used in animal feed; from the regulations governing feed labeling. Some typical non-regulated animal foods are dog and cat food and treats, parrot food, oyster shell, sunflower seeds and bagged hay.

What are the requirements for selling feed in open bins?

1) REGISTRATION OR LICENSE: Make sure feeds that require registration are registered. Feeds must be registered prior to distribution. A retailer is not required to register any commercial feed product that has been registered by another person. If it is not already registered, the retailer is responsible for

registration. You can search for product registration status at: <http://oda.state.or.us/dbs/vfi/search.lasso>

2) LABEL: In addition to labeling the bin, a label must be supplied to each customer for each feed. For feed, often the easiest way to make a label is to photocopy the required information (except weight) from the original product label. Each label must have the following:

- a) The registered product name and the brand name, if any.
- b) A purpose statement stating the species and animal classes (e.g. layer, starter/grower, finisher, breeder) for which the feed is intended.
- c) A guaranteed nutrient analysis.
- d) The common name of each ingredient in the product.
- e) If the feed contains drugs, adequate directions for safe and effective use.
- f) Directions for use and any precautionary statements needed for safe and effective use of the feed.
- g) The name and principal mailing address and phone number of manufacturer or persons responsible for distributing the feed.
- h) A quantity statement. For products sold in bins, this may be a blank line to be filled in at the time of sale or a statement to reference the sales invoice. (net wt. on invoice).
- i) A lot number. This should be from the original package or can be assigned if the product is blended at the store.



For more information

- ODA Feed Program webpage:
<https://oda.direct/FeedLabeling>
- Oregon Revised Statutes for Commercial Animal Feeds (ORS 633.006 through 089):
<https://oda.fyi/ORS633>
- Oregon Administrative Rules for Commercial Animal Feeds (603-058-0110 through 0290):
<https://oda.fyi/OAR603>

Seed

What does “seed” include?

For this purpose, seed includes seeds and bulblets sold for forage, lawn and turf, fiber, cereal grains, flowers, and vegetables.

What are the requirements for selling seed in open bins?

1) REGISTRATION OR LICENSE: A retail seed dealer license (\$40 application fee) is required for any person who offers or sells agricultural or vegetable seed directly to the consumer or user.

2) LABEL: Individual packages filled from bins in the presence of the customer do not require individual labels, but the bin must be labeled (in eight point type or larger) with the following information:

- (a) The commonly accepted name of each seed variety that is more than five percent of the product and the percentage by weight of each. If more than one agricultural or flower seed is named, the word “mixture” or the words “mixed seed” must be conspicuously displayed on the label or tag.
- (b) The country or state where grown. If unknown, the fact the country or state where grown is unknown shall be stated.
- (c) The lot number or other lot identification.
- (d) The total percentage, by weight, of other crop seed.
- (e) The total percentage, by weight, of weed seed.
- (f) The total percentage, by weight, of inert matter.
- (g) The name and number per pound of each kind of noxious weed seed restricted in

Oregon, or the statement “No Noxious Found,” if the sample is free of all noxious weed seed.

(h) For each named agricultural or flower seed:

(i) The percentage of germination. If germination data is based on tests other than sprouting, that shall be so stated on the label.

(ii) The percentage of hard seed, if more than one percent.

(iii) The month and year the test to determine the data required by this section was completed.

(iv) The name and address of the person who labeled the seed or who sells, offers or exposes such seed for sale within the state.

(l) The year and month beyond which an inoculant, if shown in the labeling, is no longer claimed to be effective.

(j) If the seed or mixture has been treated, the following information must also be provided:

(i) A statement that the seeds have been treated.

(ii) The commonly accepted chemical or abbreviated chemical name of any substance used in such treatment.

(iii) A descriptive statement, approved by the director as adequate for the protection of the public, of any process used in such treatment.

(iv) If the substances used in such treatment in the amount remaining with the seeds is harmful to humans or other vertebrate animals, an appropriate warning statement, approved by the director as adequate for the protection of the public.

For more information

- ODA Seed program:
<https://oda.direct/SeedLicenses>
- Oregon Revised Statutes for Seed (ORS 633.511 through 996): <https://oda.fyi/ORS633>
- Oregon Administrative Rules for Seed (OAR 603-056-0030 through 0490): <https://oda.fyi/OAR603>

Note: You cannot sell seed in Oregon that has not been tested for germination within a certain time period. It’s 18 months for hermetically sealed packages, and 36 months for everything else.

Fertilizers and soil amending products

What is considered to be a “fertilizer” or soil amending product?

Oregon registers fertilizers, agricultural minerals, agricultural amendments (including most growing media), and lime products. Any product that is designed or intended to contain plant nutrients, increase plant growth or yield, or produce physical, chemical, or biological changes in soil needs to be registered.

What are the requirements for selling fertilizers, agricultural amendments, agricultural minerals, or limes in open bins?

1) REGISTRATION OR LICENSE: Each product must be registered prior to any sale, offer for sale or distribution (including samples).

2) LABEL: Each product sold must have a label. To use the label of the original registrant, the retailer must possess written permission to use their label. Alternatively, retailers may register the product themselves. In addition, each customer must receive a copy of the registered label applied or affixed to the package that will contain the product that leaves with the consumer. Each label must have the following information:

- (a) Product name.
- (b) Grade statement, if primary nutrients (Total Nitrogen, Available Phosphate, Soluble Potash) are claimed.

- (c) Guaranteed analysis, guaranteeing the minimum amount of each nutrient claimed.
- (d) Derivation statement, stating the ingredients used to provide the guaranteed nutrients.
- (e) Warning statements if the product has more than 0.1% boron or 0.001% molybdenum.
- (f) Guarantees for any non-plant food ingredients (ingredients other than nutrients) by individual identity and amount. Inoculants have additional requirements.
- (g) A heavy metals internet statement, providing a website where the consumer can find the heavy metals content of the product.
- (h) Name and mailing address of registrant.
- (i) A net weight or volume statement.

3) Pesticides, or products mixed with pesticide, such as “Weed and Feed” products, must be sold in their original unbroken or unopened containers. These products may NOT be sold in open bins.

For more information

- ODA Fertilizer Program: <https://oda.direct/Fertilizer>
- Products Registered with the ODA Fertilizer Program: <https://oda.direct/SearchFertProducts>
- Oregon Revised Statutes for Fertilizers (ORS 633.311 through 479): <https://oda.fyi/ORS633>
- Oregon Administrative Rules for Fertilizer (OAR 603-059-0020 through 0100): <https://oda.fyi/OAR603>

CONTACT ODA

Feed labeling

P: (503) 986-4691 | **E:** rteneyck@oda.state.or.us | **W:** <https://oda.direct/SeedLicenses>

Seed licenses

P: (503) 986-4620 | **E:** nmiller@oda.state.or.us | **W:** <https://oda.direct/SeedLaws>

Fertilizer Program

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

Weights and Measures Program

P: (503) 986-4670 | **E:** msd-info@oda.state.or.us | **W:** <https://oda.direct/AboutWeightsMeasures>



Oregon
Department
of Agriculture