

PART E—STANDARDS AND MEASURES UNDER THE
NORTH AMERICAN FREE TRADE AGREEMENT

SUBPART 1—SANITARY AND PHYTOSANITARY
MEASURES

§ 2575. General

Nothing in this subpart may be construed—

- (1) to prohibit a Federal agency or State agency from engaging in activity related to sanitary or phytosanitary measures to protect human, animal, or plant life or health; or
- (2) to limit the authority of a Federal agency or State agency to determine the level of protection of human, animal, or plant life or health the agency considers appropriate.

(Pub. L. 96-39, title IV, §461, as added Pub. L. 103-182, title III, §351(a), Dec. 8, 1993, 107 Stat. 2118.)

§ 2575a. Inquiry point

The standards information center maintained under section 2544 of this title shall, in addition to the functions specified therein, make available to the public relevant documents, at such reasonable fees as the Secretary of Commerce may prescribe, and information regarding—

- (1) any sanitary or phytosanitary measure of general application, including any control or inspection procedure or approval procedure proposed, adopted, or maintained by a Federal or State agency;
- (2) the procedures of a Federal or State agency for risk assessment, and factors the agency considers in conducting the assessment and in establishing the levels of protection that the agency considers appropriate;
- (3) the membership and participation of the Federal Government and State governments in international and regional sanitary and phytosanitary organizations and systems, and in bilateral and multilateral arrangements regarding sanitary and phytosanitary measures, and the provisions of those systems and arrangements; and
- (4) the location of notices of the type required under article 719 of the NAFTA, or where the information contained in such notices can be obtained.

(Pub. L. 96-39, title IV, §462, as added Pub. L. 103-182, title III, §351(a), Dec. 8, 1993, 107 Stat. 2118.)

§ 2575b. Subpart definitions

Notwithstanding section 2571 of this title, for purposes of this subpart—

(1) Animal

The term “animal” includes fish, bees, and wild fauna.

(2) Approval procedure

The term “approval procedure” means any registration, notification, or other mandatory administrative procedure for—

- (A) approving the use of an additive for a stated purpose or under stated conditions, or
- (B) establishing a tolerance for a stated purpose or under stated conditions for a contaminant,

in a food, beverage, or feedstuff prior to permitting the use of the additive or the marketing of a food, beverage, or feedstuff containing the additive or contaminant.

(3) Contaminant

The term “contaminant” includes pesticide and veterinary drug residues and extraneous matter.

(4) Control or inspection procedure

The term “control or inspection procedure” means any procedure used, directly or indirectly, to determine that a sanitary or phytosanitary measure is fulfilled, including sampling, testing, inspection, evaluation, verification, monitoring, auditing, assurance of conformity, accreditation, registration, certification, or other procedure involving the physical examination of a good, of the packaging of a good, or of the equipment or facilities directly related to production, marketing, or use of a good, but does not mean an approval procedure.

(5) Plant

The term “plant” includes wild flora.

(6) Risk assessment

The term “risk assessment” means an evaluation of—

- (A) the potential for the introduction, establishment or spread of a pest or disease and associated biological and economic consequences; or
- (B) the potential for adverse effects on human or animal life or health arising from the presence of an additive, contaminant, toxin or disease-causing organism in a food, beverage, or feedstuff.

(7) Sanitary or phytosanitary measure

(A) In general

The term “sanitary or phytosanitary measure” means a measure to—

- (i) protect animal or plant life or health in the United States from risks arising from the introduction, establishment, or spread of a pest or disease;
- (ii) protect human or animal life or health in the United States from risks arising from the presence of an additive, contaminant, toxin, or disease-causing organism in a food, beverage, or feedstuff;
- (iii) protect human life or health in the United States from risks arising from a disease-causing organism or pest carried by an animal or plant, or a product thereof; or
- (iv) prevent or limit other damage in the United States arising from the introduction, establishment, or spread of a pest.

(B) Form

The form of a sanitary or phytosanitary measure includes—

- (i) end product criteria;
- (ii) a product-related processing or production method;
- (iii) a testing, inspection, certification, or approval procedure;
- (iv) a relevant statistical method;
- (v) a sampling procedure;