



Oregon

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Department of Agriculture

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August 2007 Oregon Department of Agriculture Pesticides Division Fertilizer Program Policy

Issue: Some products that meet the definition of an “agricultural amendment” [ORS 633.311] also meet the definition of a pesticide as a “plant regulator” [ORS 634.006(8)(g)]. As a “plant regulator”, these products are subject to regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), administered by the United States Environmental Protection Agency (EPA). For most pesticide active ingredients and products, regulation under FIFRA includes registration. Registration with EPA as a pesticide product, and subsequent registration with the Oregon Department of Agriculture (ODA), includes a detailed review of the active and inactive ingredients in the product, allowed uses of the product and safety precautions for users and the environment. Such detailed product review should provide adequate consumer protection regarding “truth in labeling” claims and product integrity.

Policy: A product will be required to be registered with ODA as an “agricultural amendment” when each of the following conditions exist:

- The product meets the definition of an “agricultural amendment” as contained in ORS 633.311;
- The product does not meet the definition of a “plant regulator” as defined in FIFRA 2(v); and
- The product is not registered with EPA or ODA as a pesticide product.

Therefore, a product that meets the definition of an “agricultural amendment” as contained in ORS 633.311, but does also meet the definition of a “plant regulator” as defined in FIFRA 2(v) and is registered with EPA and ODA as a pesticide product will not be required to be separately registered with ODA as an “agricultural amendment” under ORS 633.

FIFRA 2(v): “Plant Regulator” means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

Examples of active ingredients that meet the definition of “plant regulators”, and are regulated as pesticides under FIFRA, include, but are not limited to, the following:

Chitosan (128930)
Cytokinin (116801)
Kinetin (N-(2-furanylmethyl)-1-H-Purin-6-amine) (116802)
N6-Benzyladenine (116901)
Indole-3-butyric Acid (046701)
Gibberellic acid (043801)
Gibberellic acid, monopotassium salt (043802)
Gibberellin A4 mixed with Gibberellin A7 (116902)
Harpin ab protein (006506)
Harpin Protein (006477)
Lysophosphatidylethanolamine (LPE) (105120)
Sodium 5-nitroguaiacolate (129075)
Sodium o-nitrophenolate (129076)
Sodium p-nitrophenolate (129077)
Yeast Extract Hydrolysate from *Saccharomyces cerevisiae* (100053)