

- (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;
- (vi) a method of risk assessment;
- (vii) a packaging and labeling requirement directly related to food safety; and
- (viii) a quarantine treatment, such as a relevant requirement associated with the transportation of animals or plants or with material necessary for their survival during transportation.

(Pub. L. 96-39, title IV, §463, as added Pub. L. 103-182, title III, §351(a), Dec. 8, 1993, 107 Stat. 2119.)

## SUBPART 2—STANDARDS-RELATED MEASURES

### § 2576. General

#### (a) No bar to engaging in standards activity

Nothing in this subpart shall be construed—

- (1) to prohibit a Federal agency from engaging in activity related to standards-related measures, including any such measure relating to safety, the protection of human, animal, or plant life or health, the environment or consumers; or
- (2) to limit the authority of a Federal agency to determine the level it considers appropriate of safety or of protection of human, animal, or plant life or health, the environment or consumers.

#### (b) Exclusion

This subpart does not apply to—

- (1) technical specifications prepared by a Federal agency for production or consumption requirements of the agency; or
- (2) sanitary or phytosanitary measures under subpart 1.

(Pub. L. 96-39, title IV, §471, as added Pub. L. 103-182, title III, §351(a), Dec. 8, 1993, 107 Stat. 2120.)

### § 2576a. 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) the membership and participation of the Federal Government, State governments, and relevant nongovernmental bodies in the United States in international and regional standardizing bodies and conformity assessment systems, and in bilateral and multilateral arrangements regarding standards-related measures, and the provisions of those systems and arrangements;
- (2) the location of notices of the type required under article 909 of the NAFTA, or where the information contained in such notice can be obtained; and
- (3) the Federal agency procedures for assessment of risk, and factors the agency considers in conducting the assessment and establishing the levels of protection that the agency considers appropriate.